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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

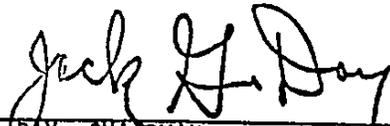
In the Matter of  
City of Youngstown,  
Employer,  
and  
Fraternal Order of Police, Lodge #28,  
Employee Organization.  
CASE NUMBER: 87-MED-01-0077

ISSUANCE OF OPINION

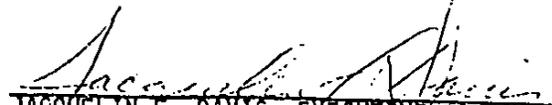
The attached opinion sets forth the reasons for the determination reached by the State Employment Relations Board (SERB) in its finding of an unauthorized strike on January 30, 1987. The opinion is incorporated by reference in SERB's determination that was issued on January 30, 1987.

It is so directed.

DAY, Chairman, and SHEEHAN, Vice Chairman, concur.

  
\_\_\_\_\_  
JACK G. DAY, CHAIRMAN

I certify that this document was filed and a copy served upon each party on this 20<sup>th</sup> day of February, 1987.

  
\_\_\_\_\_  
JACQUELIN F. DAVIS, EXECUTIVE DIRECTOR

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
City of Youngstown,  
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and  
Fraternal Order of Police, Lodge #28,  
Employee Organization.

CASE NUMBER: 87-MED-01-0077

OPINION

Day, Chairman:

I

On the 27th day of January, 1987, the Administration of the Youngstown Police Department (YPD) received 16 notices of illness from the 17 police officers on "C" turn and 12 from 16 on "B" turn.<sup>1</sup> The following day three notices were received from "C" turn and two from "B" turn. Various reasons were alleged for the incapacities of the officers involved.

II

The union claims that the organization had nothing whatever to do with the individual employee actions; that it did nothing to instigate them or to steer any concert of action that is arguably present. In fact, there is nothing in the stipulations of the parties or the evidence that implicates the union. If either the Fraternal Order of Police (FOP) or its Lodge #28 (Lodge) is responsible for the rash of sick notices, the proofs are not here.

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<sup>1</sup>Stipulation of Fact.

III

Whoever or whatever triggered the traumatic and/or viral epidemic which engulfed the YPD, only the naive would attribute it to coincidence. Even a modicum of street sense will recognize the events in this case for what they are. They are symptoms of blue-flu - a euphemism for a badly camouflaged job action. The State Employment Relations Board (SERB) will not characterize as aleatory the conjunction of group trauma and collective contagion which has settled so selectively on the officers of the YPD.

SERB finds the coordination of individual disasters here to be a strike of safety forces without union sanction or instigation. Under Chapter 4117 of the Ohio Revised Code, the job actions are unauthorized and, therefore, illegal.

Under the finding and order issued on January 30, 1987, strike participants are vulnerable to the sanctions provided under R.C. 4117.23 one day after the YPD notifies them of the SERB decision. Sheehan, Vice Chairman, concurs.

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# SERB

State  
Employment  
Relations  
Board



65 East State Street  
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(614) 462-8573

FOR IMMEDIATE RELEASE

CONTACT: Page Lewis

DETERMINATION OF UNAUTHORIZED STRIKE

COLUMBUS, Jan. 30--Attached is a Determination of Unauthorized Strike issued today by the State Employment Relations Board in the matter of City of Youngstown and Fraternal Order of Police, Lodge No. 28.

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
City of Youngstown,  
Employer,

and  
Fraternal Order of Police, Lodge #28,  
Employee Organization.

CASE NUMBER: 87-MED-01-0077

Determination of Unauthorized Strike

Before Chairman Day and Vice Chairman Sheehan; January 29, 1987.

This case is before the State Employment Relations Board (SERB) on the Notice of Strike and Request for Determination of Unauthorized Strike filed by the City of Youngstown on January 28, 1987, at 11:39 a.m. The sole responsibility of SERB is to make the requested determination within 72 hours of the filing, R.C. 4117.23(A).

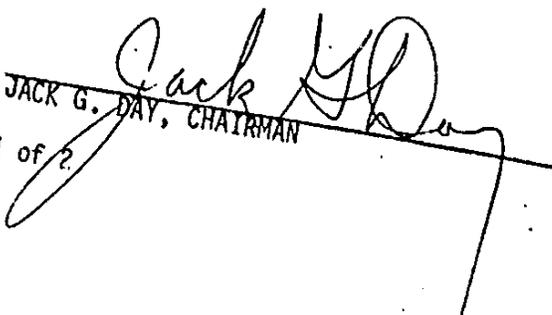
The stipulation in this case shows unequivocally that 16 persons of 17 police officers on the "C" turn of the Youngstown Police Department and 12 of 16 on the "B" turn reported in sick or injured on the 27th day of January.

The reports were all received within short time spans. This concurrence and the circumstances rebut coincidence and demonstrate concerted unauthorized job action. The employee action constituted an unauthorized strike within the meaning of R.C. 4117.23(A) and R.C. 4117.01(H).

It is so determined.

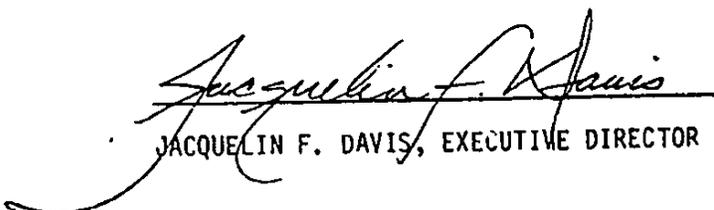
There was no evidence that the Fraternal Order of Police or Fraternal Order of Police, Lodge #28 authorized, induced or condoned the unauthorized activity.

DAY, Chairman, and SHEEHAN, Vice Chairman; concur.

  
JACK G. DAY, CHAIRMAN

DETERMINATION OF UNAUTHORIZED STRIKE  
CASE NUMBER 87-MED-01-0077  
JANUARY 29, 1987

I certify that this document was filed and a copy served upon each party  
on this 30<sup>th</sup> day of January, 1987.

  
JACQUELIN F. DAVIS, EXECUTIVE DIRECTOR

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