

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

86-021

In the Matter of
Circleville Firefighters Association,
Employee Organization,
and
City of Circleville,
Employer.

CASE NUMBER: 86-MED-1-0005

OPINION

Fix, Board Member:

In the instant case the employee organization, Circleville Firefighters Association, has submitted a motion requesting the State Employment Relations Board (SERB) to invalidate the rejection vote of the employer, Circleville City Council. The motion also requests SERB to declare the fact-finder's report accepted by the parties.

The Board denies the motion for reasons adduced below.

I

The fact finder issued his report April 9, 1986. The employee organization accepted the report April 10. By a six-to-one vote, Circleville Council voted April 16 to reject the report. The action was by ordinance. The Mayor signed the ordinance April 17, one day past the deadline for rejection.

The union argues that the effective date of the rejection is the date the ordinance was signed, April 17.

II

Ohio Revised Code Section 4117.14(C)(6) clearly provides that the vote

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be taken by the legislative body of a public jurisdiction in order to be rejected.¹

In addition, the City of Circleville certified the results of the vote within 24 hours to SERB and the employee organization, as required by SERB rules.

The parties do not dispute these facts.

III

The Board finds the rejection vote of council valid. The effective date of the ordinance is not the relevant date under the provisions of Ohio Revised Code Chapter 4117. The date of vote is.

The Board denies the motion to invalidate the rejection of the employer.

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

¹ O.R.C. 4117.14:

"(C) In the event the parties are unable to reach an agreement, they may submit, at any time prior to forty-five days before the expiration date of the collective bargaining agreement, the issues in dispute to any mutually agreed upon dispute settlement procedure which supersedes the procedures contained in this section....

(6) Not later than seven days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its total membership, and in the case of the public employee organization, the membership, by a three-fifths vote of the total membership, may reject the recommendations; if neither rejects the recommendations, the recommendations shall be deemed agreed upon as the final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the fact-finding panel's recommendations, except as otherwise modified by the parties by mutual agreement. If either the legislative body or the public employee organization rejects the recommendations, the board shall publicize the findings of fact and recommendations of the fact-finding panel. The board shall adopt rules governing the procedures and methods for public employees to vote on the recommendations of the fact-finding panel."