

85-033

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
State Employment Relations Board,

v.

City of Springfield.

CASE NUMBER: 84-UR-08-1791

ORDER

(Opinion Attached)

Before Chairman Day, Vice Chairman Sheehan, and Board Member Fix; June 26, 1985.

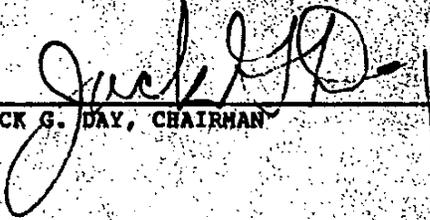
The International Association of Fire Fighters, Local #333 (Charging Party) filed an unfair labor practice charge alleging that the City of Springfield (Respondent) violated Ohio Revised Code Section 4117.11(A)(1) and (5). The Board found probable cause to believe that the law had been violated, and a complaint was issued against the Respondent. The hearing officer recommended that the Board find that the Respondent has violated Ohio Revised Code Section 4117.11(A)(1) and (5).

The Respondent filed a Motion For Oral Argument on exceptions to the hearing officer's recommendation. The Motion is denied. Also, the Respondent's Motion To Dismiss this action is denied for reasons set forth in the SERB v. City of Springfield (Springfield Command Officers' Association, Case No. 84-UR-10-2161 (Opinion and Order issued June 14, 1985).

After reviewing the facts of this action, the Board finds that the Respondent has violated Ohio Revised Code Section 4117.11(A)(1) and (5). The reasons for this conclusion are set forth in the attached opinion. The Board orders the Respondent to post the attached notice, incorporated by reference, stating that Respondent has been found to have been in violation of Ohio Revised Code Section 4117.11(A)(1) and (5) by: (a) interfering with and restraining employees in the exercise of their rights under Ohio Revised Code Chapter 4117; (b) by insisting upon adherence to a dispute resolution procedure to which the parties did not mutually agree and which did not provide the finality imposed by a neutral; and (c) by unilaterally terminating employee benefits.

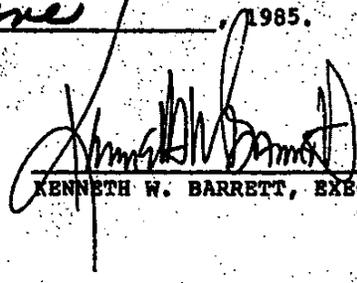
It is so ordered.

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



JACK G. DAY, CHAIRMAN

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



KENNETH W. BARRETT, EXECUTIVE DIRECTOR

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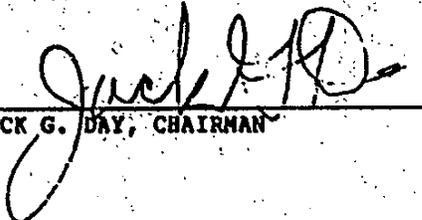
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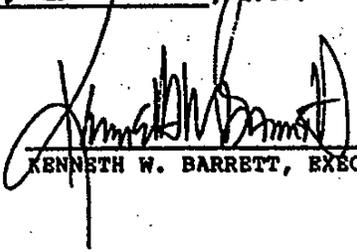
It is so ordered.

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



JACK G. DAY, CHAIRMAN

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



KENNETH W. BARRETT, EXECUTIVE DIRECTOR

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STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

State Employment Relations Board,

Complainant,

and

City of Springfield,

Respondent.

CASE NUMBER: 84-UR-08-1791

OPINION

Fix, Board Member:

The facts and issues in the instant case are nearly identical to those in Case No. 84-UR-10-2161 involving the City of Springfield as respondent and the State Employment Relations Board (Board or SERB) as complainant. There is one difference which will be detailed below.

On the similar facts and issues, the Board has reached a like conclusion in the instant case. For the Board's opinion see, SERB v. City of Springfield (Springfield Command Officer's Association), Case No. 84-UR-10-2161 (June 14, 1985).

The unique aspect of this case is the termination of employee benefits by the employer.

The issue is whether this unilateral act constitutes an unfair labor practice.

The answer is "yes" for the reason adduced below.

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The fact that the contract between the city and the employer organization had expired did not warrant the unilateral action by the employer. A unilateral change in conditions of employment during negotiations is a violation of the duty to bargain collectively, NLRB v. Katz, 369 US 736 (1962).

The Board concurs in the accompanying order embodying the hearing officer's recommendations.

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

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