

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Sheffield - Sheffield Lake Classified Employees Association, OEA/NEA,

Rival Employee Organization,

and

Ohio Association of Public School Employees/AFSCME, AFL-CIO,

Incumbent Employee Organization,

and

Sheffield - Sheffield Lake City School District,

Employer.

CASE NUMBER: 87-REP-3-0071

DIRECTION OF ELECTION
(Dissenting Opinion attached)

Before Chairman Day, Vice Chairman Sheehan, and Board Member Latané;
August 20, 1987.

On March 6, 1987, the Sheffield - Sheffield Lake Classified Employees Association (Rival Employee Organization) filed a Petition for Representation Election seeking to displace the Ohio Association of Public School Employees/AFSCME, AFL-CIO (Incumbent Employee Organization) as the exclusive representative for certain employees of the Sheffield - Sheffield Lake City School District (Employer).

The Employer filed a Motion to Amend the description of the bargaining unit and to request a hearing. The Rival Employee Organization and Incumbent Organization maintained the petitioned - for unit is appropriate.

The Board directs an election in the deemed certified unit:

Included: All non-certified employees.

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Excluded: All employees functioning in a supervisory or administrative capacity, three (3) central office secretaries, and two (2) Treasurer's clerical staff members.

In the interest of an expedient resolution to the representation issue and the stability of labor relations within the unit, the Board directs an election in the "deemed certified" unit as early as possible. The "deemed certified" unit was constructed and agreed to by the Employer and the Incumbent Employee Organization prior to the effective date of O.R.C. 4117. There is no factual dispute as to which positions are included. The unit has obviously served the parties well. To stay the election until the question raised by the Employer is determined would disrupt the bargaining process for an undetermined period. This is unnecessary. The elections can be held and if appropriateness of the unit issue is not rendered moot by the election, any party may petition the Board for unit clarification or amendment to certification. The Board then, if requested, will review the unit. Meanwhile, the stability of the bargaining process is maintained with minimal interruption.

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than November 16, 1987, the Sheffield - Sheffield Lake City School District shall serve on the Ohio Association of Public School Employees and the Sheffield - Sheffield Lake Classified Employees Association and file with the Board a numbered, alphabetized election eligibility list containing the names and home addresses of all employees eligible to vote as of the pay period ending just prior to August 20, 1987.

The specific dates, places and times of the election shall be determined by the Administrator of Representation in consultation with the parties.

It is so directed.

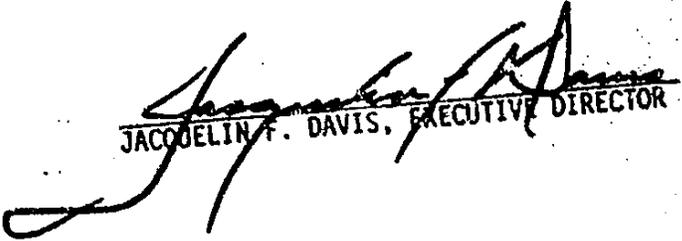
SHEEHAN, Vice Chairman, and LATANE, Board Member, concur. DAY, Chairman; dissents.



WILLIAM P. SHEEHAN, VICE CHAIRMAN

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I certify that this document was filed and a copy served upon each party
on this 9th day of November, 1987.


JACQUELIN F. DAVIS, EXECUTIVE DIRECTOR

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DISSENTING OPINION

Day, Chairman, dissenting:

This case differs from In Re Eaton School Support Personnel, OEA/NEA and Ohio Association of Public School Employees/AFSCME, AFL-CIO, and Eaton City Board of Education, Case No. 87-REP-3-0081, only in some factual detail immaterial to the principal (unit challenge) issue. Therefore, I respectfully dissent for the reasons assessed in the Eaton opinion.

I would grant the employer's motion, in the present case, for a hearing on the issue of appropriate unit.

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