

86-008

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

State Employment Relations Board,

Complainant,

v.

Princeton City School District Board of Education,

Respondent,

CASE NUMBER: 84-UR-08-1816

ORDER
(Opinion Attached)

Before Chairman Day, Vice Chairman Sheehan, and Board Member Fix; February 20, 1986.

Pursuant to an unfair labor charge filed by the Princeton Association of Classroom Educators, the Board conducted an investigation [Ohio Revised Code Section 4117.12] and found probable cause to believe that an unfair labor practice had been committed by the Princeton City School District Board of Education (Respondent). A complaint was issued and the matter was referred to hearing.

The Board has reviewed the record, the hearing officer's recommendations, the exceptions to the recommendations, and responses. The Board approves the hearing officer's finding of facts, conclusions of law and recommendations, with the modification that any bargain reached between the parties pursuant to the employer's obligation to bargain shall be retroactive to April 20, 1985. The attached opinion is incorporated by reference.

The Respondent is ordered to:

A. Cease and desist from:

1. Interfering with, restraining or coercing employees in the exercise of their rights guaranteed in Chapter 4117 of the Revised Code and otherwise violating Revised Code Section 4117.11(A)(1); and
2. Refusing to bargain collectively with the exclusive representative of its employees and otherwise violating Ohio Revised Code Section 4117.11(A)(5).

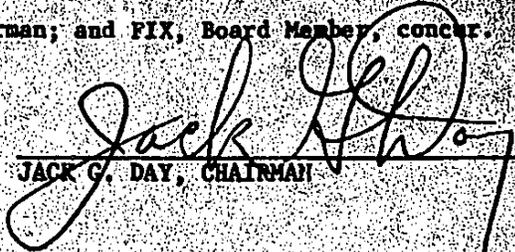
B. Post For 60 days in all school buildings the Notice To Employees furnished by the Board stating that the Princeton Board of Education shall cease and desist from the action set forth in Paragraph A and shall take the affirmative action in Paragraphs B and C.

C. Immediately engage in collective bargaining pursuant to Ohio Revised Code Section 4117.08. Any bargain reached by the parties should be effectively retroactive to April 20, 1985.

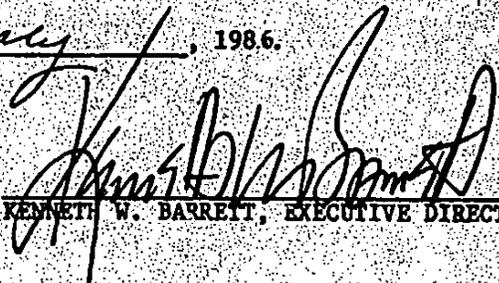
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It is so ordered.

DAY, Chairman; SHEKHAN, 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 28 day of February, 1986.


KENNETH W. BARRETT, EXECUTIVE DIRECTOR

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
State Employment Relations Board,
Employee Organization,

and

Princeton City School District
Board of Education,

Employer.

CASE NUMBER: 84-UR-03-1816

OPINION

Day, Chairman:

The remedy in this case includes an exceptional feature. The management is ordered to bargain and any bargain reached is to be effected retroactively to April 20, 1985.¹

The reason motivating this rather Draconian remedy is the management's unwarranted recalcitrance in the face of the very obvious grandfathered, "deemed certified" representative status of the employee organization.²

¹The findings of fact by the hearing officer are adopted and incorporated in this opinion as though fully re-written. The findings were served on the respondent management as part of the hearing officer's recommended order. [R.C. 4117.12(B)(3)]. The hearing officer's conclusions of law as modified by the retroactivity decision discussed in the opinion, also are adopted and incorporated by reference.

²April 20, 1985, is the date the complaint issued in this case. Logically, retroactivity could have related back to April 1, 1984, the effective date of the Act and thus, the date that "deemed certified" status came into being [see Temporary Law Sections 4(A) and (B)]. The shorter period reflects the conclusion of the State Employment Relations Board that the shorter retroactivity is sufficient to effectuate the purposes of Chapter 4117.

It is, and will continue to be, the policy of the State Employment Relations Board (SERB or Board) to develop remedies for unfair labor practices uniquely adapted to the case in hand. Therefore, a remedy in one case is not necessarily a precedent in another although the Board will take every precaution against a disparity when the facts are the same or similar.

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

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