85-058

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2198,

Employee Organization,

and

Stark County Engineer,

Employer.

CASE NUMBER: 85-MF-05-3681

DENIAL OF REQUEST FOR EXTENSION OF TIME
(Opinion Attached)

Before Chairman Day, Vice Chairman Sheehan, and Board Member Fix; October 24, 1985.

The Stark County Engineer (Employer) and Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2198 (Employee Organization) have been involved in negotiations under the dispute resolution procedure of Ohio Revised Code Section 4117.14, the fact-finder mailed his report to the parties on October 11, 1985. Therefore, under Ohio Revised Code Section 4117.14(C)(5) and (6) and Ohio Administrative Code Rule 4117-9-05(M), the last day on which the parties could vote to reject the fact-finders report was October 18, 1985. On October 21, 1985, after the expiration of the voting period, the Employer submitted to a SERB staff member a letter stating that the Employer's Representative received the fact-finders report on October 17, 1985, and that the Employer was requesting an extension of time in which to vote on the fact-finder's report.

For the reasons stated in the attached opinion, incorporated by reference, the request is denied and the fact-finder's report is deemed accepted.

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 21st day of October 1985.

Kenneth W. Barrett
KENNETH W. BARRETT, EXECUTIVE DIRECTOR

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OPINION

Day, Chairman:

In this case management (employer) is denied an extension of time to act on a fact-finder's report that was "sent," as the statute provides, but received only one day before expiration of the statutory seven days. The State Employment Relations Board (Board or SERB) does not take a rigid approach to time lines except when the law requires it. Therefore, the denial here requires explanation.

The employer, represented by persons experienced in labor relations, did not act by filing a timely motion to the Board for an extension. Instead, it waited until after expiration of the seven-day period and then filed a letter to a staff member.

The Board cannot conduct its business on the basis of letters. Moreover, an elemental awareness of the statutory requirements of R.C. 4117 and Board policy would make it abundantly clear that no staff member is empowered to act in the place of the Board about specific authorization.

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

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