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III. REPRESENTATION MATTERS AT ISSUE:

1. Case 06-REP-05-0075 Ohio Federation of Teachers and Beachwood City School District

The Employee Organization filed a Request for Recognition seeking to represent the following employees of the Employer. The substantial evidence is sufficient, and no objections have been filed. The Employer has complied with the posting requirements set forth in Ohio Revised Code § 4117.05(A)(2).

Vice Chairman Gillmor moved that the Board certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

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

2. Case 06-REP-03-0040 Madeira/Indian Hill Professional Firefighters, IAFF and Madeira/Indian Hill Fire District  
August 15, 2006

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing objections and a Petition for Representation Election. The parties entered into a Consent Election Agreement seeking an election on August 15, 2006.

Board Member Verich moved that the Board approve the Consent Election Agreement and direct an election to be conducted on the date indicated. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

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3. Case 06-REP-06-0087 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Knox County Department of Job and Family Services

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification to change the Employer's name, and to reflect certain negotiated changes to the bargaining unit.

Vice Chairman Gillmor moved that the Board approve the petition and amend the certification to reflect certain contract language and to change the Employer's name. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

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

4. Case 06-REP-07-0091 Atco-Beacon Education Association, OEA/NEA and Athens County Board of Mental Retardation and Developmental Disabilities

5. Case 06-REP-07-0092 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Lawrence County Department of Job and Family Services

6. Case 06-REP-07-0094 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Tuscarawas County Job and Family Services

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

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



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9. Case 06-REP-04-0060 Goldie Luke and International Brotherhood of Teamsters Local #377 and Trumbull County Board of Commissioners, Trumbull County Office of Elderly Affairs

Petitioner filed a Petition for Decertification Election seeking to decertify the Employee Organization, which is the Board-certified exclusive representative of employees of the Employer. The Employee Organization filed a disclaimer of interest and a Motion to Dismiss. The parties confirmed no contract exists.

Vice Chairman Gillmor moved that the Board grant the disclaimer of interest, revoke the Employee Organization's certification, and grant the Motion to Dismiss the Petition for Decertification Election. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

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

10. Case 06-REP-02-0018 Wanda Sheeley and Ohio Association of Public School Employees (OAPSE)/AFSCME, Local 4, AFL-CIO and Hillsboro City Schools

Petitioner filed an amended Petition for Decertification Election seeking to decertify the Employee Organization, which is the Board-certified exclusive representative of employees of the Employer. The Employee Organization filed a disclaimer of interest. The parties confirmed no contract exists.

Board Member Verich moved that the Board grant the disclaimer of interest, revoke the Employee Organization's certification, and dismiss the Petition for Decertification Election as moot. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

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11. Case 05-REP-12-0183 Youngstown State University Association of Classified Employees (YSU-ACE) and Youngstown State University

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employer filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude two (2) reclassified positions.

The Employee Organization filed a position statement and Motion to Dismiss. The Employer responded by stating the employees in question have historically been confidential and the reclassification does not change that status. The Employer and Employee Organization could not reach an agreement concerning an appropriate bargaining unit.

Vice Chairman Gillmor moved that the Board deny the Employee Organization's Motion to Dismiss and direct the case 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:     Aye     GILLMOR:     Aye     VERICH:     Aye      
Affirmed     X     Denied           

12. Case 06-REP-03-0030 Ohio Patrolmen's Benevolent Association and International Union of Police Associations and City of Perrysburg

**Sergeants**

- There were 3 ballots cast
- There were 0 challenged ballots
- International Union of Police Associations received 0 votes
- No Representative received 0 votes
- Ohio Patrolmen's Benevolent Association received 3 votes and has prevailed in this election.

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13. Case 06-REP-03-0031 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Perrysburg

**Patrolmen**

- There were 17 ballots cast
- There were 0 challenged ballots
- Fraternal Order of Police, Ohio Labor Council, Inc. received 0 votes
- No Representative received 0 votes
- Ohio Patrolmen's Benevolent Association received 17 votes and has prevailed in this election.

14. Case 06-REP-03-0032 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc., and City of Perrysburg

**Dispatchers & Animal Control Officers**

- There were 6 ballots cast
- There were 0 challenged ballots
- Fraternal Order of Police, Ohio Labor Council, Inc. received 0 votes
- No Representative received 0 votes
- Ohio Patrolmen's Benevolent Association received 6 votes and has prevailed in this election.

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

Vote: MAYTON:     Aye      
Affirmed     X    

GILLMOR:     Aye      
    Denied    

VERICH:     Aye

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IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 06-ULP-01-0012      International Brotherhood of Teamsters, Local 284 v. Springfield Metropolitan Housing Authority
  
2. Case 05-ULP-08-0443      SERB v. City of Cuyahoga Falls

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion to dismiss, grant the motions to withdraw and dismiss, dismiss the complaint, and dismiss with prejudice the unfair labor practice charges. Board Member Verich 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-03-0088      United Steelworkers of America, AFL-CIO-CLC District 1/SubDistrict 3 v. City of Westerville

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing changes in health care benefits, and dealing directly with the employees over the changes. The investigation reveals the Charging Party was informed of the Charged Party's plans to offer employees a health care option. The Charging Party failed to show how the parties' collective bargaining agreement, with respect to health insurance, was changed or modified, and how the Charged Party's actions affected employees' terms and conditions of employment.

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      \_\_\_\_\_

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2. Case 06-ULP-04-0170 Thomas Agler v. Newton Falls Exempted Village School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by threatening discipline in retaliation for exercising guaranteed rights. The investigation reveals a credibility issue exists with respect to the Ohio Revised Code § 4117.11(A)(1) allegation.

Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the matter with Case No. 06-ULP-04-0169, 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), but not (3), by threatening the Charging Party for asserting his rights under the parties' collective bargaining agreement, 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                     

3. Case 06-ULP-04-0169 Newton Falls Association of Classified Employees v. Newton Falls Exempted Village School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (5), and (8) by threatening retaliation to employees in an attempt to persuade them from engaging in protected activity. The investigation reveals a credibility issue exists with respect to the Ohio Revised Code § 4117.11(A)(1) allegation.

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), but not (3), (5), and (8), by threatening Thomas Agler for asserting the Charging Party's rights under the parties' collective bargaining agreement, 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

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4. Case 06-ULP-04-0164 Strongsville Education Association, OEA/NEA v. Strongsville City School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by interfering with, restraining, or coercing employees in their exercise of guaranteed rights. The investigation reveals the Charging Party's Health Insurance Committee members are public employees and are involved in protected activities with the Charged Party's knowledge. No harm has occurred, and the employees have not been disciplined. The Charged Party's actions did not restrain or coerce the employees in their exercise of guaranteed rights, and do not rise to a level of a violation of the statute.

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 \_\_\_\_\_

5. Case 06-ULP-04-0159 Northwest State Community College Education Association, OEA/NEA v. Northwest State Community College and President Dr. Betty Young

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally reassigning duties previously performed by a bargaining-unit member to a nonbargaining-unit employee, and by attempting to undermine the Charging Party by dealing directly with the bargaining-unit members. The investigation reveals the Charged Party's claim that the Registrar position should have been included in the bargaining unit does not give the Charged Party the right to unilaterally remove the position. The Charged Party's announcement regarding the retirement incentive plan did not amount to direct dealing.

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 Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally reassigning bargaining-unit work to a nonbargaining-unit employee, and failing to bargain with the Charging Party prior to its decision to waive employees' retirement requirements, 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 \_\_\_\_\_

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6. Case 06-ULP-04-0165 Agnes Spencer v. Newton Falls Exempted Village 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 threatening discipline in retaliation for exercising guaranteed rights. The investigation revealed the Charging Party is a public employee and was involved in protected activities with the Charged Party's knowledge. Insufficient information was provided to show that a grievance was filed or that any adverse action was taken against the Charging Party. The alleged actions did not rise to a level of a violation of the statute.

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                     

7. Case 06-ULP-04-0180 Marlington Local School District Board of Education v. Marlington Educators' Association, OEA/NEA

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (5) by interfering with the selection of the Charging Party's representative. The investigation reveals the Charged Party did not interfere with the selection of the Charging Party's representative. The Charged Party's claim, that following a newspaper article the Charging Party had concerns over the use of Mary Jo Shannon Slick, is credible. The Charged Party's concerns addressed during the March 14, 2006 School Board meeting, were made following the conclusion of negotiations.

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

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8. Case 06-ULP-04-0184 Service Employees International Union, District 1199 v. State of Ohio, Department of Rehabilitation and Correction, Noble Correctional Institution

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (4), and (5) by refusing to honor a document request during the course of the grievance procedure. The investigation reveals the Charging Party was provided the documentation needed to pursue its grievance. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(4) and (5) allegations.

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 \_\_\_\_\_

9. Case 06-ULP-04-0190 First Consolidated Professional Fire Fighters, Local 4322 v. First Consolidated Fire District

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by discriminating against two bargaining-unit employees for exercising guaranteed rights. The investigation reveals Charged Party failed to provide sufficient information to show that the withdrawal of their offer to Mr. Cvetan was not related to protected activity.

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 discriminating against Jacob Cvetan, but not John Kokas, when it offered Mr. Cvetan the position of Lieutenant, and then decided to throw out the promotional test, and its offer, when Mr. Cvetan advised he would seek assistance through the State Employment Relations Board, 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 \_\_\_\_\_

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10. Case 06-ULP-05-0245 Ohio Patrolmen's Benevolent Association v. Delaware County Sheriff's Office and Sheriff Al Myers

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally replacing bargaining-unit members with privately contracted security officers. The investigation reveals the work being contracted out is bargaining-unit work and, therefore, a mandatory subject of bargaining.

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 Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by replacing bargaining-unit members with privately contracted security officers, 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 \_\_\_\_\_

11. Case 06-ULP-05-0247 Dawn Kellermeyer v. Van Wert County Sheriff and Stan Owens

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) by interfering with the Charging Party's right to file a grievance. The investigation reveals the Charging Party was subject to the collective bargaining agreement, which provides that as a probationary employee she had no recourse through the grievance procedure.

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 Parties. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

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12. Case 06-ULP-04-0177

Springfield Education United Support Staff,  
OEA/NEA v. Springfield City School District  
Board of Education and Edna J. Harper

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally assigning bargaining-unit work to nonbargaining-unit employees. The investigation reveals the Charged Parties confirms the bargaining-unit work is now being performed by secretaries who are specifically excluded from the unit.

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 Parties violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (3), by unilaterally assigning bargaining-unit work to nonbargaining-unit employees, 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           

13. Case 06-ULP-04-0179

Stow-Munroe Falls Classified Employees'  
Association, OEA/NEA v. Stow-Munroe Falls  
City School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by installing time clocks in the bus garage without bargaining. The investigation reveals the Charging Party waived its right to bargain over the installation of the time clocks. The Charged Party notified the Charging Party by telephone on May 13, 2005, and in writing on May 18, 2005, and gave it until May 25, 2005, to respond with its concerns over the installation. The Charging Party did not request to bargain the installation then, and to date it has not requested to bargain.

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

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14. Case 06-ULP-05-0198 Buckeye Central Education Association and Mark McCoy v. Buckeye Central Local School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by discriminating and retaliating against Mark McCoy for the exercise of his guaranteed rights. The investigation reveals the Charged Party did not retaliate or discriminate against Mr. McCoy as he was still able to file rebuttals to his evaluations, and to file grievances and have them processed. Mr. McCoy is a public employee. He was engaged in protected activity of filing grievances with the Charged Party's knowledge and was harmed when the Employer did not renew his contract. Mr. McCoy has established a prima facie case of discrimination. The Charged Party provided a persuasive rebuttal as to the events leading to Mr. McCoy's nonrenewal. The Charged Party provided documentation showing its actions were not based on anti-union animus, but due to Mr. McCoy's failure to obtain the proper teaching certification, poor evaluations, and that he was working on a one-year limited teaching contract that led to his non-renewal. Mr. McCoy's grievances are pending arbitration, and the matter appears to be contractual and should be resolved through the parties' final and binding grievance-arbitration procedure. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(1) 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 \_\_\_\_\_

15. Case 06-ULP-05-0211 Charles Kaman v. City of Huron

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by discriminating and retaliating against the Charging Party for exercising his guaranteed rights. The investigation reveals Charging Party was not interfered with, restrained, or coerced by the Charged Party. The Charging Party was able to file and have his grievance processed by the Charged Party. Charging Party is a public employee, engaged in the protected activity of filing a grievance with the Charged Party's knowledge, and was harmed when he was demoted to firefighter. Charging Party has established a prima facie case of discrimination. The Charged Party provided a persuasive rebuttal to show that Charging Party's discipline was for improper patient care and documentation and not for his protected activity.

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 \_\_\_\_\_

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16. Case 06-ULP-05-0213 Angelita M. Reid v. State of Ohio,  
Department of Rehabilitation and Correction,  
Scioto Juvenile Correctional Facility

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by retaliating against the Charging Party for exercising her guaranteed rights when it denied her vacation leave. The investigation reveals the Charging Party was not interfered with, restrained, or coerced by the Charged Party. The Charged Party has provided information to show that Charging Party's denial of vacation leave was not in retaliation for 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 \_\_\_\_\_

17. Cases 06-ULP-05-0215 Ta-Rance Scotti White v. State of Ohio,  
Department of Rehabilitation and Correction,  
Hocking Correctional Facility

06-ULP-05-0237 Ta-Rance Scotti White v. State of Ohio,  
Department of Rehabilitation and Correction,  
Hocking Correctional Facility

The unfair labor practice charges allege the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (4), and (7) by discriminating and retaliating against the Charging Party for exercising his guaranteed rights. The investigation reveals the Charging Party failed to provide sufficient information to support the allegation that his March 24, 2006 trip was assigned as retaliation for attempting to file a grievance. No contractual language exists that states it is a right of the officers to be assigned the courier route. Charging Party's grievance was returned to him in error, and every attempt by the Charged Party has been made to have it resubmitted by Charging Party. To date, the Charging Party has not resubmitted the grievance. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(3), (4) and (7) allegations occurred.

Board Member Verich 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. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

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18. Case 06-ULP-05-0219 Butler Township Professional Fire Fighters, Local 4491, IAFF v. Butler Township, Montgomery County, Fire Department and Fire Chief Weiffenbach

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), (5), and (8) by unilaterally altering the terms and conditions of employment during the Request for Recognition process. The investigation reveals the Charged Parties provided documentation to show that Special Order 06-001 is a restatement of Section 4.3-1 in the Charged Parties' Personnel Policy. The Charged Parties' policies were initiated in August 2005. By the Charging Party's own admission, the subject of trading time (06-002) has never been memorialized in writing in any policy, memorandum, employee manual, or handbook. The Charged Parties maintained the Special Orders were memorialized in writing pursuant to their Trustees directive to monitor and document the number of hours worked and any overtime. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(3), (5), and (8) allegations.

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 Parties. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

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

19. Case 06-ULP-05-0224 Larry F. Jones v. City of Dayton

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11. The investigation reveals the charge sets forth no facts relating to the alleged violation. Ohio Administrative Code Rule 4117-7-01(B) requires that a Charging Party provide a clear and concise statement of the facts constituting the alleged violation. Knowledge of the alleged violation occurred more than 90 days before the charge was filed with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations.

Board Member Verich moved that the Board dismiss the charge with prejudice due to the Charging Party's failure to provide a clear and concise statement of the facts constituting the alleged violation, and 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 \_\_\_\_\_



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22. Case 06-ULP-02-0049 Cheryl Ann Covey v. Terra Community College

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(2) by terminating the Charging Party's employment because she attempted to form a union. The investigation reveals the union prevailed convincingly in the representation election. The Charged Party's actions did not interfere with the formation of the represented bargaining unit. The Charging Party was not involved with the organizing effort on behalf of the prevailing union. The termination was for reasons unrelated to the Charging Party's 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           

23. Case 06-ULP-02-0062 Ann Miller v. Copley-Fairlawn Support Staff Association, OEA/NEA

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to pursue the Charging Party's grievance to arbitration, and by utilizing a grievance committee that was not formed in accordance with the Charged Party's Constitution and ByLaws. The investigation reveals the Charged Party's actions were not arbitrary, discriminatory, or in bad faith. The Charged Party took the position that the Charging Party was not the most senior driver eligible for the one-hour route, and did not pursue her grievance for lack of merit. The information provided did not establish that the Charging Party would have fared better with a grievance committee composed of other members.

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



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26. Case 06-ULP-03-0095 James Schultz v. Franklin County Coroner's Office

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by threatening the Charging Party if he pursued a work-related issue such as filing a grievance, and by denying his sick leave request. The investigation reveals the denial of sick leave does not appear to rise to the level of a violation, but the comment made to the Fraternal Order of Police representative interfered with Charging Party's right to pursue a remedy.

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 release certain information to the press if the Charging Party contested the decision not to complete his application for membership in the American Board of Medicolegal Death Investigators, Inc., direct the parties to ULP mediation, and dismiss the sick leave denial allegation. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

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

27. Case 06-ULP-03-0114 Ohio Patrolmen's Benevolent Association v. Lucas County Sheriff's Office

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by revoking the deputy powers of Deputy Maurice Morris for engaging in protected activities. The investigation reveals the Charged Party's actions were a result of the accusation that Mr. Morris hit a suspect during an arrest. Mr. Morris was not interfered with, restrained, or coerced in the exercise of his 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 Mayton called for the vote.

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

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28. Case 06-ULP-03-0139 Ohio Patrolmen's Benevolent Association v. City of Warrensville Heights

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the bargaining-unit employees' health insurance, informing the employees directly instead of the Charging Party, and refusing to respond to the Charging Party's demands that the Charged Party return to the previous level of health benefits or meet to discuss the matter. The investigation reveals the dispute is strictly contractual and does not raise any statutory issues. Article 25 addresses health insurance. The Charged Party's alterations to the health plan were universal, affecting bargaining and nonbargaining-unit employees alike.

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           

29. Case 06-ULP-06-0283 Patricia Jackson Patterson v. Ashtabula County Nursing Home and Rehabilitation Center

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11. The investigation reveals the events giving rise to the charge occurred more than 90 days before the filing of the charge with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations.

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



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39. Case 06-ULP-06-0255 Ohio Patrolmen's Benevolent Association v. Lucas County Sheriff's Office and Sheriff James Telb
40. Case 06-ULP-06-0278 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 267 v. New Richmond Exempted Village School District Board of Education
41. Case 06-ULP-06-0294 State Council of Professional Educators (SCOPE), OEA/NEA v. State of Ohio, Department of Rehabilitation and Correction, North Central Correctional Institute

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

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

VI. ADMINISTRATIVE MATTERS

**Executive Session** – Vice Chairman Gillmor moved that the Board go into executive session, pursuant to Ohio Revised Code § 121.22(G)(1), to discuss the appointment, employment, promotion, compensation, or hiring of public employees. 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 \_\_\_\_\_

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

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

