

86-045 #

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
United Steelworkers of America, AFL-CIO,  
Employee Organization,  
and  
City of Hilliard,  
Employer.

CASE NUMBER: 86-REP-07-0212

DIRECTIVE GRANTING MOTIONS  
(Opinion Attached)

Before Chairman Day, Vice Chairman Sheehan, and Board Member Fix;  
October 30, 1986.

The United Steelworkers of America, AFL-CIO (Employee Organization) filed a Request for Voluntary Recognition. The City of Hilliard (Employer) filed a Representation-Certification Petition. This case was directed to hearing for a determination of an appropriate bargaining unit. Subsequently, the parties reached an agreement on the unit issue pursuant to which the Employer filed a motion to dismiss the Petition for Representation Election and the Employee Organization filed a motion to amend the Request for Voluntary Recognition to add to the exclusions "janitor."

The Employer's motion to dismiss the Petition for Representation Election and the Employee Organization's motion to amend the Request for Voluntary Recognition are granted. For the reasons set forth in the attached opinion, incorporated by reference, certification on the amended Request for Voluntary Recognition is granted effective on the twenty-second day following the filing and posting of the amended request contingent upon there being no response under Ohio Revised Code Section 4117.05(A)(2)(b)(1-iv) within the requisite twenty-one day period.

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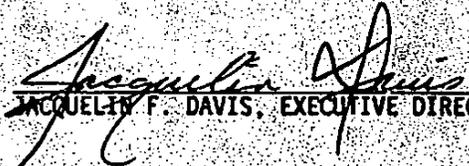
Case Number 86-REP-07-0212  
October 30, 1986

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 7<sup>th</sup> day of November, 1986.

  
JACQUELIN F. DAVIS, EXECUTIVE DIRECTOR

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OPINION

Day, Chairman:

In this case the State Employment Relations Board (SERB or Board) has been presented with a motion to amend a request for voluntary recognition after an original request had been filed and posted for the requisite twenty-one days. The original request also evoked a petition for a representation election<sup>1</sup> which the City of Hilliard (City or Hilliard) now moves to dismiss.

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<sup>1</sup>See R.C. 4117.05(A)(2):

"(A) An employee organization becomes the exclusive representative of all the public employees in an appropriate unit for the purposes of collective bargaining by either;

\* \* \*

"(2) Filing a request with a public employer with a copy to the State Employment Relations Board for recognition as an exclusive representative. In the request for recognition, the employee organization shall describe the bargaining unit, shall allege that a majority of the employees in the bargaining unit wish to be represented by a the employee organization, and shall support the request with substantial evidence based on, and in accordance with, rules prescribed by the board demonstrating that a majority of the employees in the bargaining unit wish to be represented by the employee organization. Immediately upon receipt of a request, the public employer shall either request an election under division (A)(2) of section 4117.07 of the Revised Code, or take the following action:

"(a) Post notice in each facility at which employees in the proposed unit are employed, setting forth the description of the bargaining unit, the name of the employee organization requesting recognition, and the date of the request for recognition, and advising employees that objections to certification must be filed with the State Employment Relations Board not later than the twenty-first day following the date of the request for recognition;..." (Emphasis supplied.)

Both the motion to amend and the motion to dismiss are granted.

A remaining question is whether certification on the amended, now unopposed, request for voluntary recognition may be made without a new posting. That is, may there be a valid certification without posting the amended request accompanied by advice to employees that "objections to certification must be filed with the State Employment Relations Board not later than the twenty-first day following the date of the request for recognition?"

The question is answered, "No." The amended request affects a different unit than that involved in the initial request and requires a fresh posting period.

Therefore, certification is granted effective on the twenty-second day following the filing and posting of the amended request contingent upon there being no responses under R.C. 4117.05(A)(2)(b)(i-iv) within the requisite twenty-one day period.

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