

85-034



STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Deepwood Employees Association,

Employee Organization,

and

Lake County Board of Mental Retardation and Developmental Disabilities,

Employer.

CASE NUMBER: 85-RC-05-3611

APPROVAL OF MOTION TO INTERVENE
(Opinion Attached)

Before Chairman Day, Vice Chairman Sheehan, and Board Member Fix; June 19, 1985.

The Deepwood Employees Association (DEA) has filed a Petition For Representation Election for a unit of employees of the Lake County Board of Mental Retardation and Developmental Disabilities (Employer). The Ohio Civil Service Employees Association/American Federation of State, County and Municipal Employees, Local 11 has moved to intervene in this action, asserting that it is the sole and exclusive bargaining representative of the employees in the relevant bargaining unit. The Motion To Intervene is granted for the reasons stated in the attached opinion, incorporated by reference.

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 and a copy served upon each party on this 3rd day of July, 1985.

KENNETH W. BARRETT, EXECUTIVE DIRECTOR

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
Deepwood Employees Association,
Petitioner,

and

Lake County Board of Mental Retardation
and Developmental Disabilities,

Respondent.

CASE NUMBER: 85-RC-05-3611 *

OPINION

Day, Chairman:

The motion to intervene in the determination of representation process was filed by the incumbent union, Ohio Civil Service Employees Association/American Federation of State, County and Municipal Employees Local 11 (incumbent). The motion will be granted. An opinion is warranted to make a policy point.

I

The incumbent-movant argues that it has made the substantial showing of interest.¹ Whether the movant's filing supports its contention need not be decided. For another more compelling ground for decision exists and is adopted.

¹At least 10% in the appropriate unit is the intervention standard, see Ohio Revised Code, Section 4117.07(B).

II

At the moment, the movant is the exclusive agent for collective bargaining with the respondent. When the status of an incumbent is challenged, incumbency argues as much or more for the right to intervene than does a 10% substantial showing. Hence, in this case and from this point forward, a showing of incumbency alone will be sufficient grounds for permitting intervention.

III

The motion is granted. The movant may intervene and appear on the ballot if, and when, any representation election results in the case.

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