

**STATE OF OHIO
BEFORE THE STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

Complainant,

v.

Eastern Local Classroom Teachers Association, OEA/NEA and
Eastern Local School Support Personnel Association, OEA/NEA,

Respondents.

**Case Nos. 2002-ULP-10-0667, 2002-ULP-10-0668,
2003-ULP-01-0009, & 2003-ULP-01-0010**

**ORDER
(OPINION ATTACHED)**

Before Vice Chairman Gillmor and Board Member Verich: March 16, 2006.

On October 11, 2002, and January 6, 2003, the Eastern Local School District Board of Education ("the Employer") filed unfair labor practice charges against the Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA (collectively "Respondents"), alleging that Respondents violated Ohio Revised Code Sections 4117.11(B)(7). On December 12, 2002, the State Employment Relations Board ("the Board" or "Complainant") found probable cause to believe that Respondents had violated Ohio Revised Code Section 4117.11(B)(7) and consolidated Case Nos. 2002-ULP-10-0667 and 2002-ULP-10-0668. On March 13, 2003, the Board found probable cause to believe that Respondents had violated Ohio Revised Code Section 4117.11(B)(7) and consolidated Case Nos. 2003-ULP-01-0009 and 2003-ULP-01-0010.

On April 17 and 18, 2003, and May 30, 2003, the parties filed their briefs, stipulations of fact, and stipulations of evidence. On May 8, 2003, and July 10, 2003, pursuant to the parties' joint stipulations, the Board consolidated all four charges and transferred this matter from the Hearings Section to the Board for a decision on the merits.

After reviewing the record, the briefs filed by the parties, and all other filings in this case, the Board adopts the parties' Joint Stipulations as Findings of Fact and finds, for the reasons set forth in the attached Opinion, incorporated by reference, that the Respondents violated Ohio Revised Code Section 4117.11(B)(7) when they engaged in picketing related to a labor relations dispute at the residence of Superintendent Treva Harmon and at the place of private employment of School Board President Stephanie Knipp.

Order
Case Nos. 2002-ULP-10-0667, 2002-ULP-10-0668,
2003-ULP-01-0009, & 2003-ULP-01-0010
March 16, 2006
Page 2 of 3

The Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA are ordered to:

- A. Cease and desist from engaging in picketing related to a labor relations dispute at the residence or place of private employment of any public official or representative of the public employer and from otherwise violating Ohio Revised Code Section 4117.11(B)(7); and
- B. Take the following affirmative action:
 - 1. Post for sixty days in all the usual and normal posting locations where bargaining-unit employees represented by the Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA work, the Notice to Employees furnished by the State Employment Relations Board stating that the Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA shall cease and desist from actions set forth in paragraph (A) and shall take the affirmative action set forth in paragraph (B); and
 - 2. Notify the Board in writing within twenty calendar days from the date the Order becomes final of the steps that have been taken to comply therewith.

It is so ordered.

GILLMOR, Vice Chairman, and VERICH, Board Member, concur.

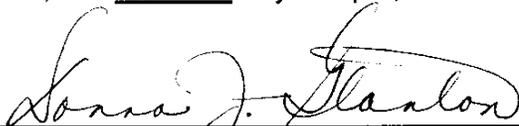


J. RUSSELL KEITH, GENERAL COUNSEL &
ASSISTANT EXECUTIVE DIRECTOR

Order
Case Nos. 2002-ULP-10-0667, 2002-ULP-10-0668,
2003-ULP-01-0009, & 2003-ULP-01-0010
March 16, 2006
Page 3 of 3

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 State Employment Relations Board at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213, and with the court of common pleas 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 State Employment Relations Board's order.

I certify that a copy of this document was served upon each party's representative by certified mail, return receipt requested, this 5th day of April, 2006.



DONNA J. GLANTON, ADMINISTRATIVE ASSISTANT



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 to abide by the following:

A. CEASE AND DESIST FROM:

Cease and desist from engaging in picketing related to a labor relations dispute at the residence or place of private employment of any public official or representative of the public employer and from otherwise violating Ohio Revised Code § 4117.11(B)(7); and

B. TAKE THE FOLLOWING AFFIRMATIVE ACTION:

1. Post for sixty days in all the usual and normal posting locations where bargaining-unit employees represented by the Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA work, the Notice to Employees furnished by the State Employment Relations Board stating that the Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA shall cease and desist from actions set forth in paragraph (A) and shall take the affirmative action set forth in paragraph (B); and
2. Notify the State Employment Relations Board in writing within twenty calendar days from the date that this Order becomes final of the steps that have been taken to comply therewith.

SERB v. Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA

Case Nos. 2002-ULP-10-0667, 2002-ULP-10-0668, 2003-ULP-01-0009, & 2003-ULP-01-0010

BY

DATE

TITLE

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED

This Notice must remain posted for sixty 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 State Employment Relations Board.

**STATE OF OHIO
BEFORE THE STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

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v.

Eastern Local Classroom Teachers Association, OEA/NEA and
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Respondents.

**CASE NUMBERS 2002-ULP-10-0667, 2002-ULP-10-0668,
2003-ULP-01-0009, & 2003-ULP-01-0010**

OPINION

GILLMOR, Vice Chairman:

I. INTRODUCTION

This unfair labor practice case comes before the State Employment Relations Board ("SERB" or "Complainant") upon the filing of joint stipulations by the parties and the subsequent filing of briefs by the parties. The issue to be decided is whether the actions taken by the Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA (collectively "Respondents") constituted unfair labor practices in violation of Ohio Revised Code ("O.R.C.") § 4117.11(B)(7). For the reasons below, we find that the Respondents violated O.R.C. § 4117.11(B)(7) by engaging in picketing related to a labor relations dispute at the residence of Superintendent Treva Harmon and at the place of private employment of School Board President Stephanie Knipp.

II. FINDINGS OF FACT¹

1. The Eastern Local School District Board of Education ("District") is a "public employer" as defined by O.R.C. § 4117.01(B). (March Stip. 1; May Stip. 1)

2. The Eastern Local Classroom Teachers Association, OEA/NEA ("ELCTA") is an "employee organization" as defined by O.R.C. § 4117.01(D) and is the exclusive representative for a bargaining unit of the District's regular and certificated personnel and tutors who work 1000 hours or more per school year. (March Stip. 2; May Stip. 2)

3. The Eastern Local School Support Personnel, OEA/NEA ("ELSSP") is an "employee organization" as defined by O.R.C. § 4117.01(D) and is the exclusive representative for a bargaining unit of the District's regular full-time and regular part-time non-certificated employees. (March Stip. 3; May Stip. 3)

4. On October 11, 2002, the District filed two unfair labor practice charges (Case Nos. 2002-ULP-10-0667 and 2002-ULP-10-0668) with SERB pursuant to and in accordance with O.R.C. § 4117.12(B) and Ohio Administrative Code ("O.A.C.") Rule 4117-7-01. (March Stip. 4)

5. On December 12, 2002, SERB consolidated Case Nos. 2002-ULP-10-0667 and 2002-ULP-10-0668, determined that probable cause existed for believing the Respondents had committed or were committing unfair labor practices, authorized the issuance of a complaint, referred the matter to an expedited hearing, and directed the parties to unfair labor practice mediation. (March Stip. 5)

¹All references to the Joint Stipulations of Fact filed on March 6, 2003, are indicated parenthetically by "March Stip.," followed by the stipulation number. All references to the Joint Stipulations of Fact filed on May 30, 2003, are indicated parenthetically by "May Stip.," followed by the stipulation number.

6. The District and ELCTA were parties to a collective bargaining agreement effective July 1, 1999 through June 30, 2002, containing a grievance procedure that culminates in final and binding arbitration. (March Stip. 6; May Stip. 6)

7. The District and ELSSP were parties to a collective bargaining agreement effective January 1, 2000 through December 31, 2001, containing a grievance procedure that culminates in final and binding arbitration. (March Stip. 7; May Stip. 7)

8. On September 12, 2002, the Respondents filed a notice of intent to strike. The strike commenced on September 26, 2002, and ended on January 13, 2003. (March Stip. 8; May Stip. 8)

9. On October 9, 11, 16, and 18, 2002, the Respondents picketed the private residence of School Superintendent Treva Harmon, who is a public official and a representative of the District. (March Stip. 9)

10. While the Respondents were engaged in picketing on October 9, 11, 16, and 18, 2002, Respondents were expressing their dissatisfaction with the progress of negotiations in the Eastern Local School District. Specifically, Respondents were expressing their objections to the role Superintendent Treva Harmon played in the ongoing strike. (March Stip. 10)

11. On January 6, 2003, the District filed two unfair labor practice charges (Case Nos. 2003-ULP-01-0009 and 2003-ULP-01-0010) with SERB pursuant to and in accordance with O.R.C. § 4117.12(B) and O.A.C. Rule 4117-7-01. (May Stip. 4)

12. On March 13, 2003, SERB consolidated Case Nos. 2003-ULP-01-0009 and 2003-ULP-01-0010, determined that probable cause existed for believing the Respondents had committed or were committing unfair labor practices, authorized the issuance of a complaint, referred the matter to an expedited hearing, and directed the parties to unfair labor practice mediation. (May Stip. 5)

13. On December 10 and 13, 2002, the Respondents picketed the place of private employment for School Board President Stephanie Knipp, who is a public official and a representative of the District. (May Stip. 9)

14. While the Respondents were engaged in picketing on December 10 and 13, 2002, Respondents were expressing their dissatisfaction with the progress of negotiations in the Eastern Local School District. Specifically, Respondents were expressing their objections to the role Board President Knipp played in the ongoing strike. (May Stip. 10)

15. Neither party waived any argument concerning public forum nor was any party precluded from presenting evidence concerning public forum in any subsequent proceeding. (March Stip. 11; May Stip. 11)

16. The parties agreed to waive the evidentiary hearing in this matter and to submit the case on Briefs, Joint Stipulations of Fact, and Stipulations of Evidence directly to the State Employment Relations Board members. (Amended March Stip. 12; May Stip. 12)

III. DISCUSSION

The issue is whether the Respondents committed unfair labor practices in violation of O.R.C. § 4117.11(B)(7) by picketing at the private residence of School Superintendent Treva Harmon and the place of private employment for School Board President Stephanie

Knipp, who are public officials and representatives of the District. O.R.C. § 4117.11(B)(7) provides as follows:

(B) It is an unfair labor practice for a public employer, its agents, or representatives to:

* * *

(7) Induce or encourage any individual in connection with a labor relations dispute to picket the residence or any place of private employment of any public official or representative of the public employer[.]

The Respondents contend that O.R.C. § 4117.11(B)(7) is unconstitutional and, thus, SERB cannot find that a violation occurred. The Respondents acknowledge that O.R.C. § 4117.11(B)(7) prohibits the picketing of the residence of a public official, and the place of private employment of a public official, in connection with a labor dispute. They assert that the statute does not prohibit, nor does it address, other forms of picketing that are not connected to a labor relations dispute. As a result, the Respondents contend that O.R.C. § 4117.11(B)(7) imposes a content-based restriction on speech in a public forum.

As authority for their position, the Respondents rely upon *United Electrical Radio & Mach. v SERB*, 1998 SERB 4-41 (8th Dist Ct App, Cuyahoga, 5-7-98) ("*Turnpike Commission*"). In that case, the Eighth District Court of Appeals held that O.R.C. § 4117.11(B)(7) was unconstitutional. In *In re City of North Royalton*, SERB 99-002 (1-22-99) at n.4, SERB addressed the *Turnpike Commission* case and stated that "since the Ohio Supreme Court declined to hear the appeal of this decision, it exists as binding precedent only in the 8th Ohio Appellate District, which is composed solely of Cuyahoga County." The events in the present case take place in Pike County. We still decline to broadly extend that decision into the other appellate districts throughout the state.

A First Amendment challenge to a statutory provision that limits speech in a public forum will be subject to varying tests of constitutionality depending upon whether the

restriction is content-based or content-neutral. *Burson v. Freeman* (1992), 504 U.S. 191. "The central inquiry with respect to content neutrality is 'whether the government has adopted a regulation of speech because of disagreement with the message it conveys.'" *Ater v. Armstrong* (6th Cir. 1992), 961 F.2d 1224, 1227, cert. denied, 113 S.Ct. 493 (1992), quoting *Bamon Corp. v. City of Dayton* (6th Cir. 1991), 923 F.2d 470, 473.

Content-based restrictions on speech, in a public forum, are subject to exacting scrutiny. The state must show that the "regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end." *Perry Education Assn. v. Perry Local Educators Assn.* (1983), 460 U.S. 37, 45, citing *Carey v. Brown*, 447 U.S. 455, 461 (1980). A "significant" governmental interest is required for a content-neutral restriction on the time, place, and manner of speech in a public forum. *Burson v. Freeman*, supra. Once a state demonstrates that its interests rise to the level necessary to meet the court-imposed standard, a state must also show that the statute is narrowly tailored to achieve those interests. *Id.* A statute is narrowly tailored if it targets and eliminates no more than the exact source of the evil it seeks to remedy. *City Council of Los Angeles v. Taxpayers for Vincent* (1984), 466 U.S. 789.

In determining whether this statute is content-based or content-neutral, we are aided by two decisions of the United States Supreme Court invalidating two different statutes that limited picketing and drew distinctions between labor and non-labor picketing. At issue in *Police Department of Chicago v. Mosley* (1972), 408 U.S. 92, was an ordinance that prohibited picketing on a public way within 150 feet of a school during school hours. The statute specifically exempted peaceful labor picketing. Although the City of Chicago argued the restriction concerned the time, place, and manner restriction, the U.S. Supreme Court disagreed. The Court found that the regulation was content-based because it distinguished between labor and non-labor picketing.

In *Carey v. Brown* (1980), 447 U.S. 455, the U.S. Supreme Court reviewed a statute that prohibited all picketing of residences or dwellings except for the peaceful picketing of a place of employment involved in a labor dispute. The court determined that the law distinguished between labor and non-labor picketing and, therefore, was a content-based restriction. The Court found that in exempting only the “peaceful picketing of a place of employment involved in a labor dispute,” the Illinois statute discriminates between lawful and unlawful conduct based upon the content of the communication. “The permissibility of residential picketing under the Illinois statute is thus dependent solely on the nature of the message being conveyed.” *Carey v. Brown*, *supra* at 461.

Unlike the “peaceful picketing” exception in *Carey v. Brown*, *supra*, O.R.C. § 4117.11(B)(7) does not impose any restrictions on what may be said as part of the picketing. The statute also does not restrict where picketing can take place except for the residence or place of private employment of a public official or representative of a public employer. The basis for the restriction, in that it arises only “in connection with a labor relations dispute,” does not serve to limit the content of the picketing; instead, it goes to limiting where the picketing can take place. Accordingly, O.R.C. § 4117.11(B)(7) regulates picketing solely on the basis of its time and place, not its content.

A state’s interest in protecting and preserving the residential privacy of its citizenry is unquestionably a compelling state interest. See *Frisby v. Schultz* (1988), 487 U.S. 474, 484. “The State’s interest in protecting the well being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society.” *Carey v. Brown* (1980), *supra* at 471. A state may legitimately impose legislation designed to protect the privacy of its citizens within their homes. *Frisby v. Schultz*, *supra*. “Individuals are not required to welcome unwanted speech into their own homes and the government may protect this freedom. * * * There is simply no right to force speech into the home of an unwilling listener.” *Frisby v. Schultz*, *supra* at 485.

The preservation and furtherance of labor peace in Ohio is a compelling state interest. O.R.C. § 4117.22 provides that O.R.C. Chapter 4117 "shall be construed liberally for the accomplishment of the purpose of promoting orderly and constructive relationships between all public employers and their employees." "The [Ohio] General Assembly was exercising its police power to promote the general safety and welfare in enacting" O.R.C. Chapter 4117. See, e.g., *Kettering v. State Emp. Relations Bd.* (1986). 26 Ohio St.3d 50, 55, 1984-86 SERB 382, 284-385. O.R.C. Chapter 4117 provides "a comprehensive scheme to facilitate the orderly resolution of labor disputes involving public employees." *Central Ohio Transit Auth. v. Transport Workers Union of America, Local 208* (1988), 37 OhioSt.3d 56, 62. The state's ability to provide vital safety, educational, and other services can only be assured through the maintenance of stable labor relations between public employers and their employees. *Kettering v. State Emp. Relations Bd.*, supra.

The State of Ohio also has an interest in maintaining its ability to encourage private citizens to serve in a public capacity as officials and leaders of a public employer. Most township trustees, county commissioners, and school board members serve the State of Ohio only in a part-time capacity while maintaining full-time employment in the private sector. See O'Reilly, James T., *Ohio Public Employee Collective Bargaining*, p. 119 (Anderson Publishing Co., 1984). The State of Ohio's ability to encourage its citizens to serve the public as governmental officials and representatives of the public employer is a compelling interest that justifies the minor limitation on speech at issue herein.

O.R.C. § 4117.11(B)(7) is a regulation that concerns expression in a public forum. The statutory proscription speaks only to speech related to a labor relations dispute. O.R.C. § 4117.11(B)(7) is actually a viewpoint-neutral "place" regulation. This restriction limits labor disputes to the proper forum and protects the residential privacy of public officials and those who serve the public employer. "The allowable area of economic conflict

should not be extended to an invasion of the privacy of the home.” *Pipe Machinery Co. v. DeMore* (Ohio Ct. App. Cuyahoga, 1947), 76 N.E.2d 725, 727. Any residential picketing in connection to a labor dispute should be prohibited. *Id.*

It is true that by peaceful picketing workingmen communicate their grievances. As a means of communicating the facts of a labor dispute peaceful picketing may be a phase of the constitutional rights of free utterance. But recognition of peaceful picketing as an exercise of free speech does not imply that the states must be without power to confine the sphere of communication to that directly related to the dispute. Restriction of picketing to the area of the industry within which a labor dispute arises leaves open to the disputants other traditional modes of communication. To deny to the states the power to draw this line is to write into the Constitution the notion that every instance of peaceful picketing – anywhere and under any circumstances – is necessarily a phase of the controversy which provoked the picketing.

Id., quoting *Carpenters’ and Joiners’ Union of America, Local 231 v. Ritter’s Café* (1942), 315 U.S. 722, 727.

O.R.C. § 4117.11(B)(7) seeks to limit communication by an employee organization to the workplace rather than have that message disseminated on the front lawn of a public official’s home. It is not the content of the message that is of concern to the state; it is the place where that message is delivered that this statute seeks to regulate. The state’s interest in protecting the privacy of public officials in their homes and maintaining labor peace takes precedence over an employee organization’s right to communicate its message in all places and at all times. Thus, O.R.C. § 4117.11(B)(7) is more similar to a time, place, and manner restriction than it is a restriction on the content of the speech.

The resolution of constitutional conflicts requires a balancing of interests on both sides of a case. The compelling state interests at stake here are the maintenance and furtherance of labor peace in the public sector and protection of an individual’s right to privacy in his or her own home. The state also has an interest in protecting its ability to

encourage its citizens to enter public service. When balanced against the employee organizations' interest in communicating their message at an inappropriate location, one must conclude that O.R.C. § 4117.11(B)(7) is narrowly drafted to meet constitutional requirements. The statute targets and limits no more speech than necessary to meet the state's compelling interests.

O.R.C. § 4117.11(B)(7) defines an unfair labor practice wherein an employee organization may not "induce or encourage" another in connection with a labor dispute to picket the residence of a public official or a representative of the public employer. The purpose behind this statute is to encourage employee organizations to confine their disputes to the most appropriate forum for those disputes – the workplace. Picketing the home of a public official is counterproductive to those aims and may lead to the escalation of a labor dispute with the consequent potential to disrupt.

Also critical in this analysis is that SERB, as an administrative agency, is without authority to declare any portion of its enabling statute as unconstitutional. "SERB, like other administrative agencies, does not have jurisdiction to determine [constitutional] claims. *State ex rel. Rootstown Local School Dist. Bd. of Edn. v. Portage Cty. Court of Common Pleas* (1997), 78 Ohio St.3d 489, 494 (citations omitted)."

It is axiomatic that all legislative enactments enjoy a presumption of constitutionality. *Benevolent Assn. v. Parma* (1980), 61 Ohio St.2d 375, 377. A court must, where possible, interpret a statute to avoid constitutional difficulty. *Frisby v. Schultz*, supra at 483. As the Ohio Supreme Court stated in *State v. Dorso* (1983), 4 Ohio St.3d 60, 61, "courts must apply all presumptions * * * so as to uphold, if at all possible, a statute or ordinance assailed as unconstitutional." "An enactment of the General Assembly is presumed to be constitutional, and before a court may declare it unconstitutional it must appear beyond a reasonable doubt that the legislation and constitutional provisions are clearly incompatible."

State ex rel. Dickman v. Defenbacher (1955), 164 Ohio St. 142, paragraph one of the Syllabus. SERB, likewise, must interpret and apply the statutory provision in a constitutional manner and must presume that the statutory provisions are constitutional. *In re Dist 1199/HCSSU/SEIU, AFL-CIO*, SERB 96-004 (4-8-96).

The facts in these cases are not in dispute. On September 12, 2002, each of the Respondents filed a notice of intent to strike. The strike commenced on September 26, 2002, and ended on January 13, 2003. On October 9, 11, 16, and 18, 2002, the Respondents picketed the private residence of School Superintendent Treva Harmon, who is a public official and a representative of the District. On December 10 and 13, 2002, the Respondents picketed the place of private employment of School Board President Stephanie Knipp, who is a public official and a representative of the District. Findings of Fact Nos. 8, 9, and 13. Thus, the Respondents' conduct at the private residence of the School Superintendent and at the place of private employment of the School Board President was in connection with the ongoing labor dispute and was in violation of O.R.C. § 4117.11(B)(7).

IV. CONCLUSIONS OF LAW

1. The Eastern Local School District Board of Education is a "public employer" as defined by O.R.C. § 4117.01(B).

2. The Eastern Local Classroom Teachers Association, OEA/NEA is an "employee organization" as defined by O.R.C. § 4117.01(D) and is the exclusive representative for a bargaining unit of the District's regular and certificated personnel and tutors who work 1000 hours or more per school year.

3. The Eastern Local School Support Personnel, OEA/NEA is an "employee organization" as defined by O.R.C. § 4117.01(D) and is the exclusive representative for a bargaining unit of the District's regular full-time and regular part-time non-certificated employees.

4. The Eastern Local Classroom Teachers Association, OEA/NEA violated O.R.C. § 4117.11(B)(7) by picketing the residence of School Superintendent Treva Harmon, a public official or representative of the public employer, on October 9, 11, 16, and 18, 2002.

5. The Eastern Local Classroom Teachers Association, OEA/NEA violated O.R.C. § 4117.11(B)(7) by picketing the residence of School Superintendent Treva Harmon, a public official or representative of the public employer, on October 9, 11, 16, and 18, 2002.

6. The Eastern Local Classroom Teachers Association, OEA/NEA violated O.R.C. § 4117.11(B)(7) by picketing the place of private employment of School Superintendent President Stephanie Knipp, a public official or representative of the public employer, on December 10 and 13, 2002.

7. The Eastern Local Classroom Teachers Association, OEA/NEA violated O.R.C. § 4117.11(B)(7) by picketing the place of private employment of School Superintendent President Stephanie Knipp, a public official or representative of the public employer, on December 10 and 13, 2002.

V. DETERMINATION

For the reasons above, we find that the Eastern Local Classroom Teachers Association, OEA/NEA and the Eastern Local Classroom Teachers Association, OEA/NEA committed unfair labor practices when they violated O.R.C. § 4117.11(B)(7) by engaging in picketing related to a labor relations dispute at the residence of Superintendent Treva Harmon, a public official or representative of the public employer, on October 9, 11, 16, and 18, 2002, and at the place of private employment of School Board President Stephanie Knipp, a public official or representative of the public employer, on December 10 and 13, 2002. The Respondents are ordered to: (1) cease and desist from engaging in picketing related to a labor relations dispute at the residence or place of private employment of any public official or representative of the public employer and from otherwise violating Ohio Revised Code § 4117.11(B)(7), (2) post the Notice to Employees furnished by the State Employment Relations Board for sixty days in all of the usual and normal posting locations where bargaining-unit employees represented by the Respondents work, and (3) notify the State Employment Relations Board in writing within twenty calendar days from the date the order becomes final of the steps that have been taken to comply therewith.

Verich, Board Member, concurs.