

85-008

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Civil Service Employees
Association, American Federation of
State, County and Municipal Employees,
Local # 11,

Employee Organization,

and

Case No. 84-90-11-1090

Hamilton County Department
of Welfare,

4518

Employer.

Before Chairman Day, Vice Chairman Stephan and Board Member Fix; January
23, 1965.

On July 11, 1964 the Board conducted a secret ballot election for an
appropriate unit of employees of the Hamilton County Department of Welfare.
Seven-hundred and fourteen (714) employees voted in the election. Three
hundred and fifty four (354) voted for the Ohio Civil Service Employees
Association American Federation of State, County and Municipal Employees,
Local #11 (OCSA). Three hundred and fifty five (355) voted for 'no
representative.' There were five challenged ballots.

The Board conducted an investigation of the circumstances surrounding the
challenged ballot and referred the matter to hearing. After the hearing, the
parties stipulated that two of the challenged ballots were not in the
bargaining unit. Of the three remaining challenged ballots, two had been
challenged by the Board's election agent because the voters were not listed on
the election eligibility list. The hearing officer recommended that these two
votes are seasonal employees and ineligible to vote.

The Board approves the hearing officer's recommendation and determines
that the two challenged ballots were cast by ineligible voters. The reasons
for this conclusion are set forth in the attached opinion, incorporated by
reference. The third challenged ballot was cast by an employee who failed to
provide adequate identification. This challenge need not be resolved because
that vote would not be determinative of the results of the election.

The matter now is referred to the hearing officer for a hearing and a
recommendation regarding objections to the election.

DAY, Chairman; STEPHAN, Vice Chairman; and FIX, Board Member, concur.

Jack G. Day
Chairman

I hereby certify that this document was filed and a copy served upon each
party on this 14th day of January, 1965.

William A. Haff
WILLIAM A. HAFF, III
EXECUTIVE DIRECTOR

1659

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Civil Services Employees
Association/American Federation of
State, County and Municipal Employees,
Local #11

Petitioner,

Case No. 84-RC-04-0080

Hamilton County Department of Human
Services

OPINION

Respondent

Sheehan, Vice Chairman

The issues in this case are:

- 1) whether Herbert Winston and Janet Baker are "public employees" pursuant to Ohio Revised Code Section 4117.01, and thus eligible to vote, or were they seasonal or casual employees?
- 2) Did Myra Jordan adequately identify herself to be eligible to vote on July 11, 1984, or should the challenge of her ballot for lack of proper identification be upheld?

The Hearing Officer's answer to No. 1 is that Herbert Winston and Janet Baker are seasonal employees within the meaning of the Act and were ineligible voters on July 11, 1984.

The question is properly answered.

To issue No. 2, the Hearing Officer declares the question is now moot because Myra Jordan's ballot is not determinative of the outcome of this election.

This is a proper disposition.

A few words of explanation appear warranted. Ohio Revised Code Section 4117.01(C)(13) provides for the State Employment Relations Board to define Seasonal and Casual Employees. The Board has determined:

- 1) Casual employees are those employees hired at various times throughout the year for specific tasks and whose employment does not exceed thirty (30) days.
- 2) Seasonal employees are those employees who work a certain regular season or period of the year performing some work or activity limited to that season or period and whose employment does not exceed fourteen (14) weeks.

OPINION

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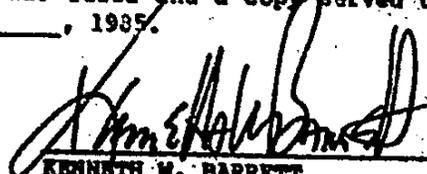
While the specific nature of the work performed by Baker and Winston is of such content that it may be, and doubtlessly is, performed throughout the year, the claim is unchallenged that Janet Baker and Herbert Winston were hired as summer time help, a traditional practice to accomodate the employer's needs and conveniences. Janet Baker and Herbert Winston are seasonal employees within the meaning of Section 4117.01(C)(13).

Day, Chairman; and Fix, Board Member concur.



WILLIAM P. SHEEHAN, VICE CHAIRMAN

I hereby certify that this document was filed and a copy served upon each party on this 14th day of March, 1985.



KENNETH W. BARRETT
EXECUTIVE DIRECTOR

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85-008

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
Ohio Civil Service Employees
Association, American Federation of
State, County and Municipal Employees,
Local # 11,

Employee Organization,

and
Hamilton County Department
of Welfare,

Case No. 84-RC-04-0060.

ORDER

Employer.

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

On July 11, 1984 the Board conducted a secret ballot election for an
appropriate unit of employees of the Hamilton County Department of Welfare.
Seven-hundred and fourteen (714) employees voted in the election. Three
hundred and fifty four (354) voted for the Ohio Civil Service Employees
Association/American Federation of State, County and Municipal Employees,
Local #11 (OCSEA). Three hundred and fifty five (355) voted for "no
representative." There were five challenged ballots.

The Board conducted an investigation of the circumstances surrounding the
challenged ballots and referred the matter to hearing. After the hearing, the
parties stipulated that two of the challenged voters were not in the
bargaining unit. Of the three remaining challenged ballots, two had been
challenged by the Board's election agent because the voters were not listed on
the election eligibility list. The hearing officer recommended that these two
voters are seasonal employees and ineligible to vote.

The Board approves the hearing officer's recommendation and determines
that the two challenged ballots were cast by ineligible voters. The reasons
for this conclusion are set forth in the attached opinion, incorporated by
reference. The third challenged ballot was cast by an employee who failed to
provide adequate identification. This challenge need not be resolved because
that vote would not be determinative of the results of the election.

The matter now is remanded to the hearing officer for a hearing and a
recommendation regarding objections to the election.

DAY, Chairman; SHEEHAN, Vice Chairman; and FIX Board Member, concur.


JACK G. DAY, CHAIRMAN

I hereby certify that this document was filed and a copy served upon each
party on this 14th day of January, 1985.


KENNETH W. BARRETT
EXECUTIVE DIRECTOR

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Civil Services Employees
Association/American Federation of
State, County and Municipal Employees,
Local #11

Petitioner,

Case No. 84-RC-04-0080

Hamilton County Department of Human
Services

OPINION

Respondent

Sheehan, Vice Chairman

The issues in this case are:

- 1) whether Herbert Winston and Janet Baker are "public employees" pursuant to Ohio Revised Code Section 4117.01, and thus eligible to vote, or were they seasonal or casual employees?
- 2) Did Myra Jordan adequately identify herself to be eligible to vote on July 11, 1984, or should the challenge of her ballot for lack of proper identification be upheld?

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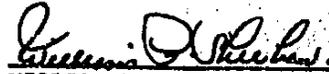
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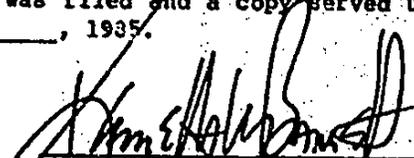
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Day, Chairman; and Fix, Board Member concur.



WILLIAM P. SHEEHAN, VICE CHAIRMAN

I hereby certify that this document was filed and a copy served upon each party on this 14th day of March, 1935.


KENNETH W. BARRETT
EXECUTIVE DIRECTOR

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