

86-025

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Council 8, American Federation of State, County
and Municipal Employees, AFL-CIO,

Employee Organization,

and

Franklin County Board of County Commissioners,

Employer.

CASE NUMBER: 86-MED-01-0174

DIRECTIVE GRANTING IN PART AND DENYING IN PART MOTION TO STAY
FACT FINDING PROCEDURE
(Opinion Attached)

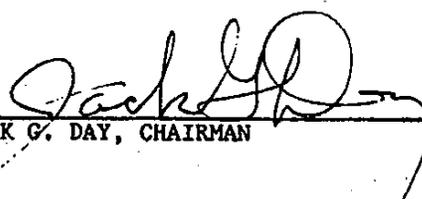
Before Chairman Day, Vice Chairman Sheehan and Board Member Fix; May 8,
1986.

The Franklin County Board of County Commissioners (Employer) filed with
the State Employment Relations Board a motion to stay the fact-finding process
pending disposition of the Employer's appeal of certification to the Franklin
County Court of Common Pleas and pending disposition of related unfair labor
practice charge (Case No. 86-ULP-3-0093).

Currently pending before SERB for the reasons stated in the attached
opinion, incorporated by reference, the Board denies the motion to stay
pending resolution of the appeal pending in the Franklin County Court of
Common Pleas but grants the stay pending the disposition of the unfair labor
practice charge. The processing of the unfair labor practice charge in Case
No. 86-ULP-3-0093 is expedited.

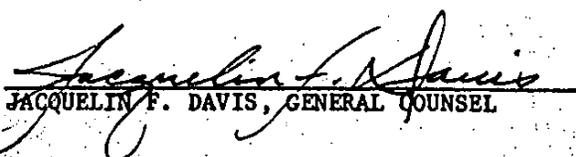
It is so directed.

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 26th day of June, 1986.



JACQUELIN F. DAVIS, GENERAL COUNSEL

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
Ohio Council 8, American Federation of
State, County and Municipal Employees, AFL-CIO,
Employee Organization,

and

Franklin County Board of County Commissioners,
Employer.

CASE NUMBER: 86-MED-02-0174

OPINION

Sheehan, Vice Chairman:

The Franklin County Board of County Commissioners (Movant) filed a motion with the State Employment Relations Board (SERB) on April 23, 1986, requesting SERB to stay the fact-finding process in the instant case. SERB was scheduled to appoint a fact finder on April 25, 1986. The movant argued that its appeal of the certification of a unit of county employees by SERB is before the Franklin County Court of Common Pleas, and the process should be stayed pending action by the Court. The movant further requests staying fact-finding until SERB can deal with an unfair labor practice matter of a parallel nature to the court proceeding. On April 24, 1986, SERB found probable cause to believe the Franklin County Board of County Commissioners was without cause for refusing to bargain with the certified.

Case No. 86-CU-03-1584, captioned Franklin County Board of County
Commissioners vs. State Employment Relations Board, et al.

representative (Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO) of the bargaining unit.

The motion to stay the fact-finding process pending action by the Franklin County Court of Common Pleas is denied. SERB has moved the Court to dismiss the appeal on the grounds the Court lacks jurisdiction over SERB's representation determinations. It is SERB's contention there is no appeal to the court from a representation case whether the appeal is based on Ohio Revised Code 119.12 or Ohio Revised Code 4117. Therefore, an appeal to the Court of Common Pleas is an inappropriate procedure to determine whether the representation issue was properly decided.

However, the Board is staying the fact-finding process pending the disposition of the unfair labor practice case because this is the proper vehicle for determining the propriety of the representation decision. The unfair labor practice complaint will be expedited.

It is so ordered.

Day, Chairman, and Fix, Board Member, concur.

182B:s/j:6/11/86:f