

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

SEN FILE 90-004

In the Matter of

Toledo City Employees, Local 7, Ohio Council 8, American
Federation of State, County and Municipal Employees, AFL-CIO,

Employee Organization,

and

City of Toledo,

Employer.

CASE NUMBER: 89-REP-03-0064

DIRECTIVE AND OPINION

Before Chairman Sheehan and Vice Chairman Davis: February 8, 1990.

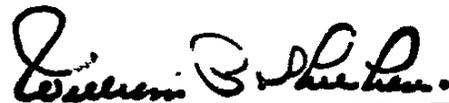
Toledo City Employees, Local 7, Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO, (Employee Organization) and the City of Toledo (Employer) jointly filed a petition seeking clarification of their collective bargaining agreement relative to a newly created stenographer position. The case was directed to hearing to determine the appropriateness of the inclusion.

The Board has reviewed the record, the hearing officer's recommended determination, exceptions and response. The Board adopts the hearing officer's Statement of the Case, Stipulations, Findings of Fact, Conclusions of Law 1 and 2, Recommendations, and rejects Conclusion of Law 3.

The parties jointly filed a petition for clarification of the bargaining unit and requested that the Board determine whether the newly created "stenographer" position was in the unit. This "stenographer" position is currently occupied by a temporary employee who is not performing any confidential duties. The employer contends that it does not intend to hire this person permanently so it has not entrusted the temporary employee with the confidential duties that a permanent employee will perform. Nevertheless, the position is currently occupied in such a manner that the parties have no facts, only prospective job duties, to present that would enable the Board to state whether the exclusion of the position is appropriate. The Board dismisses the jointly filed petition for clarification.

It is so directed.

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

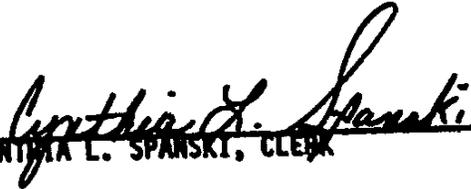


WILLIAM P. SHEEHAN, CHAIRMAN

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You are hereby notified that an appeal may be perfected, pursuant to Ohio Revised Code Section 119.12, by filing a notice of appeal with the Board at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213, and with the Franklin County Common Pleas within fifteen days after the mailing of the Board's directive.

I certify that this document was filed and a copy served upon each party on this 16th day of February, 1990.


CYNTHIA L. SPANSKI, CLERK

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