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3. Case 04-MED-09-0826 Lorain Professional Firefighters, IAFF
Local 267, AFL-CIO and City of Lorain

The Employee Organization filed a motion to clarify the directive issued September 12, 2005, to reflect the action taken by the Board as stated in the Board Meeting Minutes. Board Member Verich moved that the Board grant the motion to correct the directive issued in this matter on September 12, 2005. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 05-REP-03-0034 General Truck Drivers, Chauffeurs,
Warehousemen and Helpers Local Union
No. 957 and Miamisburg Association of
School Employees, OEA/NEA and
Miamisburg City School District
October 20, 2005
2. Case 05-REP-07-0102 Ohio Patrolmen's Benevolent Association
and City of Englewood
October 27, 2005

Vice Chairman Gillmor moved that the Board approve the Consent Election Agreements and direct elections to be conducted on the dates indicated. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

3. Case 05-REP-09-0128 Ohio Council 8, American Federation of
State, County and Municipal Employees,
AFL-CIO and Seneca County
Commissioners and Department of Job
and Family Services
4. Case 05-REP-09-0129 University of Toledo Chapter, American
Association of University Professors and
University of Toledo
5. Case 05-REP-09-0130 Ohio Council 8, American Federation of
State, County and Municipal Employees,
AFL-CIO and Holmes County Department
of Job and Family Services

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8. Case 04-REP-12-0218 Ohio Patrolmen's Benevolent Association and Trumbull County Sheriff

Vice Chairman Gillmor moved that the Board remand this case back to the Representation Section for further investigation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

9. Case 05-REP-03-0039 Highland Employees Association and United Electrical, Radio and Machine Workers of America, Local #741 and Highland Local Schools

- There were 70 ballots cast
- There were 0 challenged ballots
- No Representative received 4 votes
- Highland Employees Association received 19 votes
- United Electrical, Radio and Machine Workers of America, Local #741 received 47 votes and has prevailed in this election.

10. Case 05-REP-06-0085 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Blue Ash

- There were 6 ballots cast
- There were 0 challenged ballots
- No Representative received 1 vote
- Fraternal Order of Police, Ohio Labor Council, Inc. received 5 votes and has prevailed in this election.

Vice Chairman Gillmor moved that the Board certify the election results and certify each prevailing employee organization as the exclusive representative of all employees in the relevant bargaining unit. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 05-ULP-0003-0126 Queen City Lodge No. 69, Fraternal Order of Police v. City of Cincinnati

Board Member Verich moved that the Board table this matter. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

2. Case 04-ULP-07-0427 Queen City Lodge No. 69, Fraternal Order of Police v. City of Cincinnati

Vice Chairman Gillmor moved that the Board vacate *sua sponte* the finding of probable cause pursuant to *SERB v. City of Cincinnati*, SERB 2005-006 (9-8-05). Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

3. Case 05-ULP-04-0194 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Dayton City School District Board of Education

Board Member Verich moved that the Board construe the Charging Party's letter as a motion, grant the motion, and dismiss the unfair labor practice charge with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

4. Case 04-ULP-12-0679 Service Employees International Union, District 1199 v. Cleveland Public Library

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion by the Charging Party to withdraw the unfair labor practice charge, grant the motion, and dismiss the unfair labor practice charge with prejudice, but retain jurisdiction for purposes of enforcement. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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5. Case 04-ULP-06-0358 SERB v. State of Ohio, Department of Youth Services

Board Member Verich moved that the Board construe the settlement agreement as a motion by the Charging Party to withdraw the unfair labor practice charge, grant the Charging Party's motion, grant the Complainant's motion to dismiss, dismiss the Complaint, and dismiss the unfair labor practice charge with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

6. Case 05-ULP-01-0043 Continental Education Association, OEA/NEA v. Continental Local School District Board of Education

Vice Chairman Gillmor moved that the Board grant the Charging Party's motion to withdraw and dismiss the unfair labor practice charge with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 05-ULP-06-0348 Transport Workers Union of America, Local 208 v. Central Ohio Transit Authority

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by issuing a press release to interfere with the Charging Party's members' vote. The investigation reveals insufficient information exists to substantiate how the press release interfered with, restrained, or coerced the Charging Party's membership in the exercise of guaranteed rights. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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2. Case 05-ULP-03-0139 Damon V. Jones v. Amalgamated Transit Union, Local 268

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by refusing to file the Charging Party's grievance. The investigation reveals the Charged Party did refuse to provide a grievance form so that the Charging Party could file on his own because the Charged Party did not want to be involved in this grievance, which may violate the statute. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by refusing to provide a grievance form so that the Charging Party could pursue a grievance on his own, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

3. Case 05-ULP-03-0168 Jesse Crumbley, III v. City of Cleveland, House of Correction and Robert Taskey

The Charging Party alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), (4), (6), and (8) by retaliating against the Charging Party for filing an EEO complaint. The investigation reveals the charge is untimely filed. Board Member Verich moved that the Board dismiss the charge with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

4. Case 05-ERC-07-0007 Robert M. Campbell, Jr. v. University of Akron

On July 7, 2005, the Complainant filed a noncompliance complaint against the Employer. The investigation reveals noncompliance complaints can only be filed against employee organizations. Vice Chairman Gillmor moved that the Board dismiss the complaint with prejudice because the complaint was filed against an Employer. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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5. Case 05-ULP-05-0282 Ohio Nurses Association v. Huron County
General Health District

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by giving a three-percent wage increase, and increasing the Charged Party's share of health insurance costs for all nonbargaining-unit employees. The investigation reveals the Charged Party followed the contract when dealing with bargaining-unit employees, and such action does not violate the statute. A prima facie case for discrimination has not been established. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

6. Case 05-ULP-06-0305 John Baumbusch v. Ohio Association of
Public School Employees, AFSCME
Local 580, AFL-CIO

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by failing to represent the Charging Party's interests, and denying him representation for the grievance process in retaliation for his filing a police report against the Union President. The investigation reveals the Charged Party represented the Charging Party at the grievance hearing. The Charging Party did not want union representation at his disciplinary hearing, and signed a waiver. Insufficient information exists to support the Charged Party's actions were arbitrary, discriminatory, or in bad faith, or to support that an Ohio Revised Code § 4117.11(B)(1) violation occurred. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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13. Case 05-ULP-02-0083 River Valley Employees Association,
OEA/NEA v. River Valley Local School
District Board of Education

14. Case 05-ULP-03-0155 City of Warren v. Ohio Patrolmen's
Benevolent Association

Board Member Verich moved that the Board deny the Charging Parties' Motions for Reconsideration with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

15. Case 05-ULP-06-0359 Service Employees International Union,
District 1199 v. Mentor Public Library

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by eliminating Bob Stevenson's position in retaliation for his exercise of guaranteed rights. The investigation reveals the Charged Party eliminated the position for reasons other than exercising guaranteed rights. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

16. Case 05-ULP-06-0312 Cuyahoga Heights Association of Teachers
and Carolyn Holt-Balis v. Cuyahoga
Heights Local School District Board of
Education

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally implementing a course schedule change. The investigation reveals Ms. Holt-Balis had her schedule changed for reasons other than exercising guaranteed rights. The change in curriculum falls under statutory management rights. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake stated that the Investigator did a very good job explaining the issues within this case, which were complex, and then she called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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17. Case 05-ULP-06-0365 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO v. Cincinnati Metropolitan Housing Authority

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by ceasing fees and dues deductions from bargaining-unit employees' paychecks. The investigation reveals the parties are still in negotiations, and the Charged Party may have violated the statute. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by stopping the Charging Party's fees and dues deductions from the bargaining-unit employee's paychecks, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

18. Case 05-ULP-05-0269 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO, Local 1027 v. Cincinnati Metropolitan Housing Authority

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to bargain over mandatory subjects of bargaining. The investigation reveals the parties continue to negotiate. The Charging Party failed to show how the Charged Party has refused to bargain in good faith. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

19. Case 05-ULP-02-0076 Marimor Education Association, OEA/NEA v. Allen County Board of Mental Retardation and Developmental Disabilities

On June 9, 2005, the Board deferred the matter to the grievance-arbitration process. On August 16, 2005, an arbitration award was issued. Neither party filed a motion for review. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice as having been resolved between the parties pursuant to the grievance-arbitration process. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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20. Case 05-ULP-05-0296 Anna M. Davis v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to advance her grievance to arbitration. The investigation reveals the Charged Party did not adhere to contractual time lines for processing the Charging Party's grievance. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to timely process the Charging Party's grievance, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

21. Case 05-ULP-06-0350 Ohio Patrolmen's Benevolent Association v. Boardman Township, Mahoning County

Vice Chairman Gillmor moved that the Board construe the letter as a motion to withdraw, and grant the motion with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

22. Case 05-ULP-07-0413 Clark-Shawnee Education Association, OEA/NEA v. Clark-Shawnee Local School District Board of Education

Board Member Verich moved that the Board table the matter. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

23. Case 05-ULP-06-0349 Toledo Federation of Teachers, AFL-CIO Local 250 v. Toledo Public School District Board of Education

Vice Chairman Gillmor moved that the Board remand the case to the Investigation Section for further investigation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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24. Case 05-ULP-06-0371 Kent State University v. American Association of University Professors - Kent State Chapter

25. Case 05-ULP-07-0416 George Ash, Jr. v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 2572

Board Member Verich moved that the Board construe the letter as a motion to withdraw, grant all motions, and dismiss the unfair labor practice charges with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

26. Case 04-ULP-12-0714 Robert E. White v. Amalgamated Transit Union, Local 268

Vice Chairman Gillmor moved that the Board construe the Charging Party's letter as a motion for reconsideration, and deny the motion with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

27. Case 04-ULP-10-0597 Shelia D. Shaffer v. Communications Workers of America, Local 4530 – University of Toledo Chapter

Board Member Verich moved that the Board construe the Charging Party's letter as a motion for reconsideration, and deny the motion with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

28. Case 05-ULP-05-0263 Painesville Township Education Association, OEA/NEA v. Painesville Township Local School District Board of Education

29. Case 05-ULP-07-0408 Avon Lake Education Association, OEA/NEA v. Avon Lake City School District Board of Education

30. Case 05-ULP-07-0410 North Royalton Education Association, OEA/NEA v. North Royalton City School District Board of Education

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31. Case 05-ULP-07-0421 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 035 v. Edison Local School District Board of Education
32. Case 05-ULP-07-0432 Oberlin Ohio Education Association, OEA/NEA v. Oberlin City School District Board of Education
33. Case 04-ULP-12-0708 Amanda Clearcreek Education Association, OEA/NEA v. Amanda Clearcreek Local School District Board of Education

Vice Chairman Gillmor moved that the Board construe the letter and notice as motions to withdraw, grant all motions, and dismiss the unfair labor practice charges with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

VI. ADMINISTRATIVE MATTERS

Vice Chairman Gillmor moved that the Board authorize Craig R. Mayton or J. Russell Keith to act on behalf of the Board as the appointing authority and signatory for the Board on personnel, fiscal, payroll, expenditure, and contractual matters not to exceed \$5,000.00; that each be authorized to act on behalf of the Board in issuing directives for parties to attend mediation sessions and on behalf of the Board to seek enforcement of those directives if parties fail to comply; and that each be authorized as signatory on unfair labor practice probable cause directives, complaints, rules, and certification of records on behalf of the Board. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

Vice Chairman Gillmor moved that the Board authorize Craig R. Mayton or J. Russell Keith to represent the Board as legislative agents before the General Assembly.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

Board Calendar – Executive Director Craig Mayton distributed a proposed Board Meeting calendar for 2006. The calendar will be reviewed for conflicts with any training and conferences scheduled for 2006.

Budget – Fiscal Officer Sandy Stiffler reported implementation of OAKS (Ohio Administrative Knowledge System) is to take effect July 2006. There will be changes to our chart of accounts. Ms. Stiffler will keep the Board informed of the changes.

