

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Willoughby - Eastlake Classified Professionals, OEA/NEA,

Rival Employee Organization,

and

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

Incumbent Employee Organization,

and

Willoughby - Eastlake Board of Education,

Employer.

CASE NUMBER: 87-REP-5-0144

DIRECTION OF ELECTION
(Dissenting Opinion attached)

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

On May 28, 1987, the Willoughby - Eastlake Classified Professionals, OEA/NEA (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 Willoughby - Eastlake Board of Education (Employer).

The Incumbent Employee Organization filed a Motion to Dismiss the Petition for Representation Election stating that the boundaries of exclusive representation are fixed by the unit in which pre-April 1, 1984, recognition occurred.

The Board directs an election in the deemed certified unit:

Included: The bargaining unit includes all contracted full-time and regular short-hour employees in the following positions: Secretaries, Clerical Aides/Class I, Educational Aides, Key Punch Operators, Switchboard Operators, Printers, Orthopedic Aides/Attendants, Payroll Secretaries.

Excluded: Supervisors, Managers, Substitutes, Personnel Staff Assistant, Secretaries to the Superintendent, Assistant Superintendent and Business Manager, Secretary to the Treasurer, Secretary to the Director of Secondary Education, Secretary to the Director of Elementary Education, Secretary to the Director of Pupil Personnel, General Bookkeeper, Accounts Payable Bookkeeper, State and Federal Programs Bookkeeper, and Student Activities Bookkeeper.

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. Chapter 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 Rival Employee Organization 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 Willoughby - Eastlake Board of Education shall serve on the Ohio Association of Public School Employees and the Willoughby - Eastlake Classified Professionals 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.

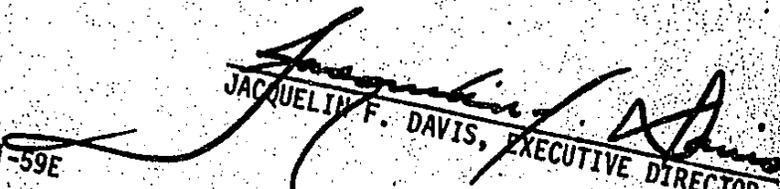


WILLIAM P. SHEEHAN, VICE CHAIRMAN

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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.

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JACQUELIN F. DAVIS, EXECUTIVE DIRECTOR

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CASE NUMBER: 87-REP-5-0144
Employer.

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 overrule the incumbent employee organization's motion to dismiss the rival union's petition for representation election, find that reasonable cause to believe a question of representation exists, and direct a hearing on the issue of appropriate unit.

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