

State Employment Relations Board

Board Meeting Minutes

June 27, 2013

The State Employment Relations Board met on June 27, 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 JUNE 6, 2013 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the June 6, 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. Cases 2012-MED-10-1204 Fraternal Order of Police, Ohio Labor Council,
2012-MED-10-1205 Inc. and City of Vermilion
2012-MED-10-1206

On May 2, 2013, a Petition for Representation Election was filed seeking to decertify the Fraternal Order of Police, Ohio Labor Council, Inc. as the exclusive representative for Full-time Dispatchers of the City of Vermilion in Case No(s). 2013-REP-05-0040.

On October 9, 2012, the Fraternal Order of Police, Ohio Labor Council, Inc. filed a Notice to Negotiate for a successor collective bargaining agreement with the City of Vermilion in Case No(s). 2012-MED-10-1205 for Full-time Dispatchers.

On October 9, 2012, the Fraternal Order of Police, Ohio Labor Council, Inc. filed a Notice to Negotiate for a successor collective bargaining agreement with the City of Vermilion regarding Case No(s). 2012-MED-10-1204 for Part-time Dispatchers and in Case No(s). 2012-MED-10-1206 for Part-time Patrolmen.

On May 31, 2013, the City of Vermilion filed a Motion to Stay Negotiations pending the outcome of the above mentioned decertification petition for all 3 notices to negotiate. On May 31, 2013, the Fraternal Order of Police responded to the motion to stay negotiations.

Board Member Brundige moved that the Board grant the stay on 2012-MED-10-1205 pending disposition of Case No(s). 2013-REP-05-0040 regarding the Petition for Representation Election for Full-time Dispatchers. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

Board Member Brundige moved that the Board deny the Employer's motion to stay negotiations in Case No(s). 2012-MED-10-1204 and 2012-MED-10-1206, since a Petition for Representation Election has not been filed for those cases. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

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2. Closing of 163 Cases

Board Member Brundige moved that the Board close 163 Mediation cases beginning with Case 2010-MED-01-0010 and ending with Case 2013-MED-02-0090, not consecutively numbered. 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 2012-REP-11-0134 Pierce Township Professional Firefighters, IAFF and Pierce Township, Clermont County
(July 9, 2013 - July 22, 2013)
2. Case 2013-REP-02-0011 Millie Evans and Ashtabula County Joint Vocational School Secretaries Association and Ashtabula County Technical & Career Center
(July 16, 2013 - July 29, 2013)
3. Case 2013-REP-02-0013 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Sheffield Lake
(July 9, 2013 - July 22, 2013)
4. Case 2013-REP-03-0016 Revlen R. Nolen and Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Terra State Community College
(July 16, 2013 - July 29, 2013)
5. Case 2013-REP-05-0040 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Vermilion
(July 9, 2013 - July 22, 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 _____

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6. Case 2013-REP-05-0042 Association of Cincinnati Public Schools Office Personnel, CFT, Local 1520 and Cincinnati Public Schools

The Employee Organization filed a Petition for Amendment of Certification. The Employer has acknowledged the union's name change. The proposed amendment appears appropriate.

Board Member Brundige moved that the Board construe the petition as jointly filed, approve the petition, and amend the certification accordingly. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

7. Case 2013-REP-05-0049 Fraternal Order of Police, Lodge No. 160 and City of Beavercreek

8. Case 2013-REP-06-0053 University of Toledo Chapter of American Association of University Professors and The University of Toledo

9. Case 2013-REP-06-0054 Teamsters Local Union No. 100, affiliated with International Brotherhood of Teamsters and Hamilton Township, Warren County

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 _____

10. Case 2013-REP-05-0051 Edison Administrative Secretaries' Association and Edison Local Schools

11. Case 2013-REP-05-0052 Edison Local OAPSE #350 and Edison Local Schools

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

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Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

12. Case 2013-REP-05-0048 Canfield Professional Firefighters Association, IAFF Local #4507 and Cardinal Joint Fire District

The Employee Organization filed a Petition for Amendment of Certification and has now filed a letter requesting to withdraw the petition.

Board Member Brundige moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Petition for Amendment of Certification. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

13. Case 2013-REP-05-0046 Service Employees International Union, District 1199 and Cuyahoga Community College

14. Case 2013-REP-05-0047 International Association of EMT's and Paramedics, SEIU/NAGE, Local R7-53 and Meigs County EMS

The Employee Organizations filed Petitions for Clarification of Bargaining Unit. The Employers responded by filing position statements opposing the clarification.

Ohio Administrative Code Rule 4117-5-01(E)(1) provides for an amendment of certification to alter the composition of a bargaining unit. A Petition for Clarification of Bargaining Unit is not the appropriate vehicle. Dismissal appears appropriate.

Board Member Brundige moved that the Board dismiss without prejudice the Petitions for Clarification of Bargaining Unit. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

15. Case 2012-REP-08-0089 Communications Workers of America and The Ohio State University

The Employee Organization filed an amended Petition for Amendment of Certification seeking to amend a deemed-certified unit by transferring two classifications from two separate board-certified units. The Employer does not consent to any of the proposed changes to the deemed-certified unit.

The composition of a deemed-certified bargaining unit may not be altered or changed pursuant to an opposed unilateral filing. Dismissing the petition appears appropriate.

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Board Member Brundige moved that the Board dismiss without prejudice the Employee Organization's Petition for Amendment of Certification. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

16. Case 2013-REP-01-0001 Fraternal Order of Police, Ohio Labor Council, Inc. and Shawnee State University
(p/t Security Officers & Security Sergeants)

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

17. Case 2013-REP-01-0002 Fraternal Order of Police, Ohio Labor Council, Inc. and Shawnee State University
(f/t Police Officers)

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

Board Member Brundige moved that the Board certify the election results and certify that the employees in each unit have chosen to have no exclusive representative for the purposes of collective bargaining. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

18. Case 2012-REP-10-0123 Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Parma

- There were 14 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 2 votes
- Ohio Patrolmen's Benevolent Association received 12 votes and prevailed in this election.

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19. Case 2012-REP-12-0145 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Cleveland Heights
(Dispatchers)
- There were 5 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 5 votes and prevailed in this election.
20. Cases 2012-REP-12-0146 Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Cleveland Heights
2012-REP-12-0147 (Patrol, Detectives & BPOs below Sergeant)
- There were 62 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 14 votes
 - Ohio Patrolmen's Benevolent Association received 48 votes and prevailed in this election.
21. Case 2012-REP-12-0148 Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Cleveland Heights
(Sergeants & above)
- There were 13 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 12 votes and prevailed in this election.
22. Case 2012-REP-12-0149 Ohio Patrolmen's Benevolent Association and City of Hudson
- There were 4 valid ballots cast
 - There were 0 void ballots
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Ohio Patrolmen's Benevolent Association received 4 votes and prevailed in this election.

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requests for information.

Board Member Brundige moved that the Board dismiss the charges with prejudice for Charging Party's failure to pursue the matters. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

2. Case 2013-ULP-03-0071 Anne Lally v. Youngstown State University

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(3) and (4) by retaliating against her for filing grievances when it posted a job description that made it impossible for her to apply.

Information gathered during the investigation revealed that although Charging Party is frustrated over the position description, she has failed to provide any information to support the (A)(3) and (4) 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 _____

3. Case 2013-ULP-04-0089 Cleveland Police Patrolmen's Association v. City of Cleveland

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (3), (5) and (8) by coercing unit members to accept excessive discipline and waive contract rights.

Information gathered during the investigation revealed that the issues are strictly contractual with no evidence of a statutory violation. Charging Party failed to provide any information to support the (A)(1), (3) or (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 the Charged Party. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

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4. Case 2013-ULP-04-0096 Tim Boroff v. Ohio Civil Service Employees Association, AFSCME 11

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

Information gathered during the investigation revealed Charged Party's actions do not appear to rise to the level of a statutory violation. Charging Party failed to provide 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 _____

5. Case 2013-ULP-04-0099 Brenda Saalman v. Ohio Council 8, AFSCME, AFL-CIO

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 Charged Party's actions do not appear to rise to the level of a statutory violation. Charging Party failed to provide 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 _____

6. Case 2013-ULP-04-0118 International Association of Firefighters, Local 48 v. City of Cincinnati

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by dealing directly with employees and unilaterally demanding certain information to verify dependents on the City's health care plan.

Information gathered during the investigation revealed the information requested by the Charged Party does not involve negotiation proposals or bargaining information. Additionally, Charged Party's actions do not appear to undercut the status of the Charging Party or impair its relationship with its members. Charged Party's actions do not amount to a violation of the statute.

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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 2013-ULP-04-0119 Fraternal Order of Police, Lodge 69 v. City of Cincinnati

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by dealing directly with employees and unilaterally demanding certain information to verify dependants on the City's health care plan.

Information gathered during the investigation revealed the information requested by the Charged Party does not involve negotiation proposals or bargaining information. Additionally, the Charged Party's actions do not appear to undercut the status of the Charging Party or impair its relationship with its members. Charged Party's actions do not amount to a violation of the statute.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of possible 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 2013-ULP-05-0124 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Springdale

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by failing to bargain over a Wellness Plan and a Tobacco Cessation program that effects terms and conditions of employment.

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

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

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9. Case 2013-ULP-05-0129 James Dean v. Fraternal Order of Police, Capitol City Lodge 9

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(6) by failing to take his grievance to arbitration.

Information gathered during the investigation revealed public employees have no absolute right under the statute to have their grievances taken to arbitration, nor does the statute prevent the union from settling a grievance in a manner contrary to the precise demands of the grievant.

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 _____

10. Cases 2013-ULP-01-0019 Springboro Education Association, OEA/NEA v.
2013-ULP-04-0092 Springboro Community City Schools Board of Education

Board Member Brundige moved that the Board lift Case No. 2013-ULP-01-0019 from the table. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

The unfair labor practice charges 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 and by posting the parties' initial bargaining proposals on the District's website.

Chair Zimpher moved an alternative recommendation that in Case No. 2013-ULP-04-0092 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), but not (5) by posting the parties' initial bargaining proposals on the District's website, and direct the parties to expedited mediation for a period not to exceed thirty days to run concurrently with the expedited processing of the charge and complaint. Board Member Brundige seconded the motion. Chair Zimpher called for discussion.

Chair Zimpher shared the following additional comment in regards to his alternative recommendation: "I have removed from the Investigator's recommendation references to coordinating this case with 2013-ULP-01-0019 involving the same parties. Pursuant to a Board Directive issued March 15, 2013 case number 2013-ULP-01-0019 is being held in abeyance until a full complement of SERB Board Members exists."

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Chair Zimpher called for the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

Board Member Brundige moved that the Board re-table Case number 2013-ULP-01-0019. 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-04-0106 Elyria Schools Support Staff, OEA/NEA v. Elyria 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 way timesheets are submitted.

Chair Zimpher moved an alternative recommendation that the Board 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.

Chair Zimpher shared the following rationale for his recommendation:

"This recommendation is made after a thorough review of pertinent material presented by both parties. I offer this alternative recommendation because Charging Party has failed to sufficiently demonstrate how modification of a time reporting system would materially impact 'wages, hours, or other conditions of employment'.

The contract currently in force requires only that 'Employees shall record their hours and submit them to their immediate supervisor for review, and, if appropriate, approval. All time worked shall be paid...' The contract is silent regarding methodology or means by which time is registered. Indeed, Charged Party informed Charging Party of its intent to move to an electronic time registration system and Charging Party registered no opposition. The decision to adjust or modify the method of time reporting clearly comports with and is consistent with Charged Party's management rights and authority to exercise such as provided pursuant to Ohio Revised Code § 4117.08 (C)(1), (2), and (4).

Nonetheless, I am also appreciative of the fact that some element of concern may exist about implementation of a new electronic reporting system. Therefore, to ameliorate these concerns and provide for an efficient and effective implementation and mutual understanding of the system, I believe efforts to ameliorate such concerns would be appropriate."

Chair Zimpher called for the vote.

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Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

12. Case 2013-ULP-04-0110 Hugh P. Gaughan v. Cleveland Metropolitan School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (3).

Information gathered during the investigation revealed on April 29, 2013, Hugh P. Gaughan (Charging Party) filed an unfair labor practice charge against Cleveland Metropolitan School District 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 April 29, 2013 and May 23, 2013. Charging Party did not respond to the written requests for information.

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

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

13. Cases 2013-ULP-04-0114 Mary Rauscher v. Cuyahoga County Court of Common Pleas

2013-ULP-04-0115 Mary Rauscher v. Communications Workers of America, Local 4309

The unfair labor practice charges alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(3), (A)(5), (B)(1) and (B)(6).

Information gathered during the investigation revealed pursuant to O.R.C. § 4117.01(C)(8), employees and officers of the courts are exempt from the definition of public employee as defined in O.R.C. § 4117.01(C). The Cuyahoga Court of Common Pleas' decision to privately engage in collective bargaining with the Communication Workers of America Local 4309 does not change this fact.

Board Member Brundige moved that the Board dismiss the charges with prejudice due to Charging Party's lack of standing to file the unfair labor practice charges. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

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14. Cases 2013-ULP-05-0121 Hugh P. Gaughan v. Laborers Local 860
2013-ULP-05-0125

The unfair labor practice charges alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(1) and (7) by failing to timely secure a grievance hearing.

Information gathered during the investigation revealed Charged Party's actions were not arbitrary, discriminatory or in bad faith when it was unable to schedule a grievance hearing within the 6-day timeframe. Pursuant to the grievance procedure, the timeframes can be extended by mutual consent. Charging Party's grievances are still proceeding through the process. Charging Party did not provide sufficient information or documentation to support the (B)(1) and (7) allegations.

Board Member Brundige moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices have been committed by the Charged Party. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

15. Case 2013-ULP-05-0123 Stow-Munroe Falls City School District Board of Education v. Stow-Munroe Falls Classified Employees Association, OEA/NEA

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(3) by bargaining in bad faith when it added an unauthorized participant to the parties' Local Grievance Council.

Information gathered during the investigation revealed the matter appears to be purely contractual encompassing no arguable statutory violation. The interpretation of the contract language appears to lie at the heart of the matter.

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 _____

16. Case 2013-ULP-05-0127 Jennifer Jansen v. Olmsted Township Board of Trustees

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (2), (3), and (5) by unilaterally changing the health insurance coverage prior to the expiration of the contract.

Information gathered during the investigation revealed the matter appears to be purely contractual with no arguable statutory violation. Charging Party, as an individual, also lacks standing to file a charge alleging the Charged Party's failure to bargain the

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change. Charged Party has no obligation to bargain with an individual. The Fraternal Order of Police has previously advised all involved parties that it would not be pursuing the instant charge or the pending grievance. Charging Party did not provide sufficient information or documentation to support the (A)(1), (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 and for Charging Party's lack of standing to file a charge alleging a failure to bargain violation. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

17. Case 2013-ULP-02-0040 Marla Givens v. Cincinnati Federation of Teachers

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 Charged Party's actions were not arbitrary, discriminatory or in bad faith, and do not appear to rise to the level of a statutory violation. Charging Party did not 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 _____

18. Cases 2013-ULP-03-0057 Shaker Heights Fraternal Order of Police Lodge 23 v. City of Shaker Heights and William Martin
- 2013-ULP-03-0058 Shaker Heights Fraternal Order of Police Lodge 23 v. City of Shaker Heights and Jamie Planninsek
- 2013-ULP-03-0059 Shaker Heights Fraternal Order of Police Lodge 23 v. City of Shaker Heights
- 2013-ULP-03-0060 Shaker Heights Fraternal Order of Police Lodge 23 v. City of Shaker Heights and James Mariano

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20. Case 2013-ULP-05-0153 Krissi Fedkow v. Communication Workers of America Local 4322

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 after contacting the Charging Party for clarification, it was determined the instant charge involves only internal union matters. SERB does not have jurisdiction regarding the matter.

Board Member Brundige moved that the Board dismiss the charge with prejudice 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 _____

21. 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.

On March 14, 2013, the Board dismissed the above charge for lack of probable cause. On April 1, 2013, Charging Party filed a timely request for reconsideration. Charging Party did not provide any new information meriting reconsideration.

Board Member Brundige moved that the Board construe the request for reconsideration as a motion for reconsideration, and deny the motion with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

22. Case 2013-ULP-02-0034 Kirt A. Fach v. City of Canton

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (3), and (4) by allowing a less senior employee to do the job he had been denied in retaliation for filing a grievance in 2008 and an unfair labor practice charge in 2009.

On April 25, 2013, the Board dismissed the above charge for lack of probable cause. On May 23, 2013, Charging Party filed a timely motion for reconsideration. Charging Party did not provide any new information meriting reconsideration.

Board Member Brundige moved that the Board deny the motion for reconsideration with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

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23. Case 2013-ULP-02-0033 Ohio Patrolmen's Benevolent Association v. Wood County Sheriff's Office

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

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

24. Case 2013-ULP-05-0154 Louisville Education Association, OEA/NEA v. Louisville City School District Board of Education

Board Member Brundige moved that the Board grant the motion to withdraw and dismiss the charge without prejudice while the parties work to reach an amicable resolution to the matter. 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:

1. State Employment Relations Board v. IAFF Local 1267 North Olmstead City Fire Fighters
2. State Employment Relations Board v. Madison Fire Fighters Part Time Organization, Madison Fire District Lake County
3. State Employment Relations Board v. Mentor-on-the Lake Part Time Fire Fighters Association
4. State Employment Relations Board v. Transport Workers of America Local 1
5. State Employment Relations Board v. Willowick City Part Time Firefighters Association

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Every Employee Organization that is certified or recognized as a representative of public employees is required to file annually with the State Employment Relations Board (SERB) certain reports pursuant to Section 4117.19 of the Ohio Revised Code. These reports must be filed with SERB by the 15th day of the 5th month following the end of their fiscal year. SERB provided the Charged Parties with 45 day and 10 day notices of reaching the deadline to file the required reports. As a courtesy an Employee Organization Annual Report Form was attached to each notice along with the instruction to attach a Financial Report as indicated on item #7 of the Employee Organization Annual Report Form to comply with the filing requirements.

Once 31 days past due, another notice was sent notifying them that they were 31 days past the deadline to file the required reports. Once again, an Employee Organization Annual Report Form was attached to each notice along with the instruction to attach a Financial Report as indicated on item #7 of the Employee Organization Annual Report Form to comply with the filing requirements. They were also notified that they could file the reports by postal or electronic mail with the email address provided. In the body of the letter it was made clear by a bolded comment that this was their final notification. Charged Parties were contacted numerous times by phone and by follow up email encouraging compliance. As of this date, the parties listed on matters numbered 2 and 4 have met the filing requirement. The Charged Parties listed on matters numbered 1, 3, and 5 have failed to respond to requests for compliance with the requirement to file the annual and financial reports.

Board Member Brundige moved that the Board consolidate matters 1, 3, and 5 and refer these matters to hearing at its next regularly scheduled meeting. The Board will take evidence and hear testimony to determine if the employee organizations have failed to comply with the requirements of Section 4117.19 (B) of the Ohio Revised Code. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

VII. EXECUTIVE SESSION:

Board Member Brundige moved that the Board go into executive session, pursuant to Ohio Revised Code § 121.22(G)(3) to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

The Board went into Executive Session at 10:39 a.m.

Board Member Brundige moved that the Board exit from Executive Session. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

The Board exited from Executive Session at 10:48 a.m.

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IX. ADJOURNMENT:

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

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

The Board meeting adjourned at 10:48 a.m.

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