

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

85-640

In the Matter of

American Federation of State, County & Municipal  
Employees/Ohio Civil Service Employees Association;

Communications Workers of America/Council of Public Workers

Ohio Health Care Employees Union, 1199, AFL-CIO

Employee Organizations,

and

State of Ohio, Office of Collective Bargaining,

Employer.

CASE NUMBERS: 85-RC-04-3287 - Unit #3 ✓  
85-RC-04-3313 - Institutional Security

85-RC-04-3288 - Unit #4

85-RC-06-3545 - Human Services Paraprofessionals

85-RC-04-3289 - Unit #5

- Food Service, Custodial & Laundry

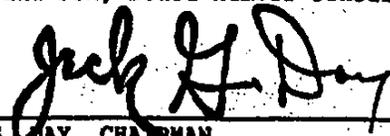
DENIAL OF MOTIONS  
(Opinion Attached)

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

Motions for Expedited Elections have been filed in Case Numbers 85-RC-04-3287 and 85-RC-04-3313 (Unit #3), Case Numbers 85-RC-04-3288 and 85-RC-06-3545 (Unit #4), and Case Number 85-RC-04-3289 (Unit #5), all relating to units of State of Ohio employees. The Motion filed by the Communications Workers of America/Council of Public Workers also requests that elections be conducted on-site. For the reasons stated in the attached opinion, incorporated by reference, the Motions are denied.

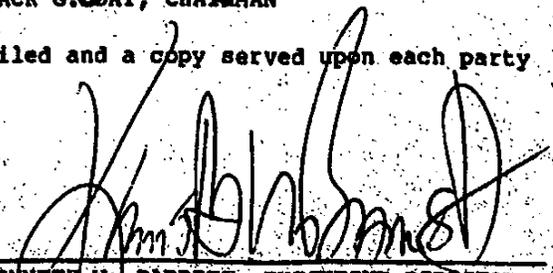
It is so directed.

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 6th day of September, 1985.



KENNETH W. BARRETT, EXECUTIVE DIRECTOR

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OPINION

Day, Chairman:

The subject motions reflect a desire to give the employees in the State Units the earliest possible opportunity to select representatives for collective bargaining. No one can quarrel with that objective. It is to be achieved, according to the movants, by an "expedited" election. "Expedition" in these motions means conducting the elections without waiting for SERB determination of exclusions. Ballots would be challenged and considered by the board after the canvass if, and only if, the challenges could affect the election results. Implicit in the movants' proposals are the propositions

that relatively small numbers of exclusions<sup>1</sup> are involved and that by-passing pre-election determinations will save vast amounts of time.

Any procedure that will speed bargaining representation decisions without jeopardy to the efficiency and integrity of the electoral process is desirable beyond debate. And, where parties to labor relations disputes can agree on a resolution process, the agreement weighs heavily, and ought to weigh heavily, with the persons responsible for dispute resolution. Here all parties agree to expedition but agreement is neither uniform nor total for all the units involved. This may indicate that concurrence exists within fairly narrow perimeters. However, disposition does not require a close scrutiny to establish the boundaries of agreement. This conclusion stems from a comparison between the time elements in the suggested "expedited" process with time elements remaining if the board completes the established "standard" procedures already nearing completion in the subject cases. This follows because both "expedited" and "standard" procedures must be coupled to the same time demands required for efficient mail balloting. Moreover, pre-election exclusion determinations narrow the number of time consuming post-election disputes that may be necessary thus shortening rather than lengthening the electoral process.

II

Little remains to be done to complete the "standard," pre-election processing in the statewide voting units - 3, 4, 5, and 11 - where votes are

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<sup>1</sup>Small is indeed a relative term. The least number of exclusions in any one unit is 124. A motion exhibit submitted by the Office of Collective Bargaining indicates the absolute numbers in the four units in the next election cluster: Unit #3 - 124; Unit #4 - 286; Unit #5 - 152; and Unit #11 - 357.

contemplated next.<sup>2</sup> It follows that if no processing time were necessary for mail balloting, the time saved would be roughly 14 days. This figure assumes that each party take its full 10 days for exceptions and full 10 days for response. To the degree that parties limit their exceptions and responses, the 14 day interval may be reduced materially.<sup>3</sup> At its most expansive the time salvaged, if any, is largely illusory. For there are ineluctable conditions which must be satisfied before sanitary mail balloting<sup>4</sup> can begin. And by the time those conditions are met, there is

<sup>2</sup>At this moment one statewide unit has been certified, six others are engaged in balloting by mail. These seven are in addition to the four. The total number of statewide units is fourteen. The "standard" represents the process in every election (more than 300) conducted thus far under Chapter 4117.

<sup>3</sup>The time chart for "standard" processing in these four units (based on the utilization of full exception and response time allowances) is:

State Unit	Hearing Officer Report Issued	Last Day For Exceptions	Last Day For Responses
3	8/27/85	9/6/85	9/16/85
4	8/14/85	8/26/85 Exceptions Filed	9/5/85
5	8/20/85	8/30/85	9/9/85
11	8/28/85	9/9/85	9/19/85

"Standard" process is completed in Unit 5 and the Hearing Officer's Report is ready for Board action.

<sup>4</sup>One union moved for on site balloting in Unit 3. The record indicates 58 sites for this unit - a number beyond the capacity of SERB's limited staff unless all other electoral activity were adjourned for 5-10 days while a traveling board entourage supervises the Unit 3 balloting. The lack of feasibility is apparent both from the standpoint of staff size and fairness to all parties. See footnote 7 and relevant text..

order to distinguish which returns belong to which unit can be done in advance. However, the printing of ballots is not done far in advance, for reasons of security. Printing time is also involved in the preparation of election notice. Each unit requires different notices, and each notice must be posted for 10 days before balloting can begin.

It is greatly significant that ballot processing requires the same general care and time whether the procedure is "expedited" or "standard." Moreover, by the time mail ballot preparations are completed (beginning while the balloting in Units 2, 6, 7, 9, 10 and 12 is still in progress) the time distinction between "expedited" and "standard" will be reduced to such minuscule proportions that the difference between "short" and "long" loses significance.

In addition, the pre-election dispositions of exclusions drastically limits the chance that the board will have to determine challenges under the superheated conditions that will prevail if each determination could make the difference between winning and losing.

#### IV

The board applauds the parties' interest in expeditious balloting which the board shares, but for the reasons assigned declines to exercise its discretion to require forced draft performance of acts virtually certain to yield meagre time saving.

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

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