

75-029

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
Public Employees of Northeast Ohio, Local No. 234,

Employee Organization,

and

Ohio Council 8, American Federation of State, County and
Municipal Employees and Local No. 1229, American Federation
State, County and Municipal Employees, AFL-CIO,

Intervening Employee Organization,

and

Summit County Board of Mental Retardation,

Employer.

CASE NUMBER: 84-RC-05-1011

DIRECTION OF ELECTION
(Opinion Attached)

Before Chairman Day, Vice Chairman Sheehan, and Board Member Fix; June 5, 1985.

For the reasons stated in the attached opinion, incorporated by reference, the Board directs that a representation election be held for employees of the Summit County Board of Mental Retardation (Employer) in the unit proposed in the Petition. The election will be held at the date, times, and places to be determined by the Administrator of Elections in consultation with the parties. The choices on the ballot shall be "Public Employees of Northeast Ohio, Local No. 234," "Ohio Council 8, American of Federation, State, County and Municipal Employees, AFL/CIO and Local No. 1229, American of Federation, State, County and Municipal Employees, AFL/CIO," and "No representative."

No later than June 24, 1985, the Employer shall serve on both employee organizations and file with the Board an eligibility list setting forth the names and home addresses of all employees eligible to vote as of June 5, 1985.

It is so directed.

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

Jack G. Day

JACK G. DAY, CHAIRMAN

I certify that this document was filed and a copy served upon each party
on this 20 day of June, 1985.

Kenneth W. Barrett

KENNETH W. BARRETT, EXECUTIVE DIRECTOR

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OPINION

Day, Chairman:

This case began with a petition labelled "Petition for Representation or Decertification Election."¹ An election has been ordered. However, one aspect of the case requires a brief explication.

I

The showing of interest to support the petition is 30%² or more. This is clearly sufficient. For the petition is treated as one solely for a representation election.

This treatment is accorded because it is virtually inconceivable that the petitioner, a labor organization, simply wishes to dislodge the

¹At the time of filing a single, combined, form was used for both representation and decertification petitions.

²Whether a more substantial showing of interest is required when the petitioner is not an employee organization is not an issue in this case and is not decided.

(more)

incumbent union. Logic dictates that the intent is both to unseat the incumbent and take its place.

II

Now, and from now on, a decertification petition filed by an employee organization will be treated as a petition for a representation election. A petition for decertification will be recognized as truly that only when dissident employees without organizational affiliation seek to dislodge an incumbent without replacing it with a successor union.

Sheehan, Vice Chairman, and Fix, Board Member, concur.

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