

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

SERB OPINION 90-013

In the Matter of
State Employment Relations Board,
Complainant,

v.

American Federation of State, County and Municipal
Employees, Local 772,

Respondent.

CASE NUMBER: 89-ULP-01-0036

ORDER AND OPINION

Before Chairman Sheehan and Board Members Latané and Pottenger:
July 19, 1990.

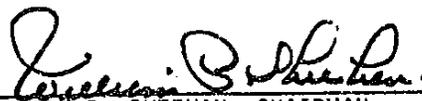
On January 20, 1989, Paul Wallace (Charging Party) filed an unfair labor practice charge against the American Federation of State, County and Municipal Employees, Local 772 (Respondent). Pursuant to Ohio Revised Code (O.R.C.) §4117.12, the Board conducted an investigation and found probable cause to 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) by restraining and coercing an employee in the exercise of rights guaranteed in O.R.C. Chapter 4117.

The case was heard by a Board hearing officer. The Board has reviewed the record, the hearing officer's proposed order, exceptions and response. The Board adopts the hearing officer's Stipulations and Admissions, Findings of Fact, Conclusions of Law and Recommendations. The hearing officer's Analysis and Discussion, incorporated by reference, is adopted and, thus, carries the same precedential value as a Board opinion pursuant to O.A.C. Rules 4117-1-15 and 4117-1-17.

The complaint is dismissed and the unfair labor practice charge is dismissed with prejudice.

It is so ordered.

SHEEHAN, Chairman, LATANE, and POTTENGER, Board Members, concur.


WILLIAM P. SHEEHAN, CHAIRMAN

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ORDER

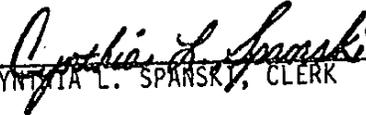
Case No. 89-ULP-01-0036

July 12, 1990

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You are hereby notified that an appeal may be perfected, pursuant to Ohio Revised Code Section 4117.13(D), by filing a notice of appeal with the Board at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213, and common pleas court in the county where the unfair labor practice in question was alleged to have been engaged in, or where the person resides or transacts business, 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 20th day of July, 1990.


CYNTIA L. SPANSKI, CLERK

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NOTICE TO EMPLOYEES

FROM THE STATE EMPLOYMENT RELATIONS BOARD

POSTED PURSUANT TO AN ORDER OF THE
STATE EMPLOYMENT RELATIONS BOARD
AN AGENCY OF THE STATE OF OHIO

After a hearing in which all parties had an opportunity to present evidence, the State Employment Relations Board has determined that we have violated the law and has ordered us to post this Notice. We intend to carry out the order of the Board and abide by the following:

A. WE WILL CEASE AND DESIST FROM:

Inducing or encouraging any individual in connection with a labor dispute to picket the residence of any public official or representative of the public employer, and from otherwise violating Ohio Revised Code Section 4117.11(B)(7).

WE WILL NOT in any like or related matter, interfere with, restrain, or coerce our employees in the exercise of rights guaranteed them under Chapter 4117 of the Revised Code.

B. WE WILL TAKE THE FOLLOWING AFFIRMATIVE ACTION:

1. Post for sixty (60) days in all Meigs County Department of Human Services buildings where the employees work the NOTICE TO EMPLOYEES furnished by the Board stating that AFSCME, Ohio Council 8, AFL-CIO, and Local #3520 shall cease and desist from the actions set forth in paragraph A and shall take the affirmative action set forth in paragraph B.
- (2) AFSCME, Ohio Council 8, shall include within the next twelve months in one of its free training seminars for local officers, instruction regarding the prohibitions in Ohio Revised Code Section 4117.11(B)(7).

AFSCME, Ohio Council 8, AFL-CIO
and Local #3520
88-ULP-11-0650

DATE BY TITLE

DATE BY TITLE

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED

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This notice must remain posted for sixty (60) consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board.

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