

86-031

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Council 8, American Federation of State, County and
Municipal Employees,
Employee Organization,

and

Central State University Employees, Local 361,
AFSCME, AFL-CIO,
Employee Organization

and

Central State University,
Employer.

Case Number 86-REP-1-0028

OPINION and DIRECTIVE

Sheehan, Vice Chairman:

In the instant case, the employee organization petitioned for
Voluntary Recognition of a unit that included all employees of the
Central State University Police Department, including Police Officer I,
Police Officer II and Sergeant. Excluded were supervisors as defined in
the Act and all other employees of Central State University.

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The employer filed two objections claiming: 1) rank and file members of a police department cannot be included in the same bargaining unit as police sergeants pursuant to Section 4117.06(D)(6)¹ of the Revised Code; 2) police sergeants are supervisors and, therefore, are not public employees. The employer also filed a Petition for Unit Clarification.

At the hearing held on May 6, 1986, the employer moved to withdraw the petition for unit clarification and also its objections pertinent to 4117.06(D)(6). The hearing officer granted the motions. The sole remaining issue was whether sergeants in the Central State University Police Department are supervisors pursuant to Section 4117.01(F) of the Revised Code.

The hearing officer found the Police Supervisors (Sergeants) at the Central State University Police Department are not supervisors as defined by Section 4117.01(F) of the Revised Code and directed an election be held for the petitioned unit.

The Board concurs with the hearing officer's findings on the issue, but amends the recommendations to certify the unit instead of directing an election. The appropriateness of the unit is not at question. The employee organization had requested voluntary recognition for the petitioned unit. All issues were resolved at the hearing. Therefore, an election is unnecessary.

¹ 4117.06(D) in addition, in determining the appropriate unit, the board shall not . . .

(6) With respect to members of a police department, designate as appropriate a unit that includes rank and file members of the department with members who are of the rank of sergeant or above.

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For these reasons the Board adopts the hearing officer's findings of fact, conclusions of law and the first part of the recommendation dismissing the petition in case no 85-UC-04-3527, but amends the second part of the recommendation by certifying Central State University Employees, Local 361, AFSCME, AFL-CIO, as the exclusive representative for the following unit at Central State University:

Included: All employees of the Central State University Police Department, including Police Officer I, Police Officer II and Sergeant.

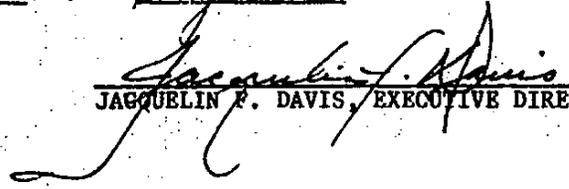
Excluded: All supervisors as defined in the Act and all other employees of Central State University.

It is so directed.

Chairman Day, absent; Board Member Fix concurs.


WILLIAM P. SHEEHAN, VICE CHAIRMAN

I certify that this document was filed and a copy served upon each party on this 29 day of August, 1986.


JACQUELIN E. DAVIS, EXECUTIVE DIRECTOR

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