

State Employment Relations Board

Board Meeting Minutes

August 4, 2016

The State Employment Relations Board met on August 4, 2016, 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 J. Richard Lumpe.

I. APPROVAL OF MINUTES FOR THE JUNE 30, 2016 BOARD MEETING:

Vice Chair Schmidt moved that the Board approve the minutes for the June 30, 2016 Board meeting. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no mediation matters.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2016-REP-03-0033 Ohio Patrolmen's Benevolent Association and Teamsters Local 436 and Cleveland Metropolitan School District Board of Education
(August 16, 2016 - August 30, 2016)
2. Case 2016-REP-05-0056 Twinsburg Clerical & Technical Workers Local 1 and Ohio Council 8, American Federation of Federal, State, County and Municipal Employees and City of Twinsburg
(August 16, 2016 - August 30, 2016)
3. Case 2016-REP-06-0058 Ohio Patrolmen's Benevolent Association (OPBA) and Miami County Sheriff
(August 16, 2016 - August 30, 2016)
4. Case 2016-REP-06-0059 Ohio Association of Public School Employees, AFSCME Local 4 and Rocky River City School District Board of Education
(August 16, 2016 - August 30, 2016)

The parties have entered into Consent Election Agreements seeking mail-ballot elections.

Vice Chair Schmidt moved that the Board approve the Consent Election Agreements in each case and direct mail-ballot elections to be conducted during the polling period of August 16, 2016 through August 30, 2016. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 2 of 19

5. Case 2016-REP-07-0066 Ohio Patrolmen's Benevolent Association (OPBA) and City of Mentor-on-the-Lake

The parties in this case jointly filed a petition to amend the certification.

Vice Chair Schmidt moved that the Board approve the jointly filed petition to include the classification and amend the certification accordingly. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

6. Case 2016-REP-06-0061 Fraternal Order of Police, Ohio Labor Council, Inc. and Franklin County Sheriff

The Fraternal Order of Police filed a Request for Recognition seeking to represent and include all full-time Corrections Classifications Specialists of the Franklin County Sheriff in the bargaining unit. The substantial evidence is sufficient, and no objections have been filed.

Vice Chair Schmidt moved that the Board certify the Employee Organization as the exclusive representative of all employees in the relevant bargaining unit. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

7. Case 2016-REP-06-0064 Fraternal Order of Police, Ohio Labor Council, Inc. and Adams County Sheriff

The Fraternal Order of Police filed an Opt-In Request for Recognition seeking to represent and include Road Patrol Lieutenants of the Adams County Sheriff, adding them to an existing Board-certified unit. The substantial evidence is sufficient and no objections have been filed.

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

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

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 3 of 19

8. Case 2016-REP-05-0053 Ohio Patrolmen's Benevolent Association (OPBA) and Cuyahoga Emergency Communications System (CECOMS)

Ohio Patrolmen's Benevolent Association filed a Request for Recognition seeking to represent Safety Dispatcher and Operations Supervisors of the Cuyahoga Emergency Communications System. The Employer filed objections asserting that the classification titles in the proposed bargaining unit classified as Cuyahoga Emergency Communications System Operations Supervisors did not fall within the definition of "public employee" as set forth in Ohio Revised Code 4117.01(C).

Additional information was sent in the memorandum to the Board. Accordingly, directing this matter to Inquiry is appropriate.

Vice Chair Schmidt moved that the Board order the parties to participate in an Inquiry regarding whether the classification of Operations Supervisors are "public employees". The date and time of the Inquiry and the Inquiry procedures will be addressed in a procedural order issued by the Office of the General Counsel of the State Employment Relations Board. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

9. Case 2016-REP-05-0055 Twinsburg Service Workers Local 1 and Ohio Council 8, American Federation of Federal, State, County and Municipal Employees and City of Twinsburg

The Rival Employee Organization has filed a letter withdrawing the Petition for Representation Election.

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

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

10. Case 2016-REP-06-0063 Ohio Patrolmen's Benevolent Association and City of Mentor-On-The-Lake

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. However, on July 14, 2016, the Employee Organization filed a letter seeking to withdraw the request.

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 4 of 19

Vice Chair Schmidt moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Request for Recognition. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

11. Case 2016-REP-02-0013 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Sandusky County Sheriff
(May 24, 2016 - June 7, 2016)

- There were eight (8) valid ballots cast
- There were zero (0) void ballots
- There were zero (0) challenged ballots
- Fraternal Order of Police, Ohio Labor Council, Inc. received one (1) vote
- No Representative received one (1) vote
- Ohio Patrolmen's Benevolent Association received six (6) Votes
- Ohio Patrolmen's Benevolent Association prevailed in this election

12. Case 2016-REP-03-0024 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Felicity-Franklin Local School District
(May 24, 2016 - June 7, 2016)

- There were twenty one (21) valid ballots cast
- There were zero (0) void ballots
- There were one (1) challenged ballots
- No Representative received one (1) votes
- Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO received nineteen (19) votes
- OAPSE/AFSCME Local 4 prevailed in this election

13. Case 2016-REP-03-0026 Ohio Federation of Teachers and Belmont College
(May 24, 2016 - June 7, 2016)

- There were thirty one (31) valid ballots cast
- There were zero (0) void ballots
- There were zero (0) challenged ballots
- No Representative received three (3) votes
- Ohio Federation of Teachers received twenty eight (28) votes
- Ohio Federation of Teachers prevailed in this election

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 5 of 19

14. Case 2016-REP-03-0030 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Marysville Exempted Village School District
(June 14, 2016 - June 28, 2016)

- There were thirty eight (38) valid ballots cast
- There were zero (0) void ballots
- There were zero (0) challenged ballots
- No Representative received eleven (11) votes
- Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO received twenty-seven (27) votes
- OAPSE/AFSCME Local 4 prevailed in this election

15. Case 2016-REP-03-0035 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Capital City Lodge #9 and City of Reynoldsburg
(June 14, 2016 - June 28, 2016)

- There were thirty seven (37) valid ballots cast
- There were zero (0) void ballots
- There were zero (0) challenged ballots
- No Representative received zero (0) votes
- Ohio Patrolmen's Benevolent Association received four (4) votes
- Fraternal Order of Police, CCL#9 received thirty three (33) votes
- Fraternal Order of Police, CCL#9 prevailed in this election

Mail ballot elections were held.

Vice Chair Schmidt moved that the Board certify the election results and certify each prevailing employee organization as the exclusive representative of all employees in their respective bargaining units. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

There were no ALJ matters.

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2016-ULP-01-0018 Danielle Brock v. Ohio Council 8, AFSCME, AFL-CIO

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1), (2), (3), (4), (5), (6), (7) and (8) by failing to take Danielle Brock's grievance regarding her termination to arbitration.

Information gathered during the investigation revealed that Ms. Brock did not provide documentation to demonstrate how the Union failed to represent her by not taking her grievance to arbitration. Ms. Brock failed to provide documentation or information to support the (B)(1), (2), (3), (4), (5), (6), (7) or (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 Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

2. Case 2016-ULP-03-0049 Brittani Calhoun v. Summit Behavioral Healthcare

The unfair labor practice charge alleged that the Employer violated Ohio Revised Code §4117.11 (A)(3) by terminating Brittani Calhoun from her position for filing a grievance to contest disciplinary action and work assignments.

Information gathered during the investigation revealed that Ms. Calhoun was terminated for violating the Last Chance Agreement and not for anti-Union animus. Based on the totality of the circumstances, the Employer's actions do not rise to the level of an (A)(3) violation of the statute.

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

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

3. Case 2016-ULP-05-0082 Christopher A. Green v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 2058

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1) and (6) by failing to represent Christopher A. Green when he was disparaged personally and professionally by his supervisor.

Information gathered during the investigation revealed that the Union conducted an investigation and found that Mr. Green's supervisor was not trying to discipline or target Mr. Green for negative action. Based on the totality of the circumstances the Unions actions do not rise to (B)(1) or (6) violation.

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 7 of 19

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

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

4. Case 2016-ULP-05-0084 Owens Faculty Association, OFT/AFT v. Owens Community College

The unfair labor practice charge alleged that the Community College violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally changing the terms and conditions of employment for faculty employed in the Health Services area.

Information gathered during the investigation revealed that the change never occurred. Based on the totality of the circumstances, the Employer's actions do not rise to the level of an (A)(5) violation of the statute.

The Union failed to provide documentation or information to substantiate an (A)(1) allegation.

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

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

5. Case 2016-ULP-05-0098 Lea P. Robertson v. Ohio Council 8, American Federation of State, County, and Municipal Employees, AFL-CIO and Its Local 232

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(6) by failing to properly represent Lea P. Robertson.

Information gathered during the investigation revealed that Ms. Robertson failed to demonstrate how the Union failed to properly represent her. Based on the totality of the circumstances, the Union's actions do not rise to the level of a (B)(6) violation of the statute.

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

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

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 8 of 19

6. Case 2016-ULP-05-0111 Alan Leonard v. Broadview Heights Firefighters, IAFF Local 3646

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(6) by failing to represent the Lieutenants fairly during negotiations.

Information gathered during the investigation revealed that Mr. Leonard failed to show how the Union's contract negotiation process was arbitrary, discriminatory or in bad faith. Based on the totality of the circumstances, the Union's actions do not amount to a (B)(6) violation of the statute.

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

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

7. Case 2016-ULP-06-0118 Tawanna Young v. Ohio State Troopers 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 Tawanna Young when negotiating and agreeing to the terms in her Last Chance Agreement (LCA).

Information gathered during the investigation revealed that Ms. Young asked that the Union request a LCA from the Employer and she consulted with her private attorney before signing the LCA. Based on the circumstances, the Union's actions do not rise to the level of an (B)(6) violation.

Ms. Young did not provide sufficient information or documentation to support the (B)(1) allegation.

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

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

8. Case 2016-ULP-04-0069 Trumbull County Engineer's Office v. Ohio Civil Service Employees Association, AFSCME Local 11 and Doug Sollitto

9. Cases 2016-ULP-05-0086 Trumbull County Engineer v. Ohio Civil Service
2016-ULP-05-0093 Employees Association, AFSCME Local 11
2016-ULP-05-0096
2016-ULP-05-0099
2016-ULP-06-0120

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 9 of 19

10. Case 2016-ULP-05-0102 Ohio Civil Service Employees Association, AFSCME Local 11 v. Trumbull County Engineers Office and Matthew Blair
11. Cases 2016-ULP-05-0103 Ohio Civil Service Employees Association, AFSCME Local 11 v. Trumbull County Engineers Office and Matthew Blair
- 2016-ULP-05-0104 Ohio Civil Service Employees Association, AFSCME Local 11 v. Trumbull County Engineers Office and Randy Smith
12. Case 2016-ULP-05-0108 Ohio Civil Service Employees Association v. Trumbull County Engineers Office

The parties in these cases have been engaging in settlement negotiations and have potentially entered into a tentative settlement agreement. To allow the parties to continue with the negotiation process in an effort to finalize settlement, it is respectfully recommended that the Board table the unfair labor practice charges until the next regularly scheduled Board meeting.

Vice Chair Schmidt moved that the Board table the unfair labor practice charges until the next regularly scheduled Board meeting. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

13. Case 2016-ULP-02-0034 Federation of Franklin County Children Services Employee Local 3143 OFT/AFT v. Franklin County Children Services Board

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(1), (3) and (5) by directly dealing with its members regarding a unilateral change to the scheduling process for holidays.

Information gathered during the investigation revealed that the matter is purely contractual encompassing no arguable statutory violation. Based on the totality of the circumstances, the Employer'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) and (3) 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 Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 10 of 19

14. Case 2016-ULP-04-0063 Ohio Patrolmen's Benevolent Association v. Cuyahoga County

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally implementing "on-call requirements" for the Narcotics Unit task force members, which now include a disciplinary component.

Information gathered during the investigation revealed that the County has maintained the same procedure regarding the on-call compensation status since before 2015. Based on the totality of the circumstances, the Employer's actions do not amount to an (A)(5) violation of the statute.

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

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

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

15. Case 2016-ULP-04-0071 Service Employees International Union, District 1199 v. State of Ohio - Department of Health

The unfair labor practice charge alleged that the State violated Ohio Revised Code §4117.11 (A)(5) by failing to comply with Article 43.19 – Ratification/Contract Finalization Payment, which outlines a one-time allotment of 22 hours of compensatory time, for a certain group of its members.

Information gathered during the investigation revealed that the matter is purely contractual encompassing no arguable statutory violation. Based on the totality of the circumstances, the Employer's actions do not rise to the level of an (A)(5) violation of the statute.

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

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

16. Case 2016-ULP-04-0073 Tim McAllister v. State of Ohio - Bureau of Workers' Compensation

The unfair labor practice charge alleged that the Bureau violated Ohio Revised Code §4117.11 (A)(1) and (3) by failing to award Tim McAllister a promotion because he is the Union's Chapter President and Chief Steward.

Information gathered during the investigation revealed that Mr. McAllister was not selected for the promotion based on his score and not on any anti-union animus. Therefore, based

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 11 of 19

on the totality of the circumstances, the Bureau's actions do not rise to the level of an (A)(3) violation.

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

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

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

17. Case 2016-ULP-04-0075 Canton Professional Educator's Association, OEA/NEA v. Canton City School District Board of Education

The unfair labor practice charge alleged that School Board violated Ohio Revised Code §4117.11 (A)(1) and (5) by attempting to directly deal with its members, via email(s), regarding the status of the parties' negotiations for a successor agreement.

Information gathered during the investigation revealed that the all-staff emails did not contain any specific bargaining proposals made by either party. Based on the totality of the circumstances, the District's actions do not amount to an (A)(5) violation of the statute.

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

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

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

18. Case 2016-ULP-05-0083 Ohio Civil Service Employees Association, AFSCME Local 11 and Douglas Sollitto v. State of Ohio - Department of Rehabilitation and Correction

The unfair labor practice charge alleged that the State violated Ohio Revised Code §4117.11 (A)(1), (5) and (8) by restraining and coercing its Staff Representative, Douglas Sollitto, by soliciting "negative statements" from management personnel regarding Mr. Sollitto.

Information gathered during the investigation revealed that the Union failed to provide any dates or documentation to support the (A)(1), (5) and (8) allegations. Therefore, based on the totality of the circumstances, the Employer's actions do not rise to the level of (A)(1), (5) and (8) violations of the statute.

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 12 of 19

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

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

19. Case 2016-ULP-05-0087 Ohio Council 8, AFSCME, AFL-CIO v. Northfield Center-Sagamore Hills Fire District

The unfair labor practice charge alleged that the Fire District violated Ohio Revised Code §4117.11 (A)(1), (5) and (8) by refusing to bargain for an initial collective bargaining agreement or furnish any information with respect to bargaining the effects of the decision to restructure/dissolve the Fire District.

Information gathered during the investigation revealed that the Fire District appears to be using the negotiation technique of the dissolution of the district to frustrate or avoid mutual agreement with the Union. To date, the Fire District has failed to provide any date for the dissolution of the Fire District. The matter would be best addressed through an expedited hearing to determine whether the Fire District refused to bargain for an initial collective bargaining agreement or furnish any information with respect to bargaining the effects of the decision to restructure/dissolve the Fire District.

The Union did not provide sufficient information or documentation to support the (A)(1) and (8) allegations.

Vice Chair Schmidt moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine whether the fire District violated Ohio Revised Code §4117.11(A)(5), but not (1) and (8) by refusing to bargain for an initial collective bargaining agreement or furnish any information with respect to bargaining the effects of the decision to restructure/dissolve the Fire District, and direct the parties to expedited mediation not to exceed 30 days to run concurrently with the expedited processing of the charge and complaint. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

20. Case 2016-ULP-05-0089 Mary Louise Allen v. Stark State College

The unfair labor practice charge alleged that the State College violated Ohio Revised Code §4117.11 (A)(4), (6) and (7).

Information gathered during the investigation revealed that information was requested in writing from Ms. Allen twice with a final due date of June 14, 2016.

On June 14, 2016, Ms. Allen acknowledged that her position statement was due on June 14th.

This Investigator responded and advised Ms. Allen that if she chose not to proceed with the charge, a letter or an email advising SERB of that decision would be sufficient. To date,

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 13 of 19

Ms. Allen has had no further communication with SERB.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice on the basis that Ms. Allen failed to pursue the matter. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

21. Case 2016-ULP-05-0090 Ohio Civil Service Employee Association, AFSCME Local 11 and Its Local 2578 v. State of Ohio - Department of Rehabilitation and Correction, Franklin Medical Center

The unfair labor practice charge alleged that the State violated Ohio Revised Code §4117.11 (A)(2) and (8) by violating the Union's directive to its members to not participate in any "joint/extra-curricular functions."

Information gathered during the investigation revealed that the State's acceptance of volunteers and continuing with the Employee Week events does not rise to the level of a statutory violation. Therefore, based on the totality of the circumstances, the State's actions do not rise to the level of an (A)(2) violation of the statute.

The Union did not provide sufficient information or documentation to support the (A)(8) allegation.

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

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

22. Case 2016-ULP-05-0106 Mark Windle v. Ohio Civil Service Employees Association, AFSCME, Local 11

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(1) by causing the members to violate the Preamble Section of the contract and by threatening to take action against the members if they participated in any joint/extra-curricular events at the Franklin Medical Center.

Information gathered during the investigation revealed that the Association and the Employer offered contradictory statements regarding Mr. Windle's removal from the Committee. The matter would be best addressed through a hearing to determine whether or not the directive to the members to not participate is restraining the members in the exercise of their guaranteed rights.

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 14 of 19

Vice Chair Schmidt moved that the Board find probable cause to believe an unfair labor practice has been committed, order the parties immediately to ULP mediation for a period not to exceed 45 days, authorize the assigned mediator, after consultation with the parties, to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. If the mediation is unsuccessful, authorize the issuance of a complaint and refer the matter to hearing to determine whether the Association violated Ohio Revised Code § 4117.11(B)(1). Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

23. Case 2016-ULP-05-0109 Cleveland Metropolitan School District Board of Education v. Cleveland Teachers Union, Local No. 279 AFT/OFT, AFL-CIO

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(3) by submitting ex parte proposals to the Fact-Finder after the conclusion of the Fact-Finding hearing.

Chair Zimpher moved an alternative recommendation that the Board, given SERB's stated mission of promoting orderly and constructive labor relations, hold this matter in abeyance and refer the matter to the General Counsel for the purpose to obtain, if necessary, additional information from the parties regarding this charge. The General Counsel will prepare a report and recommendation to be presented to the Board. Such report and recommendation shall be coordinated with other pending Unfair Labor Practice Charges regarding Cleveland Schools pending before the Board. Vice Chair Schmidt seconded the motion.

Chair Zimpher called for discussion.

Chair Zimpher read the following: "At the outset, I note the parties are engaged in negotiations. This case relates to two previous Unfair Labor Practice Charges relating to the Cleveland School District that were forwarded to SERB's General Counsel for review and obtaining current information. They appear to arise out of the same or similar set of events."

Chair Zimpher called for the vote.

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

24. Case 2016-ULP-06-0130 Ohio Council 8, AFSCME, AFL-CIO and Its Local 1770-D 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) and (3) by retaliating against bargaining-unit member, Larry Cowan, when it increased his discipline after he filed a grievance regarding his original discipline.

Information gathered during the investigation revealed that the timing of the increase in severity of Mr. Cowan's discipline would be best addressed through a hearing to determine

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 15 of 19

whether the Transit Authority retaliated against Mr. Cowan based on his protected activity of filing a grievance.

Vice Chair Schmidt moved that the Board find probable cause to believe an unfair labor practice has been committed, order the parties immediately to ULP mediation for a period not to exceed 45 days, authorize the assigned mediator, after consultation with the parties, to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. If the mediation is unsuccessful, authorize the issuance of a complaint and refer the matter to hearing to determine whether the Transit Authority violated Ohio Revised Code § 4117.11(A)(1) and (3). Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

25. Case 2015-ULP-10-0226 Timothy A. Short v. Ohio Civil Service Employees Association, AFSCME Local 11

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(6) by failing to represent Timothy Short's interests regarding his job classification. On February 18, 2016, the Board dismissed the charge for lack of probable cause.

Information gathered during the investigation revealed that on March 24, 2016, Mr. Short timely filed a request for reconsideration. He provided new information in the form of a copy of his former position description from 2008 that clearly indicates that Mr. Short's job title was Highway Technician 1, not the job title HT-3 Construction Admin. Only 530 Cost Center as asserted by Mr. Short.

On April 5, 2016, the Union filed its Brief in Opposition to the Request for Reconsideration.

In this case, the new and additional information provided by Mr. Short does not merit reconsideration of the previously considered decision.

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

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

26. Case 2015-ULP-11-0238 Westlake Teachers' Association OEA/NEA v. Westlake City School District Board of Education

27. Case 2016-ULP-02-0024 Westlake City School District Board of Education v. Westlake Teachers' Association, OEA/NEA

28. Case 2016-ULP-04-0061 New Philadelphia Education Association, OEA/NEA v. New Philadelphia City School District Board of Education

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 16 of 19

- 29. Case 2016-ULP-04-0068 Pickerington Education Association, OEA/NEA v. Pickerington Local School District Board of Education
- 30. Case 2016-ULP-05-0101 Ohio Civil Service Employees Association, AFSCME Local 11 v. Trumbull County Engineers Office and Randy Smith
- 31. Case 2016-ULP-06-0121 Service Employees International Union, District 1199 v. State of Ohio - Department of Rehabilitation and Correction and Emily Paine
- 32. Case 2016-ULP-06-0129 Elyria School Support Staff, OEA/NEA and Ila Soulchin v. Elyria City School District Board of Education
- 33. Case 2016-ULP-07-0156 International Brotherhood of Teamsters, Local 436 v. City of Solon Service Department
- 34. Case 2016-ULP-07-0157 International Brotherhood of Teamsters, Local 436 v. City of Solon Service Department

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

Vote: LUMPE:	<u>Yes</u>	SCHMIDT:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

VI. TABLED AND OTHER MATTERS:

- 2016-ULP-04-0069 Trumbull County Engineer's Office v. Ohio Civil Service Employees Association, AFSCME Local 11 and Doug Sollitto
- 2016-ULP-05-0086 Trumbull County Engineer v. Ohio Civil Service Employees Association, AFSCME Local 11
- 2016-ULP-05-0093 Trumbull County Engineer v. Ohio Civil Service Employees Association
- 2016-ULP-05-0096 Trumbull County Engineer v. Ohio Civil Service Employees Association
- 2016-ULP-05-0099 Trumbull County Engineer v. Ohio Civil Service Employees Association
- 2016-ULP-06-0120 Trumbull County Engineer v. Ohio Civil Service Employees Association
- 2016-ULP-05-0102 Ohio Civil Service Employees Association, AFSCME Local 11 v. Trumbull County Engineers Office and Matthew Blair

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 17 of 19

- 2016-ULP-05-0103 Ohio Civil Service Employees Association, AFSCME Local 11 v. Trumbull County Engineers Office and Matthew Blair
- 2016-ULP-05-0104 Ohio Civil Service Employees Association, AFSCME Local 11 v. Trumbull County Engineers Office and Randy Smith
- 2016-ULP-05-0108 Ohio Civil Service Employees Association v. Trumbull County Engineers Office

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- August 25, 2016
- September 15, 2016
- October 06, 2016
- October 27, 2016
- November 17, 2016
- December 15, 2016

SYSTEM UPDATES:

- **Employee Organization Annual Report Filings:** For fiscal year ending 2/28/2016, 1 Employee Organization was required to report not later than 7/15/2016. To date, 1 Employee Organization has filed. Licia Sapp of the Research and Training Section tracks their status and works with the Employee Organizations to encourage compliance before the deadline. At this time there are 0 employee organizations 31 days past due.
- **24th Annual Report on the Cost of Health Insurance in Ohio's Public Sector:** The response rate for the 2016 survey is 92.1% (1,216 completed / 1,320 surveys sent). This compares to the 2015 survey which had a 95.8% response rate (1,266 completed/1,322 surveys sent). The 2016 report was made available to the public on August 1st either by direct mail, an email to all participants who took the survey, an email to all employers in the Clearinghouse Database, and an email to all employee organizations in the Employee Organization database. The insurance report was also posted on the SERB website. Scott Marshall is being trained on the complexities of survey development and distribution, data collection, research and data scrubbing to be able to assume these responsibilities next year.
- **Annual Report for the Office of the Governor:** The Annual Report was provided to the Office of the Governor on July 29, 2016 meeting the statutory due date of August 1st. This year's Annual Report took on a new look with thanks to the Research and Training Section team in coordination with Board member Aaron Schmidt. The report was also delivered to: The Honorable Clifford A. Rosenberger, Speaker, Ohio House of Representatives, The Honorable Fred Strahorn, Minority Leader, Ohio House of Representatives, The Honorable Keith Faber, President, The Ohio Senate, and The Honorable Joe Schiavoni, Minority Leader, The Ohio Senate.

At the Board Meeting, Chairman Zimpher expressed appreciation to all SERB associates involved in producing the Annual Report, especially the staff of the Research and Training Section and Vice Chair Schmidt.

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 18 of 19

- **SMDS Update:** XLN has completed the work for the REP and ULP sections. Everything is coming along quite well and on time. MED is projected to be complete by Friday, August 5th. Phase two will continue for the remaining upgrades of the current case management software environment of SMDS and CMDS to the supported level of Java. This will include the Case Management Docketing System (CMDS), CIVITAS (Civil Service Commission data collection), "Barn Burner" (Employee Organization annual and financial report tracking) and the Hearings Section.
- **Office of Budget and Management Training:** On July 19, 2016, Shane Trace, Erin Conn and Christine Dietsch participated in a live webinar on the Budget Planning Module (BPM) and State of Ohio Payroll Projection System (SOPPS) to plan for the upcoming Biennial submittal that is pending. The biennial budget is due October 14th, and the statutory deadline for all submissions is November 01, 2016.
- **Updated Retention Schedules:** The final approved revisions of SERB's updated Retention Schedules were reviewed by Administrative Staff on July 20, 2016 and have been placed in an active status. The next set of Retention Schedules to be updated is for the State Personnel Board of Review.
- **OIT Assessment Follow up Meeting:** A planning meeting was held on 7/27/16 with the OIT "identity" migration team leadership. Christine Dietsch and Justin Brown met with OIT to plan the implementation and imaging of the new PCs and address the migration to the most recent OIT enterprise image standard. The migration into the "identity" domain will provide SERB with enterprise level support and give SERB access to the latest software version and patches when they become available. Based on discussions and details contained within the report, dated 3/23/16, the migration is scheduled to begin in January 2017. The migration includes a test phase. All existing PCs will be replaced and upgraded with new PCs. The PCs will be imaged to include the latest software, antivirus, and new SMDS docketing software.
- **Conversion to the Enterprise Fax Solution:** Fax2Mail service is now approved and available for use by SERB. This was a recommendation by the recently conducted IT Assessment. Fax machines are a potential security issue since there is no way to know who is standing at the other end reading or copying a fax. By using Fax2Mail, faxes arrive via email through secure, encrypted communication.
- **Credit card processing:** Credit card processing for Academy and seminar registrations will be available beginning with the December SERB Academy.

TRAINING:

- **Fact-Finding Conference:** Scheduled for August 19, 2016. On Wednesday, June 15, 2016, a Fact-Finding Conference Registration Letter and Agenda were sent as a mass email to over 3,600 contacts. A reminder email was sent on Monday, July 18th. A third final reminder was sent on Wednesday, July 27th. Application has been approved by the Supreme Court of Ohio, Commission on Continuing Legal Education, for 5.75 credit hours. The RSVP deadline was August 1st. We currently have 163 total registrations (98 paying attendees, 48 neutrals, 3 presenters, 14 Staff). The Conference will be held at the Crowne Plaza North.

State Employment Relations Board
Board Meeting Minutes
August 4, 2016
Page 19 of 19

- **Fall/Winter SERB Academy:** Scheduled for December 7 and 8, 2016 at the Crowne Plaza Dublin.
- **Spring SPBR Academy:** Tentatively scheduled for Friday, March 24, 2017 at the Crowne Plaza Dublin.

IX. ADJOURNMENT:

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

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

The Board meeting adjourned at 10:34 a.m.

/s/ 
W. Craig Zimpher, Chair