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2. Case 06-REP-08-0106 Federation of Ordinance #7-91/#161-99
Employees and City of Alliance

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The showing of interest was not dated as required per Ohio Administrative Code Rule 4117-3-03(A)(1), and the Employee Organization did not provide a bargaining-unit description.

Vice Chairman Gillmor moved that the Board dismiss without prejudice the Request for Recognition. Board Member Verich seconded the motion. Chairman Mayton called for the vote.

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

3. Case 05-REP-09-0124 International Brotherhood of Teamsters Local
No. 100 and Greater Cincinnati Water Works

The Employee Organization filed an amended Petition for Representation Election seeking to represent part-time Customer Relations Representatives of the Employer. The Employer responded by filing a position statement maintaining the employees in question are represented by Ohio Council 8 AFSCME. The Employee Organization filed a response stating the existing contract between the Employer and Ohio Council 8, AFSCME specifically excludes the employees in question. The Employee Organization has now filed information that warrants further investigation.

Board Member Verich moved that the Board remand the case to the Representation Section for further investigation. 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-REP-01-0013 International Association of Machinists & Aerospace Workers, AFL-CIO, District 54 and City of Rocky River
September 26, 2006
5. Case 06-REP-06-0085 Dawn M. Bloomfield and SEIU/District 1199, AFL-CIO The Health Care and Social Service Union and Wood County Child Support Enforcement Agency
October 4, 2006

Items 4 and 5 are Consent Election Agreements. All parties have executed and have filed the appropriate Consent Election Agreement.

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 Mayton called for the vote.

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

6. Case 06-REP-06-0082 Fraternal Order of Police, Ohio Labor Council, Inc. and Muskingum Watershed Conservancy District

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. A conference call was conducted for the purpose of executing a consent election agreement; however, the parties could not reach an agreement concerning 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: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

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7. Case 06-REP-03-0040 Madeira/Indian Hill Professional Firefighters, IAFF and Madeira/Indian Hill Fire District

- There were 13 ballots cast
- There were 0 challenged ballots
- No Representative received 1 vote
- Madeira/Indian Hill Professional Firefighters, IAFF received 12 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 GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 05-ULP-06-0365 SERB v. Cincinnati Metropolitan Housing Authority

The Administrative Law Judge issued a Proposed Order, recommending that the Board find that Respondent violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5) when Respondent ceased the Charging Party's fees and dues deductions from the bargaining-unit employees' paychecks. The Administrative Law Judge also recommended that the Board issue a cease-and-desist order with a Notice to Employees to be posted by Respondent for sixty days where bargaining-unit members represented by the Charging Party work and to notify the Board in writing within twenty days after the order becomes final of the steps that have been taken to comply with the order. No exceptions were filed to the Proposed Order.

Board Member Verich moved that the Administrative Law Judge's Proposed Order become the order of the Board, pursuant to Ohio Revised Code § 4117.12(B)(2), since no exceptions were filed by any 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-02-0069 Pickaway-Ross Teachers Association, OEA/NEA v. Pickaway-Ross Joint Vocational School District Board of Education

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion to withdraw, grant the motion, and dismiss with prejudice the unfair labor practice charge. 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-05-0214 Fraternal Order of Police, Capital City Lodge No. 9 v. City of Columbus

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3), (5), and (8) by denying union representation to a member during an interview that had the potential to result in disciplinary action. Information gathered during the investigation reveals the Charged Party did not interfere with, restrain, or coerce Officer Miller when it requested him to be interviewed by the Internal Affairs Bureau as a witness in a criminal investigation of another officer. The Charged Party did not interfere in the administration of the Charging Party when it did not permit Officer Miller to have union representation at the criminal investigation interview. In a criminal investigation where Miranda warnings are offered, the individual is not entitled to union representation. The Charging Party failed to show the Charged Party took any adverse action against Officer Miller because of his request for union representation, and failed to provide sufficient information and documentation to support the Ohio Revised Code § 4117.11(A)(8) allegation.

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-06-0266 Marlington Educators Association, OEA/NEA v. Marlington 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 intimidating and threatening Union President Dick Kuhn for the exercise of his guaranteed rights. The investigation reveals insufficient information and documentation was provided to show the Charged Party interfered with, restrained, or coerced the Charging Party at the March 14, 2006 meeting. The parties appear to have different interpretations of how things were stated at the March 14, 2006 meeting. The matter should be resolved through the parties' contractual grievance procedure. The Charging Party failed to provide any information and documentation to support the Ohio Revised Code § 4117.11(A)(3) 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 _____

3. Case 06-ULP-06-0273 Francine Conley, Anthony Bise, and Conesha Banks v. Communications Workers of America, Local 4501

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(8) and (B)(6) by failing to ensure that corrections were made to the members' pay that had been affected by a wage discrepancy. Information gathered during the investigation reveals the Charging Parties failed to provide sufficient information and documentation to show how the Charged Party's actions were arbitrary, discriminatory, or in bad faith in trying to correct the Charging Parties' pay discrepancies. The Charged Party appears to have taken the basic and required steps to try and resolve the issue with the Ohio Secretary of State's Office (Employer). The Ohio Revised Code § 4117.11(A)(8) allegation is not appropriate to file against the Charged Party. The Charging Parties had constructive knowledge that the discrepancies had not been corrected in February 2006, which 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 for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party, 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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4. Case 06-ULP-06-0274 Nick Salapata v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 506

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by not advancing the Charging Party's grievance to arbitration one day before the steward filed the request for arbitration. The investigation reveals the Charged Party's actions were not arbitrary, discriminatory, or in bad faith when it did not advance the Charging Party's grievance to arbitration. The grievance was not advanced based on the merits. The Charging Party failed to provide sufficient information and documentation to support the Ohio Revised Code § 4117.11(B)(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

5. Case 06-ULP-06-0284 Francine Conley, Anthony Bise, and Conesha Banks v. Ohio Secretary of State

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(8) by causing the Charging Parties' union to be unable to fairly represent the membership when it did not comply with the terms of a Memorandum of Understanding. The investigation reveals the Charging Parties failed to provide sufficient information and documentation to support the Ohio Revised Code § 4117.11(A)(8) allegation. The Charging Party had constructive knowledge in January 2006 of the discrepancies in the provisions of the Memorandum of Understanding, which 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 for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party, 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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6. Case 06-ULP-06-0298 Jesus M. Sanchez v. City of Lorain and Chief of Police Celestino Rivera

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(6) by failing to timely process the Charging Party's grievance. The investigation reveals the Charged Parties did fail to timely respond to the Charging Party's grievance pursuant to the grievance requirements, but it was with the permission of Fraternal Order of Police, Lorain Lodge 3 (Union). The Union granted the Charged Parties an unlimited extension to provide the response. The Union confirmed, in a letter to the Charged Parties, that the Charging Party had been informed of the extension.

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-06-0301 Ohio Civil Service Employees Association, AFSCME, AFL-CIO, Chapter 4720 v. State of Ohio, Department of Rehabilitation and Correction, Lorain Correctional Institution and Donald Redwood

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11. The investigation reveals the Charging Party failed to respond to the request for information.

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 _____

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8. Case 06-ULP-06-0314 Edgerton Education Association, OEA/NEA v. Edgerton Local 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 failing to bargain in good faith. The investigation reveals the Charged Party publicly declared ultimate impasse prior to the date outlined in the provisions of Article 1H.1 of the agreement. The Superintendent publicly declared impasse at the June 12, 2006 Board of Education meeting. The 45th day prior to the expiration of the agreement would have been June 17, 2006. The investigation also reveals the Charged Party's Chief Negotiator did not have the authority to reach a tentative agreement with the Charging Party. The Charged Party's negotiator made it clear to the Charging Party that he lacked bargaining authority and refused to take certain proposals back to the Board of Education for consideration. The Charged Party also had an obligation to bargain with the Charging Party even with the pending Representation election. The Charged Party did not file a motion to stay but unilaterally ceased negotiations. The Charging Party was, and still is, the certified bargaining representative prior to the Petition for Representation Election being filed by the rival union.

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 an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to bargain in good faith, declaring the parties at ultimate impasse prior to the 45th day before the expiration of the agreement, and by unilaterally ceasing to bargain upon the filing of the Representation case. 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-05-0216 Eric Toliver v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by failing to file a grievance and then attempting to persuade the Charging Party into not pursuing a grievance. The investigation reveals the Charged Party did not follow the grievance procedure, and in doing so, restrained the Charging Party from participating in the process. The Charged Party's actions were arbitrary because it failed to follow the steps required under the grievance procedure that guarantees the participation of the grievant.

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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)(1) and (6) by preventing the Charging Party from participating in the processing of his grievance, 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

10. Case 06-ULP-05-0218 Judy Colbert v. Salem Education Association, OEA/NEA

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to represent the Charging Party on a seniority issue. The investigation reveals that both the Employer and the Charged Party agreed that the Charging Party's continuous service, as defined in the Agreement, was disrupted when she worked in a nonbargaining-unit position and then returned to her bargaining-unit teaching position. The Charged Party's reason for its decision evolved from its interpretation of the relevant contractual language. The Charged Party was not precluded from addressing an error in the seniority list upon its discovery. The actions of the Charged Party were not arbitrary, discriminatory, or in bad faith.

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

11. Case 06-ULP-05-0227 Martha A. Ottman v. Hilliard City School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by not posting a position. The investigation reveals that the Collective Bargaining Agreement contains provisions, under Section 14.04 and Section 15.02, that address the posting of vacancies. One requires posting while the other does not, provided the position at issue is intended to replace an existing position. The signatories to the Agreement, the Charged Party and Union, concur that the decisions to post or not to post were consistent with the terms of the Agreement. The information provided failed to show that the Charging Party was interfered with, restrained, or coerced in the exercise of her guaranteed rights under O.R.C. 4117.

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15. Case 06-ULP-05-0253 Kathy M. Weisel v. State of Ohio, Department of Rehabilitation and Correction, Chillicothe Correctional Institution
16. Case 06-ULP-05-0254 Kathy M. Weisel v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

In Case 06-ULP-05-0253, the unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (4), (5), (7), and (8) by calling the Charging Party into an investigatory interview without prior notice, and coercing her to resign her position or face criminal charges. The investigation reveals the Charging Party resigned the day of her pre-disciplinary hearing. The Charging Party was not engaged in protected activities. No “constructive discharge” occurred. Information provided failed to show the Charging Party had filed a previous charge or given testimony at a SERB hearing, or how the Charging Party was interfered with, restrained, or coerced from engaging in protected activities. Additional information provided failed to show how the Charged Party interfered with the administration of the Union. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(5), (7), and (8) allegations.

In Case 06-ULP-05-0254, the unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1), (3), and (6) by failing to represent the Charging Party during a disciplinary proceeding and siding with the Employer recommending that she resign. The investigation reveals the information provided failed to show the Charging Party was restrained or coerced in the exercise of her guaranteed rights. The Charging Party voluntarily signed the resignation. Insufficient information was provided to support the Ohio Revised Code § 4117.11(B)(3) allegation, or to show that the Charged Party failed to bargain with the employer. The Charged Party’s actions were not arbitrary, discriminatory, or in bad faith.

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

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

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17. Case 06-ULP-05-0232

Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO v. Licking County Child Support Enforcement Agency

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by abolishing a bargaining-unit position, reassigning bargaining-unit duties from one employee to another, creating a new position discriminating against the employee in the positions for exercising guaranteed rights, and by failing to bargain in good faith over the changes. The investigation reveals the Charged Party had an obligation to uphold the status quo with respect to abolishing a bargaining-unit position, reassigning bargaining-unit duties from one employee to another, and creating a new position.

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 (5), but not (3), by interfering with employees' rights by denying equal access to the internal mail system, abolishing a bargaining-unit position, reassigning bargaining-unit duties from one employee to another, creating a new position, and failing to bargain in good faith over the changes, 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

18. Case 06-ULP-05-0248

Chalet Dickinson-Jules v. Cincinnati City School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (6) by retaliating against the Charging Party as a result of filing a grievance and delaying the processing of her grievances. The investigation reveals the Charging Party was reassigned to a non-teaching position pending the outcome of a disciplinary hearing regarding the allegations of unprofessional behavior. The Charging Party lost no pay or benefits as a result of the reassignment. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(6) allegation regarding the Charged Party establishing a pattern or practice of failing to timely process grievances.

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

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19. Case 06-ULP-05-0252 Shelli A. Jackson v. State of Ohio,
Department of Youth Services

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3), (4), (5), (6), (7), and (8) by interfering with the Charging Party's rights. The investigation reveals the Charging Party was terminated in August 2005. The Charging Party's termination grievance is currently pending arbitration. The Charging Party failed to show how the Charged Party's actions interfered with her guaranteed rights. Insufficient information was provided to support Ohio Revised Code § 4117.11(A)(2), (3), (4), (5), (6), (7) and (8) violations.

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 _____

20. Case 06-ULP-06-0300 Fraternal Order of Police, Ohio Labor
Council, Inc. v. City of Willard

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by bargaining in bad faith and discriminating against bargaining-unit employees on the basis of their membership. The investigation reveals the Charged Party did bargain in good faith. At no time during the negotiations did the Charged Party represent that the wages, benefits, and working conditions, as outlined in the parties' collective bargaining agreement, would be the same as what would be given to nonbargaining-unit employees. In 2005, the bargaining-unit employees received wage increases while the nonbargaining-unit employees received no increases.

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 _____

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21. Case 06-ULP-06-0302 Joe E. Cook v. Columbus Education Association, OEA/NEA

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to recognize the Charging Party as a member of the bargaining unit. The investigation reveals the Charging Party's position is not covered under the Charged Party's recognition clause, and is not a member of the bargaining unit. The Charged Party cannot be held responsible for failing to fairly represent an employee who is not covered as a bargaining-unit employee.

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 _____

22. Case 06-ULP-06-0310 Beverly M. Geeroms v. Columbus Education Association, OEA/NEA

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to recognize the Charging Party as a member of the bargaining unit. The investigation reveals the Charging Party's position is not covered under the Charged Party's recognition clause, and is not a member of the bargaining unit. The Charged Party cannot be held responsible for failing to fairly represent an employee who is not covered as a bargaining-unit employee.

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 _____

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23. Case 06-ULP-06-0324

William T. Rager v. State of Ohio,
Department of Rehabilitation and Correction,
State Penitentiary and Warden Marc Houk

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), (7), and (8) by excluding the union in a committee to decide if an employee should be disciplined prior to a pre-disciplinary hearing, in circumvention of the collective bargaining agreement. The investigation reveals the alleged committee meetings conducted by the Charged Parties were not in circumvention of the parties' collective bargaining agreement. The parties' agreement addresses labor-management committees; however, the meetings referred to by the Charging Party were not labor-management meetings. Grievances were filed on the same matter. The parties' grievance procedure is the appropriate forum for the matters addressed in the unfair labor practice charge.

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

24. Case 06-ULP-08-0395

Perkins Education Association, OEA/NEA
and Frank Laudonia v. Perkins Local School
District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by retaliating against Mr. Laudonia for his exercise of guaranteed rights. The investigation reveals the Charged Party rescinded its decision to transfer Mr. Laudonia. A review of the letter notifying Mr. Laudonia that he had not achieved HQT status did not amount to a threat. On or about June 8, 2006, another employee of the Charged Party received notice that he would be transferred to teach at an elementary school because he did not possess the HQT status.

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

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25. Case 06-ULP-04-0191 International Union of Police Associations, Local 103 v. Bowling Green State University and Sergeant John Shumaker

On July 13, 2005, the Board dismissed the unfair labor practice charge for lack of probable cause. On August 4, 2006, Charging Party filed a motion for reconsideration of the Board's decision. Charging Party failed to provide any new information meriting reconsideration. Board Member Verich moved that the Board deny the Charging Party's Motion for Reconsideration with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the vote.

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

26. Cases 06-ULP-03-0132 Teamsters Union, Local No. 284 v. Franklin
06-ULP-06-0299 County Child Support Enforcement Agency

27. Case 06-ULP-06-0303 Streetsboro Part-Time Firefighters' Organization v. City of Streetsboro

28. Case 06-ULP-06-0345 Streetsboro Part-Time Firefighters' Organization v. City of Streetsboro

Vice Chairman Gillmor moved that the Board grant the Charging Parties' Motions to Withdraw with prejudice. 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-06-0305 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 122, 160, 404, 695, and 756 v. Parma City School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by demanding to change the deemed-certified bargaining unit, demanding to bargain with each bargaining unit separately instead of the usual multi-unit bargaining, and by declaring impasse over permissive subjects of bargaining. The investigation reveals the Charged Party proposed removing the "Personnel Clerk GC5" classification from the bargaining unit for the first time after impasse was declared. The parties' MAD states the parties are not allowed to add items for negotiations after the first session unless mutually agreed to. The Charged Party also reintroduced the issue of five contracts to the mediator.

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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 an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (2), when it negotiated in bad faith by proposing to remove the "Personnel Clerk GC5" classification for the first time after impasse was declared and contrary to the parties' mutually agreed to dispute resolution procedure, and by reintroducing the issue of negotiating five, separate contracts to the mediator, 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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| 30. | Cases 06-ULP-08-0422 | <u>Huber Heights City School District Board of Education v. Huber Heights Education Association, OEA/NEA (Classified Staff)</u> |
| | 06-ULP-08-0423 | <u>Huber Heights City School District Board of Education v. Huber Heights Education Association, OEA/NEA (Certified Staff)</u> |
| 31. | Case 06-ULP-07-0351 | <u>Stow-Munroe Falls Employees Classified Association v. Stow-Munroe Falls City School District Board of Education</u> |

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

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

VI. ADMINISTRATIVE MATTERS

Introduction of Licia M. Sapp, AA-Representation Section – Dory McClendon, Labor Relations Administrator, introduced Ms. Sapp to the Board as the new Administrative Assistant for the Representation Department. Ms. McClendon briefly gave the Board some background information on Ms. Sapp's past employment history. The Board welcomed her to the agency.

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SERB Quarterly Online – Executive Director Art Marziale reported that as of 4:30 P.M. on September 13, 2006 the SERB Quarterly and Supplements were now online for the public's viewing free of charge. The Quarterly and Supplements will be posted monthly, and will be kept in sequential order as it has been done in the past. Chairman Mayton conveyed his thanks to the staff for their hard work in getting this done. He asked what kind of notification or public release is to be done letting the public know of this feature at SERB. Executive Director Marziale stated that right now notification is only given on our web-site, but also mentioned that Cheri Alexander, Administrator of the Research and Training Department, has e-mailed notification to all of our previous subscribers of this new service. He also stated, that in most cases, people looking at our web-site will notice this feature. Chairman Mayton mentioned that this project was one of the agency's IT Goals, and is now completed. He again commended everyone who had worked on it. Vice Chairman Gillmor suggested that a press release to all interested people might be worth doing in announcing this feature of SERB. Executive Director Marziale stated that later on down the road the viewing features will change, but for now the agency was working on getting it up and running for everyone's use. When that happens, the Board will announce the change and what to look for.

Clearinghouse Web Project Update – Executive Director Marziale reported that at the end of September this project will be on line and internally tested to make sure it works, and then once tested, will be made available to external customers. He also mentioned that there has been a few expenditures to the project which helped in updating the information to be used, and that we are on scheduled.

Executive Session – Board Member Verich moved that the Board go into executive session, pursuant to Ohio Revised Code § 121.22(G)(1) and (G)(3), to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of public employees, 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. Vice Chairman Gillmor seconded the motion. Chairman Mayton called for the roll-call vote.

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

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

