

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

SERB OPINION 87-015

(139)

In the Matter of  
Fraternal Order of Police, Ohio Valley Lodge #112,  
Charging Party,

v.

Clermont County Sheriff,

Charged Party.

CASE NUMBER: 87-ULP-J-0025  
(Opinion Attached)

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

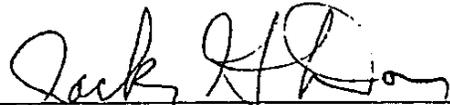
Before Chairman Day, Vice Chairman Sheehan, and Board Member Latané;  
June 18, 1987.

The Fraternal Order of Police, Ohio Valley Lodge #112 (Charging Party) has filed an unfair labor practice charge against the Clermont County Sheriff (Charged Party). The charge alleges that the Charged Party violated Ohio Revised Code Section 4117.11(A)(1) by failing to implement the untested portions of a conciliator's award.

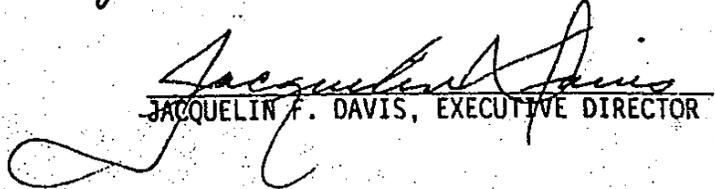
Pursuant to Ohio Revised Code Section 4117.12, the Board conducted an investigation of this charge. For the reasons set forth in the attached opinion, incorporated by reference, the Board dismisses the charge.

It is so directed.

DAY, Chairman; SHEEHAN, Vice Chairman; and LATANE, Board Member, concur.

  
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JACK G. DAY, CHAIRMAN

I certify that this document was filed and a copy served upon each party  
on this 21<sup>st</sup> day of July, 1987.

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

JJT:sam1/1669o4:8/18/87/g1-59b

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OPINION

Latané, Board Member:

I.

The question in this case is whether the State Employment Relations Board (SERB) should process an unfair labor practice charge involving the enforcement of uncontested portions of a conciliator's award granted pursuant to R.C. 4117.14 when a union has gone to court for enforcement of the award under R.C. 2711 and the employer has filed a Cross Application and Motion to Vacate or Modify Award and stay enforcement proceedings with regard to several provisions of the award.

II.

The Union and the Employer had engaged in collective bargaining negotiations pursuant to a Notice to Negotiate. A SERB appointed conciliator issued an award to the parties on August 5, 1986. Pursuant to

R.C. 4117.14(I) the issuance of a final offer settlement award constitutes a binding mandate to the parties to take whatever actions necessary to implement the award. On September 22, 1986 the Union filed an application for an Order Confirming Conciliator's Award with the Clermont County Court of Common Pleas.

The Employer filed an answer and subsequently a Cross Application and Motion to Vacate or Modify Conciliator's Award and Stay Enforcement Proceedings on November 5, 1986.

The Union filed an Unfair Labor Practice charge on January 21, 1987 alleging that the Employer violated R.C. 4117.11(A)(1) by failing to implement the uncontested portions of the conciliator's award.

III.

Both parties are in court for review, enforcement, and modification or vacation of conciliator's award as specified in R.C. 4117.14(H) and (I). Because both parties are following the prescribed legal remedies in their appropriate forum the unfair labor practice charge is dismissed.

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