

State Employment Relations Board

Board Meeting Minutes

October 10, 2013

The State Employment Relations Board met on October 10, 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 SEPTEMBER 12, 2013 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the September 12, 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:

There were no mediation or fact-finding matters at issue.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2013-REP-07-0063 Benevolent Employees of the Hamilton County Sheriff and Hamilton County Sheriff

All parties have executed and filed the appropriate Consent Election Agreement seeking a mail-ballot election.

Board Member Brundige moved that the Board approve the Consent Election Agreement and direct a mail-ballot election to be conducted during the polling period of October 22, 2013 through November 4, 2013. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

2. Case 2013-REP-09-0076 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Ashland County Department of Job and Family Services

3. Case 2013-REP-09-0086 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Its Local 351 and Tri-Valley Local School District Board of Education

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 _____

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4. Case 2013-REP-08-0074 Glass, Molders, Pottery, Plastics, and Allied Workers International Union, AFL-CIO, CLC Local #384 and Columbiana County Department of Job and Family Services

The Employee Organization filed a Petition for Amendment of Certification. The Employer does not object to the amendment and it appears appropriate.

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

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

5. Case 2001-REP-02-0043 Teamsters Local #20 and Hancock County Board of Developmental Disabilities

The parties jointly filed a Motion to Revoke Certification because the Transportation Department was abolished.

Board Member Brundige moved that the Board grant the motion and revoke the Employee Organization's certification. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

6. Case 2013-REP-08-0070 Shannon C. Boyce and Glass, Molders, Pottery, Plastics & Allied Workers International Union, AFL-CIO, CLC and Columbiana County Clerk of Courts

On August 26, 2013, the Petitioner filed a Petition for Decertification Election.

In the instant case, the contract became effective May 1, 2013 and expires December 31, 2015. It appears the petition is untimely filed. The Representation section has spoken with the Petitioner and explained the filing deficiency.

Board Member Brundige moved that the Board dismiss without prejudice the Petition for Decertification Election pursuant to Ohio Revised Code § 4117.07(C)(6). 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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7. Case 2013-REP-04-0036 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Poland Local School District Board of Education

The Employee Organization filed a Request for Recognition. The Employer responded by filing objections. The Representation Section conducted several conference calls. The parties have now jointly filed a Settlement Agreement.

Board Member Brundige moved that the Board construe the Settlement Agreement as a motion to withdraw, grant the motion, and dismiss without prejudice the Request for Recognition. 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-07-0062 City, County & Waste Paper Drivers Teamsters Local 244 affiliated with International Brotherhood of Teamsters and American Federation of State, County and Municipal Employees, Local 3904 and City of Westlake

The Rival Employee Organization filed a Petition for Representation Election and the Employer filed objections. The Rival Employee Organization has now filed a letter requesting that the petition be withdrawn.

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

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

9. Case 2013-REP-08-0073 Fraternal Order of Police, Ohio Labor Council, Inc. and Multi-County Juvenile Attention Center

The Employee Organization filed a Request for Recognition and has now filed a Motion to Withdraw the request.

Board Member Brundige moved that the Board grant the motion and dismiss without prejudice the Request for Recognition. 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:

1. Case 2013-REP-05-0045 Butler County Sheriff's Wage and Benefit Committee and Butler County Sheriff's Office

On or about May 17, 2013, the Butler County Sheriff's Wage and Benefit Committee ("Employee Organization") filed an Opt-In Request for Recognition seeking to add approximately three Maintenance Workers of the Butler County Sheriff's Office ("Employer") to an existing bargaining unit. On June 4, 2013, the Employer filed objections and an Opt-In Petition for Representation Election.

On August 15, 2013, the State Employment Relations Board ("the Board") directed this matter to hearing to determine an appropriate bargaining unit. On August 29, 2013, the assigned administrative law judge issued a Notice of Hearing and Prehearing Order. On September 17, 2013, the Employee Organization filed a Motion to Withdraw Opt-In Request for Recognition.

Board Member Brundige moved that the Board grant the Employee Organization's Motion to Withdraw Opt-In Request for Recognition, dismiss the Opt-In Request for Recognition, and dismiss as moot the Employer's Opt-In Petition for Representation Election. 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-05-0134 SERB v. City of Alliance

On May 13, 2013, the Alliance Professional Firefighters Association, IAFF Local 480 ("Charging Party") filed an unfair labor practice charge against the City of Alliance ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5). On July 25, 2013, the State Employment Relations Board ("the Board" or "Complainant") determined that probable cause existed to believe that Charged Party had committed an unfair labor practice, authorized the issuance of a complaint, and referred the matter to an expedited hearing. A complaint and notice of hearing were issued in this matter on August 14, 2013.

On September 17, 2013, the parties filed a Settlement Agreement that resolved the unfair labor practice charges in this case. In paragraph 1 of the Settlement Agreement, the parties request that the Board construe the agreement as a motion to withdraw the unfair labor practice charge and a motion to dismiss the complaint, both with prejudice.

Board Member Brundige moved that the Board construe the parties' Settlement Agreement as a motion to withdraw the unfair labor practice charge and a motion to dismiss the complaint, grant the motion to withdraw and the motion to dismiss, and dismiss with prejudice the unfair labor practice charge and complaint in Case No. 2013-ULP-05-0134 and retain jurisdiction for purposes of enforcing the parties' Settlement Agreement. 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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3. Case 2013-ULP-05-0143 Elyria Police Patrolman's Association v. City of Elyria

On May 20, 2013, the Elyria Police Patrolman's Association ("Charging Party") filed an unfair labor practice charge against the City of Elyria ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5). On August 15, 2013, the State Employment Relations Board ("the Board") found probable cause to believe that Charged Party had committed unfair labor practices, directed the parties to unfair labor practice mediation, and if mediation proved unsuccessful, authorized the issuance of a complaint and directed the matter to hearing.

On September 18, 2013, the parties participated in an unfair labor practice mediation session. On September 19, 2013, the parties filed a Settlement Agreement that resolved the unfair labor practice charges in Case No. 2013-ULP-05-0143. In paragraph 3 of the Settlement Agreement, the parties request that the Board construe their agreement as a motion to dismiss the unfair labor practice charge and complaint with prejudice. Since the parties' unfair labor practice mediation was successful, the unfair labor practice charge is the only action for the Board to dismiss in this case.

Board Member Brundige moved that the Board construe the parties' Settlement Agreement as a motion to dismiss, grant the motion, and dismiss with prejudice the unfair labor practice charge in Case No. 2013-ULP-05-0143 and retain jurisdiction for purposes of enforcing the parties' Settlement Agreement. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

4. Case 2013-ULP-01-0003 Ohio Patrolmen's Benevolent Association v. Cuyahoga County

On January 8, 2013, the Ohio Patrolmen's Benevolent Association ("Charging Party") filed an unfair labor practice charge against Cuyahoga County ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5). On August 15, 2013, the State Employment Relations Board ("the Board") found probable cause to believe that Charged Party had committed unfair labor practices, directed the parties to unfair labor practice mediation, and if mediation proved unsuccessful, authorized the issuance of a complaint and directed the matter to hearing.

On September 16, 2013, Charging Party filed a motion to withdraw the unfair labor practice charge and a copy of the parties' settlement agreement, which resolved the disputed issues underlying the unfair labor practice charge in this case.

Board Member Brundige moved that the Board grant Charging Party's motion to withdraw and dismiss with prejudice the unfair labor practice charge in Case No. 2013-ULP-01-0003 and retain jurisdiction for purposes of enforcing the parties' Settlement Agreement. 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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5. Case 2013-ULP-05-0150 Fraternal Order of Police, Ohio Labor Council, Inc. v. University of Cincinnati, Department of Public Safety

On May 28, 2013, the Fraternal Order of Police, Ohio Labor Council, Inc. ("Charging Party") filed an unfair labor practice charge against the University of Cincinnati, Department of Public Safety ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1), (A)(2), (A)(3), and (A)(5). On August 15, 2013, the State Employment Relations Board ("the Board") found probable cause to believe that Charged Party had committed unfair labor practices, directed the parties to unfair labor practice mediation, and if mediation proved unsuccessful, authorized the issuance of a complaint and directed the matter to hearing.

On September 19, 2013, the parties filed a Settlement Agreement, which resolved the disputed issues underlying the unfair labor practice charge in this case. Paragraph 3 of the parties' Settlement Agreement states, in part, that Charging Party agrees that its signature on the agreement constitutes a request to withdraw the unfair labor practice charge.

Board Member Brundige moved that the Board construe the parties' Settlement Agreement as a motion to withdraw, grant the motion, and dismiss with prejudice the unfair labor practice charge in Case No. 2013-ULP-05-0150 and retain jurisdiction for purposes of enforcing the parties' Settlement Agreement. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2013-ULP-06-0163 Diana S. McCallister v. Ohio Council 8 AFSCME, AFL-CIO and Its Local 3449

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B) (1), (2), and (6) by failing to fairly represent Diana S. McCallister.

Information gathered during the investigation revealed Ms. McCallister filed her charge on June 13, 2013, 134 days after she knew or should have known of the alleged unfair labor practice violation. Ms. McCallister failed to provide any evidence to justify equitable tolling of the 90-day statute of limitations and she failed to provide any evidence to support the (B) (1), (2) and (6) violations.

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 for being untimely filed. 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. Case 2013-ULP-06-0168 Service Employees International Union, District 1199 v. State of Ohio - Bureau of Workers Compensation

The unfair labor practice charge alleged that the State of Ohio - Bureau of Workers Compensation violated Ohio Revised Code §4117.11 (A) (1), (2) and (3).

Pursuant to the Board's investigation under Ohio Revised Code § 4117.12, information was requested in writing from the Union on June 26, 2013 and on September 3, 2013. The Union did not respond to the written requests for information.

Board Member Brundige moved that the Board dismiss the charge with prejudice because the Union failed 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 _____

3. Case 2013-ULP-07-0189 Streetsboro Education Association v. Streetsboro City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1), (2), (5) and (8) by attempting to interfere with, restrain or coerce employees in the exercise of their guaranteed rights, interfering with the administration of the Union and dealing directly with employees in an attempt to circumvent the Union.

Information gathered during the investigation revealed that Principal Rauschkolb's action of reading a grievance during a staff meeting and his accompanying statements appears to be an attempt to deal with the Union through its members and an attempt to circumvent the exclusive representative. Therefore, Principal Rauschkolb's conduct appears to constitute (A) (1), (2), (5) and (8) violations.

Chair Zimpher moved an alternative recommendation 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), (2), and (5), but not (8), by attempting to interfere with, restrain or coerce employees in the exercise of their guaranteed rights, interfering with the administration of the Union and dealing directly with employees in an attempt to circumvent the Union. Board Member Brundige seconded the motion. Chair Zimpher called for discussion.

Chair Zimpher stated that he does not believe the facts support a finding of probable cause on the alleged Ohio Revised Code § 4117 (A) (8) violation.

Chair Zimpher called for the vote

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

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4. Case 2013-ULP-07-0206 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO, and its Local 561 v. Orange City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A) (1) and (3) by terminating Rob Miami in retaliation for exercising his guaranteed rights.

Information gathered during the investigation revealed that the School Board's conduct and the circumstances within which Mr. Miami was terminated do not appear to support (A) (1) and (3) violations of 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 the School Board. 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-08-0218 Tonya King v. Ohio Council 8, AFSCME, AFL-CIO, and Its Local 1229

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

Pursuant to the Board's investigation, under Ohio Revised Code §4117.12, information was requested in writing from Tonya King on August 7, 2013 and on August 30, 2013. Ms. King did not respond to the written requests for information.

Board Member Brundige moved that the Board dismiss the charge with prejudice because Ms. King failed 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 _____

6. Case 2013-ULP-08-0219 Cheryl A. Jarze v. Ohio Council 8, AFSCME, AFL-CIO and Its Local14

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B) (1) by failing to fairly represent Cheryl A. Jarze.

Information gathered during the investigation revealed that Ms. Jarze filed the unfair labor practice charge on August 6, 2013, 109 days after she knew or should have known of the alleged unfair labor practice violation. Ms. Jarze failed to provide any evidence to justify equitable tolling of the 90-day time requirement and she failed to provide sufficient information to support the (B) (1) allegation.

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

Vote: BRUNDIGE:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	_____

7. Case 2013-ULP-07-0195 Transport Workers Union of America, Local 208 and Andrew Jordan v. Central Ohio Transit Authority (COTA)

The unfair labor practice charge alleged that Central Ohio Transit Authority (COTA) violated Ohio Revised Code §4117.11 (A) (1) and (3) by retaliating against Andrew Jordan for the previous exercise of his guaranteed rights.

Information gathered during the investigation revealed the Union and Andrew Jordan failed to establish a prima facie case of discrimination. COTA provided a persuasive rebuttal to the Union and Mr. Jordan's anti-union animus allegation by showing consistent enforcement of Rule 1.14.

Board Member Brundige moved an alternative recommendation that the Board sua sponte 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.

Board Member Brundige shared the following rationale for his recommendation: "While I believe this matter may very well be settled in arbitration, there may still be an unsettled issue of whether Mr. Jordan was disciplined because he engaged in concerted activity. I do not agree with the investigator that because Mr. Jordan failed to demonstrate concerted activity in the current calendar year, that the action might not have been in part, predicated on the fact that he had just concluded a term as a union president who led his union in a work stoppage during his 2010 – 2012 tenure as president. Reserving the right for SERB to review that question at hearing, if it is not resolved by an arbitrator, seems appropriate."

Chair Zimpher called for the vote

Vote: BRUNDIGE:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	_____

8. Cases 2013-ULP-08-0222 International Union of Operating Engineers, Local 20 v. Cincinnati Public School District Board of Education
2013-ULP-08-0223

The unfair labor practice charges alleged that the School Board violated Ohio Revised Code §4117.11 (A) (1) and (5) by unilaterally changing the training requirements and the "benefits bank."

Information gathered during the investigation revealed the matter appears to be contractual with no arguable statutory violation. The Union has filed grievances alleging the identical allegations contained in the instant charges. The matter appears to be best

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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 City. 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-08-0236 Karina M. Hahn v. Oregon City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A) (1), (2), (3), (6) and (8) by interfering with the processing of grievances, the administration of the Union, and by repeatedly failing to process grievances.

Information gathered during the investigation revealed that Karin M. Hahn's position statement contained a multitude of documents. But, Ms. Kahn failed to provide any narrative or explanation as to the relevancy of these documents. Therefore, Ms. Kahn did not provide sufficient information to support the (A) (1), (2), (3), (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 the School Board. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

12. Cases 2013-ULP-05-0147 Ohio Council 8, AFSCME, AFL-CIO and Its Local
2013-ULP-06-0162 100 v. City of Cleveland

The unfair labor practice charges alleged that the City violated Ohio Revised Code §4117.11 (A) (1), (2), (3), (4), (6) and (8) by interfering, restraining, and coercing employees in the exercise of their guaranteed rights by discriminating against employees because of charges filed or testimony given, repeatedly failing to process grievances, and causing or attempting to cause an unfair labor practice charge.

Information gathered during the investigation revealed that Local Union President, Louis Brown alleged that the City is retaliating and discriminating against him for his concerted union activities. However, the City provided a persuasive rebuttal to his allegations. Therefore, the City's actions do not rise to the level of a statutory violation. The Union did not provide any information to support the (A) (1), (2), (3), (4), (6) and (8) 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 City. 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 _____

13. Case 2013-ULP-07-0204 Jay Wollenburg v. Ottawa Hills Local School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(2) and (3) by interfering and discriminating against Jay Wollenburg in the exercise of his guaranteed rights because he previously filed unfair labor practice charges against a former employer.

Information gathered during the investigation revealed that Jay Wollenburg was unable to demonstrate a connection between the Superintendent's possession of the previously filed unfair labor practice charges and Mr. Wollenburg not being granted an interview. The School Board provided a persuasive rebuttal that Mr. Wollenburg did not possess the required experience and qualifications in comparison to those selected for an interview. As a result, the School Board's actions do not rise to the level of a statutory violation and Mr. Wollenburg did not provide sufficient information to support the (A) (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 School Board. 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-08-0238 Service Employees International Union, District 1199 v. University of Cincinnati

The unfair labor practice charge alleged that the University violated Ohio Revised Code §4117.11 (A) (1) and (5) by interfering, restraining or coercing employees in the exercise of their guaranteed rights by unilaterally changing health care benefits.

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. Contract interpretation and application appear to lie at the heart of both the unfair labor practice charge and the grievance dispute.

Board Member Brundige moved that the Board grant the University's request to 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) and that the Board give the parties thirty (30) days after the issuance of the arbitration award to request SERB to resolve any remaining issues. 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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15. Case 2013-ULP-04-0103 Amalgamated Transit Union Local 697 v. Toledo Area Regional Transit Authority

The unfair labor practice charge alleged that the Toledo Area Regional Transit Authority (TARTA) violated Ohio Revised Code §4117.11 (A) (1) and (5) by unilaterally requiring employees to report receiving red light camera tickets.

Information gathered during the investigation revealed that on July 25, 2013, the Board dismissed the above charge for lack of probable cause. The Board determined that TARTA's reporting requirements were not new, but rather were consistent with its long standing practice.

On August 23, 2013, the Union filed a timely Motion for Reconsideration. On September 16, 2013, TARTA filed a Response to the Motion for Reconsideration. The Union did not provide any new information meriting reconsideration.

Board Member Brundige moved that the Board deny the Union's 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 _____

16. Case 2013-ULP-05-0155 Professionals Guild of Ohio v. Butler County Board of Developmental Disabilities

The unfair labor practice charge alleged that the Board of Developmental Disabilities violated Ohio Revised Code §4117.11 (A) (1), (2) and (3) by retaliating against Union President, John Ferrando, for his exercise of guaranteed rights.

Information gathered during the investigation revealed on August 15, 2013, the Board dismissed the above charge for lack of probable cause.

On September 16, 2013, the Professionals Guild of Ohio (PGO) filed a timely Motion for Reconsideration. However, SERB was advised on September 26, 2013, that the parties reached a settlement in the grievance pertaining to the above-referenced charge and as part of the settlement, PGO agreed to withdraw the Motion for Reconsideration. The Motion withdrawing the Motion for Reconsideration was filed on the same day.

Board Member Brundige moved that the Board grant PGO's Motion for Withdrawal of the Reconsideration Motion 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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17. Case 2013-ULP-06-0176 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 351 v. Tri-Valley Local School District Board of Education
18. Case 2013-ULP-07-0188 Fraternal Order of Police, Lodge 26 v. City of Ashtabula & Holly Niotti-Soltesz & HNS Polygraph Services
19. Case 2013-ULP-07-0196 Fraternal Order of Police, Ohio Labor Council Inc. v. City of Hillsboro
20. Cases 2013-ULP-07-0197 Brian Travis McCulloch v. State of Ohio Department of Transportation - District 5
2013-ULP-07-0198 Brian Travis McCulloch v. Ohio Civil Service Employees Association, AFSCME Local 11
21. Case 2013-ULP-07-0213 Tri-Valley Local School District Board of Education v. Ohio Association of Public School Employees, AFSCME Local 4
22. Case 2013-ULP-08-0216 Beaver Local Education Association v. Beaver Local School District Board of Education
23. Case 2013-ULP-08-0235 Toledo Fire Fighters Local 92, IAFF, AFL-CIO v. City of Toledo
24. Case 2013-ULP-08-0244 Danielle Lazaro v. Youngstown Developmental Center
25. Case 2013-ULP-08-0245 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO v. Cuyahoga County Metropolitan Housing Authority
26. Case 2013-ULP-09-0273 Terra Faculty Association, OFT/AFT Local 4719 v. Terra Community College
27. Case 2013-ULP-08-0240 Gahanna Jefferson Education Association, OEA/NEA v. Gahanna Jefferson City School District Board of Education
28. Case 2013-ULP-09-0265 Stow-Munroe Falls Teachers' Association, OEA/NEA v. Stow-Munroe Falls City School District Board of Education

Items 17 through and including 28 were withdrawn pursuant to a motion or a request to withdraw.

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Board Member Brundige moved that the Board construe 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:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	_____

VI. TABLED AND OTHER MATTERS:

There are no tabled matters.

VII. ADMINISTRATIVE MATTERS:

Executive Director Christine Dietsch presented the following "Executive Director's Report":

SERB REGULAR SCHEDULED MEETING DATES:

- Reminder of the next regular scheduled meeting dates of the State Employment Relations Board:
 - **October 24, 2013**
 - **November 14, 2013**
 - **December 12, 2013**
 - **January 09, 2014**

SYSTEM UPDATES:

- **Employee Organization Annual Report Filings:** There were six (6) Employee Organizations that were due no later than 09/15/2013 and nine (9) Employee Organizations that were due no later than 10/15/2013, all filed on or before their filing due date.
- **Annual Workforce Plan for 2014** was submitted to the Office of the Governor, DAS and CSA on 09/17/13 two weeks ahead of schedule. This particular plan deals with all aspects of SERB and its workforce.
- **Annual Performance Evaluations** have been completed by all administrators for their direct reports. They met the internal goal of October 01, 2013. The new electronic system was used for the first time.

REMINDERS:

- **SERB Academy:** Scheduled for November 6 and 7, 2013 (Wednesday and Thursday) at the CROWNE PLAZA, DUBLIN. To date 45 participants have registered.
- **Staff Retreat:** The staff retreat is scheduled for Friday, December 20, 2013. It will be held at the State Library. The presenter is Diane Alexander, MindWorks, Inc. She will present a full day seminar on Advanced Skills for Conflict Resolution.

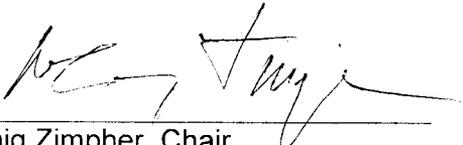
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IX. ADJOURNMENT:

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 10:37 a.m.

/s/ 

W. Craig Zimpher, Chair