

95-020

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
American Association of University Professors, Central
State University Chapter,
Employee Organization,
and
Central State University,
Employer.

CASE NUMBER: 84-VR-04-0314

ORDER OF CERTIFICATION
(OPINION ATTACHED)

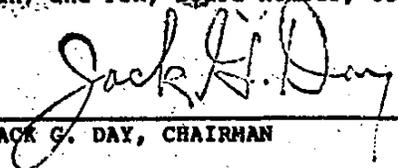
Before Chairman Day, Vice Chairman Sheehan and Board Member Fix; May 22, 1985.

The American Association of University Professors, Central State University Chapter (Employee Organization) filed a request for Voluntary Recognition with Central State University (Employer) and the the Board pursuant to Ohio Revised Code Section 4117.05. As a result of the Employer's objection to the inclusion of Department Chairpersons, the matter was referred to hearing.

For the reasons set forth in the attached Opinion, incorporated by reference, the Board holds that Department Chairpersons are supervisors under Ohio Revised Code Section 4117.01(F)(3) and, therefore, should be excluded from the requested unit. The Board certifies the Employee Organization as exclusive representative of employees in the modified unit set forth in the opinion.

It is so ordered.

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



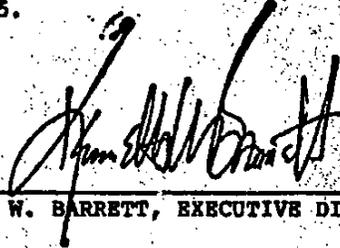
JACK G. DAY, CHAIRMAN

ORDER OF CERTIFICATION

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I certify that this document was filed and a copy served upon each party
on this 5th day of June, 1985.



KENNETH W. BARRETT, EXECUTIVE DIRECTOR

JD/KWB:sai/0266o

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OPINION

Sheehan, Vice Chairman:

I

On or about April 6, 1984, the American Association of University Professors, Central State Chapter (Employee Organization) filed a request for recognition with Central State University (Employer) and the State Employment Relations Board (SERB) pursuant to Ohio Revised Code Section 4117.05 for the following unit:

Included: Those full-time faculty members of Central State University who hold academic rank (Professor, Associate Professor, Assistant Professor, Instructor) and for whom instruction or professional library work comprises at least 50% of their workload.

Excluded: Part-time faculty, full-time faculty for whom instruction does not represent 50% or more of their workload, administrators at the level of Dean and above, persons holding faculty titles or ranks in the Reserve Officer's

Training Corp; Athletic coaches whose primary duties are not in teaching; and persons holding faculty titles whose primary duties are in the director of non-academic departments or programs, all other employees. (sic)

The Employer, while failing to post the Notice of Receipt of Request for Recognition in accordance with O.R.C. 4117.(A)(2)(a), did file a timely objection to the inclusion of "Department Chairpersons"¹ in the proposed unit. The case was assigned to Hearing Officer William Dennis and a prehearing conference was held October 31, 1984, and the matter was heard on December 20, 1984, with post-hearing briefs filed January 30, 1985.

II

The issue is whether or not "Department Chairpersons" should be excluded from the proposed bargaining unit pursuant to Ohio Revised Code Section 4117.01(F)(3)? The parties agree there is no other issue.

III

4117.01(F)(3) provides: "With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other faculty member or group of faculty members is a supervisor solely because the faculty member or group of faculty members participate in decisions with respect to courses, curriculum, personnel or other matters of academic policy."

IV

The Hearing Officer's recommended determination was that the Board adopt the findings of fact and conclusions of law that: 1.) "Department

¹Department Chairpersons were not differentiated as a classification in the employee organization's proposed unit but were included by general reference.

Chairpersons are not "Public Employees" pursuant to Ohio Revised Code Section 4117.01(F)(3), 2.) All faculty members on Employee Organization's Exhibit 5-A, except the Department Chairpersons on said list, are "Public Employees" pursuant to Ohio Revised Code Section 4117.01(C), and 3.) the Board dismiss the Employee Organization's request for recognition because the request was for an inappropriate unit.

The Hearing Officer properly determined the issue that "Department Chairpersons" are not "Public Employees" in accordance with the Act, but clearly are supervisors as set forth in Section 4117.01(F)(3) for the reasons adduced below:

- 1) Department Chairpersons are responsible to the Dean for educational and administrative goals. The administrative duties include: developing long and short range goals, monitoring progress of goals, developing of the department budget and implementing same, overseeing observance of University policies by the department, making recommendations on personnel matters, developing the class schedule being offered each term and providing orientation for new employees. (PF #9)
- 2) Department Chairpersons approve leave requests, initiate personnel matters, teaching assignments, recommend salary increases, have authority (within the allotted budget) to purchase and/or remove equipment and to recommend disciplinary actions if the need arises. (PF #10)
- 3) There have been occasions when no one in a particular department has accepted the Chairperson position. The Dean of the College has

accepted those responsibilities until someone accepts the position. (FF #12)

V

Since the sole issue of the appropriateness of this unit has been determined, there is no need or reason for further delay.² Therefore, the Board disaffirms the Hearing Officer's recommendation to dismiss the employee organization's request for recognition and certifies the American Association of University Professors, Central State University Chapter (AAUP), as the exclusive representative for the following unit at Central State University:

Included: Those full-time faculty members of Central State University who hold academic rank (Professor, Association Professor, Assistant Professor, Instructor) and for whom instruction or professional library work comprises at least 50% of their workload.

Excluded: Part-time faculty, full-time faculty for whom instruction does not represent 50% or more of their workload; administrators at the level of Dean and above; Department Chairpersons, persons holding faculty titles or ranks in the Reserve Officer's Training Corp; Athletic coaches whose primary duties are not in teaching; and, persons holding faculty titles whose primary duties are in the direction of non-academic departments or programs and all other employees.

²The parties have urged expedition once the issue was determined. The action here is distinguished from other decisions where the Board dismissed requests for recognition because of objections by the Employer.