

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

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STATE OPINION 89-027

In the Matter of

State Employment Relations Board,

Complainant,

v.

Central State University,

Respondent.

CASE NUMBER: 87-ULP-11-0513

DIRECTIVE

Before Chairman Sheehan, Vice Chairman Davis, and Board Member Latané;  
July 6, 1989.

On November 10, 1987, Jerome Savage (Charging Party) filed an unfair labor practice charge against Central State University (Respondent). Pursuant to Ohio Revised Code (O.R.C.) §4117.12, the Board conducted an investigation and found probable cause to believe that an unfair labor practice had been committed. Subsequently, a complaint was issued alleging that the Respondent had violated O.R.C. §4117.11(A)(1) and (A)(3) by discharging an employee for exercising collective bargaining rights.

The case was heard by a Board hearing officer. The Board has reviewed the record, the hearing officer's proposed order, exceptions, responses, and supporting memorandum. The Board adopts the hearing officer's Analysis and Discussion on the issue of whether the ninety (90) day limitation of O.R.C. 4117.12(B) is subject to equitable tolling and its application to the circumstances of this case. Thus, this section of the hearing officer's report, pursuant to O.A.C. Rules 4117-1-15 and 4117-1-17, carries the same precedential value as a Board opinion. However, the Board also adopts the Conclusions of Law and Recommendation 1, deletes Recommendations 2, 3 and 4, and remands the case to hearing for resolution of the merits of the unfair labor practice complaint and all other relevant issues.

It is so ordered.

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

  
WILLIAM P. SHEEHAN, CHAIRMAN

I certify that this document was filed and a copy served upon each party  
on this 5<sup>th</sup> day of October, 1989.

  
CYNTHIA L. SPANSKI, CLERK

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