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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, AFL-CIO,

Employee Organization,

and

Greene County Sheriff's Department,

Employer.

Case Nos. 84-RC-04-0690
84-VR-04-0223
84-RC-04-0689
84-VR-04-0234
84-RC-05-0931
84-VR-04-0501

DIRECTION OF ELECTION

Before Chairman Day, Vice Chairman Sheehan, and Board Member Fix; May 1, 1985.

The Employee Organization has filed a Request for Voluntary Recognition for a unit of sergeants and above, a unit of deputy sheriffs, and a unit of service, maintenance, and clerical employees. In response, the Greene County Sheriff's Department (Employer) filed petitions for representation election. The matters were referred to hearing. At hearing, the parties entered into a stipulation that elections should be conducted in the appropriate Board-approved units.

The Board has reviewed the hearing officer's recommendation and modifies it for the reasons set forth in the attached opinion, incorporated by reference. Elections are directed in these units:

Unit 1

INCLUDED: All deputy sheriffs employed by the Greene County Sheriff's Department of the rank of sergeant and above including the assistant jail warden.

EXCLUDED: Sheriff, Chief of Detectives, Jail Warden, Chief of Uniform Employees, and all other employees of the Greene County Sheriff's Department.

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Unit 2

INCLUDED: All deputy sheriffs appointed pursuant to Ohio Revised Code Section 311.05 of the Greene County Sheriff's Department who do not have the rank of sergeant and above, including the registered nurse, dispatchers, evidence technician/photographer, jailers, corporals, secretaries, telephone operators, and the pay for service officer.

EXCLUDED: The office deputy responsible for personnel matters, management-level employees and all other employees of the Greene County Sheriff's Department.

Unit 3

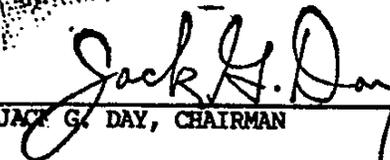
INCLUDED: All service, maintenance, and clerical employees of the Greene County Sheriff's Department, including cooks, janitors, detectives' secretary, and the jail medic.

EXCLUDED: All deputy sheriffs, confidential employees, management-level employees, and all other employees of the Greene County Sheriff's Department.

The date, times, and places of the elections will be determined by the Administrator of Election in consultation with the parties. No later than May 8, 1985, the Employer will serve on the Employee Organization an alphabetized list, separated according to units, of all employees in each unit eligible to vote as of the pay period ending just prior to May 1, 1985.

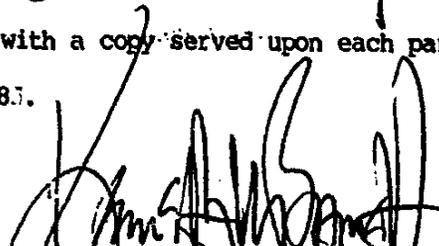
It is so directed.

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



JACK G. DAY, CHAIRMAN

I certify that this document was filed with a copy served upon each party on this 6th day of MAY, 1985.



KENNETH W. BARRETT
EXECUTIVE DIRECTOR

JD:var(164d)

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

Ohio Council 8, American Federation of
State, County and Municipal
Employees, AFL-CIO,

Employee Organization,

v.

Greene County Sheriff's Department,

Employer.

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84-VR-04-0223
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84-VR-04-0301

OPINION

Fix, Board Member:

On April 4, 1984, Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO ("Employee Organization") filed three Requests for Voluntary Recognition (1), for a unit of sergeants and above, (2) for a unit of deputy sheriffs, and (3), for a unit of service, maintenance and clerical employees.

On April 20, 1984, the Greene County Sheriff's Department ("Employer") filed three Petitions for Representation Election for the three units. On February 11, 1985, a hearing was conducted by a SERB hearing officer.

I

The issue before the Board is:

1. Whether the jail medic is a casual employee pursuant to Ohio Revised Code Section 4117.01(C)(13) and not eligible for inclusion in the deputies unit.

II

The jail medic is not a casual employee pursuant to a Board determination that "casual employees are those employees hired at various times throughout the year for specific tasks and whose employment does not exceed thirty (30) days."¹

The jail medic has been substituting for the registered nurse on weekends for the last 7-8 years. He appears on the Greene County Sheriff's Department payroll. He is paid approximately 97.5% of the rate of the registered nurse. Records show the jail medic worked the following days in the years indicated: 1980 - 94.5 days, 1981 - 65, 1982 - 73, 1983/1984 - 45 each year.

While the jail medic is a deputy sheriff, he is not a full time employee. Therefore, he is not a "member of a police department" as defined in Ohio Revised Code Section 4117.01(M). Both parties stipulated that if the jail medic is to be included in a bargaining unit, he should be a part of the deputies unit.

III

To put the stamp of approval on the parties' choice would be a violation of Ohio Revised Code Section 4117.06(D)(3) which prohibits the inclusion of "members of a police or fire department or members of the state highway patrol in a unit with other classifications of public employees of the department." The letter of the statute outlaws this combination.

Ohio Civil Service Employees Association/APSCNE, Local #11 and Hamilton County Department of Human Services, SERB Case No. 84-RC-04-0080.

Opinion

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To place the jail medic in a unit of one would result in overfragmentation.

The third option is the Board's choice. The Board modifies the hearing officer's proposed recommendation and determines that the jail medic should be included in the Service Unit.

While this decision is not ideal, under the circumstances it is the most appropriate. It gives the jail medic an opportunity for representation while avoiding violation of the statute and overfragmentation.

Day, Chairman, and Sheehan, Vice Chairman, concur.

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