

State Employment Relations Board
Board Meeting Minutes
January 10, 2008

The State Employment Relations Board met on January 10, 2008, at 10:00 a.m., at 65 East State Street, 12th Floor, Columbus, Ohio. Present at the meeting were Chairman Craig R. Mayton and Board Member Michael G. Verich.

I. APPROVAL OF MINUTES OF THE PREVIOUS MEETING:

Board Member Verich moved that the Board approve the minutes for the December 13, 2007 Board meeting. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

1. Case 06-MED-04-0507 Fraternal Order of Police, Ohio Labor Council, Inc. and Sinclair Community College

On December 3, 2007, SERB issued a conciliation order pursuant to Ohio Revised Code § 4117.14(D)(1) requiring the parties to agree to a conciliator by December 10, 2007, and begin the conciliation process as a strike-prohibited unit. The Employer filed a Motion to Stay Conciliation Proceedings and For Reconsideration of the Conciliation Order contending that the Order for Conciliation was issued by SERB in error. The Employer further contended that it did not believe that the members of the bargaining unit met the statutory requirements of a non-striking unit.

The Employer submitted with its motion a tentative agreement reached by the parties, dated September 25, 2007, showing that both parties were in agreement that the members of the bargaining unit, college dispatchers, were a striking unit not subject to conciliation. The Employer further contended that the position description and assigned duties of college dispatchers applied solely to dispatching campus patrol officers employed by the Employer. In a subsequent letter, the Employer further clarified that college dispatchers were not assigned to, and did not, dispatch police, fire, or other emergency personnel as specified in Ohio Revised Code § 4117.14(D)(1). The Employer contends that for these reasons, the college dispatchers did not meet the statutory definition of non-striking unit as specified in Ohio Revised Code § 4117.14(D)(1), and are not subject to conciliation. The motion was unopposed.

Board Member Verich moved that the Board grant the motion to stay conciliation proceedings and for reconsideration of the conciliation order and allow the parties to continue in the process of negotiations. Chairman Mayton seconded the motion, and called for discussion, asking General Counsel J. Russell Keith what effect the parties' agreement would have on SERB in a case like this one. General Counsel Keith responded that the agreement would not affect SERB because it is SERB's responsibility to determine who is in a bargaining-unit's description. Chairman Mayton then called for the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 2 of 27

2. Case 07-MED-08-0791 Communications Workers of America, Local 4310, AFL-CIO and Franklin County Board of Commissioners

The Rival Employee Organization filed a Petition for Representation Election, Case 07-REP-09-0125, seeking to replace the Incumbent Employee Organization as the exclusive representative for Court Security Officers employed by the Employer. The Incumbent Employee Organization filed a Notice to Negotiate concerning negotiations with the Employer. The Employer then filed a motion to stay negotiations pending resolution of the related representation case. The motion was unopposed.

Board Member Verich moved that the Board grant the Employer's motion to stay negotiations in Case 07-MED-08-0791 pending disposition of Case 07-REP-09-0125, and expedite the processing of the representation case. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

3. Cases 07-MED-10-1080 Fraternal Order of Police, Ohio Labor Council, Inc. and Brunswick Hills Township (Medina County)
07-MED-10-1081

The Rival Employee Organization filed a Petition for Representation Election, Case 07-REP-09-0135 and 07-REP-09-0137, seeking to replace the Incumbent Employee Organization as the exclusive representative for bargaining units of Full-time Sergeants and Full-Time Patrolmen of the Employer. The Incumbent Employee Organization filed a Notice to Negotiate concerning negotiations with the Employer. The Employer filed a motion to stay negotiations pending resolution of the related representation cases. The motion was unopposed.

Board Member Verich moved that the Board grant the Employer's motion to stay negotiations in Cases 07-MED-10-1080 and 07-MED-10-1081 pending disposition of Cases 07-REP-09-0135 and 07-REP-09-0137, and expedite the processing of the representation cases. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 3 of 27

4. Case 07-MED-12-1240 Professionals Guild of Ohio and Franklin County Children Services Board

The Rival Employee Organization filed a Petition for Representation Election, Case 07-REP-11-0154, seeking to replace the Incumbent Employee Organization as the exclusive representative for employees of the Employer. The Incumbent Employee Organization filed a Notice to Negotiate concerning negotiations with the Employer. The Employer filed a motion to stay negotiations pending resolution of the related representative case. The motion was unopposed.

Board Member Verich moved that the Board grant the Employer's motion to stay negotiations in Case 07-MED-12-1240 pending disposition of Case 07-REP-11-0154, and expedite the processing of the representation case. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

5. Cases 07-MED-12-1241 International Union of Police Associations,
07-MED-12-1242 Local 63, AFL-CIO and Hancock County
07-MED-12-1245 Sheriff

The Rival Employee Organization filed Petitions for Representation Election, Cases 07-REP-11-0159, 07-REP-11-0160, and 07-REP-11-0161, seeking to replace the Incumbent Employee Organization as the exclusive representative for bargaining units of Deputy III, Communications Officers, and Deputy Sergeants (Enforcement) of the Employer. The Incumbent Employee Organization filed a Notice to negotiate concerning negotiations with the Employer. The Employer filed a motion to stay negotiations pending resolution of the related representation cases. The motion was unopposed.

Board Member Verich moved that the Board grant the Employer's motion to stay negotiations in Cases 07-MED-12-1241, 07-MED-12-1243, and 07-MED-12-1245 pending disposition of Cases 07-REP-11-0159, 07-REP-11-0160, and 07-REP-11-0161, and expedite the processing of the representation cases. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 4 of 27

6. Case 07-MED-08-0756 Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3547, AFL-CIO and Butler County Children Services Board

The Rival Employee Organization filed a Petition for Representation Election, Case 07-REP-09-0130, seeking to replace the Incumbent Employee Organization as the exclusive representative for a bargaining unit of Full-time and Part-time and intermittent employees of the Employer. The Incumbent Employee Organization filed a Notice to Negotiate concerning negotiations with the Employer. The Employer filed a letter indicating that the negotiations have been stayed by the parties pending resolution of the related representation case. The letter was unopposed.

Board Member Verich moved that the Board construe the Employer's letter as a motion to stay negotiations, grant the motion in Case 07-MED-08-0756 pending disposition of Case 07-REP-09-0130, and expedite the processing of the representation case. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 07-REP-10-0142 Mahoning County (Youngstown) Child Support Enforcement Agency Employees Union and Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Mahoning County Commissioners/Mahoning County Child Support Enforcement Agency

The Rival Employee Organization filed a Petition for Representation Election seeking to displace the Incumbent Employee Organization, which is the Board-certified exclusive representative of certain employees of the Employer. The parties have entered into a Consent Election Agreement seeking an election on January 17, 2008. On December 13, 2007, the Board approved the Consent Election Agreement and directed an election to be conducted on January 17, 2008. The directive was mailed on December 13, 2007. The Rival Employee Organization has now filed a letter withdrawing the Petition for Representation Election.

Board Member Verich moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion, vacate the Direction to Election, and dismiss without prejudice the Petition for Representation Election. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 5 of 27

2. Case 07-REP-09-0125 Fraternal Order of Police, Ohio Labor Council, Inc. and Communications Workers of America, AFL-CIO and Franklin County Commissioners' Office
January 31, 2008

3. Case 07-REP-09-0119 Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Bedford Heights
February 5, 2008

4. Case 07-REP-09-0136 Fraternal Order of Police, George Murray Lodge No. 67 and Ohio Patrolmen's Benevolent Association and City of Bedford Heights
February 5, 2008

5. Case 07-REP-09-0133 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Lorain County General Health District
February 6, 2008

6. Case 07-REP-07-0101 International Association of EMT's and Paramedics, NAGE/SEIU and Vinton County Board of Commissioners
February 12, 2008

All parties have executed and have filed the appropriate Consent Election Agreements.

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

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 6 of 27

7. Case 07-REP-08-0110 Fraternal Order of Police, Ohio Labor Council, Inc. and Jefferson County Sheriff

The Employee Organization has filed an Opt-In Request for Recognition seeking to represent certain employees of the Employer, and to add them to an existing Board-certified unit. The substantial evidence is sufficient. No objections have been filed. The Employer has complied with the posting requirements.

Board Member Verich moved that the Board certify the Employee Organization as the exclusive representative of all employees subject to the request, and add them to the Employee Organization's existing unit. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

8. Case 07-REP-11-0164 Chesapeake Local Teachers Association, OEA/NEA and Chesapeake Union Exempted Village School District Board of Education

9. Case 07-REP-11-0172 Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2832, AFL-CIO and Hocking County Department of Job and Family Services

The parties have jointly filed Petitions for Amendment of Certification to reflect certain negotiated changes. The proposed amendments appear appropriate.

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

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 7 of 27

10. Case 07-REP-11-0153 Fraternal Order of Police, Lodge #133 and City of Lebanon

Fraternal Order of Police, Lodge #133 (Lodge #133) is the Board-certified exclusive representative of certain employees of the Employer. Lodge #133 has filed a Petition for Clarification of Bargaining Unit seeking to clarify that it is the exclusive representative of certain employees of the Employer. The Employer has filed a letter stating it does not oppose the clarification. The Fraternal Order of Police, Ohio Labor Council, Inc. has filed a position statement advising that although the Board directive for Case 06-REP-04-0063 lists Fraternal Order of Police, Ohio Labor Council, Inc. as the exclusive representative, the employee organization has not changed. Lodge #133 is still the exclusive representative of the employees in question.

Lodge #133 was certified as the exclusive representative of the employees in question in Case No. 1984-VR-04-0281. The position of Head Dispatcher was added to the existing bargaining unit in Case No. 06-REP-04-0063, and Ohio Labor Council, Inc. was cited as the employee organization. This listing was an error on SERB's part. The proposed clarification correcting the employee organization is appropriate.

Board Member Verich moved that the Board approve the Petition for Clarification of Bargaining Unit and clarify the unit accordingly. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

11. Case 07-REP-09-0141 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Lucas County Auditor

Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO (Ohio Council 8) filed a Request for Recognition seeking to represent certain employees of the Employer. The United Autoworkers International Union (UAW) filed timely objections to the request, asserting that the Employer is already party to a collective bargaining agreement that covers the employees in the proposed bargaining unit. The Board directed the case to hearing to determine an appropriate bargaining unit and for all other relevant issues; the Board directive had not been issued yet. Ohio Council 8 has now filed a motion to withdraw the request.

Board Member Verich moved that the Board grant the motion and dismiss without prejudice the Request for Recognition. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 8 of 27

12. Case 07-REP-11-0156 Fraternal Order of Police, Ohio Labor Council, Inc. and Greater Cleveland Regional Transit Authority

The Employee Organization has filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer has filed objections. The Employee Organization has now filed a motion to withdraw the request.

Board Member Verich moved that the Board grant the motion and dismiss without prejudice the Request for Recognition. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

13. Case 07-REP-11-0157 Willoughby Hills Fire Fighters, I.A.F.F. Local 3149 and City of Willoughby Hills

The parties have jointly filed a Petition for Clarification of Bargaining Unit seeking to clarify the existing unit to add the rank of Captain. Ohio Administrative Code Rule 4117-5-01(E)(1) and (2) provides for amendment of certification to alter the composition of a bargaining unit by adding, deleting, or change in terminology of the bargaining unit description. It further provides for a petition for clarification to determine whether a particular group of employees already is included in or excluded from the unit based upon the unit description and the duties performed by the employees in question. Unit clarification does not alter the status quo, but rather maintains it. The Petition for Clarification of Bargaining Unit is not the appropriate vehicle to include the position of Captain. Dismissal of the petition appears appropriate.

Board Member Verich moved that the Board dismiss the Petition for Clarification of Bargaining Unit. Chairman Mayton seconded the motion and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 9 of 27

14. Case 05-REP-07-0102 Ohio Patrolmen's Benevolent Association and City of Englewood

The Employee Organization is the Board-certified exclusive representative for Full-time and Part-time Dispatchers employed by the Employer. The Employee Organization has filed a Notice of Disclaimer of Interest. The parties confirm a contract does not exist for these units.

Board Member Verich moved that the Board construe the Notice of Disclaimer of Interest as a motion to revoke certification, grant the motion, and revoke the Employee Organization's certification. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

15. Case 07-REP-08-0113 Fraternal Order of Police, Ohio Labor Council, Inc. and Delaware County Sheriff's Office

- There were 8 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 8 votes and prevailed in this election.

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

- There were 8 ballots cast
- There were 0 challenged ballots
- No Representative received 3 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 5 votes and prevailed in this election.

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 10 of 27

17. Case 07-REP-07-0109 Fraternal Order of Police, Ohio Labor Council, Inc. and International Union of Police Associations, AFL-CIO, Local 150 and Allen County Sheriff

- There were 64 ballots cast
- There were 0 challenged ballots
- No Representative received 1 vote
- International Union of Police Associations, AFL-CIO, Local 150 received 26 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 37 votes and prevailed in this election.

18. Case 07-REP-02-0029 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Clark County Department of Job and Family Services

- There were 198 ballots cast
- There were 0 challenged ballots
- No Representative received 87 votes
- Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO received 111 votes and prevailed in this election.

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

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

19. Cases 07-REP-09-0139 Sheet Metal Workers International Association Local Union #33, of Northern Ohio, AFL-CIO and Teamsters Local Union No. 436, affiliated with the International Brotherhood of Teamsters and Ohio Turnpike Commission
07-REP-09-0140

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 11 of 27

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 03-ULP-06-0300 SERB v. Twinsburg City School District Board of Education

On December 2, 2005, SERB issued its Order in this case, denying the motion to dismiss filed by Respondent; adopting the Findings of Fact and Conclusions of Law in the Administrative Law Judge's Proposed Order, finding that Respondent violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5) when it implemented its "last, best, and final" offer prior to reaching ultimate impasse; and issue a cease-and-desist order, with a Notice to Employees, requiring Respondent to take certain actions.

On December 19, 2005, Respondent filed its notice of appeal with the Court of Common Pleas of Summit County, Ohio. The common pleas court affirmed SERB's order. Respondent appealed to the court of appeals. The Court of Appeals of Summit County affirmed the common pleas court's decision. Respondent appealed to the Ohio Supreme Court. On August 29, 2007, the Ohio Supreme Court announced its decision declining jurisdiction and dismissing the discretionary appeal.

On December 23, 2005, Respondent had filed a motion to clarify SERB's order. A joint response was filed by Complainant and Intervenor. Respondent filed a surreply to the joint response. Intervenor filed a surreply to Respondent's surreply. Because Respondent had properly filed its notice of appeal at the time it filed its motion, SERB was without jurisdiction to rule on the motion at that time.

Board Member Verich moved that the Board direct this matter to a hearing before the administrative law judge on the issues raised in the motion, response, and surreplies, and for all other relevant matters. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 12 of 27

2. Case 05-ULP-05-0296 SERB v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

On November 30, 2007, the Board issued its Order in this case. The Board adopted the Findings of Fact, Analysis and Discussion, and Conclusions of Law in the Administrative Law Judge's Proposed Order, finding that Respondent violated Ohio Revised Code § 4117.11(B)(6) when Respondent arbitrarily failed to timely process the Charging Party's grievance, and issued a cease-and-desist order with a Notice to Employees requiring Respondent to take certain actions. On December 13, 2007, Respondent filed a notice of appeal with the Court of Common Pleas of Franklin County, Ohio.

On December 19, 2007, Respondent filed with the Board a motion for clarification of its Order. Counsel for the Complainant filed a reply that opposed the motion because the Board has been divested of jurisdiction through the filing of the notice of appeal.

Board Member Verich moved that the Board deny the motion for clarification. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

3. Case 07-ULP-07-0381 City of Troy v. Troy Police Officers Association

4. Case 06-ULP-05-0220 SERB v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 227

Board Member Verich moved that the Board approve and adopt the settlement agreement, construe the Charging Party's letter as a motion to withdraw and the settlement agreement as a motion to dismiss, grant the motions, dismiss the complaint, and dismiss with prejudice the unfair labor practice charges. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 13 of 27

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 07-ULP-09-0516 Harrison Hills Teachers' Association,
OEA/NEA v. Harrison Hills City School
District Board of Education

Board Member Verich moved that the Board table this matter. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

2. Case 07-ULP-10-0517 Metro Regional Transit Authority v. Inter-
national Association of Machinists and
Aerospace Workers, Local Lodge 1363

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(B)(1), (5), and (8) by encouraging employees to refuse to perform services. Information gathered during the investigation revealed an employee posted a sign on his toolbox containing a statement to boycott overtime. No information was provided to show Charged Party encouraged employees to boycott overtime, or encouraged employees to refuse to perform services. Charging Party failed to provide sufficient information to support the Ohio Revised Code § 4117.11(B)(1) or (5) allegations.

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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

3. Case 07-ULP-10-0530 Trimble Local Teachers Association,
OEA/NEA v. Trimble Local School District
Board of Education

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally requiring teachers to utilize an internet-grading service known as eSIS. Information gathered during the investigation revealed the change in requiring the use of the eSIS grading service had a material influence on terms and conditions of employment. Charged Party had an obligation to negotiate the changes with Charging Party.

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 14 of 27

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 Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally requiring teachers to utilize an internet-grading service known as eSIS, and direct the parties to ULP mediation. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

4. Case 07-ULP-10-0533 Dana Waters-Lara v. Montgomery County Board of Mental Retardation and Developmental Disabilities

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by terminating Charging Party in retaliation for filing a grievance. Information gathered during the investigation revealed Charging Party was a public employee who was involved in protected activities with the knowledge of Charged Party. Charged Party provided sufficient information to show that the termination was not related to 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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

5. Case 07-ULP-10-0544 Mason City School District Board of Education v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(B)(1), (2), and (3) by disseminating inaccurate information during an informational picket. Information gathered during the investigation revealed the flyer disseminated during the informational picketing amounted to “an act of free expression” and did not constitute 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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 15 of 27

6. Case 07-ULP-10-0550 Fraternal Order of Police, Ohio Labor Council, Inc. v. Hamilton County Sheriff

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by discriminating against Shawn Krommer in retaliation for his exercise of guaranteed rights. Information gathered during the investigation revealed it did not appear that either the weigh-in or the counseling letter amounted to any harm. Charging Party has not established a prima facie case. Charged Party provided sufficient information to show that its actions were not related to 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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

7. Case 07-ULP-10-0563 Fraternal Order of Police, Ohio Labor Council, Inc. v. Hamilton County Sheriff

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by issuing a warning to employees to not “get involved with the Union.” Information gathered during the investigation revealed Charging Party failed to provide any information to support the Ohio Revised Code § 4117.11(A)(1), (2), and (3) allegations. Knowledge of the alleged “warning” in February 2007, occurred more than 90 days before the charge was filed with the Board. No mitigating circumstances existed that warranted 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 Charged Party, and as untimely filed. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 16 of 27

8. Case 07-ULP-11-0569 City of Cleveland v. Municipal Construction
Equipment Operators' Labor Council

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(B)(2) and (3) by engaging in bad-faith bargaining. Information gathered during the investigation revealed the allegations did not rise to the level of a violation of the statute. Charged Party attempted to obtain release time for its President and Secretary, who were not in the bargaining unit. The parties continued to negotiate.

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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

9. Case 07-ULP-11-0570 Municipal Construction Equipment
Operators' Labor Council v. City of
Cleveland

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (2) by interfering with employee rights and Charging Party's administration. Information gathered during the investigation revealed the allegations did not rise to the level of a violation of the statute. Charging Party attempted to obtain release time for its members and were informed that the employees not included in the bargaining unit would receive unpaid release time that could be compensated through other forms of paid time off (i.e., vacation or personal days). The parties continued to negotiate.

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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 17 of 27

10. Case 07-ULP-09-0503 Wickliffe Fire Fighters, Local 1536, IAFF v. City of Wickliffe

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing a change in health-care provider during negotiations for a successor agreement. Information gathered during the investigation revealed Article 23 of the parties' negotiated agreement did not appear to permit Charged Party to change health-insurance providers. Charging Party had filed a grievance containing the same allegations as the unfair labor practice charge. The matter appeared to be strictly contractual encompassing no arguable statutory violation, and should be best addressed through the parties' final and binding grievance/arbitration 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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

11. Case 07-ULP-10-0526 Jeffrey Appleton v. City, County and Waste Paper Drivers Union Local 244, IBT and Gerald Williams

The unfair labor practice charge alleged Charged Parties violated Ohio Revised Code § 4117.11(B)(3) and (6) by failing to bargain with the City regarding rates of pay and pay adjustments. Charged Parties filed a Motion to Stay the Investigation pending the outcome of Case 06-REP-12-0171, which is currently in hearing. Information gathered during the investigation revealed Charged Parties informed Charging Party they were awaiting the outcome of the representation case prior to negotiating the terms of a successor agreement. Charging Party failed to provide any information to show Charged Parties' actions were arbitrary, discriminatory, or in bad faith.

Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by Charged Parties, and deny Charged Parties' motion to stay as moot. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 19 of 27

14. Case 07-ULP-10-0545 Kevin Kendall v. State of Ohio, Department of Public Safety

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(3) and (8) by offering him a different settlement than one offered to the other parties in the "et al" grievance. Information gathered during the investigation revealed Charging Party is a public employee, and he failed to provide sufficient information to show he was involved in any protected activity prior to being a party to the grievance, or how Charged Party's settlement offer had an adverse effect on his employment. Charging Party failed to establish a prima facie case of discrimination. Prior to the settlement offer, Charging Party received a new position in a different agency at the same rate of pay as the position for which the grievance was filed. Charging Party failed to provide sufficient information 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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

15. Case 07-ULP-10-0546 Kevin Kendall v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, William Anthony, and John Gersper

The unfair labor practice charge alleged Charged Parties violated Ohio Revised Code § 4117.11(B)(1) and (6) by withdrawing his grievance. Information gathered during the investigation revealed Charged Parties' actions were not arbitrary, discriminatory, or in bad faith when they did not take Charging Party's grievance to arbitration. Charged Parties' arbitration committee decided, based on the merits, not to advance Charging Party's grievance. Charged Parties are not required to obtain Charging Party's consent prior to settling a grievance.

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 Charged Parties. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 20 of 27

16. Case 07-ULP-10-0547 Continental Education Association,
OEA/NEA v. Continental Local School
District Board of Education

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to bargain in good faith and dealing directly with bargaining-unit members. Information gathered during the investigation revealed the Superintendent's September 7, 2007 letter, contained copies of Charged Party's proposals along with a list of all bargaining-unit members' projected salary increases. The letter invited the members to discuss "any of these items." The Superintendent's October 2, 2007 letter, lists the terms of any future negotiations, including a change in Charging Party's lead negotiator. It appeared the actions of the Superintendent may have disparaged the credibility of the Union and caused dissent in the membership by inviting members to speak directly to him regarding bargaining issues. Charged Party may have engaged in bad faith bargaining by stipulating the conditions under which Charged Party's team would continue negotiations.

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 Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by directly dealing with bargaining-unit members and bargaining in bad faith, and direct the parties to ULP mediation. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

17. Cases 07-ULP-06-0267 Huayang S. Cui v. State of Ohio,
07-ULP-06-0268 Department of Rehabilitation and
07-ULP-09-0439 Correction, London Correctional Institution

The unfair labor practice charges alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by giving him a written reprimand for engaging in protected activities, placing him on administrative leave for engaging in protected activities, terminating him for engaging in protected activities, and failing to provide requested information. Information gathered during the investigation revealed Charged Party's actions were unrelated to Charging Party having engaged in protected activity. Charging Party's termination was for insubordination and not for protected activities.

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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 21 of 27

18. Case 07-ULP-07-0337

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

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(B)(2) and (B)(3) by inviting its members and the public to communicate directly with Charging Party regarding negotiations. Information gathered during the investigation revealed the e-mails sent to the Superintendent and/or Board Member did not rise to the level of a violation. The e-mails did not appear to contain specific bargaining information, and appear to only be individuals' opinions about the negotiations. The referenced individuals are not officers or bargaining-team members of Charged Party. Additionally, it did not appear Charged Party's actions caused or attempted to cause Charging Party to commit a violation.

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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

19. Case 07-ULP-07-0340

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

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11. Information gathered during the investigation revealed the events giving rise to the charge occurred more than 90 days before the filing of the charge with the Board. No mitigating circumstances existed that warranted equitable tolling of the statute of limitations.

Board Member Verich moved that the Board dismiss the charge with prejudice as untimely filed. Chairman Mayton seconded the motion, and called for discussion. Chairman Mayton asked Labor Relations Administrator Dory McClendon if this was the last case open with these parties. Ms. McClendon replied no as there are a few reconsideration cases open. Chairman Mayton called for the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 22 of 27

20. Case 07-ULP-08-0433 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local #070 v. Mason City School District Board of Education

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by contracting out bargaining-unit work. Information gathered during the investigation revealed Charged Party failed to respond to SERB's written information requests. Charged Party subcontracted the changing of light bulbs without bargaining the change with Charging Party. Charging Party failed to provide information to support the § 4117.11(A)(3) allegation. No harm was alleged to have occurred such as layoffs and reduction in hours due to the alleged subcontracting.

Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate with Case No. 07-ULP-09-0488, coordinate with Case Nos. 06-ULP-10-0526, 06-ULP-11-0594, 07-ULP-02-0062, 07-ULP-04-0166, and 07-ULP-06-0272, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine if Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (3), by contracting out bargaining-unit work. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

21. Case 07-ULP-08-0409 International Union, United Automobile, Aerospace, Agricultural Implement Workers of America, UAW v. Lucas County Auditor

Board Member Verich moved that the Board table this matter. Chairman Mayton seconded the motion and called for discussion and the vote.

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

22. Case 07-ULP-12-0635 Cambridge City School District Board of Education v. Cambridge Education Association, OEA/NEA

23. Case 07-ULP-10-0555 Transport Workers Union of America, Local 1 v. Metro Regional Transit Authority

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

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 23 of 27

24. Case 07-ULP-05-0208 Civil Service Personnel Association, Inc.
(CSPA) v. City of Akron

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing a bargaining-unit employee's scheduled hours of work.

On September 20, 2007 the Board retained jurisdiction and deferred the charge for resolution through the grievance-arbitration procedure in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92).

On November 8, 2007, Charging Party filed a Motion to Reconsider/Vacate Deferral to Arbitration. On November 28, 2007, Charged Party responded to the Motion to Reconsider/Vacate Deferral to Arbitration. It appears that a grievance was not pending nor was one being pursued to arbitration. Upon further review, it did not appear that any statutory issue was present. The change in work schedule did not appear to have a material, substantial, or significant effect on wages, hours, terms or conditions of employment.

Board Member Verich moved that the Board grant the Motion to Vacate Deferral to Arbitration and, since a statutory issue is not present, dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

25. Case 07-ULP-10-0531 International Brotherhood of Teamsters,
Local 436 v. Ohio Turnpike Commission

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by providing the names and home addresses of all of the bargaining-unit employees represented by Charging Party to a rival union, and by refusing to negotiate a successor agreement. Information gathered during the investigation revealed Charged Party's release of the employees' information to a rival union was done in order to help ensure neither union had an advantage over the other during the organizing effort. The release of the information did not appear to have violated Ohio Revised Code § 4117.11(A)(2) violation. The investigation also revealed Charged Party prematurely cut off negotiations with Charging Party. Charged Party refused to bargain after the September 26, 2007 negotiation session. SERB did not grant the motion to stay negotiations until November 8, 2007.

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 24 of 27

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 Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (2), by refusing to continue negotiations with the exclusive bargaining representative because a rival union had filed Petitions for Representation Election, direct the parties to ULP mediation, and dismiss the allegation regarding the employee list for lack of probable cause. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

26. Case 07-ULP-11-0576 International Brotherhood of Teamsters, Local 436 v. Sheet Metal Worker's International Association, Local Union No. 33 of Northern Ohio, AFL-CIO

The unfair labor practice charge alleged Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (2) by causing or attempting to cause the Ohio Turnpike Commission to commit a violation when it requested a list of names and addresses of the employees represented by Charging Party. Information gathered during the investigation revealed Ohio Administrative Code Rule 4117-5-06(D) states in part that "no party should be given advantage over any other party in gaining access to employees during organizational or campaign activity." Information provided did not support the alleged Ohio Revised Code § 4117.11(B)(2) allegation. Charged Party's actions of requesting and obtaining names and home addresses of the employees in question did not cause the Ohio Turnpike Commission to commit a violation. No information was provided to support the Ohio Revised Code § 4117.11 (B)(1) 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 Charged Party. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 25 of 27

VI. ADDITIONAL REPRESENTATION MATTERS AT ISSUE:

- | | |
|---|--|
| 1. Cases 07-REP-09-0139
07-REP-09-0140 | <u>Sheet Metal Workers International Association Local Union #33, of Northern Ohio, AFL-CIO and Teamsters Local Union No. 436, affiliated with the International Brotherhood of Teamsters and Ohio Turnpike Commission</u> |
|---|--|

The Rival Employee Organization filed Petitions for Representation Election seeking to displace the Incumbent Employee Organization. The showing of interest is sufficient for each case. A conference call had been conducted for the purpose of setting up elections. The Incumbent Employee Organization was not willing to consent to an election until the Board had acted on two pending Unfair Labor Practice charges (Case Nos. 07-ULP-10-0531 and 07-ULP-11-0576) that were filed regarding issues surrounding the instant Petitions for Representation Election. The Unfair Labor Practice matters were before the Board today as Items 25 and 26.

The Incumbent Employee Organization has also filed motions to dismiss the instant Petitions for Representation Election. The Incumbent Employee Organization maintains the Employer unlawfully assisted the Rival Employee Organization by providing the names and home addresses of all employees in the proposed bargaining units. The Incumbent Employee Organization further maintains that because the Employer and Rival Employee Organization have engaged in conduct that tainted the required showing of interest, and that SERB has adopted the National Labor Relations Board's view with regard to blocking charges and the invalidity of showings of interest when they are unlawfully obtained [*In re Lazenby*, SERB HO 1992-HO-007 (2-27-92)], the instant petitions must be dismissed. The Rival Employee Organization filed a Memorandum in Opposition to the motions to dismiss.

It must be noted that the Board did not adopt a blocking charge rule in *In re Lazenby*, SERB HO 1992-HO-007 (2-27-92). Because of the Board's actions today in Case Nos. 07-ULP-10-0531 and 07-ULP-11-0576, denying the motions to dismiss and directing elections appears appropriate.

Board Member Verich moved that the Board deny the motions to dismiss and direct elections to be conducted at times, dates, and places to be determined by the Representation Section in consultation with the parties. Chairman Mayton seconded the motion and called for discussion. Chairman Mayton asked about the relevance of the *Lazenby* citation. General Counsel Russ Keith noted that the Administrative Law Judge (ALJ) had briefly discussed it at the end of the Proposed Order. Chairman Mayton noted that the ALJ's Proposed Order was not adopted and pondered why it was heavily cited. General Counsel Keith agreed that it was not a key issue in the case. He also noted that the Incumbent Employee Organization represents both private and public organizations and may not have realized how it was applied in the public sector and the rule. Chairman Mayton called for the vote.

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

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 26 of 27

VII. ADMINISTRATIVE MATTERS:

1. Appointment of Acting Executive Director

Due to the resignation of Executive Director Arthur J. Marziale, Jr., J.D., effective January 19, 2008, the appointment of an Acting Executive Director took place.

Board Member Verich moved that the Board appoint J. Russell Keith, General Counsel and Assistant Executive Director, to serve as Acting Executive Director effective January 20, 2008, and to serve until such time as the Board appoints an Executive Director. Chairman Mayton seconded the motion, and called for discussion and the vote.

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

Chairman Mayton at this time read the following proposed Resolution:

Ohio State Employment Relations Board

Arthur J. Marziale, Jr.

Whereas, Executive Director Arthur J. Marziale, Jr. is leaving SERB to accept the position of Director of Legal Resources for the Ohio Supreme Court, and

Whereas, he has during his tenure directed the work of the agency expertly and well, helping the agency to achieve high productivity in a time of significant budget reductions, and,

Whereas, he has performed his duties with exemplary professionalism, earning the respect, admiration, and affection of the staff, working closely with them to realize such major service improvements as on-line access to collective bargaining agreements and publications, and,

Whereas, the State Employment Relations Board desires to recognize the faithful and exceptional service Arthur J. Marziale, Jr. has given to this agency and to the people of Ohio since his appointment as SERB Executive Director May 1, 2006,

Now, Therefore, Be It Resolved That: We, the members of the State Employment Relations Board, in adopting this resolution recognize our colleague and friend Arthur J. Marziale, Jr. for his outstanding service to the citizens of Ohio and convey our gratitude and our congratulations in his new position.

Whereunto we have set our hands and seal this Tenth Day of
January, 2008.

Craig R. Mayton, J.D. Chairman

Michael G. Verich, J.D. Member

State Employment Relations Board
Board Meeting Minutes
January 10, 2008
Page 27 of 27

Board Member Verich moved that the Board adopt the resolution. Chairman Mayton seconded the motion and thanked Executive Director Marziale for all of his hard work throughout his time at SERB. He also thanked him for the excellent job he did working with the media with their calls to the agency, along with his work on the Health Care report the agency produces each year. Chairman Mayton mentioned that he had known and worked with Executive Director Marziale at the Attorney General's Office and what an asset he was there, and here at SERB, and he enjoyed working with him throughout the years. Board Member Michael Verich also thanked Executive Director Marziale for his hard work keeping the agency on track, keeping the composure of the agency at a great level especially with budget cuts, and helping everyone at SERB to work as a team. Board Member Verich said he will miss working with Executive Director Marziale. Chairman Mayton then called for the vote

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

Executive Director Art Marziale thanked Chairman Mayton, Board Member Verich, and former Vice Chairman Karen Gillmor for the opportunity to work with the Board, and for the privilege and honor of working with a fine and exemplary staff here at SERB. He will not forget his time at SERB, and the friends he has made.

VIII. ADJOURNMENT:

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

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

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