

State Employment Relations Board

Board Meeting Minutes

March 12, 2015

The State Employment Relations Board met on March 12, 2015, at 10:00 a.m., at 65 East State Street, 12th Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher, Vice Chair Aaron A. Schmidt, and Board Member N. Eugene Brundige.

I. APPROVAL OF MINUTES FOR THE FEBRUARY 12, 2015 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the February 12, 2015 Board meeting. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

1. Cases 2014-MED-11-1612 Butler County Sheriff's Wage and Benefit Committee
 2014-MED-12-1637 and Butler County Sheriff
 2014-MED-11-1611
 2014-MED-12-1638
 2014-MED-11-1610
 2014-MED-12-1639
 2014-MED-11-1609
 2014-MED-12-1640

Before the Board is the Union's Motion to Consolidate Negotiations in the matter of the Butler County Sheriff's Wage and Benefit Committee and the Butler County Sheriff. At issue are 4 labor contracts each with identical reopeners for Health Insurance and Wages. The union filed 8 notices to negotiate, one for each issue in each contract.

The basis of the Union's argument is simply one of judicial economy. If impasse is reached on all issues, the parties conceivably end up going through 8 fact findings and a number of conciliations for the Public Safety Units. Combining negotiations for the Sheriff employees on the two issues would save a lot of time. To that end, the union requested multi unit bargaining when they filed the 8 Notices to Negotiate.

The employer's response is they are entitled to the benefit of the bargain the parties made and that is to have bargaining on each issue if they so desire. In addition, SERB has no authority to compel consolidation.

OAC 4117-9-02 (C) requires: *An agreement with the proposed multi-unit bargaining must be filed via electronic mail with the board and served upon the other party within ten days of service of the notice or the board will consider the parties to be engaging in single-unit bargaining.*

Here, no agreement on multi-unit bargaining has been filed with the Board. We are mindful of the argument the union makes, however the action requested depends on the agreement of both parties. It is clear there has been no meeting of the minds on this issue.

Vice Chair Schmidt moved that, absent mutual agreement of the parties, the Board deny the union's request to consolidate negotiations on the reopener provisions of the labor agreements. Board Member Brundige seconded the motion.

Chair Zimpher called for discussion.

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Board Member Brundige clarified with General Counsel, Donald Collins, that if the parties choose on their own accord to consolidate negotiations that they may do so without SERB's approval. Mr. Collins confirmed this is correct.

Chair Zimpher called for the vote.

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

2. Closing of 169 Cases

Board Member Brundige moved that the Board close 169 Mediation cases beginning with Case No. 2011-MED-11-1696 and ending with Case No. 2014-MED-09-1066, not consecutively numbered. Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

3. Case 2013-MED-02-0080 City of Cleveland and Communications Workers
of America, Local 4340

In this case the issue is whether the Emergency Medical Service (EMS) Supervisors for the City of Cleveland are eligible for Conciliation pursuant to R.C. 4117.14. Here the parties have been involved in negotiations and recently went through Fact Finding. On January 23, 2015, the report of the Fact Finder was rejected. The union now seeks to engage in Conciliation. The employer believes the EMS Supervisors are not eligible for Conciliation as claimed by the union.

The employer has submitted a Motion to Revoke the Order to Proceed to Conciliation and the Union has submitted their reply. There are approximately 10 employees in the Bargaining unit. The sole issue is whether these EMS supervisors qualify for Conciliation under R.C. 4117.14.

In their arguments the parties make reference to how these EMS Supervisors do or do not qualify for Conciliation. The crux of this matter concerns the actual duties performed by the EMS Supervisors.

Vice Chair Schmidt moved that the Board refer this matter to the General Counsel for the purpose of conducting an Inquiry on the question of whether the EMS Supervisors are entitled to Conciliation under R.C. 4117.14 for resolution of their contract dispute. The Conciliation Order issued previously is hereby stayed until the disposition of this matter. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

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III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2014-REP-12-0142 Amanda Clearcreek Support Staff Association, OEA/NEA and Amanda-Clearcreek Local School District
(March 24, 2015 - April 6, 2015)
2. Case 2015-REP-01-0001 Communication Workers of America, Local 4340 and Cuyahoga County (Clerk of Courts)
(March 24, 2015 - April 6, 2015)
3. Case 2015-REP-01-0002 Fraternal Order of Police, Lodge 15 and Ohio Patrolmen's Benevolent Association and City of Parma
(March 24, 2015 - April 6, 2015)
4. Case 2015-REP-01-0007 Ohio Patrolmen's Benevolent Association and City of Englewood
(March 24, 2015 - April 6, 2015)

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 Agreements and direct mail-ballot elections to be conducted during the polling periods indicated. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

5. Case 2015-REP-01-0010 Monroe County Education Association, OEA/NEA and Monroe County Board of Developmental Disabilities
6. Case 2015-REP-01-0012 Miami Township Firefighters IAFF 3906 and Miami Township, Hamilton County

The parties jointly filed Petitions for Amendment of Certification and they appear appropriate.

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

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

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7. Case 2015-REP-01-0009 Teamsters Local Union No. 413 affiliated with the International Brotherhood of Teamsters and Franklin County Sheriff's Office

The Employee Organization filed an Opt-In Request for Recognition. The substantial evidence is sufficient and no objections have been filed. The Employer has complied with the posting requirements.

Board Member Brundige moved that the Board certify the Employee Organization as the exclusive representative of all employees subject to the request and add them to the Employee Organization's existing unit. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

8. Case 2014-REP-12-0143 Teamsters Local Union No. 284 and Franklin County Sheriff's Office

The Employee Organization filed a Petition for Amendment of Certification involving two Board-certified bargaining units. The Employer responded by filing a position statement that it does not oppose the Employer's name change, the job title change, and agrees that the two units should be combined into one bargaining unit. This portion of the proposed amendment appears appropriate.

The petition also seeks to add the currently unrepresented classification of Facility Security Specialists to the combined unit. The addition of employees to an existing bargaining unit is permissible if the number of employees to be added is substantially smaller than the number of employees in the existing bargaining unit. The union seeks an addition that is not substantially smaller. It appears dismissal of this portion of the petition is appropriate.

Labor Relations Specialist Sapp recommended that the Board dismiss the petition, in part, by denying the addition of the classification of Facility Security Specialists and grant the petition, in part, by changing the Employer's name to Franklin County Sheriff's Office, changing the job title of Court Security Officer to Facility Security Officer, and combining the two Board-certified units into one bargaining unit.

Board Member Brundige moved an alternative recommendation that the Board approve the Employer name change and the job title change, but order the representatives of Teamsters Local 284, Teamsters Local 413 and the Franklin County Sheriff's office to appear for mediation to attempt to resolve the issue of an appropriate unit for the employees in question, and hold this case without action on the remaining issues until the mediator reports back to the Board. The Board authorizes 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, to be conducted within thirty days. Vice Chair Schmidt seconded the motion.

Chair Zimpher called for discussion.

Board Member Brundige shared the following rationale for his alternative recommendation: "It is an unusual situation when an employer deal with two different locals of the same

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international as is the case here. It appears that Local 413 represents clerical and administrative personnel while 284 represents law enforcement types. It would seem more efficient for the two Teamster locals and the employer to sit down to resolve their differences, rather than go through a costly hearing process."

Chair Zimpher called for the vote.

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

9. Case 2015-REP-01-0008 Teamsters Local Union 413 affiliated with the International Brotherhood of Teamsters and Franklin County Sheriff's Office

The Employee Organization filed a Request for Recognition. The Employer responded by timely filing objections and a memorandum in support.

Labor Relations Specialist Sapp recommended that the Board direct the matter to hearing to determine an appropriate bargaining unit and for all other relevant issues.

Board Member Brundige moved an alternative recommendation that the Board direct the matter to General Counsel for the purpose of conducting an Inquiry to determine an appropriate bargaining unit and for all other relevant issues. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

10. Case 2014-REP-10-0129 Fraternal Order of Police, Ohio Labor Council, Inc. and Hamilton County Sheriff

The Employee Organization filed a Request for Recognition. The Employer responded by filing objections.

Vice Chair Schmidt moved that the Board direct the matter to General Counsel for the purpose of conducting an Inquiry to determine whether or not the positions of Enforcement Captains and Court Service Captains are within the statutory definition of "public employee" and for all other relevant issues. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

11. Case 2014-REP-09-0108 Laborers' Local Union No. 860 and Service Employees International Union, District 1199 and Cuyahoga County (Department of Public Works)

- There were 85 valid ballots cast
- There were 6 void ballots
- There were 2 challenged ballots
- No Representative received 0 votes
- Service Employees International Union, District 1199 received

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36 votes

- Laborers' Local Union No. 860 received 49 votes and prevailed in this election.

12. Case 2014-REP-09-0109 Fraternal Order of Police, Ohio Labor Council, Inc. and United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 3056 and Lucas County Sheriff

- There were 274 valid ballots cast
- There were 10 void ballots
- There were 0 challenged ballots
- No Representative received 1 vote
- Fraternal Order of Police, Ohio Labor Council, Inc. received 83 votes
- United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 3056 received 190 votes and prevailed in this election.

13. Case 2014-REP-10-0121 Fraternal Order of Police, Ohio Labor Council, Inc. and The Ohio State University

- There were 2 valid ballots cast
- There was 1 void ballot
- There was 1 challenged ballot
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 2 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. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 2014-REP-07-0085 Fraternal Order of Police, Lodge 38 and Miami University

On July 21, 2014, Fraternal Order of Police, Lodge 38 ("Union" or "FOP") filed a Request for Recognition seeking to represent "Miami University Police Department Sergeants." Miami University ("Employer" or "MU") timely filed a Petition for Representation Election and Objections. The Employer asserts that the employees in the proposed bargaining unit are "supervisors" as defined by Ohio Revised Code ("O.R.C.") § 4117.01(F) and, therefore, they are not "public employees" pursuant to O.R.C. § 4117.01(C)(10).

On October 9, 2014, the State Employment Relations Board ("SERB" or "Board") directed this matter to an inquiry to gather relevant information for the Board to determine whether

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the employees in question are "public employees" under O.R.C. Chapter 4117. On December 4, 2014, an inquiry was held in this matter, at which time, testimonial and documentary evidence was presented.

On February 3, 2015, a Report and Recommendation was submitted to the Board, recommending that the Union's Request for Recognition be dismissed based upon the inquiry findings that the Sergeants in Miami University's Police Department are "supervisors" as defined by O.R.C. § 4117.01(F) and, therefore, excluded from the definition of a "public employee" under O.R.C. Chapter 4117.

Vice Chair Schmidt moved that the Board:

1. adopt the Findings of Fact, Conclusions of Law, and Recommendations in the Report and Recommendation, finding that the Sergeants are "supervisors" as defined by O.R.C. § 4117.01(F) and, therefore, excluded from the definition of a "public employee" under O.R.C. Chapter 4117;
2. dismiss with prejudice the Union's Request for Recognition; and
3. dismiss the Employer's Petition for Representation Election as moot.

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

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

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2014-ULP-11-0237 Robbin Rogers v. Ohio Education Association

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(1) and (6) by failing to properly represent Robbin Rogers during the arbitration hearing regarding her termination.

Information gathered during the investigation revealed that the Association's actions during Ms. Rogers' arbitration were not arbitrary, discriminatory or in bad faith. Furthermore, based on the February 28, 2014 date referenced in the charge, the charge should have been filed on or before May 29, 2014; however, it was not filed until November 13, 2014, 168 days later.

Ms. Robbins did not provide sufficient information or documentation to support the (B)(1) 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 and for being untimely filed. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

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8. Case 2015-ULP-01-0005 Ohio Civil Service Employees Association, AFSCME, Local 11, AFL-CIO v. State of Ohio - DRC - Noble Correctional Institution

The unfair labor practice charge alleged that Noble Correctional Institution violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally appointing three (3) of its members to a Labor/Management Master Planning Committee.

Information gathered during the investigation revealed that the Correctional Institution's action of appointing members of the bargaining unit to participate in a workshop does not amount to direct dealing or a refusal to bargain. Accordingly, the Correctional Institution's actions do not rise to the level of an (A)(5) statutory violation.

The Union did not provide sufficient information or documentation to support the (A)(1) allegation.

Furthermore, based on the September 9th date, the charge should have been filed on or before December 8, 2014, but it was not filed until 122 days later. The Union did not provide any information or documentation to justify tolling of the statute of limitations.

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

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

9. Case 2015-ULP-01-0006 Ohio Civil Service Employees, AFSCME, Local 11, AFL-CIO v. State of Ohio - DRC - Noble Correctional Institution

The unfair labor practice charge alleged that Noble Correctional Institution violated Ohio Revised Code §4117.11 (A)(1), (2) and (3) by requiring its Vice-President, Thomas Love, to sign an "agreement" as a condition of his promotion which requires all of his Union leave to be approved by his Unit Manager.

Information gathered during the investigation revealed that the Union has failed to establish a prima facie case of discrimination. Furthermore, the Correctional Institution provided a persuasive rebuttal to show that the document was not a condition of Mr. Love's Temporary Working Level (TWL) but an overview of the expectations and goals for his new position. Therefore, the Correctional Institution's actions do not amount to an (A)(3) statutory violation. The Union did not provide sufficient information or documentation to support the (A)(1) and (2) 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. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

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10. Case 2015-ULP-01-0015 Malissa Higginbotham v. State of Ohio - Department of Rehabilitation & Correction, Richland Correctional Institution

The unfair labor practice charge alleged that Richland Correctional Institution violated Ohio Revised Code §4117.11 (A)(8) by causing or attempting to cause the Union to commit an unfair labor practice when it could not fairly represent Malissa Higginbotham during her probationary period.

Information gathered during the investigation revealed that the Correctional Institution followed the language outlined in Article 6 regarding probationary employees when removing Ms. Higginbotham during her probationary period. Based on the totality of the circumstances, the Correctional Institution's actions do not rise to the level of an (A)(8) statutory violation.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

11. Case 2014-ULP-10-0202 Eric E. Rives v. Fraternal Order of Police, Inc.

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(6) by failing to fairly represent Eric E. Rives when he was suspended and placed on leave with pay.

Information gathered during the investigation revealed that the Union took the basic and required steps in its representation of Mr. Rives. Based on the totality of the circumstances, the Union's actions were not arbitrary, discriminatory or in bad faith and do not rise to the level of a (B)(6) 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. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

12. Case 2014-ULP-10-0209 Cincinnati Organized and Dedicated Employees, Inc. v. City of Cincinnati

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1), (3), (4), (7) and (8) by interfering, restraining, coercing and discriminating against the employees in the exercise of their guaranteed rights and by locking out an exclusive representative during a labor dispute.

Information gathered during the investigation revealed that the City's decision to transfer the Union's president was not motivated by concerted/protected activities, but rather were in accordance with the City's managerial rights to restructure its departments based on

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operational needs as determined by a study.

In addition, the Union knew or should have known of the transfer on July 15, 2014, but did not file the instant charge until October 22, 2014, 99 days later.

The Charging Party did not provide sufficient information or documentation to support the (A)(1), (3), (4), (7) and (8) allegations.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed, for being untimely filed and deny the City's motion as moot. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

13. Case 2014-ULP-10-0212 International Union of Operating Engineers, Local 20 v. University of Cincinnati

The unfair labor practice charge alleged that the University violated Ohio Revised Code §4117.11 (A)(1) and (8) by interfering, restraining or coercing employees in the exercise of their guaranteed rights and by causing or attempting to cause an unfair labor practice.

Information gathered during the investigation revealed that a grievance was filed by the Union regarding a bargaining unit member's performance evaluation. The grievance is proceeding through the parties' grievance-arbitration procedure. The University has requested that the matter be deferred to the parties' grievance-arbitration procedure.

Board Member Brundige moved that the Board grant the University'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). The parties have thirty (30) days from the issuance of the arbitration award to file a request with the Board seeking review of the remaining issues, if any. If nothing is filed within the thirty (30) days, this Board will assume all issues were resolved in the grievance-arbitration procedure and dismiss the matter. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

14. Case 2014-ULP-11-0224 Helen Pagan v. Lorain City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1) by interfering, restraining or coercing Helen Pagan in the exercise of her guaranteed rights.

This case will be held in abeyance pending the outcome of the following recommendation.

Vice Chair Schmidt 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

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17. Case 2014-ULP-11-0243 Nancy S. Toliver v. American Federation of State County and Municipal Employees

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(2) by causing or attempting to cause an unfair labor practice when Nancy S. Toliver was terminated for her previous filings of unfair labor practice charges.

Information gathered during the investigation revealed that Ms. Toliver is not a public employee or a bargaining-unit member. She lacks standing to file the instant charge. Furthermore, she did not provide sufficient information or documentation to support the (B)(2) allegations.

Board Member Brundige moved that the Board dismiss the charge with prejudice for Ms. Toliver's lack of standing to file an unfair labor practice charge and deny the Union's Motion as moot. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

18. Case 2014-ULP-11-0247 Lael Beamish v. Allen County Regional Transit Authority

The unfair labor practice charge alleged that the Transit Authority violated Ohio Revised Code §4117.11 (A)(1), (4) and (8) by interfering, restraining, coercing and discriminating against Lael Beamish and by attempting to cause an unfair labor practice charge.

Information gathered during the investigation revealed that the changes made by the Transit Authority did not directly affect Ms. Beamish in any way. The Transit Authority and the Union are in the process of negotiating their initial collective bargaining agreement and during that time most, if not all, of the matters contained in the instant charge will be addressed.

Ms. Beamish did not provide sufficient information or documentation to support the (A)(1), (4) and (8) allegations.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

19. Case 2014-ULP-11-0248 Lael Beamish v. Ohio Council 8/ AFSCME

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1), (2), (3) and (6) by restraining or coercing Lael Beamish in the exercise of her guaranteed rights, causing or attempting to cause an unfair labor practice, refusing to bargain and failing to fairly represent its members.

Information gathered during the investigation revealed that the Union took the basic and

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22. Case 2014-ULP-09-0185 Daren Moore v. Lima/Allen County Regional Transit Authority

The unfair labor practice charge alleged that the Transit Authority violated Ohio Revised Code §4117.11 (A)(1), (3), (5), (6) and (8) by unjustly terminating Daren Moore, in part, for engaging in the protected activity of helping to organize a union.

Information gathered during the investigation revealed that on February 12, 2015, Mr. Moore timely filed a request for reconsideration. He provided documentation that does not support his allegation that he was terminated for helping to organize the Union. The Transit Authority provided a persuasive rebuttal demonstrating that Mr. Moore was terminated "due to the severity of violations of RTA Policy and Procedures" and not based on any anti-union animus.

Vice Chair Schmidt moved that the Board construe Mr. Moore's request for reconsideration as a motion for reconsideration and deny the motion with prejudice. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

23. Case 2014-ULP-10-0207 Ohio Association of Public School Employees, AFSCME Local 4 and its Local 207 v. South Euclid-Lyndhurst City School District Board of Education

24. Case 2014-ULP-10-0206 International Association of Firefighters, Local 1638 v. City of Troy

25. Case 2015-ULP-01-0003 Professionals Guild of Ohio v. Aurora Academy

26. Case 2015-ULP-01-0007 Teamsters Local Union No. 92 v. Tuscarawas County Sheriff Department

27. Case 2015-ULP-01-0018 Keystone Local Education Association, OEA/NEA v. Keystone Local School District Board of Education

Items 23 through and including 27 were withdrawn pursuant to a request, settlement or motion to withdraw.

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

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

VI. TABLED AND OTHER MATTERS:

There were no tabled matters.

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- **April 16, 2015**
- **May 07, 2015**
- **June 04, 2015**

SYSTEM UPDATES:

- **Employee Organization Annual Report Filings:** For fiscal year ending 09/31/2014 two Employee Organizations were required to report not later than 02/15/2015. The Employee Organizations filed and are therefore in compliance. There are no employee organizations 31 days past due.
- **2015 Report on the Cost of Health Insurance in Ohio's Public Sector: As of Monday 3/9/15,** 242 surveys are incomplete. All initial phone calls were completed last Friday.
 - Stark County COG Consortium represents 62 surveys. Completion is expected at the end of the month. Justin Brown has been in communication with them. Historically, they complete each year.
 - 180 others are unfinished as of Monday 3/9/15.
 - ❖ 49 have extensions until 3/31 (spoke/emailed with them)
 - ❖ 78 have extensions until 3/13 (spoke/emailed with them)
 - ❖ 53 have left messages with the contact person on file.

Second Round phone calls start Monday 3/17/15. Final day for survey submissions is Tuesday 3/31/15.

- **Labor Relations Specialist 2 Position:** Twila Hampton-Brown will begin with SERB on Monday, March 23, 2015 as a Labor Relations Specialist 2 in the Investigations Section. Twila has been employed in the position of a Labor Relations Officer 2 with the Department of Rehabilitation and Corrections for the past 12 years; she is currently at the Orient institution. Her familiarity with the Ohio Revised Code, contracts, and investigations combined with working with exempt and bargaining unit staff, is great and will blend well with and complement the existing SERB staff. Her contract negotiation experience and prior work on both sides of the labor/management process has broadened her professional perspectives and will be an asset as she trains on the SERB procedures and investigatory methodologies.
- **FY 16/17 Biennial Budget Testimony:** Chairman Craig Zimpher provided budget testimony to the Finance Subcommittee on Agriculture, Development and Natural Resources this past Wednesday, March 04, 2015 at the State House. The committee was chaired by Representative Andy Thompson, Ohio House of Representatives. Accompanying Mr. Zimpher was SERB Vice Chair Aaron Schmidt, SERB General

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Counsel Don Collins, SERB Staff Attorney Elaine Stevenson, and SERB Executive Director Christine Dietsch. Mr. Zimpher's written testimony had been submitted in advance and his presentation was well received.

- **Ethics Training:** Per Governor Kasich's Executive Order 2011-0K, **all** state officials and employees must participate in annual Ohio Ethics Law training. Susan Willeke, Education and Communications Administrator, Ohio Ethics Commission is scheduled to provide a session here on site for Board Members of SERB and SPBR and our staff in order to meet the Ohio Ethics Law education requirement in the Executive Order. This **session is scheduled for Wednesday, April 29, 2015 at 1:30 p.m. in Hearing Room 1**. As in past years we have invited Public Works (located in this building) to join us for the presentation.

TRAINING:

- **SPBR Academy:** SPBR Academy was held this past February 24, 2015 at the Crowne Plaza – North. There were 125 registrations. It was a great success.
- **SERB Academy:** Planning is giving way to production for the next SERB Academy scheduled for April 09 and 10, 2015 at the Crowne Plaza – North. At this early stage there are currently 41 registrations.

BRIEFING ON FIVE YEAR RULE REVIEW FOR THE BOARD WILL FOLLOW THE BOARD MEETING:

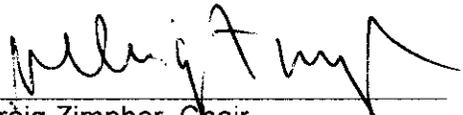
- **Briefing on Five Year Rule Review:** Staff Attorney Elaine Stevenson will provide a briefing on the upcoming Rule Review Procedure, deadlines, etc. for the Board.

IX. ADJOURNMENT:

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

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

The Board meeting adjourned at 10:42 a.m.

/s/ 

W. Craig Zimpher, Chair