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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
American Federation of State, County
and Municipal Employees, Council 8,
Truck Drivers Local 92

Employee Organization

Case Nos. 84-RC-04-0087
and 84-RC-04-0230

City of Canton

ORDER AND OPINION

Employer

Before Chairman Day, Vice Chairman Sheehan and Board Member Fix; January 23, 1985.

The Board finds the contract between the City of Canton and Truck Drivers Union Local 92 is not a bar to the petition for a representation election filed by the American Federation of State, County and Municipal Employees Ohio Council 8.

Fix, Board Member

The contract between the City of Canton and Truck Drivers Local 92 was in effect from February 1, 1981 through January 31, 1983.

The agreement provided for the contract to continue in full force from year to year unless either party served a written notice to cancel or terminate the agreement.

However, Ohio Revised Code Section 4117.09(D) provides "no agreement shall contain an expiration date that is later than three years from the date of execution. The parties may extend any agreement, but the extensions do not effect the expiration date of the original agreement." ;

Additionally, Ohio Revised Code Section 4117.04(A) provides that:

"public employers shall extend to an exclusive representative designated under Section 4117.05 of the Revised Code, the right to represent exclusively the employees in the appropriate bargaining unit and the right to unchallenged and exclusive representation for a period of not less than twelve months following the date of certification and thereafter, if the public employer and the employee organization enter into an agreement, for a period of not more than three years from the date of signing the agreement. For the purposes of this Section, extensions of agreements shall not be construed to affect the expiration date of the original agreement."

(MORE)

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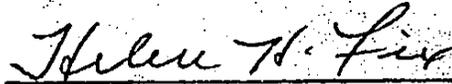
ORDER AND OPINION

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The State Employment Relations Board hearing revealed numerous attempts by Local 92 to modify the contract with the City of Canton both prior and subsequent to the expiration date of the contract on January 31, 1983.

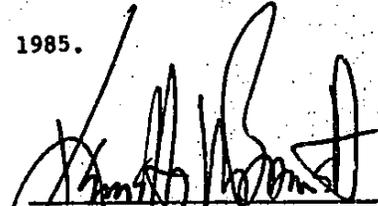
By these actions Local 92 forfeited any claim to automatic renewal of the contract with the City of Canton. The Board interprets these reopening attempts as an indication that the agreement did indeed terminate January 31, 1983, and, therefore, no bar exists to an election by the American Federation of State, County and Municipal Employees Council 8.

Day, Chairman; Sheehan, Vice Chairman, concur.



HELEN H. FIX, BOARD MEMBER

I hereby certify that this document was filed and a copy served upon each party on this 27th day of February, 1985.


KENNETH W. BARRETT
EXECUTIVE DIRECTOR

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