

84-002

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

84-002

8/29/84

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In the Matter of:

Fraternal Order of Police,
Ohio Labor Council,

Case Nos: 84-VR-04-0161
84-VR-04-0162

Employee Organization,

and

ORDER AND OPINION

City of Reading,

Employer.

Before DAY, Chairman, and FIX, Board Member, August 22, 1984.

On or about April 6, 1984, the Fraternal Order of Police, Ohio Labor Council, Inc. ("Employee Organization") filed with this Board and with the City of Reading ("Employer") two amended Requests for Voluntary Recognition pursuant to Section 4117.05 of the Revised Code. One Request for Voluntary Recognition sought recognition for a unit consisting of one clerk (84-VR-04-0162) and one sought recognition for a unit consisting of two dispatchers (84-VR-04-0161). The Employer subsequently filed objections alleging that the proposed units were inappropriate under Section 4117.06(B) of the Revised Code.

The Board on July 11, 1984, referred the case to hearing for full consideration of the sufficiency of the objections. As a result of a prehearing conference, the parties agreed to factual stipulations that are set forth in the Hearing Officer's Recommended Determination issued on August 10, 1984. The parties stipulated that the two units should be combined into one appropriate unit consisting of clerks and dispatchers. As a result of these stipulations, the Employer withdrew its objections. The matter is now presented for Board consideration. The Board approves the stipulated unit and hereby certifies the Employee Organization as the exclusive representative of all employees in the unit of clerks and dispatchers.

DAY, Chairman:

A few words of explanation are warranted to explain the disposition of these cases and to circumscribe its effect.

A single clerk who may legally strike under Revised Code Chapter 4117 is included in a unit appropriate for members of a safety force who are not permitted the same job action.

This mix is justified to satisfy both the collective representation policy of the statute and its complementary policy against overfragmentation [see Revised Code Section 4117.06(B)]. However, the decision must not be construed as a precedent for the same action in every case. A different context may warrant, even demand, a different result.

FIX, Board Member, concurs.
SHEEHAN, Vice-Chairman, absent.

It is so ordered.

Jack G. Day
JACK G. DAY, CHAIRMAN

*clerk
&
dispatchers*

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Council 8, American Federation
of State, County and Municipal
Employees, (AFSCME)

Case No. 84-RC-04-0765

Petitioner,

CORRECTION

and

Clermont County Commissioner
Clermont County Community Service
Department,

Respondent.

The last line of the opinion in the subject case reads: "This will effectuate the implicit objectives of R.C. 4117.07 (A)(6) against aleatory election requests." The sentence should read: "This will effectuate the implicit objectives of R.C. 4117.07 (C)(6) against aleatory election requests."

The correction is ordered.

Jack G. Day

JACK G. DAY, CHAIRMAN

Sheehan, Vice-Chairman; Fix, Member, concur.

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