State Employment Relations Board

Board Meeting Minutes
March 14, 2013

The State Employment Relations Board met on March 14, 2013, at 10:00 a.m., at 65 East State Street, 12th Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher and Board Member N. Eugene Brundige. The third SERB member position is vacant.

I. APPROVAL OF MINUTES FOR THE FEBRUARY 21, 2013 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the February 21, 2013 Board meeting. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

1. Case 2013-MED-01-0017 Teamsters, Local Union No. 336 and Lorain County Juvenile Detention Home

The parties had an agreement that provided for the reopening of wages. A condition of this wage reopener was if the County Commissioners granted an increase to other employee groups, the union could approach the employer to seek a wage increase. A wage increase was granted to other employees and the employer was approached by the union to discuss a wage increase. On December 21, 2012, the union sent a request asking for a meeting for the purpose of negotiating wages as per the agreement. Six days later the parties met and discussed wages. Another meeting was also scheduled for January 24, 2013. Afterwards, the employer told the union that raises would not be given and the employer cancelled the January 24th meeting.

At issue is whether the Notice to Negotiate filed by the union applied, triggering SERB's jurisdiction. The fact that the parties met to discuss a wage increase pursuant to the provisions of the agreement suggests they agreed to negotiate wages. The labor agreement provided that during the term of the agreement the union could request a discussion of wage increases if the employer gave increases to other employees. The employer argues the contract language only gives the union "the right" to request a reopener. The Agreement specifically provides "...the union shall have the right to request the employer to reopen this agreement on only the wage issue."

It is apparent the union did request a reopener and that the employer sat down to discuss the matter. In other words they were in negotiations. The employer's actions show they had a mutual understanding of the above language. If the employer only agreed to give the union "the right" to request a reopener, as argued by the employer, it waived any objections when they met with the union.

Board Member Brundige moved that the Board deny the Employer's Motion to Dismiss the Notice to Negotiate. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2008-REP-12-0192 University of Toledo Chapter of American Association of University Professors and University of Toledo
(April 2, 2013 – April 15, 2013)

The Employee Organization filed a Petition for Clarification of Bargaining Unit. Through appeal, this case went before the Franklin County Court of Common Pleas and was remanded to SERB. The case was then directed to an evidentiary hearing. Subsequently, the parties entered into a settlement agreement providing, in part, for a representation election to be conducted within 60 days of the agreement's execution.

Board Member Brundige moved that the Board direct that a mail-ballot election be conducted in accordance with the provisions of the settlement agreement between the parties during the polling period of April 2, 2013 through April 15, 2013.

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than March 25, 2013, the Employer shall serve on all parties and shall file with the Board, a numbered, alphabetized election-eligibility list containing the names and home addresses of all employees eligible to vote as of December 1, 2012. The Employer shall also provide the election-eligibility list to SERB in label format.

Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

2. Case 2012-REP-09-0094 International Brotherhood of Teamsters Local Union No. 908 and Fraternal Order of Police, Ohio Labor Council, Inc. and Van Wert County Sheriff
(March 26, 2013 – April 8, 2013)

3. Cases 2012-REP-09-0106, 2012-REP-09-0107 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Lodge 23 and City of Shaker Heights
(March 26, 2013 – April 8, 2013)

4. Case 2012-REP-09-0109 Fraternal Order of Police, Lodge 15 and City of Strongsville
(April 2, 2013 – April 15, 2013)

5. Cases 2012-REP-10-0120, 2012-REP-10-0122, 2012-REP-10-0124 Ohio Patrolmen's Benevolent Association and Village of Grafton
(March 26, 2013 – April 8, 2013)

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

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

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

6. Case 2012-REP-11-0136 Teamsters Miscellaneous and Industrial Workers Local Union No. 284 affiliated with the International Brotherhood of Teamsters and City of Urbana

7. Case 2013-REP-02-0012 Ohio Civil Service Employees Association AFSCME Local 11, AFL-CIO and The State of Ohio, DAS, Office of Collective Bargaining

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

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

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

8. Case 2013-REP-02-0007 Mayfield Village Service Department and Mayfield Village, Cuyahoga County

The Employee Organization filed a Request for Recognition. The Employer responded by filing objections. According to the current federal census, the population in the unincorporated portion of Mayfield Village is less than 5,000. Therefore, the Employer is not a "public employer" as defined by Ohio Revised Code § 4117.01 (B).

Board Member Brundige moved that the Board dismiss the Request for Recognition for lack of jurisdiction. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

9. Case 2012-REP-06-0066 Laborers' International Union of North America, Local 860 and Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Cuyahoga County

- There were 13 valid ballots cast
- There were 0 void ballots
- There was 1 challenged ballot
- No Representative received 0 votes
- Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO received 2 votes
- Laborers' International Union of North America, Local 860 received 11 votes and prevailed in this election.

10. Case 2012-REP-09-0096 Wilmington Safety Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Wilmington

- There were 14 valid ballots cast
- There was 1 void ballot
- There were 0 challenged ballots
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 4 votes
- Wilmington Safety Association received 10 votes and prevailed in this election.

11. Case 2012-REP-09-0097 Communications Officers of Hamilton County and Fraternal Order of Police, Ohio Labor Council, Inc. and Hamilton County Board of Commissioners

- There were 46 valid ballots cast
- There were 0 void ballots
- There were 2 challenged ballots
- No Representative received 1 vote
- Fraternal Order of Police, Ohio Labor Council, Inc. received 0 votes
- Communications Officers of Hamilton County received 45 votes and prevailed in this election.

12. Case 2012-REP-10-0115 The University of Akron Staff Union/Communications Workers of America, Local 4302 and The University of Akron

- There were 267 valid ballots cast
- There was 1 void ballot
- There were 10 challenged ballots
- No Representative received 116 votes
- The University of Akron Staff Union/Communications Workers of America, Local 4302 received 151 votes and prevailed in this election.

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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

There were no Administrative Law Judge or Board Matters at issue.

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2012-ULP-06-0143 Lori Spellman v. Ohio Civil Service Employees Association, AFSCME Local 11

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

Information gathered during the investigation revealed Charging Party failed to provide any information to support the (B)(6) allegation.

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 the Charged Party. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

2. Case 2012-ULP-11-0296 International Union of Operating Engineers, Local 20 v. University of Cincinnati

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(5) by providing misleading information during negotiations relevant to its bargaining-unit members.

Information gathered during the investigation revealed the alleged misleading information was provided to Charging Party prior to its ratification vote. The membership voted to ratify the agreement. Despite Charging Party's claim the Charged Party advised it would be another 30 days before the Board of Trustees met again to vote, Charging Party had the information and could have delayed ratification in the event it believed the survey results were misleading.

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 the Charged Party. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

3. Case 2012-ULP-12-0309 Huron Education Association, OEA/NEA v. Huron City School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by failing to bargain in good faith in regard to the standards-based evaluation instrument.

Information gathered during the investigation revealed it appears the matter is not ripe for review and is premature.

Board Member Brundige moved that the Board dismiss the charge without prejudice as prematurely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

4. Case 2012-ULP-12-0310 Edgewood Teachers Association, OEA/NEA v. Edgewood City 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 interfering with, restraining or coercing employees in the exercise of guaranteed rights.

Information gathered during the investigation revealed under Pickaway, one cannot reasonable conclude that the employees were interfered with, restrained or coerced in the exercise of guaranteed rights.

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 the Charged Party. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

5. Case 2012-ULP-12-0315 Lorain County Department of Job and Family Services v. United Automobile, Aerospace and Agricultural Implement Workers (UAW)

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(2) and (3) by bargaining in bad faith and attempting to cause the Employer to violate the statute.

Information gathered during the investigation revealed Charging Party failed to provide any information to support the (B)(2) and (3) 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 the Charged Party. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

6. Case 2012-ULP-12-0317 William Jeffrey Taraschke v. Service Employees International Union, District 1199

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(2), (3), and (6) by failing to fairly represent him.

Information gathered during the investigation revealed despite Charging Party's belief his grievance should have been forwarded to arbitration, he has failed to provide any information to show how Charged Party's actions were arbitrary, discriminatory, or in bad faith. Charging Party did not provide any information to support the (B)(2), (3) and (6) 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 the Charged Party. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

7. Case 2012-ULP-12-0319 Cynthia Miller v. Cleveland Teachers Union, AFT Local 279

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(1) by failing to fairly represent her.

Information gathered during the investigation revealed despite Charging Party's unhappiness in having to participate in a Peer Assistance and Review Committee, the terms and conditions of employment are incorporated into the parties' collective bargaining agreement. Charging Party failed to provide any information to show how Charged Party's actions were arbitrary, discriminatory or in bad faith.

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 the Charged Party. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

8. Case 2012-ULP-12-0335 Massillon Education Association, OEA/NEA v. Massillon City School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally changing the grievance process and interfering with the employees' pursuit of concerted activities.

Information gathered during the investigation revealed despite Charging Party's claim that it has been past practice to grant professional leave for any bargaining-unit member who was required to attend an arbitration hearing, Charged Party has provided a persuasive rebuttal. To date, the parties have held the last few arbitration hearings after school with no negative effect on Charging Party's members. Also, Charging Party acquired knowledge of the alleged unfair labor practice when it received the email from Charged Party. While Charging Party alleges the actual damage occurred in November 2012, it did not provide any information to support that allegation.

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 and as untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

9. Case 2012-ULP-12-0314 Vermilion Teachers' Association, OEA/NEA v. Vermilion Local School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by failing to bargain in good faith regarding standards-based teacher evaluations.

Chair Zimpher moved an alternative recommendation that the Board dismiss this charge in that it is not ripe for review consistent with the Board's recommendation in Case No. 2012-ULP-12-0309, *Huron Education Association, OEA/NEA v. Huron City School District Board of Education.* Board Member Brundige seconded the motion, requesting that the recommendation to dismiss be clarified by including "without prejudice".

Chair Zimpher called for discussion.

Chair Zimpher shared the following rationale for his recommendation:

This case is not properly before the Board on any justiciable issues of fact. The position statements of the parties each argue which sections of the Ohio Revised Code should apply. They do not allege the parties have engaged in bargaining or that Unfair Labor Practices have occurred during the course of bargaining. Allegations of bad faith or failure to bargain under Ohio Revised Code Chapter 4117, must presuppose the bargaining process has actually begun; such is not the case in the present matter. This matter is premature as there is no controversy capable of being disposed of by the Board.

Given the upcoming expiration of the Labor Agreement, on August 31, 2013, the Board anticipates this matter may appear again in the future. At that time, the Board will review any allegations of unfair labor practices.

Chair Zimpher called for the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

10. Cases 2012-ULP-12-0331 2013-ULP-02-0038 Virginia Dowd and Lynn Williams v. Troy City Education Association, OEA/NEA

The unfair labor practice charges alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(6) by failing to properly represent them.

Information gathered during the investigation revealed Mr. Yunker's actions to not appear to be arbitrary, discriminatory or in bad faith when he contacted the Principal prior to meeting with Charging Parties. Charging Parties did not provide sufficient information to show how Mr. Yunker's behavior was "so far outside a wide range of reasonableness...as to be irrational." It must be noted that Case No. 2013-ULP-02-0038 is actually Charging Parties' response to the information request for the instant charge. Therefore, it is recommended that Case No. 2013-ULP-02-0038 be dismissed as a duplicate filing.

Board Member Brundige moved that the Board dismiss Case No. 2012-ULP-12-0331 with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and dismiss Case No. 2013-ULP-02-0038 with prejudice as a duplicate filing of Case No. 2012-ULP-12-0331. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

11. Case 2013-ULP-01-0001 International Association of Fire Fighters, Local 20 v. City of Hamilton

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (5) and (7) by failing to maintain the status quo during negotiations for a successor agreement.

Information gathered during the investigation revealed that the collective bargaining agreement between the parties includes a grievance procedure culminating in final and binding arbitration. A grievance regarding the alleged unilateral change has been filed and is proceeding through the grievance procedure. While interpreting a contract provision such as Article VII, the arbitrator will determine whether the City violated the provisions outlined in that article regarding minimum staffing. Contract interpretation and application appear to lie at the heart of both the unfair labor practice charge and grievance dispute.

Board Member Brundige moved that the Board grant Charged Party's request, defer the matter for resolution through the grievance-arbitration procedure, and retain jurisdiction in accordance with In re Upper Arlington Ed Assn, SERB 92-010 (6-30-92). Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

12. Case 2013-ULP-01-0004 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Cuyahoga Falls

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (2), and (3) by retaliating against Cara Cumberlidge for exercising her guaranteed rights when she filed a grievance regarding her incorrect placement on the wage scale, then was terminated from her full-time Dispatcher status and placed in a part-time Dispatcher position.

Information gathered during the investigation revealed the Union has established a prima facie case of discrimination. Charged Party did not provide a persuasive rebuttal to show how it was not anti-union animus when it terminated Ms. Cumberlidge's full-time status after filing a grievance. The timing of Charged Party's action is suspect. Charged Party's argument that by allowing Ms. Cumberlidge to remain full-time would put the Director over budget is flawed, when in 2011, the Finance Director guaranteed the City had funds for 12 full-time Dispatchers. Ms. Cumberlidge would have been the 11th full-time Dispatcher.

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 (3), but not (2), by retaliating against Cara Cumberlidge for exercising her guaranteed rights when she filed a grievance regarding her incorrect placement on the wage scale, then was terminated from her full-time Dispatcher status and rehired in a part-time Dispatcher position. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

13. Case 2013-ULP-01-0010 Ohio Patrolmen's Benevolent Association v. Liberty Township Board of Trustees

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally creating a Reserve Police Officer Program, which unilaterally assigns bargaining-unit work to nonbargaining-unit employees.

Information gathered during the investigation revealed it appears Charged Party has unilaterally assigned bargaining-unit work to nonbargaining-unit employees when it passed the Resolution creating the Reserve Police Officer Program. Contrary to

Charged Party's assertion it met with a bargaining-unit member in June 2012 and Charging Party did not make any objections does not meet the requirement to bargain. Charged Party's meeting was with the Vice President of FOP #65, which is a social club for police officers and not the exclusive bargaining representative. Charging Party did not provide sufficient information or documentation to support the (A)(1) and (7) allegations.

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)(5), but not (1) and (7), by unilaterally creating a Reserve Police Officer Program, which unilaterally assigns bargaining-unit work to nonbargaining-unit employees. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

14. Case 2013-ULP-01-0019 Springboro Education Association, OEA/NEA v. Springboro Community City Schools Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by issuing a press release containing Charged Party's intended bargaining proposals and goals for negotiations.

Chair Zimpher moved that the Board hold this matter in abeyance until a full complement of SERB Board members exists, and upon that occurrence, place this case on the agenda of the next scheduled Board meeting. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

15. Case 2013-ULP-02-0022 Phyllis J. Hollis v. Ohio Civil Service Employees Association, AFSCME Local 11

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(1) by allowing its stewards to show preferential treatment to certain members.

Information gathered during the investigation revealed Charging Party did not provide sufficient information or documentation to show how she was restrained or coerced by either of the Union Stewards. Charging Party did not file any official internal Union complaint other than sending a letter expressing her concern on October 2, 2012. The charge is also untimely filed for events occurring on or before November 6, 2012. Based on the October 19, 2012 date on some of the documentation, the charge should have been filed on or before January 17, 2013.

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, and as untimely filed for events occurring on or before November 6, 2012. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

16. Case 2012-ULP-10-0274 Steven Rader, et al v. Shawnee State University

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(8) by reducing compensation for certain members of the bargaining unit in collusion with the exclusive bargaining representative during negotiations.

Information gathered during the investigation revealed there is no evidence of collusion between Charged Party and the Employee Organization. The parties negotiated in good faith agreeing to a comprehensive compensation package for both positions. Further, all bargaining-unit members, including Charging Party, had an opportunity to attend a meeting to give their input regarding the on-going negotiations. Charged Party's actions do not appear to 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 the Charged Party. Chair Zimpher seconded the motion.

Chair Zimpher called for discussion.

Board Member Brundige thanked Brian Eastman and the Investigations Section for re-working the analysis for this case.

Chair Zimpher called for the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

17. Case 2012-ULP-12-0304 Service Employees International Union, District 1199 v. Cincinnati State Technical and Community College

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (3), and (5) by interfering, coercing, restraining and discriminating against an employee in the exercise of their guaranteed rights by refusing to allow participation by Union Representatives at a member's investigatory interview.

Information gathered during the investigation revealed the Employer was conducting an investigatory meeting and would not allow interruptions by the Union Representatives at the onset of the meeting. Subsequently, the Union representatives walked out of the meeting before it had concluded. Therefore, viewed in the context of the totality of conduct and the circumstances under which the alleged misconduct occurred, it was premature for the Union Representatives to believe that the Employer was refusing to allow their participation at the meeting.

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 the Charged Party. Chair Zimpher seconded the motion.

Chair Zimpher called for discussion.

Board Member Brundige stated that he is troubled by the case analysis. It does not go into whether it was an investigatory interview or disciplinary. He assumes it was investigatory.

Chair Zimpher called for the vote.

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

18. Case 2011-ULP-08-0213 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO v. State of Ohio, Department of Rehabilitation and Correction

19. Case 2011-ULP-11-0282 Ohio Council 8, AFSCME, AFL-CIO v. Stark County Park District

20. Case 2012-ULP-09-0254 Atco-Beacon Education Association, OEA/NEA ("ABEA") v. Athens County Board of Developmental Disabilities

21. Case 2012-ULP-10-0279 Stow-Munroe Falls Classified Employees Association, OEA/NEA v. Stow-Munroe Falls City School District Board of Education

22. Case 2012-ULP-12-0330 Fraternal Order of Police William J. Taylor Lodge #32 and Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Mansfield

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

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

VI. TABLED AND OTHER MATTERS:

1. Case 2013-ULP-01-0019 Springboro Education Association, OEA/NEA v. Springboro Community City Schools Board of Education
Hold In Abeyance – March 14, 2013

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- Reminder of the next regular scheduled meeting dates of the State Employment Relations Board:
  - **April 04, 2013**
  - **April 25, 2013**
  - **May 16, 2013**
  - **June 06, 2013**
  - **June 27, 2013**
  - **July 25, 2013**
  - **August 15, 2013**
  - **September 12, 2013**

SYSTEM UPDATES:

- **Employee Organization (E.O.) Annual Reporting Requirements update:** 14 notices were sent for fiscal year ending 10-31-2012. All Employee Organizations have filed timely. N**o employee organizations are considered to be non-compliant.**

- **Vacancy in Clerk's Office:** The next top 3 candidates in the first tier were contacted for continuing interest in the position and 2nd interviews were scheduled with 2 out of the 3. One of the candidates contacted never returned a call. Amanda Wenzel was selected. She will begin on Monday, March 25, 2013!

  Amanda brings with her strong skills and abilities in the field of customer service and customer relations. Her skills and abilities are blended with an exceptional work ethic and personality. She is currently working with a company in Mansfield as a sales and service representative doing many of the same types of work as is done in the Clerk's Office and is used to handling up to 500 customers per day at certain times of the month. She is accustomed to processing large volumes of work on the telephone, the computer and direct customer contact. She also worked for 4 years as a 911 Dispatcher handling people in distress and coordinating with the appropriate safety service personnel to assure timely responses, all done with a high level of accuracy under stressful circumstances. She certainly knows how to multi task, problem solve, and maintain a high degree of organization in combination with impressive data entry skills. Amanda will be a welcome addition to the SERB team.

- **Ethics Training:** Don Collins is working with Susan Willeke, Education and Communications Administrator of the Ohio Ethics Commission, to provide the training on site at SERB as we did last year. More to follow.

- **VOIP/CBTS/ Purchase or rent?:** After an extensive analysis of the States proposed new telephone system, it was determined that an outright purchase is the more prudent option. Because the rental option is based on a 5 year lease contract and maintenance agreement the comparison was done on a 5 year scale. Rental of phones + Line Charges (includes service contract) over 5 year term = $49,026.60. Outright purchase + Line Charges (self-service spares) over 5 year term = $48,639.60.

Although the difference is not substantial, it is noted that at the conclusion of the 5 year rental agreement one would have to sign up for an additional 5 year lease agreement plus the cost of the maintenance agreement. Terms of that agreement would not be known until that time. Likely with inflation, etc. the terms would increase. With the purchase of the phones, it is not anticipated that we would incur any additional costs except for the potential of line charges should they rise. But that would occur with either rental or purchase.

SERB has funding available to make the purchase.

- **Cost of Health Insurance in the Public Sector Survey update:** 1,325 surveys were sent. 1,174 have been completed. To date the response rate is 88.6% which is 4.2% higher than last year. As of this date, 151 surveys are still outstanding. All 151 have been called, spoken with or message left to encourage response. Approximately 50% of these contacts are no longer valid. Deadline for responding is this Friday.

  Justin Brown has developed a new data base in Access that contains all of the Survey information and history since 2011 including who submitted those surveys. Next step in the process is to scrub the data, then import that data into SPSS for the analysis. Once that is done an official report will be close to being generated in order to make the August 1st deadline. R & T is approximately 3 weeks ahead of the schedule as compared to last year.

- **SERB ACADEMY:** The recent conference which was held on March 7 & 8, 2013 was a great success. 115 practitioners attended.

- **Congratulations to J. Richard Lumpe:** J. Richard Lumpe of Columbus has been appointed by Governor Kasich to the State Personnel Board of Review for a term beginning March 12, 2013, and ending February 7, 2019.

  SPBR is indeed fortunate to have his leadership, knowledge and professional ability to work in concert with the other members of the SPBR. We welcome his continued service to the overall agency, particularly to SPBR and the constituency they serve.

- **XLN/SMDS** continues to move forward with tweaks to the SMDS. CMDS is in full swing. Everything is anticipated to be completed no later than mid June.

IX. ADJOURNMENT:

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

Vote: BRUNDIGE:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied	

The Board meeting adjourned at 10:35 a.m.

/s/
W. Craig Zimpher, Chair