

State Employment Relations Board

Board Meeting Minutes  
August 18, 2011

The State Employment Relations Board met on August 18, 2011, at 10:00 a.m., at 65 East State Street, 12<sup>th</sup> Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher, Vice Chair Robert F. Spada, and Board Member N. Eugene Brundige.

**I. APPROVAL OF MINUTES FOR THE JULY 21, 2011 BOARD MEETING:**

Vice Chair Spada moved that the Board approve the minutes for the July 21, 2011 Board meeting. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

**II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:**

There are no mediation matters for this Board Meeting.

**III. REPRESENTATION MATTERS AT ISSUE:**

1. Case 2010-REP-02-0035 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Tuscarawas County Engineer

You have before you Ms. Stevenson's memorandum and recommendation for your review.

Board Member Brundige moved that the Board dismiss the Petition for Amendment of Certification in Case No. 2010-REP-02-0035, pursuant to O.R.C. § 4117.06. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

2. Case 2011-REP-05-0050 Teamsters Local Union 637 affiliated with the International Brotherhood of Teamsters and Jackson County EMS  
(August 30, 2011 – September 12, 2011)
3. Cases 2011-REP-06-0057 Ohio Patrolmen's Benevolent Association and  
2011-REP-06-0058 City of Waterville  
(August 30, 2011 – September 12, 2011)
4. Case 2011-REP-06-0059 Ohio Patrolmen's Benevolent Association and  
Lake County Sheriff's Non Commission  
Sergeants & Lieutenants Association and Lake  
County Sheriff's Office  
(August 30, 2011 – September 12, 2011)
5. Cases 2011-REP-07-0064 Ohio Council 8, American Federation of State,  
2011-REP-07-0065 County and Municipal Employees, AFL-CIO and  
City of Pepper Pike  
(August 30, 2011 – September 12, 2011)

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All parties have executed and filed the appropriate Consent Election Agreements seeking mail-ballot elections.

Vice Chair Spada moved that the Board approve the Consent Election Agreements and direct mail-ballot elections to be conducted during the polling periods indicated. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

6. Case 2011-REP-05-0052 Ohio Association of Public School Employees/AFSCME 4, AFL-CIO and Local 006 and Jackson County Board of Developmental Disabilities

The Employer filed a Petition for Clarification of Bargaining Unit. The Employee Organization responded by filing a position statement opposing the clarification. A conference call was conducted. The parties have jointly filed a Petition for Amendment of Certification resolving all disputed issues. The proposed amendment appears appropriate.

Board Member Brundige moved that the Board approve the jointly filed Petition for Amendment of Certification and amend the unit accordingly. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

7. Case 2011-REP-07-0067 Shaker Heights Fire Union Local 516 and City of Shaker Heights

8. Case 2011-REP-08-0071 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Moraine

The parties jointly filed Petitions for Amendment of Certification. The proposed amendments appear appropriate.

Vice Chair Spada moved that the Board approve the jointly filed petitions and amend the units accordingly. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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9. Cases 2010-REP-03-0053 Youngstown State University Association of Professional & Administrative Staff (YSU-APAS)(OEA/NEA) and Youngstown State University  
2010-REP-04-0060

Board Member Brundige moved that the Board, without rendering any judgment on the merits, order the parties to pre-determination mediation for a period not to exceed thirty (30) days with instructions to the mediator to report back to the Board at the conclusion of the mediation or the mediation period, whichever occurs first, authorize the assigned mediator, after consultation with the parties to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

10. Cases 2010-REP-03-0052 Youngstown State University Association of Classified Employees (YSU-ACE)(OEA/NEA) and Youngstown State University  
2010-REP-04-0061  
2010-REP-04-0069  
2011-REP-04-0030

Vice Chair Spada moved that the Board, without rendering any judgment on the merits, order the parties to pre-determination mediation for a period not to exceed thirty (30) days with instructions to the mediator to report back to the Board at the conclusion of the mediation or the mediation period, whichever occurs first, authorize the assigned mediator, after consultation with the parties to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated, and coordinate the mediation of these cases with Case Nos. 2010-REP-03-0053 and 2010-REP-04-0060. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

11. Case 2011-REP-02-0012 Ohio Patrolmen's Benevolent Association and City of Brookville

The Employee Organization filed a Request for Recognition. The Employer responded by filing objections. The Board directed the case to pre-determination mediation which was conducted on June 7, 2011. On June 30, 2011, the Board ordered the parties immediately to Representation mediation. On July 14, 2011, the Employee Organization filed a motion to withdraw the request.

Board Member Brundige moved that the Board grant the Employee Organization's motion to withdraw, and dismiss without prejudice the Request for Recognition. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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12. Case 2010-REP-10-0185 Ohio Patrolmen's Benevolent Association and City of Olmsted Falls

The Employee Organization filed a Petition for Clarification of Bargaining Unit. The Employer responded by filing a position statement opposing the clarification. A conference call was conducted. The case has been mediated by the Representation Section. The Employee Organization has now filed an e-mail withdrawing the clarification.

Vice Chair Spada moved that the Board construe the e-mail as a motion to dismiss, grant the motion, and dismiss without prejudice the Petition for Clarification of Bargaining Unit. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

13. Case 2010-REP-05-0096 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and The State of Ohio, Office of Collective Bargaining

The Employee Organization filed an amended Petition for Amendment of Certification. The Employer responded by filing objections. The parties filed a letter stating they were actively working on resolving all issues. The Representation Section has conducted two mediation sessions with the parties. The Employee Organization has now filed a motion to withdraw the amendment.

Board Member Brundige moved that the Board grant the Employee Organization's Motion to Withdraw, and dismiss without prejudice the Petition for Amendment of Certification. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

14. Cases 2010-REP-05-0098 Ohio Civil Service Employees Association,  
2010-REP-05-0099 AFSCME Local 11, AFL-CIO and The State of Ohio, Office of Collective Bargaining

Vice Chair Spada moved that the Board table this matter. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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15. Case 2011-REP-02-0015 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Orange City School District Board of Education
16. Case 2011-REP-01-0006 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Bellaire Public Library

Board Member Brundige moved that the Board , without rendering any judgment on the merits, order the parties to pre-determination mediation for a period not to exceed thirty (30) days with instructions to the mediator to report back to the Board at the conclusion of the mediation or the mediation period, whichever occurs first, authorize the assigned mediator, after consultation with the parties to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

17. Case 2011-REP-01-0005 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Madison Local School District Board of Education

The Employee Organization filed a Request for Recognition. The Employer responded by filing objections. A conference call has been conducted. The Board directed the case to pre-determination mediation. Mediation has been conducted by the Representation Section. The parties dispute actual duties performed by the Assistant to the Treasurer and the two (2) secretaries to the Assistant Superintendent.

Vice Chair Spada moved that the Board direct the matter to a non-oral hearing before the State Employment Relations Board to determine an appropriate bargaining unit and for all other relevant issues, date and time of the prehearing and for the submission of stipulations, documents, and briefs to be determined by the Office of General Counsel after consultation with the parties. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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18. Case 2011-REP-04-0024 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Marion County Sheriff's Office
- There were 3 valid ballots cast
  - There were 0 void ballots
  - There were 0 challenged ballots
  - No Representative received 0 votes
  - Fraternal Order of Police, Ohio Labor Council, Inc. received 1 vote
  - Ohio Patrolmen's Benevolent Association received 2 votes and prevailed in this election.
19. Case 2010-REP-09-00152 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Lodge 23 and City of Shaker Heights  
(Patrolmen & Detectives)
- There were 35 valid ballots cast
  - There were 0 void ballots
  - There was 1 challenged ballot
  - No Representative received 0 votes
  - Ohio Patrolmen's Benevolent Association received 2 votes
  - Fraternal Order of Police, Lodge 23 received 33 votes and prevailed in this election.
20. Case 2010-REP-09-00153 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Lodge 23 and City of Shaker Heights  
(Sergeants & Lieutenants)
- There were 9 valid ballots cast
  - There were 0 void ballots
  - There were 0 challenged ballots
  - No Representative received 0 votes
  - Ohio Patrolmen's Benevolent Association received 0 votes
  - Fraternal Order of Police, Lodge 23 received 9 votes and prevailed in this election.
21. Case 2011-REP-05-0054 Chester Township Firefighters' Association and Chester Township, Geauga County
- There were 28 valid ballots cast
  - There were 0 void ballots
  - There were 0 challenged ballots
  - No Representative received 7 votes
  - Chester Township Firefighters' Association received 21 votes and prevailed in this election.

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Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes      SPADA: Yes      ZIMPHER: Yes  
Affirmed      X      Denied      \_\_\_\_\_

**IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:**

1. Case 2010-ULP-08-0320 SERB v. Parma City School District Board of Education

On August 23, 2010, the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Locals (“the Union”) filed an unfair labor practice charge against the Parma City School District Board of Education (“Charged Party” or “the School District”), alleging that the School District violated Ohio Revised Code (“O.R.C.”) §§ 4117.11(A)(1), (A)(3), (A)(5), and (A)(8) by unilaterally altering terms and conditions of employment during bargaining, and prior to impasse. On November 18, 2010, the State Employment Relations Board (“the Board” or “Complainant”) determined that probable cause existed to believe that Charged Party violated O.R.C. § 4117.11(A)(5) by unilaterally implementing a wage freeze for all non-teaching bargaining-unit employees, including steps of applicable salary schedules. On December 7, 2010, a Complaint was issued. On December 14, 2010, a motion to intervene was filed by Charging Party. The motion to intervene was granted.

A hearing was held before an Administrative Law Judge on January 6, 2011. The Administrative Law Judge issued a Proposed Order on March 7, 2011. Exceptions to the Proposed Order and responses to exceptions were timely and properly filed.

On June 2, 2011, the Union filed an unopposed motion to stay, requesting that the Board stay a ruling on this case until such time as the parties exhaust settlement possibilities. On June 16, 2011, the Board issued a Directive granting the motion to stay.

On July 19, 2011, the Union filed a motion to dismiss the unfair labor practice charges in Case No. 2010-ULP-08-0320 due to the parties having reached an agreement that resolved the charges.

Vice Chair Spada moved that the Board grant the motion to dismiss filed in Case No. 2010-ULP-08-0320 and dismiss with prejudice the unfair labor practice charges, Complaint, and Proposed Order therein. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes      SPADA: Yes      ZIMPHER: Yes  
Affirmed      X      Denied      \_\_\_\_\_

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2. Case 2011-ULP-03-0101 International Brotherhood of Teamsters, Local 20 v. City of Toledo

On March 30, 2011, the International Brotherhood of Teamsters, Local 20 (Union) filed an unfair labor practice charge against the City of Toledo (City), alleging that the City violated Ohio Revised Code (O.R.C.) 4117.11(A)(1) and (A)(5) by failing to bargain in good faith regarding the subcontracting out of bargaining-unit work. On June 30, 2011, the State Employment Relations Board (the Board) determined that probable cause existed for believing the City violated O.R.C. §§ 4117.11(A)(1) and (A)(5) by failing to bargain in good faith regarding the subcontracting out of bargaining-unit work. The Board referred the parties to the unfair labor practice mediation process. If the mediation process proved unsuccessful in resolving the parties' issues, the Board authorized the issuance of a complaint and directed the matter to hearing.

On July 28, 2011, the parties met for a mediation session. The mediation proved successful and the parties executed a Memorandum of Understanding (MOU) that resolved the issues involving the unfair labor practice charges in Case No. 2011-ULP-03-0101. Paragraph (5) of the parties' MOU states that, subject to approval to Toledo City Council and the parties, the parties agree to jointly petition SERB to dismiss Case No. 2011-ULP-03-0101.

On August 12, 2011, the parties filed a joint motion to withdraw the unfair labor practice charge in Case No. 2011-ULP-03-0101.

Board Member Brundige moved that the Board grant the motion to withdraw filed in Case No. 2011-ULP-03-0101 and dismiss with prejudice the unfair labor practice charge therein. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes      SPADA: Yes      ZIMPHER: Yes  
Affirmed      X                      Denied      \_\_\_\_\_

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3. Case 2011-ULP-03-0104 Ohio Nurses Association, American Nurses Association v. Ohio State University Medical Center

On March 31, 2011, Ohio Nurses Association, American Nurses Association (Union or Charging Party) filed an unfair labor practice charge against the Ohio State University Medical Center (University or Charged Party), alleging that the University violated Ohio Revised Code ("O.R.C.") §§ 4117.11(A)(1) and (A)(5) by threatening to abolish or replace registered nurse positions with other non-registered nurse, non-bargaining unit personnel during negotiations for an initial collective bargaining agreement.

On June 16, 2011, the State Employment Relations Board (the Board) determined that probable cause existed for believing the University violated O.R.C. §§ 4117.11(A)(1) and (A)(5) by threatening to abolish or replace registered nurse positions with other non-registered nurse, non-bargaining unit personnel during negotiations for an initial collective bargaining agreement. The Board referred the parties to the unfair labor practice mediation process. If the mediation process proved unsuccessful in resolving the parties' issues, the Board authorized the issuance of a complaint and directed the matter to hearing.

On July 21, 2011, the parties met for a mediation session. The mediation proved successful and the parties executed and filed a settlement agreement on July 21, 2011.

Vice Chair Spada moved that the Board construe the parties' settlement agreement as a motion to dismiss, grant the motion to dismiss, and dismiss with prejudice the unfair labor practice charge in Case No. 2011-ULP-03-0104. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

**V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:**

1. Case 2011-ULP-05-0150 Christopher J. Archer, et al. v. United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 3056

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to properly process the grievance. Information gathered during the investigation revealed Charged Party's actions do not appear to be arbitrary, discriminatory, or in bad faith in processing the grievance. Charged Party has advanced the grievance up to and including Step 4, and as of July 19, 2011, the grievance has been withdrawn by the International due to lack of merit.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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2. Case 2011-ULP-06-0160 Christian Platzar v. Chester Township Board of Trustees and Fire Chief John Wargelin

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by unjustly terminating him because of his union activity in an attempt to prevent the formation of an employee organization.

Information gathered during the investigation revealed it appears the Chief's actions taken together, created an atmosphere in which the Chief has interfered with the freedom of the employees to elect a representative. Charging Party has also established a prima facie case of discrimination. Charged Party did not provide a persuasive rebuttal to show Charging Party's termination was not based on anti-union animus.

Vice Chair Spada 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), (2), and (3) by terminating Charging Party due to his union activity in an attempt to prevent the formation of an employee organization, and direct the parties to expedited mediation to run concurrently with the expedited processing of the charge and complaint. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

3. Case 2011-ULP-06-0167 Service Employees, Maintenance Employees, Local 1 (SEME) v. City of Cleveland

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(1),(3),(5),(6) and (8) by failing to abide by the terms of a Settlement Agreement.

Information gathered during the investigation revealed Charged Party's actions do not appear to rise to the level of a statutory violation. Charging Party did not provide any information to show which of the 12 terms Charged Party was failing to complete. As part of the Agreement, Charged Party has approved Mr. Lubertazza's transfer, and his sick, vacation, and OPERS credit will be adjusted when his transfer is in place. The matter appears moot. Charging Party did not provide sufficient information or documentation to support the (A)(1), (3), (5), (6), and (8) allegations.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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4. Case 2011-ULP-06-0173 Hancock County Sheriff v. Ohio Patrolmen's Benevolent Association

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(3) by attempting to increase the "longevity language" without contractual support by using the grievance process.

Information gathered during the investigation revealed the matter appears to be purely contractual with no arguable statutory violation. Charging Party confirmed that the chart contained in Article 21.2 "gives a slightly misleading picture of the calculation." The matter appears to be best addressed by an arbitrator who may be able to clarify the parties' interpretation of the contract language. Charging Party did not provide sufficient information to show how Charged Party bargained in bad faith.

Vice Chair Spada 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. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

5. Case 2011-ULP-06-0175 David M. Cochrun v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 1632

The unfair labor practice charge alleged that Charged Parties violated Ohio Revised Code § 4117.11(B)(6) by failing to properly represent him regarding his termination.

Information gathered during the investigation revealed Charged Parties' actions did not appear to be arbitrary, discriminatory, or in bad faith during its representation of Mr. Cochrun. Charged Parties represented Charging Party at his disciplinary hearing and advised him to resign in place of being terminated. Charging Party did not provide any information to show he filed a grievance or requested Charged Parties to file a grievance on his behalf.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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6. Case 2011-ULP-06-0179 Randy Ross v. Ottawa County Sanitary Engineer's Office

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by unjustly forcing him to resign.

Information gathered during the investigation revealed Charging Party did not provide sufficient information to show he was engaged in any protected activity at the time of his resignation. Charging Party has failed to establish a prima facie case of discrimination. Had a prima facie case been established, Charged Party provided a persuasive rebuttal to show that Charging Party chose to resign in order to avoid criminal prosecution for the theft of County property. Charging Party did not provide sufficient information or documentation to support the (A)(1) allegation.

Vice Chair Spada 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. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

7. Case 2011-ULP-06-0189 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 770 v. Windham Exempted Village School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), and (8) by failing to bargain in good faith within the original parameters agreed to by the parties.

Information gathered during the investigation revealed it does not appear Charged Party bargained in bad faith when it withdrew an August 2010 proposal due to a change in its financial condition. It also does not appear Charged Party bargained in bad faith when, in April 2011, it submitted additional proposals for Charging Parties consideration. Charged Party advised Charging Parties that if any of the new proposals were considered to be a problem, it would withdraw the proposal. Charging Parties did not provide sufficient information to show it requested Charged Party to withdraw any of the new proposals or made any counter-proposals. Charging Parties did not provide sufficient information or documentation to support the (A)(1) and (8) allegations.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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8. Case 2011-ULP-07-0191 John Hawk v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 1846

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11 (B)(6).

Information gathered during the investigation revealed that the charge was filed on July 1, 2011. Charging Party was notified in writing on July 6, 2011, that a dismissal recommendation would be made to the Board unless information and/or allegations were provided to toll the statute of limitations. The unfair labor practice charge does not appear to be timely filed. Using the March 1, 2011, , the charge should have been filed on or before May 1, 2011. Charging Party was afforded until July 19, 2011 to provide the information in the form of an amended unfair labor practice charge. On July 26, 2011, Charging Party filed an amended charge, but the amended charge did not provide any additional information or documentation to toll the statute of limitations.

Vice Chair Spada moved that the Board dismiss the charge with prejudice as untimely filed. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

9. Case 2011-ULP-05-0136 Portage County Educators Association for the Mentally Retarded, Group A v. Portage County Board of Mental Retardation and Developmental Disabilities

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by assigning bargaining-unit work to nonbargaining-unit employees. Information gathered during the investigation revealed that despite Charged Party's claim that its actions do not constitute subcontracting, it appears the agreement entered into with Portage Industries removes bargaining-unit work from bargaining-unit employees. Charged Party had an obligation to negotiate with Charging Party regarding its decision. Furthermore, Charged Party's actions appear to interfere with the effect on the employees' rights.

Board Member Brundige moved that the Board find probable cause to believe an unfair labor practice has been committed, order the parties immediately to ULP mediation for a period not to exceed 45 days, authorize the assigned mediator, after consultation with the parties, to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. If the mediation is unsuccessful, authorize the issuance of a complaint and refer the matter to hearing to determine if Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally assigning food service duties that have historically been performed by Charging Party's bargaining unit to a nonbargaining-unit member. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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10. Case 2011-ULP-05-0151 Hugh P. Gaughan v. National Conference of Firemen & Oilers, Local 860, SEIU and Richard Luzier

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by interfering with his rights.

Information gathered during the investigation revealed Charging Party did not provide any information to support the (B)(1) and (6) allegations.

Vice Chair Spada 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. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

11. Case 2011-ULP-06-0154 Ohio Patrolmen's Benevolent Association v. Delaware County Sheriff

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against Deputy James Miller for engaging in protected activity.

Information gathered during the investigation revealed Charging Party has failed to establish a prima facie case of discrimination. Despite Charging Party's claim that Deputy Miller was reassigned immediately following the filing of a grievance, Article 8 of the parties' agreement authorizes the Sheriff to make temporary assignments up to six months to assure deputies are cross-trained. Deputy Miller was not transferred, but temporarily reassigned. Deputy Miller will be stationed back in the Courthouse upon completion of his cross-training assignment.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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12. Case 2011-ULP-06-0156 Ralph Workman v. Ohio Council 8, American Federation of State, County and Municipal Employees

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent him when he was terminated.

Information gathered during the investigation revealed Charging Party was notified the week of January 18, 2011, that his grievance would not proceed to arbitration. The instant charge was filed on June 6, 2011, beyond the ninety day statute of limitations. In addition to the question of timeliness, the investigation reveals Charged Party's actions do not appear to be arbitrary, discriminatory, or in bad faith.

Vice Chair Spada 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. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

13. Case 2011-ULP-06-0161 Ohio Association of Public School Employees, AFSCME, Local 4, AFL-CIO and Its Local 340 v. Medina County Board of Commissioners

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (5) by retaliating against Dennis Costic for engaging in protected activities.

Information gathered during the investigation revealed Charging Party has established a prima facie case of discrimination. Charged Party provided a persuasive rebuttal to show that Mr. Costic's removal from the bidding list for Kidney Center patients was unrelated to his exercise of protected rights. Although it appears Charged Party was "punishing" Mr. Costic for engaging in protected activities, based on a passenger's complaint, it determined to deny Mr. Costic the right to bid on a route to and from the Kidney Center. Charging Party did not provide sufficient information or documentation to support the (A)(1), (2), and (5) allegations.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_



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16. Case 2011-ULP-06-0186 Marilyn L. Boykin, et al. v. Service Employees International Union, District 1199

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to represent them during staff layoffs and failing to communicate with the membership in decision-making regarding layoff and vacancy filling process.

Information gathered during the investigation revealed Charging Parties did not provide sufficient information to support the (B)(6) allegation. In March, 2011, the Employer announced that there would be statewide layoffs of parole officers. For approximately five months, the Employer and Charged Party worked on the layoff and bumping procedures within the parameters of the parties' agreement. Information provided reveals that bargaining-unit employees were kept updated regarding the process and that suggestions made by the employees were discussed during labor/management meetings.

Vice Chair Spada 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. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

17. Case 2011-ULP-06-0163 Hugh P. Gaughan v. National Conference of Firemen & Oilers, Local 860, SEIU and Richard Luzier

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (7) by interfering with his rights.

Information gathered during the investigation revealed on March 21, 2011, Charging Party filed the same charge alleging identical allegations (Case No. 2011-ULP-03-0095). SERB dismissed the charge on June 21, 2011.

Board Member Brundige moved that the Board dismiss the charge with prejudice as being a duplicate filing. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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18. Case 2011-ULP-06-0165 IUOE, Local 20 v. Cincinnati Public Schools, Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(5).

Information gathered during the investigation revealed on June 10, 2011, IUOE, Local 20 (Charging Party) filed an unfair labor practice charge against Cincinnati Public Schools, Board of Education (Charged Party). Pursuant to the Board's investigation, under Ohio Revised Code § 4117.12, information was requested in writing from Charging Party on June 15, 2011, and July 20, 2011. Charging Party did not respond to the written requests for information.

Vice Chair Spada moved that the Board dismiss the charge with prejudice for failure of Charging Party to pursue the matter. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

19. Case 2011-ULP-05-0148 Arthur J. Riggs v. Laborers Local 1216

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(2), (B)(1), (2), (3), (4), (5), (6), (7), and (8) by failing to allow him to pay reinstatement fees in order to get back into the Union.

Information gathered during the investigation revealed Charging Party's unfair labor practice does not contain any allegation that the State Employment Relations Board is responsible for investigating. Charging Party is not a public employee pursuant to Ohio Revised Code § 4117.01(C).

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of jurisdiction. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

20. Case 2011-ERC-05-0001 Arthur J. Riggs v. Laborers Local 1216

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.19(A), (B), (C), and (D) by denying him reinstatement to the Union.

Information gathered during the investigation revealed Charging Party's Noncompliance complaint does not contain any allegation that the State Employment Relations Board is responsible for investigating. Charging Party is not a public employee pursuant to Ohio Revised Code 4117.01(C). Furthermore, Charging Party's allegations do not challenge Charged Party's failure to comply, but merely allege he was not permitted to be reinstated to the Union.

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Vice Chair Spada moved that the Board dismiss the complaint with prejudice for lack of jurisdiction. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

21. Case 2011-ULP-01-0008 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Cloverleaf Local School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11 (A)(1) and (3) by discriminating, interfering, restraining, and coercing Mary Curran in the exercise of her guaranteed rights.

Information gathered during the investigation revealed SERB does not have jurisdiction regarding Worker's Compensation matters and the allegations of discrimination are governed by the Equal Opportunity Commission. Charging Party did not file a grievance for Mary Curran because Substitute Custodians are not included in the bargaining-unit. It does not appear Charged Party's actions rise to the level of a statutory violation.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

22. Case 2011-ULP-02-0051 Brenda Saalman v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3469, AFL-CIO

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B) by refusing to bargain collectively with a public employer and failing to represent a bargaining-unit employee.

Information gathered during the investigation revealed Charged Party's actions were not arbitrary, discriminatory or in bad faith. Charging Party did not provide any information to support the (B)(3) allegation.

Vice Chair Spada 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. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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23. Case 2011-ULP-03-0090 Bowling Green State University Faculty Association - AAUP v. Bowling Green State University

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally making changes to the terms and conditions of employment of its members and refusing to bargain.

Information gathered during the investigation revealed it appears the matter is a concept unique to higher education. The concept appears to be related to faculty or shared governance. Charging Party did not provide sufficient information to support the (A)(1) allegation. It does not appear Charged Party's actions violate the statute.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

24. Case 2011-ULP-03-0100 Toledo Area Regional Transit Authority v. Amalgamated Transit Union, Local 697

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(3) by failing to bargain in good faith.

Vice Chair Spada moved that the Board, without rendering any judgment on the merits, order the parties to pre-determination mediation for a period not to exceed 30 days with instructions to the mediator to report back to the Board at the conclusion of the mediation or the mediation period, whichever occurs first, authorize the assigned mediator, after consultation with the parties to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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25. Case 2011-ULP-03-0103 Linda C. Bailey v. Ohio Association of Public School Employees, AFSCME Local 744, AFL-CIO

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by misrepresenting her rights to continue with the adjustment of her grievance without the intervention of the collective bargaining representative and forcing her to discharge her attorney before any grievance was filed.

Information gathered during the investigation revealed Charging Party has failed to show how Charged Party's actions were arbitrary, discriminatory, or in bad faith. Charging Party did not provide sufficient information or documentation to support the allegations.

Board Member Brundige 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. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

26. Case 2011-ULP-05-0142 Frank T. Lambros v. Fraternal Order of Police, Ohio Labor Council, Inc.

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to provide him with a criminal attorney; failing to apprise him of the outcome of his appeal regarding his request for a criminal attorney; and failing to train Deputy Stone, another bargaining-unit employee, as to when to sign up for extra duty details.

Information gathered during the investigation revealed Chapter 4117 does not require a Union to provide a criminal attorney to a bargaining-unit member. It also appears there is no provision in the parties' negotiated agreement that requires Charged Party to provide a bargaining-unit member with a criminal attorney. It appears Charging Party's actions of alleged misconduct occurred outside the scope of his duties and therefore, Charged Party's actions do not rise to the level of a statutory violation.

Vice Chair Spada 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. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

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- 27. Case 2008-ULP-05-0186 Stow-Munroe Falls Classified Employees' Association, OEA/NEA v. Stow-Munroe Falls City School District Board of Education
- 28. Case 2010-ULP-12-0482 Newton Falls Classroom Teachers Association v. Newton Falls Exempted Village School District Board of Education
- 29. Case 2011-ULP-04-0132 Fraternal Order of Police, Akron Lodge No. 7 v. City of Akron
- 30. Case 2011-ULP-06-0162 Terrance Williams v. Laborer's Union International Union of N.A., Municipal, County & State Employees' Union Local 1099
- 31. Case 2011-ULP-06-0172 Fairborn Professional Fire Fighters Association, IAFF Local 1235 v. City of Fairborn
- 32. Case 2011-ULP-06-0181 Fraternal Order of Police, Queen City Lodge No. 69 v. City of Cincinnati
- 33. Case 2011-ULP-06-0184 Prairie Township IAFF Local 2985 v. Township of Prairie, Franklin County Ohio
- 34. Case 2011-ULP-07-0205 Riverside Local Education Association, OEA/NEA v. Riverside Local School District Board of Education

Board Member Brundige moved that the Board construe the requests to withdraw and settlement agreement as motions to withdraw the unfair labor practice charges, and grant the motions with prejudice. Vice Chair Spada seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
 Affirmed X Denied \_\_\_\_\_

- 35. Case 2011-ERC-06-0002 Donald G. Stiens v. Cincinnati Organized and Dedicated Employees (CODE)

Vice Chair Spada moved that the Board table this matter. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
 Affirmed X Denied \_\_\_\_\_

**VI. TABLED AND OTHER MATTERS:**

1. Cases 2011-ULP-01-0032 City of Fostoria v. Ohio Patrolmen's Benevolent Association
- 2011-ULP-01-0033 City of Fostoria v. Ohio Patrolmen's Benevolent Association and Justin Kiser
- 2011-ULP-01-0034 City of Fostoria v. International Association of Firefighters
- 2011-ULP-01-0035 City of Fostoria v. Ohio Patrolmen's Benevolent Association and Brandon Bell
- 2011-ULP-01-0036 City of Fostoria v. Ohio Patrolmen's Benevolent Association and Cory Brian
- 2011-ULP-01-0037 City of Fostoria v. International Association of Firefighters, Local 325 and Chapter President Jason Root
- 2011-ULP-01-0038 City of Fostoria v. International Association of Firefighters, Local 325 and Warren Digby  
Tabled – March 17, 2011
2. Case 2010-MED-07-0882 Lebanon Professional Firefighters, IAFF Local 4796 and City of Lebanon  
Tabled – April 28, 2011
3. Cases 2010-REP-05-0098 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and The State of Ohio, Office of Collective Bargaining  
2010-REP-05-0099  
Tabled – August 18, 2011
4. Case 2011-ERC-06-0002 Donald G. Stiens v. Cincinnati Organized and Dedicated Employees (CODE)  
Tabled – August 18, 2011

**VII. ADMINISTRATIVE MATTERS:**

**EXECUTIVE DIRECTORS REPORT FOR THE 8/18/11 MEETING OF THE SERB**

**SERB REGULAR SCHEDULED MEETING DATES:**

- Reminder of the regular scheduled meeting dates of the State Employment Relations Board:
  - **September 01, 15, & 29**
  - **October 13 & 27**
  - **November 17**
  - **December 01 & 15**

**SYSTEM UPDATES:**

- SERB Management Docketing System (SMDS) is on schedule and continues to move forward. The system is scheduled for a full test by October 28<sup>th</sup>, training will occur and full implementation is projected to happen by the second week of November.
- As an overall redesign and update to the SMDS system already set in motion, and taking into consideration that SERB's existing computer system did not provide for monitoring or tracking of certain labor organization report requirements, we have incorporated an upgrade to the format that will allow for the monitoring and tracking of those required report filings, and flagging of labor organizations that are delinquent in filing. We are building into the computer system redesign certain tracking and "tickler" reminders 45 days prior to the due date of an initial or annual filing to trigger a reminder to the employee organization that a report is due. Additional ticklers will be triggered if a report is not timely filed up to a window of 30 days. In the future we will know on a timely basis if unions have not submitted the required reports, and we will move immediately to bring them into compliance. Continued failure by a union to report could lead to its decertification.
- We have contacted Electronic Security Services, Inc., the vendor that installed and services our security system for door entry, to submit a proposal to replace and "activate" the former board/hearing room security systems.

**PERFORMANCE EVALUATIONS:**

- Performance Evaluations, with the exception of one staff member out on maternity leave, have been completed for all employees. The overall tone and level of evaluative comments were most professional and well received. The aspect of "coaching" that is sometimes a natural byproduct of the process was of benefit for the staff and the management personnel as well. The manager's are in the process of re-evaluating the format with an eye to next year, so that adjustments may be considered that limit redundancies or other non-essential categories to make it more efficient in concert with effectiveness and usefulness as a management tool.

**ANNUAL REPORT:**

- The Annual Report met the statutory deadline for submittal and was on the Governor's desk August 1, 2011. It has been posted on the SERB website.

**POLICY AND PROCEDURES MANUAL:**

- Work will begin within the next 2 weeks on updating the existing Policy and Procedures Manual. This has the hallmarks of a voluminous project. There are many outdated policies, some that need tweaking, and many new ones to be added.

**FAREWELL and GOOD LUCK TO Michelle Hursey:**

- Michelle Hursey has accepted a position effective Friday, August 26<sup>th</sup> in the Employment Law Section of the Office of the Ohio Attorney General as a Legal Secretary. Michelle has provided 5 great years of dedicated service as an employee, first with SPBR and then with SERB. We wish her the best as she begins a new path on her road to future success.

**COMBINED CHARITABLE CAMPAIGN (CCC):**

- The CCC will be kicking off soon. It is scheduled to run from September 07<sup>th</sup> through October 14<sup>th</sup>. Judy Knapp has graciously agreed to once again coordinate this campaign. The agency goal has been set at \$9,000 over 22 payroll deductions, if that is the avenue of choice

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for donors. The statewide goal is \$3,000,000. Last year SERB contributed \$14,817 which exceeded the goal of \$12,000. The average gift last year for SERB employees was \$449 and spanned 27 payroll deductions. SERB has such a generous staff and it is most appreciated. Judy will be in touch to acquaint all of us with this year's CCC.

**FORWARD LOOK FOR FUTURE TRAINING:**

- **Developing Labor Law Conference** – 12/09/11 at the ODOT facility. Jim Sprague, in coordination with Cherith Alexander, has been working hard to finalize the program format and as a result the CLE request is almost ready to be submitted to the Supreme Court (due before 9/9/11). More information to follow as this conference is finalized.
- **SERB Academy** – 3/15/12 & 3/16/12. CLE's to be submitted to the Supreme Court before 12/14/11, more information to follow as this academy is finalized.
- **Fact Finders Conference** – scheduled for August 10, 2012.

**IX. ADJOURNMENT:**

Board Member Brundige moved that the Board adjourn the meeting. Vice Chair Spada seconded the motion. Chair Zimpher called for the vote.

Vote: BRUNDIGE: Yes SPADA: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

The Board meeting adjourned at 10:43 a.m.

/s/ W. Craig Zimpher  
W. Craig Zimpher, Chair