

State Employment Relations Board
Board Meeting Minutes
June 8, 2006

The State Employment Relations Board met on Thursday, June 8, 2006, at 10:00 a.m., at 65 East State Street, Columbus, Ohio. Present at the meeting were Chairman Craig R. Mayton, Vice Chairman Karen L. Gillmor, and Board Member Michael G. Verich.

I. APPROVAL OF MINUTES OF PREVIOUS MEETING:

Vice Chairman Gillmor moved that the Board approve the minutes for the May 18, 2006 Board meeting. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

1. Case 05-MED-09-0976 Fraternal Order of Police, Lodge No. 57 and City of Mayfield Heights

The Incumbent Employee Organization filed with SERB a Notice to Negotiate concerning negotiations with the Employer. The Employer filed a motion to stay negotiations. The Board granted a stay of negotiations. After an election, the Board certified the Rival Employee Organization as the exclusive representative for this bargaining unit in Case 2005-REP-09-0139. As a result, the Employer no longer had a duty to bargain with the Incumbent Employee Organization. Board Member Verich moved that the Board dismiss the Notice to Negotiate. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		

2. Case 06-MED-04-0452 Shadyside Education Association and Shadyside Local School District Board of Education

The Employee Organization filed with SERB a Notice to Negotiate concerning negotiations with the Employer. The Employee Organization then filed a request to withdraw its Notice to Negotiate. According to the request, the Employee Organization filed the Notice to Negotiate prematurely. Vice Chairman Gillmor moved that the Board construe the request to withdraw the Notice to Negotiate as a motion to withdraw, grant the motion, and dismiss without prejudice the Notice to Negotiate. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 2 of 17

3. Closing 294 Mediation cases

Board Member Verich moved that the Board close 294 Mediation cases beginning with Case 02-MED-04-0451 and ending with Case 06-MED-02-0106, not consecutively numbered. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		<u> </u>

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 05-REP-08-0117 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Boardman Township, Mahoning County
June 20, 2006
2. Case 06-REP-03-0034 International Brotherhood of Teamsters Local No. 507 and Ohio Patrolmen's Benevolent Association and Cuyahoga Metropolitan Housing Authority
June 22, 2006
3. Case 06-REP-04-0052 Ohio Patrolmen's Benevolent Association and City of Rocky River
June 29, 2006
4. Case 06-REP-02-0021 Ohio Federation of Teachers-AFT/AFL-CIO and Cory-Rawson Local Schools
September 19, 2006

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

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		<u> </u>

5. Case 06-REP-03-0036 James C. Bailey and International Brotherhood of Teamsters Local 100 and City of Monroe

Petitioner filed a Petition for Decertification Election seeking to decertify the Employee Organization, which is the Board-certified exclusive representative of certain employees of the Employer. The Petitioner then filed a letter withdrawing the petition. Board Member Verich moved that the Board construe the letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Petition for Decertification Election. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		<u> </u>

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 3 of 17

- 6. Case 05-REP-12-0184 Municipal Foremen & Laborers' Union Local No. 1099 and City of Cleveland

- 7. Case 05-REP-10-0187 Service Equipment Maintenance Employees, Local 1 and City of Cleveland

- 8. Case 06-REP-04-0053 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and City of Jackson

- 9. Case 06-REP-04-0063 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Lebanon

- 10. Case 06-REP-04-0062 Fraternal Order of Police, Capital City Lodge No. 9/Fraternal Order of Police, Ohio Labor Council, Inc. and Columbus State Community College (aka Columbus State University)

In Case 05-REP-12-0184, the Employee Organization is the deemed-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to include part-time Municipal Service Laborer and part-time Waste Collector.

In Case 05-REP-10-0187, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect current contract language.

In Case 06-REP-04-0053, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to include Water Plant Superintendent.

In Case 06-REP-04-0063, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to include Head Dispatcher and remove the clerk position that no longer exists.

In Case 06-REP-04-0062, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to include Security Specialist.

Vice Chairman Gillmor moved that the Board approve the jointly filed petitions and amend the units accordingly. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON: Aye
Affirmed X

GILLMOR: Aye
 Denied

VERICH: Aye

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 4 of 17

11. Case 04-REP-09-0173 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Ravenna

The Employee Organization is the Board-certified exclusive representative of employees of the Employer. On March 8, 2006, the Employee Organization filed a motion to revoke certification. The parties confirmed no contract exists. Board Member Verich moved that the Board grant the motion and revoke the Employee Organization's certification. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		

12. Case 06-REP-01-0013 International Association of Machinists & Aerospace Workers, AFL-CIO, District 54 and City of Rocky River

The Employee Organization filed an Opt-In Request for Recognition seeking to represent certain employees of the Employer, and add them to the existing Board-certified unit. The Employer responded by filing objections and a Petition for Representation Election. The Employer maintained the employees in question are supervisors and/or seasonal employees. A conference call was conducted. The Employer and Employee Organization could not reach an agreement concerning an appropriate bargaining unit.

Vice Chairman Gillmor moved that the Board direct the matter to hearing to determine an appropriate bargaining unit and for all other relevant issues, and direct the parties to mediation. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		

13. Case 06-REP-03-0026 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Licking County Prosecutor

The Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The Employer filed objections maintaining the proposed unit is inappropriate. A conference call was conducted for the purpose of executing a Consent Election Agreement. The Employee Organization and Employer could not reach an agreement as to an appropriate bargaining unit.

Board Member Verich moved that the Board direct the matter to hearing to determine an appropriate bargaining unit and for all other relevant issues, and direct the parties to mediation. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>	Denied	<u> </u>		

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 5 of 17

14. Case 04-REP-11-0210 Great Oaks Federation of Teachers, OFT-AFT, AFL-CIO and Great Oaks Institute of Technology and Career Development

- There were 300 ballots cast
- There were 2 challenged ballots
- Great Oaks Federation of Teachers, OFT-AFT, AFL-CIO received 104 votes
- No Representative received 194 votes and has prevailed in this election.

15. Case 05-REP-09-0141 Akron Public Employees Association and Ohio Council 8, American Federation of State, County and Municipal Employees, Local 1360 and City of Akron

- There were 440 ballots cast
- There were 15 challenged ballots
- Akron Public Employees Association received 183 votes
- No Representative received 4 votes
- Ohio Council 8, American Federation of State, County and Municipal Employees, Local 1360 received 238 votes and has prevailed in this election.

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

Vote: MAYTON: Aye
Affirmed X

GILLMOR: Aye
Denied

VERICH: Aye

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 6 of 17

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Cases 04-ULP-11-0617
05-ULP-04-0192 Kenneth W. Cunningham v. Cuyahoga County Board of Commissioners
2. Cases 05-ULP-03-0162
05-ULP-04-0183 Fraternal Order of Police, Lodge 2 v. City of Canton
3. 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 approve and adopt the settlement agreements, construe the settlement agreements and the Charging Party's letter as motions to withdraw, grant the motions, and dismiss with prejudice the unfair labor practice charges. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 06-ULP-01-0014 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Mason City School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by interfering with the administration of the Charging Party, and attempting to retaliate against two employees for engaging in protected activity. The investigation revealed the Charging Party failed to provide sufficient information to support the Ohio Revised Code § 4117.11(A)(1) and (2) allegations of the charge. The discipline received by the employees occurred prior to any established protected activity. 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 Mayton called for the vote.

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

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 7 of 17

2. Case 06-ULP-02-0069 Pickaway Ross Teachers Association,
OEA/NEA v. Pickaway-Ross Joint Vocational
School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against members for filing grievances, and by discouraging the filing of future grievances. The investigation revealed the comment made by the Charged Party's Superintendent may raise a credibility issue and could 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, and refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), but not (3), by interfering with, restraining, or coercing employees in the exercise of guaranteed rights. Board Member Verich seconded the motion. Chairman Mayton called for discussion. Board Member Verich moved to amend the motion to also direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion to amend. Chairman Mayton called for the vote on the motion to amend.

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

Chairman Mayton then called for the vote on the motion as amended.

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

3. Case 06-ULP-02-0070 Cleveland Police Patrolmen's Association v.
City of Cleveland

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the light-duty status classification. The investigation revealed the changes appear to materially affect terms and conditions of employment. In addition, the Charged Party failed to cooperate during the investigation. 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, and refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the light-duty status classification. Board Member Verich seconded the motion. Chairman Mayton called for discussion and noted the City's continued failure to respond to investigation requests led to the non-direction to mediation. Chairman Mayton then called for the vote.

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

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 8 of 17

4. Case 06-ULP-03-0105 Andre M. Ballinger v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO
5. Case 06-ULP-03-0106 Andre M. Ballinger v. State of Ohio, Department of Youth Services, Scioto Juvenile Correctional Facility

The unfair labor practice charges alleged the Charged Parties violated Ohio Revised Code § 4117.11. The investigation revealed the charges were untimely filed. No mitigating circumstances existed that warranted equitable tolling of the statute of limitations. Board Member Verich moved that the Board dismiss the charges with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>		<u> Denied </u>		<u> </u>

6. Case 06-ULP-01-0018 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Mason City School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11. The investigation revealed the Charging Party failed to pursue the matter. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice because the Charging Party failed to pursue the matter. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>		<u> Denied </u>		<u> </u>

7. Case 06-ULP-03-0086 Ohio Patrolmen's Benevolent Association v. City of Kirtland

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by terminating David Perez. The investigation revealed the Charged Party failed to provide sufficient information to show that it had cause to terminate Mr. Perez. 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(A)(1) and (3) by terminating David Perez in retaliation for filing a grievance, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON:	<u> Aye </u>	GILLMOR:	<u> Aye </u>	VERICH:	<u> Aye </u>
Affirmed	<u> X </u>		<u> Denied </u>		<u> </u>

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 9 of 17

8. Case 06-ULP-03-0119 Ohio Patrolmen's Benevolent Association v. City of Kirtland

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by disciplining Sergeant Tavano in retaliation for his failing to sign a prepared affidavit to be used for the retaliatory discharge of another bargaining-unit employee. The investigation revealed the Charged Party failed to provide sufficient information to show that the reprimand was not a result of Sergeant Tavano's standing as a union representative, or a retaliatory act for not siding with the Charged Party's effort to terminate David Perez. The timing of events was also questionable. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the matter with Case 06-ULP-03-0086, 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 (3) by attempting to interfere with, restrain, or coerce employees in the exercise of guaranteed rights and retaliating against Sergeant Tavano for engaging in protected activity, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

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

9. Case 06-ULP-03-0122 Ohio Patrolmen's Benevolent Association v. City of Munroe Falls

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing an evaluation system. The investigation revealed the use of the evaluation system was a management right, and not a violation of the statute. 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 Mayton called for the vote.

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

10. Case 06-ULP-03-0103 Nathaniel E. Easley v. City of Columbus, Department of Parks and Recreation

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (4) by ignoring the rules of seniority when filling vacancies. The investigation revealed the Charging Party has filed grievances on the matter, which are currently pending. The matter was purely contractual and did not amount to a statutory violation. 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 Mayton called for the vote.

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

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 10 of 17

11. Case 06-ULP-02-0076 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of West Carrollton

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(5) by unilaterally changing the sick-leave policy. The investigation revealed the Charged Party has contemplated a change in advancing sick leave donations, but had never implemented the change. 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 Mayton called for the vote.

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

12. Case 06-ULP-01-0024 Ohio Patrolmen's Benevolent Association v. Lucas County Sheriff's Office

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by subjecting Deputy Jeremy Tipton to a criminal investigation, suspending him, and threatening criminal action unless he resigned because he raised safety concerns by utilizing the grievance process and representation by the Charging Party. The investigation revealed the Charged Party's actions were not the result of Deputy Tipton engaging in protected activity. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(2) allegation. 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 Mayton called for the vote.

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

13. Case 06-ULP-02-0045 Ohio Patrolmen's Benevolent Association v. Lucas County Sheriff's Office

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3), (4), and (6) by supporting a rival employee organization during a representation campaign. The investigation revealed that the allegations are similar to the objections filed in Case 05-REP-09-0142, which the Board directed to hearing. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, coordinate the matter with Case 05-REP-09-0142, 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 (2), but not (3), (4), and (6), by supporting a rival employee organization during a representation campaign, dismiss the allegation concerning Deputy Tipton as a duplicate filing of Case 06-ULP-01-0024, and dismiss the alleged violations occurring prior to November 5, 2005 as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 11 of 17

14. Cases 06-ULP-02-0054
06-ULP-03-0099

Ohio State Troopers Association, IUPA/AFL-CIO, Units 1 and 15 v. State of Ohio, Department of Public Safety, Division of Highway Patrol

The unfair labor practice charges alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by engaging in a pattern of direct dealing with bargaining-unit members, and bargaining in bad faith when it entered into a Memorandum of Understanding on January 12, 2006. The investigation revealed the matter was a purely contractual issue that encompassed no statutory violation. The parties had different interpretations of the language contained in the January 12, 2006 Memorandum of Understanding and October 20, 2005 Attorney General's Opinion. The Charging Parties filed grievances over the issues, which are currently pending. The November 16, 2005 Interoffice Communication did not rise to the level of direct dealing. The Charged Party filed a Motion to Consolidate the cases. Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices have been committed by the Charged Party, and deny the Charged Party's Motion to Consolidate the cases as moot. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

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

15. Case 06-ULP-03-0104

Shante R. Roddy v. Cuyahoga Metropolitan Housing Authority

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against the Charging Party for the exercise of guaranteed rights. The investigation revealed the Charging Party was harmed when she was suspended without pay. The Charged Party did not provide a persuasive rebuttal to support the suspension. 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(A)(1) and (3) by retaliating against the Charging Party for the exercise of her guaranteed rights, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 12 of 17

16. Case 06-ULP-03-0130

Ohio Council 8, American Federation of State, County and Municipal Employees, Local 1229, AFL-CIO v. Summit County Executive

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by threatening to dock the pay of, and suspend without pay, bargaining-unit members who attended and testified at an arbitration hearing. The investigation revealed the Charged Party ultimately authorized bargaining-unit members to attend the hearing, but only after the Charging Party submitted subpoenas. A credibility issue existed as to what actually transpired prior to the hearing. 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) by threatening to dock and suspend without pay Inspectors Dan Shields and Joe Gorley if they attended an arbitration hearing without authorization, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

17. Case 06-ULP-03-0129

Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 4720 v. State of Ohio, Department of Rehabilitation and Correction, Lorain Correctional Institution

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (4). The investigation revealed the Charging Party failed to respond to information requests. Board Member Verich moved that the Board dismiss the charge with prejudice because the Charging Party failed to pursue the matter. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 13 of 17

18. Case 05-ULP-12-0675 Metzenbaum Employees Association, OEA/NEA v. Geauga County Board of Mental Retardation and Developmental Disabilities

The Board dismissed the charge for lack of probable cause to believe an unfair labor practice had been committed by the Charged Party. The Charging Party filed a timely motion for reconsideration of the Board's dismissal. The Charged Party filed a Motion for Leave to File Instanter. No new information was provided that was not already addressed in the original investigation. Vice Chairman Gillmor moved that the Board grant the Charged Party's Motion for Leave to File Instanter, and deny the Charging Party's Motion for Reconsideration with prejudice. Board Member Verich seconded the motion. Vice Chairman Gillmor called for the vote.

Vote: MAYTON: Recuses GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

19. Case 06-ULP-02-0039 Anthony J. George v. State Council of Professional Educators (SCOPE), OEA/NEA

The Board dismissed the charge for lack of probable cause to believe an unfair labor practice had been committed by the Charged Party. The Charging Party filed a timely request for reconsideration of the Board's dismissal. No new information was provided that was not already addressed in the original investigation. Board Member Verich moved that the Board construe the Charging Party's request as a Motion for Reconsideration, and deny the motion with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

20. Case 06-ULP-01-0022 Metzenbaum Employees Association, OEA/NEA v. Geauga County Board of Mental Retardation and Developmental Disabilities

The Board dismissed the charge for lack of probable cause to believe an unfair labor practice had been committed by the Charged Party. The Charging Party filed a timely motion for reconsideration of the Board's dismissal. No new information was provided that was not already addressed in the original investigation. Vice Chairman Gillmor moved that the Board construe the Charging Party's request as a Motion for Reconsideration, and deny the motion with prejudice. Board Member Verich seconded the motion. Vice Chairman Gillmor called for the vote.

Vote: MAYTON: Recuses GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 14 of 17

21. Case 05-ULP-11-0594 Robert E. Kroeger v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 009

The Board dismissed the charge for lack of probable cause to believe an unfair labor practice had been committed by the Charged Parties. The Charging Party filed a timely request for reconsideration of the Board's dismissal. No new information was provided that was not already addressed in the original investigation. Board Member Verich moved that the Board construe the Charging Party's request as a Motion for Reconsideration, and deny the motion with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON: Aye
Affirmed X

GILLMOR: Aye VERICH: Aye
Denied _____

22. Case 06-ULP-03-0093 Katie Alice Gilder v. Black River Local School District Board of Education

23. Case 05-ULP-12-0656 Lexington Teachers Association and Lexington Support Association, OEA/NEA v. Lexington Local School District Board of Education

24. Case 06-ULP-03-0115 Otsego Education Association, OEA/NEA and Carol King v. Otsego Local School District Board of Education

25. Case 06-ULP-02-0077 Fraternal Order of Police, Lodge 48 v. City of Fairborn

26. Case 06-ULP-05-0233 Ohio Patrolmen's Benevolent Association v. Toledo-Lucas County Port Authority

27. Case 06-ULP-03-0143 International Union of Police Associations, Local 103 v. Bowling Green State University, Chief James W. Wiegand, and Sgt. Timothy James

Vice Chairman Gillmor moved that the Board construe the letters as motions to withdraw, and grant all motions. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON: Aye
Affirmed X

GILLMOR: Aye VERICH: Aye
Denied _____

V. ADMINISTRATIVE MATTERS

Clearinghouse Project – On May 24, 2006, the Board's Leadership Team met with Babbage Simmel regarding the commitment to continue this project in a timely manner pursuant to the Board's request. On May 25, 2006, the Research & Training Section met with the Babbage Simmel representatives, and they are now in Phase II. The next phase will be a presentation for final review. Those components consist of public records, better management data, and the cost for the two (2) components.

Intellinetics – On June 6, 2006, representatives from Intellinetics presented an overview to the staff regarding the processes and upgrades for intelliVUE. Individual training will be done for each section for better usage. A linkage with the Clearinghouse and intelliVUE may be upcoming in the future.

Operation Feed Final Results – The final results for Operation Feed resulted in 605 pounds of food and \$3,139.00 in case being donated, resulting in an average of \$112.00 per employee. These contributions will provide approximately 6,883 meals.

Serbian Project – The following resolution was presented to the Board for consideration.

WHEREAS, for ten days in June of 2003, the State Employment Relations Board successfully hosted and trained a delegation of six Croatian mediators; and

WHEREAS, Mr. William C. Heekin, Esq. played an instrumental role in the development of that project; and

WHEREAS, the Board wishes to replicate and improve upon the model created in the Croatian project by devising and implementing a sustainable labor mediation training and exchange program with the sovereign nation of Serbia involving Ohio citizens of Serbian ancestry; and

WHEREAS, the United States Agency for International Development Municipal Economic Growth Activity Project Chief of Party, Mr. Steven Rosenberg, has issued a letter of interest expressing support for the proposed Serbian labor mediator training project; and

WHEREAS, in order to proceed with this proposed project, a needs assessment must be completed if our goal to host a delegation of Serbian mediators in the autumn of 2006 is to be met; and

WHEREAS, Mr. Heekin has been a SERB neutral roster member since 1985, he is a 1983 graduate of the Salmon P. Chase School of Law, he was a Labor Tribunal Administrator for the American Arbitration Association for six years, and he is presently on the Federal Mediation and Conciliation Service panel and the National Mediation Board panel; and

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 16 of 17

WHEREAS, since 1997, Mr. Heekin has spent over two-and-one-half years participating in rule-of-law and democracy-building programs in Eastern and Central Europe, including long-term stays in Belarus and Romania and also efforts in Russia, Ukraine, Georgia, Slovakia, Bulgaria and Croatia; the funding source for these projects was the U.S. Agency for International Development (USAID) and also included work with the American Bar Association's Central East European Law Initiative;

NOW, THEREFORE, BE IT RESOLVED that Mr. William C. Heekin is hereby authorized by the State Employment Relations Board to complete a needs assessment for the proposed Serbian labor mediator training project in conjunction with USAID during the summer of 2006 with the goal of identifying specific persons and organizations in Serbia most in need of this training consistent with USAID priorities, and all expenses and fees generated by this effort are to be born by USAID.

Board Member Verich moved that the Board adopt the foregoing resolution authorizing William C. Heekin to act for the Board. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

Executive Session – Vice Chairman Gillmor moved that the Board go into executive session to discuss the appointment, employment, promotion, compensation, or hiring of a public employee, pursuant to Ohio Revised Code § 121.22(G)(1), and to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action, pursuant to Ohio Revised Code § 121.22(G)(3). Board Member Verich seconded the motion. Chairman Mayton called for the roll-call vote.

Roll Call Vote: MAYTON: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

Vice Chairman Gillmor moved that the Board exit from executive session. Board Member Verich seconded the motion. Chairman Mayton called for the roll-call vote.

Roll Call Vote: MAYTON: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

Vice Chairman Gillmor moved that the Board authorize the hiring of Kathleen Raffo for the part-time Researcher 3 position as soon as administratively feasible. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

State Employment Relations Board
Board Meeting Minutes
June 8, 2006
Page 17 of 17

VI. ADJOURNMENT

Vice Chairman Gillmor moved that the Board adjourn the meeting. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

Vote: MAYTON: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

 /s/ Craig R. Mayton
Craig R. Mayton, Chairman