

# State Employment Relations Board

“promoting orderly and constructive relationships  
between all public employers and their employees”



## Annual Report 2013

Governor of the State of Ohio  
John R. Kasich

SERB Chairperson  
W. Craig Zimpher

SERB Member  
N. Eugene Brundige

# SERB

"Promoting Orderly and Constructive  
Labor Relations Since 1984"

**State  
Employment  
Relations  
Board**



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W. Craig Zimpher, Chair  
N. Eugene Brundige, Board Member

John R. Kasich, Governor

Christine A. Dietsch, Executive Director

August 1, 2013

The Honorable John R. Kasich  
Office of the Governor  
Riffe Center, 30<sup>th</sup> Floor  
77 South High Street  
Columbus, Ohio 43215-6117

Dear Governor Kasich,

Pursuant to the Ohio Revised Code's requirement for the State Employment Relations Board (SERB) to publish an Annual Report, we are pleased and honored to submit the attached Annual Report for fiscal year 2013. This Report, submitted to you and leaders of the General Assembly, details the Board's activities and trends in Ohio's public sector collective bargaining system.

We have made every attempt to accomplish our statutory mission of "promoting orderly and constructive relations between labor and management" with efficiency, objectivity, and prudence. The Report details many of those efforts.

As we have noted, in previous Reports, it is our privilege to serve you and all Ohioans in effecting the purposes of Ohio's Collective Bargaining Law. We remain committed to the fair, impartial, and objective adjudication of matters under our jurisdiction.

Thanks to you, and members of the General Assembly for your understanding and support.

Sincerely,

W. Craig Zimpher  
Chair

N. Eugene Brundige  
Board Member

Identical copies to:

The Honorable William Batchelder, Speaker, Ohio House of Representatives  
The Honorable Tracy Maxwell Heard, Minority Leader, Ohio House of Representatives  
The Honorable Keith Fabor, President, The Ohio Senate  
The Honorable Eric Kearney, Minority Leader, The Ohio Senate

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## Report from the Board

With the publication of this, the 2013 Annual Report of the State Employment Relations Board (SERB), we are again privileged to report on the agency's various activities, programs, and accomplishments; we have, through our associates, again accomplished our various functions efficiently and effectively.

As noted last year, the consolidation of the State Personnel Board of Review (SPBR) within the SERB structure has been consummated without any service delays or interruptions; indeed, the initiative has resulted in approximately \$340,000 in General Revenue Fund savings...achieving the General Assembly's objective of maximizing cost efficiencies. Collectively, the agencies oversee practically all aspects of the employer/employee relationships in Ohio's public sector. SERB exercises jurisdiction over all aspects of Ohio's public sector collective bargaining process, while SPBR has jurisdiction over classified employees. The mission of both agencies is to effectuate fair, objective, and efficient administration of the employer/employee relationship. To that end members of both Boards are committed and dedicated.

SERB's statutory mission, "to promote orderly and constructive labor relations" has hopefully been achieved through our concerted efforts to educate the Boards' constituent parties through informative, timely, and relevant professional training programs. During the past year SERB conducted several seminars, at which over 450 practitioners attended. These conferences provided practical, hands on opportunities for representatives of labor and management to better appreciate and engage constructively in the collective bargaining process. Information about evolving labor law, SERB rules and policies, and economic trends armed negotiators and other practitioners with meaningful and useful information.

Also continuing this year was our relationship with both The Ohio State University's Moritz College of Law and Capital University's College of Law with the placement of four law school interns; these students have simultaneously provided sound legal research and assistance to SERB's staff, as well as had the opportunity to understudy with and observe SERB's professional Mediators and Administrative Law Judges.

SERB's processing of labor union representation requests and elections and unfair labor practice charges continues to reflect improvements in our systems and electronic processing. We are pleased to report that the average time to process unfair labor practice charges has been reduced to fifty-six (56) days; the time to process labor representation elections has similarly been reduced by approximately thirty-five percent (35%).

During the preceding two biennia, SERB has managed and mitigated budget challenges while maintaining and improving successful levels of service. Efficiencies have been realized by: (1) Elimination, through attrition, of nine (9) full-time employees, resulting in work reassessment or reassignment; (2) Expanded use of personal service and intermittent contracts for Administrative Law Judges and Mediators; (3) Discontinued the production of hearing transcripts in all cases except those that are required by the Courts; (4) Eliminated unnecessary phone lines; (5) Moved toward other paperless operations including: transmitting internal reports electronically, submitting investigation requests electronically, and using electronic correspondence wherever else appropriate; (6) Implemented electronic contract filings on a voluntary basis, thereby saving significant staff time required to scan those documents; (7) Gained statutory authority to conduct mail-ballot representation elections instead of on-site elections; (8) No staff travel except Mediators (Board members, and staff, pay their own travel when on official business); (9) Revised the administrative rules that govern SERB to make better use of technology and staff time, which provide for filing most documents with SERB via electronic mail; (10) Implemented procedures and deadlines for all phases of case processing.

Another example of the Board's work in facilitating an informed and productive bargaining process is the maintenance of our extensive website. This site is the repository of literally thousands of collective bargaining agreements (CBA's) in effect at the local, regional, or state level, from townships to our major universities and state government. The comparative data contained on the website provide factual and accurate information for refer-

ence by all parties...labor and management. This website, with its constant updates, also provides the backdrop for dozens of specialized reports SERB's staff produces throughout the year at the request of various interested parties.

Last year we noted significant advancement in the redesign of the agency's "legacy" software systems. All final enhancements to the SERB Management and Docketing System (SMDS) have been completed. The Case Management and Docketing System (CMDMS), a case management system for SPBR has also been completed. All information now received at SERB, regardless of method of transmittal, i.e. email, hand delivery, mail, fax, etc. is automatically scanned and placed in the database; thus, every element of any activity in all files may now be identified, tracked, and accounted for. All activities in the agency, regardless of whether mediation, unfair labor practice charges, employee organizations reports, etc. have now been digitized and are readily available for staff or the public. One of the critical benefits of this new system has been the opportunity for professional staff to effectively manage case loads, rather than being occupied by inordinate and time consuming "clerical" tasks. Thus, our associates manage cases rather than being managed by them!

SERB's twenty-first Annual Report on The Cost of Health Insurance in Ohio's Public Sector, produced by our Research and Training Section, will soon be published. This report is widely utilized by all of the various stakeholders in the public labor/management arena because of its reliable and comprehensive data; this year's response rate by employers reached an all time high of 92.5%, for which we are very appreciative. As noted last year, such high response adds to the report's statistical accuracy. This year's findings indicate, as the report will show, that the increase in health insurance costs has been slightly less than in previous years. From January 2012 to January 2013, single person coverage grew at 2.8%; family coverage costs at 2.3%. And, regardless of whether single or family coverage, the average annual cost per employee for medical insurance including prescription coverage, was \$12,749. During 2012, the frequency of "employee pickup"

of health insurance costs remained static. And, interestingly, 2012 witnessed no appreciable increase in the use of joint employer health plan purchasing arrangements, not withstanding evidence which indicates the cost effectiveness of such arrangements. The final report will be posted on SERB's website and we encourage all interested to make use of it.

Again, as noted in last year's report, SERB implemented a comprehensive electronic monitoring system to assure compliance of annual union reporting, pursuant to Ohio Revised Code Section 4117. We are pleased to report that this system is operating very effectively; we also appreciate the efforts of Ohio's public sector labor organizations in their cooperation with this compliance responsibility.

During the year SERB cooperated with the Ohio Auditor for a regular audit of agency operations; the final Audit Report found no significant matters that would be included in a statewide report as mandated by the Government Auditing Standards.

SERB continues to place a great deal of credibility on the mediation process as a means of reducing or mitigating friction and/or litigation in the negotiation and conflict-resolution process. We encourage all parties to engage and participate in this method of resolving differences. We have enjoyed a constructive relationship with the Federal Mediation and Conciliation Service Regional office; we have also attempted to strengthen our own Mediation Bureau with the placement of qualified and professional mediators.

In summary, SERB has made several structural and programmatic enhancements during the preceding year. We will always seek out and explore innovative and more efficient methods through which we can accomplish our mission. That is our commitment to Ohio's citizens. And to our staff, the dedicated and loyal associates who serve those citizens we extend our sincerest thanks and appreciation.

Respectfully submitted,  
The State Employment Relations Board

## SERB Statutory Functions

The following are the major statutory duties SERB performs pursuant to the Ohio Public Employees' Collective Bargaining Act of 1983, Chapter 4117 of the Ohio Revised Code:

- Investigation or mediation of alleged unfair labor practices. [Section 4117.12]
- Issuance and prosecution of unfair labor practice complaints when probable cause is found after investigation of charges. [Section 4117.12]
- Adjudication of alleged unfair labor practices based upon formal evidence and legal arguments presented by the parties at hearing. Such cases are heard by SERB administrative law judges, the SERB Board, or individual Board members, who make recommendations that are submitted to the Board for ultimate determination. [Section 4117.12]
- Enforcement of unfair labor practice remedial orders. [Section 4117.13]
- Review of employee challenges to fair share fees paid by them to unions. [Section 4117.09]
- Establishment of standards for and review of employee organization trusteeships. [Section 4117.19]
- Establishment and communication of timetables for all negotiation cases to which the statutory impasse resolution procedure applies. [Section 4117.14]
- Analysis and resolution of legal issues raised by negotiation cases in which the parties dispute the proper procedure. [Section 4117.14]
- Assignment of mediators to resolve impasses in negotiations and to prevent or shorten the duration of public-sector strikes. [Section 4117.14]
- Compilation and submission to parties of lists from which fact finders and conciliators are chosen. [Section 4117.14]
- Subsequent appointment of fact finder and conciliator with proper notification to parties and the appointed neutral and revision of assignments as necessary after ascertaining availability. [Section 4117.14]
- Selection of qualified individuals to serve on SERB's Roster of Neutrals. [Section 4117.02]
- Investigation of petitions for election (initial representation elections, challenge elections by rival unions, or decertification elections), including an examination of a showing of interest required to demonstrate adequate employee interest in an election. Also, investigation of requests for voluntary recognition in which elections may be unnecessary. [Sections 4117.05 and 4117.07]
- Determination or mediation of appropriate bargaining-unit configurations (often through hearing) that may involve the determination of whether employees are confidential, management level, or supervisory. [Sections 4117.01 and 4117.06]
- Conducting secret ballot elections by mail for eligible employees in appropriate units. [Section 4117.07]
- Resolution, through evidential hearing, of other disputed issues associated with representation activity, such as contract bar, election bar, standing, objectionable campaign activity by a party, and eligibility of voters. [Section 4117.02]
- Determination, through evidential hearing and legal arguments, whether job actions constitute prohibited strikes. [Section 4117.23]
- Determination, through evidential hearing and legal arguments, whether otherwise legal strikes pose a clear and present danger. [Section 4117.16]
- Acquisition and analysis of more than 2,900 Ohio public-sector collective bargaining agreements for use as an informational clearinghouse. [Section 4117.02]
- Production of reports reflecting bargaining agreement terms for political subdivision categories, in further fulfillment of the clearinghouse and analysis functions. [Section 4117.02]
- Annually update a list of school districts that have collective bargaining agreements with teacher unions to show, for each district for the current fiscal year, the starting salary in the district for teachers with no prior teaching experience who hold bachelors degrees, and send a copy of the updated list to the state board of education. [Section 4117.102]
- Presentation of training programs for representatives of employee organizations and public employers, and preparation of educational bulletins and manuals. [Section 4117.02]
- Development and implementation of labor-management cooperation initiatives, including interest-based bargaining and labor-management committee training and facilitation. [Section 4117.02]
- Collection, organization, and verification of union financial and organizational reports. [Section 4117.19]
- Investigation of alleged failure to comply with employee organization reporting requirements and possible imposition of penalties. [Section 4117.19]
- Dissemination of information regarding the Ohio Public Employees' Collective Bargaining Act to interested parties such as organizations, public employees, employers, and academicians. [Section 4117.02]

## The Board

The three-member State Employment Relations Board and its administrative staff were created by Ohio's Public Employees' Collective Bargaining Act of 1983. The Act was incorporated as Chapter 4117 of the Ohio Revised Code. Acting as a neutral, the quasi-judicial board determines appropriate bargaining units, conducts representation elections, certifies exclusive bargaining representatives, monitors and enforces statutory dispute procedures, adjudicates unfair labor practice charges, and determines unauthorized strikes. Board appointments are made by the governor with the advice and consent of the Senate. A board member's term is six years.

### W. Craig Zimpher, Chair

W. Craig Zimpher was appointed Chairman of the State Employment Relations Board by Governor John R. Kasich effective January 21, 2011. Prior to his appointment, he had served as Vice President for Government Affairs at Nationwide Insurance Enterprise. In that role Mr. Zimpher oversaw the management of the company's corporate political and outreach programs. He has testified on financial services legislation many times before state legislatures and congressional committees.

Mr. Zimpher's private –sector positions included service as Assistant V.P. of Ohio Operations for Gates, McDonald and Company and Assistant Dean of Students at Ohio Wesleyan University.

Mr. Zimpher's previous public-sector work includes serving as Chairman of the Industrial Commission of Ohio; an appointment by Governor Richard F. Celeste to the Commission on Workers Compensation Administration; served as Deputy Assistant to Governor James A. Rhodes and as Legislative Assistant to the Minority Leader of the Ohio House of Representatives.

Mr. Zimpher, a native of Piqua, Ohio, received his B.A. and M.A. degrees in History from The Ohio State University. He served as a 1st Lieutenant in the U. S. Army. He is married to Park T. Zimpher, and is the father of three sons, Fletch, Peter, and Nathaniel.

Mr. Zimpher has served on the Boards of Directors of Nationwide Children's Hospital Foundation; the Ohio Statehouse Foundation; the Ohio Chamber of Commerce; and the Ohio Council of Retail Merchants. He was elected twice to the vestry of St. Mark's Episcopal Church in Upper Arlington, Ohio. Mr. Zimpher also served as a Chair of the Ohio State College of Arts and Sciences Alumni Advisory Council. He also teaches at Ohio Dominican University as an Adjunct Instructor in History.

### Robert F. Spada, Vice Chairperson

Robert F. Spada was appointed to the State Employment Relations Board by Governor Ted Strickland on November 3, 2008. At the time of his appointment, Mr. Spada was serving

in his 10th year in the Ohio Senate representing the 24th Senate District from Cuyahoga County. Upon Governor John R. Kasich's appointment of W. Craig Zimpher as Board Chair in January 2011, Mr. Spada assumed the position of Board Vice Chairman; he retired from the Board on December 31, 2012. Mr. Spada served two terms as Assistant Majority Floor Leader. His Committee assignments included Insurance, Commerce and Labor Committee and State and Local Government Committee, which he chaired. Mr. Spada was also a member of the Joint Committee on Agency Rule Review.

Other public and private sector work includes employment with the U.S. Department of Labor – Labor Management Services Administration, the U.S. Department of the Treasury – Internal Revenue Service, Willoughby South High School and as a partner in an accounting firm.

Mr. Spada, a Cleveland Native, received his BBA in Accounting from Cleveland State University, and an MBA in Systems Management from Baldwin Wallace College. He served in the U.S. Army as a Systems Analyst.

### N. Eugene Brundige, Member

Governor Ted Strickland appointed N. Eugene Brundige to the State Employment Relations Board effective May 12, 2008. At the time of his appointment, Mr. Brundige was an arbitrator, mediator and labor relations consultant, serving on the following arbitration rosters: American Arbitration Association (Labor Panel), Federal Mediation and Conciliation Services, Arbitration Mediation Service, and SERB's Roster of Neutrals. In addition to 15 years as a mediator, Mr. Brundige served previously as Vice Chair of the Board. Upon Governor John R. Kasich's appointment of W. Craig Zimpher as Board Chair in January 2011, Mr. Brundige assumed the position of Board Member.

Mr. Brundige served as Chief Negotiator for the City of Columbus, Director of Classified Personnel for Columbus Public Schools, Chief Negotiator for the State of Ohio, and HR Chief for the Ohio Bureau of Workers' Compensation. He also served in a number of capacities within a statewide union, including President of the Ohio Education Association and Director of Uniserv, supervising 70 staff representatives. He worked on assignment for the National Education Association in Florida.

Mr. Brundige is a graduate of Ohio University, where he received his Bachelors Degree in History and Government and also earned a Masters Degree in Education Administration. He has also served as adjunct faculty at Columbus State Community College and The Ohio State University in various labor – management programs.

## SERB Fiscal Year 2013 Expenditures Summary

	Payroll	Purchased Personal Services	Training	Supplies / Maintenance	Equipment	Totals
						as of 07/01/13
General Revenue	\$2,860,601**	\$130,500	\$0	\$440,332	\$38,174	\$3,469,607
Special Accounts	\$0	\$5,151	\$18,774	\$838	\$0	\$24,763
<b>TOTAL</b>	<b>\$2,860,601**</b>	<b>\$135,651</b>	<b>\$18,774</b>	<b>\$441,170</b>	<b>\$38,174</b>	<b>\$3,494,370</b>

## SERB Personnel FY 2007- 2013

Includes Full-Time Permanent, Part-Time Permanent and Interns.

	2007	2008	2009	2010	2011	2012	2013
Staff	33	33	30	29*	28	33	30**

\* With the passage of Am. Sub. H. B.1, the staff of the State Personnel Board of Review (SPBR) were consolidated with the staff of SERB, effective July 17, 2009. The number of SERB personnel reported for FY 2010 reflects the consolidated staff, which is an overall reduction of 8 employees from the 38 employees serving the two Boards prior to the consolidation.

\*\* Payroll expenditures for FY 2013 include 30 personnel who serve/support 3 SERB Board members plus 3 SPBR Board members.

# Organization

## *Executive Director*

The Executive Director is the chief administrative officer of the agency and reports directly to the Board. Charged with its daily operations, the Executive Director oversees the administration of agency funds and personnel. The Executive Director is responsible for implementing Board policy, and manages, directs, and supervises activities of all employees of the Board.

## *Office of the General Counsel*

The Office of the General Counsel serves as in-house counsel, providing legal support for the Board and its sections, assisting in the preparation of Board opinions, drafting unfair labor practice complaints, and working with SERB's litigation counsel (the Ohio Attorney General) in the preparation of SERB-related cases pending before Ohio courts. Additionally, the General Counsel is the Chief Ethics Officer for the agency and provides or arranges annual ethics training for SERB personnel under Executive Order 2011-03K.

## *Representation Section*

The Representation Section oversees the review of all representation filings; as well as Requests for Recognition and Petitions for Representation Election to determine sufficiency, coordination of efforts to achieve consent-election agreements, and the subsequent scheduling of 60-70 representation mail-ballot elections annually. Additionally, the section is responsible for the substantive development and presentation of recommendations to the Board on representation issues, and for review and recommendations of rebate cases for fair-share-fee payers.

## *Investigations Section*

The Investigations Section is charged with the initial review, investigation, recommendation to the Board, and maintenance of statistics involving all unfair labor practice charges before SERB. The section is responsible for the investigation and recommendation to the Board of employee organization reporting complaints and jurisdictional work disputes. The agency's Labor Relations Specialists investigate an average of more than 700 of these charges each year. Additionally, the Labor Relations Specialists are involved in the mediation of unfair labor practice disputes before the Board's initial determination of whether probable cause exists.

## *Bureau of Mediation*

The Bureau of Mediation oversees implementation of the collective bargaining impasse-resolution procedures established by Section 4117.14 of the Ohio Revised Code. These procedures provide for strict timelines and for the appointment of mediators, fact finders, or conciliators (interest arbitrators) based upon the circumstances of each case. The bureau reviews Notices to Negotiate to determine whether to apply the statutory impasse resolution process or an alternate process designed by the parties. If the statutory process applies, the bureau

establishes timelines for negotiations. If an alternate impasse-resolution process applies, the bureau monitors these negotiations and assists the parties when requested. The bureau reviews strike notices and the progress of negotiations, and intervenes when necessary to avoid or end a strike. The bureau develops and coordinates labor-management-cooperation training and facilitation for interest-based bargaining and labor-management committee effectiveness.

## *Hearings Section*

The Hearings Section conducts administrative hearings to resolve factual disputes or help decide significant issues of law in cases involving representation, impasse resolution, unfair labor practice matters, and other substantive responsibilities imposed by the Ohio Public Employees' Collective Bargaining Act. Cases are heard before an administrative law judge who submits recommended findings of fact and conclusions of law to the Board. Administrative law judges may subpoena witnesses and documents, administer oaths, and receive or exclude evidence for cause. Administrative law judges may also mediate representation matters.

## *Clerk's Office*

The Clerk's Office docket and maintains custody of case-related documents, processing an average of more than 2,000 new case filings annually. This section receives and distributes all case filings and other incoming documents, and is responsible for providing assistance to SERB customers. SERB's intake and record-keeping arm is vital to the agency's operation and is enhanced by a computerized and web-based docketing/imaging system.

## *Business/Records Office*

The Business/Records Office is responsible for fiscal and budget functions and records retention and certification of the record in administrative hearings to court for SERB and State Personnel Board of Review cases. It is also responsible for SERB's fleet-management and facilities-management functions.

## *Research and Training Section*

The Research and Training Section fulfills SERB's statutory commitment to act as a clearinghouse of information relating to wages, fringe benefits, and employment practices applicable to the various political subdivisions of the state. Also by statute, the section is responsible for training representatives of employee organizations and public employers in the rules and techniques of collective bargaining. The section's primary tool is its computerized *Clearinghouse*, a system providing customized collective bargaining agreement information for all jurisdictions in the state. The section is also responsible for writing, editing, and producing SERB's *Annual Report* and SERB's *Annual Report on the Cost of Health Insurance in Ohio's Public Sector*.

# Year-End Case Status Summary

<b>Cases Filed</b>	<b>FY 2012</b>	<b>FY 2013</b>
Total Cases	1,915	2,108
Mediation (MED)	1,449	1,611
Strike determinations (STK)	0	1
Representation (REP) <sup>1</sup>	151	139
Rebate Determination(RBT)	0	0
Unfair Labor Practices (ULP)	312	356
Employee Organization Reporting Complaints (ERC)	3	1
Jurisdictional Work Disputes (JWD)	0	0

<b>Agency Activities</b>	<b>FY 2012</b>	<b>FY 2013</b>
State mediator appointed	781	734
Federal mediator appointed	234	270
Fact Finder appointed	385	295
Conciliator appointed	88	54
Strikes	1	2
Elections held <sup>2</sup>	52	52
Complaints Issued	30	15
Hearings held <sup>3</sup>	11	8
Board meetings <sup>4</sup>	20	16
Board opinions issued	4	2

<b>Mediations Conducted<sup>5</sup></b>	<b>FY 2012</b>	<b>FY 2013</b>
ULPs Pre-Determination	26	7
ULPs Post-Probable Cause	26	16
Representation Matters Pre-Direction to Hearing	8	0
Representation Matters Post-Direction to Hearing	0	1
Total Non-Contract Mediations	60	24

<b>Final Dispositions</b>	<b>FY 2012</b>	<b>FY 2013</b>
Total Dispositions	1,863	1,792
Mediation Cases Closed	1,417	1,323
Election results certified	54	53
Voluntary recognition requests certified	9	9
Recognition requests/election petitions dismissed	14	25
Miscellaneous representation activities	90	64
RBT petitions settled or withdrawn	0	0
ULP charges dismissed	173	203
ULP charges settled or withdrawn	70	99
ULP charges deferred/jurisdiction retained	6	5
ULP complaints settled	30	11

<sup>1</sup> This figure reflects the consolidation into one case of voluntary recognition requests with responsive petitions and multiple petitions of the same unit. It also includes petitions for amendment of certification and for clarification of bargaining unit.

<sup>2</sup> Includes professional/non-professional unit determination elections.

<sup>3</sup> Includes Board-conducted strike authorization hearings.

<sup>4</sup> Includes only regular board meetings.

<sup>5</sup> The statistical report on mediations conducted has been expanded and moved here from the Hearings Section Summaries on Page 13.

## Collective Bargaining Agreements by Employer Type As Of June 30, 2013

Employers	Employers with Contracts	Employer Type	Number of Contracts On File	Employees Covered By Contracts
<b>Local Government</b>				
249	241	City	986	42,724
87	5	County Auditor	8	128
26	12	County Children Services	12	1,436
88	7	County Clerk of Courts	7	249
88	40	County Commissioners	78	2,209
88	3	County Coroner	3	33
88	43	County Engineer	46	1,165
30	16	County Health Care	18	964
15	3	County Hospital	5	2,403
88	50	County Job and Family Services	55	6,117
48	1	County Mental Health	1	28
88	46	County Board of Developmental Disabilities	77	5,984
1	1	County Narcotics Agency	1	7
2	2	County Prosecutor	2	23
86	7	County Recorder	7	55
88	85	County Sheriff	214	8,705
19	12	County Support Enforcement Agency	13	909
88	9	County Treasurer	9	232
13	10	Emergency Medical District	12	274
20	13	Fire District	15	243
83	8	Health District	8	281
51	13	Park District	22	825
5	5	Sanitary District	6	101
18	2	Conservancy District	2	10
20	10	Water/Sewer District	12	417
251	29	Library	31	2,537
40	19	Metropolitan Housing Authority	35	1,426
5	3	Port Authority	5	195
1	1	Regional Turnpike Commission	2	742
15	12	Regional Transit Authority	19	4,585
14	13	State University	45	17,860
14	9	Community College	18	1,791
9	4	Technical College	10	704
152	93	Township	227	3,257
20	20	Miscellaneous	24	419
1,998	850	Total	2,038	109,212
<b>State Government</b>				
1	1	Attorney General	3	643
1	1	Auditor of State	1	25
1	1	Office of the Governor	5	35,984
1	1	Secretary of State	1	63
1	1	Treasurer of State	1	46
5	5	Total	11	36,761
<b>Boards of Education</b>				
721	646	Boards of Education	1,204	182,851
<b>Summary</b>				
Total of all employers.....			2,724	
Total number of employers with contracts .....			1,501	
Total contracts filed with SERB.....			3,253	
Total employees covered.....			328,824	

## Collective Bargaining Agreements by County As Of June 30, 2013

County	Boards of Education	Others	Total	County	Boards of Education	Others	Total
Adams	3	4	7	Licking	16	17	33
Allen	18	22	40	Logan	6	5	11
Ashland	9	12	21	Lorain	32	59	91
Ashtabula	17	35	52	Lucas	21	56	77
Athens	11	28	39	Madison	8	9	17
Auglaize	9	13	22	Mahoning	35	75	110
Belmont	15	14	29	Marion	9	12	21
Brown	10	4	14	Medina	15	35	50
Butler	21	61	82	Meigs	6	5	11
Carroll	4	1	5	Mercer	7	6	13
Champaign	10	9	19	Miami	12	19	31
Clark	15	19	34	Monroe	2	4	6
Clermont	17	21	38	Montgomery	31	76	107
Clinton	6	5	11	Morgan	2	6	8
Columbiana	23	24	47	Morrow	7	2	9
Coshocton	6	7	13	Muskingum	7	14	21
Crawford	11	8	19	Noble	4	3	7
Cuyahoga	86	259	345	Ottawa	9	8	17
Darke	10	9	19	Paulding	4	3	7
Defiance	7	7	14	Perry	5	3	8
Delaware	13	28	41	Pickaway	5	10	15
Erie	14	26	40	Pike	7	3	10
Fairfield	11	16	27	Portage	27	49	76
Fayette	3	4	7	Preble	9	3	12
Franklin	37	88	125	Putnam	14	4	18
Fulton	13	8	21	Richland	18	28	46
Gallia	6	6	12	Ross	13	6	19
Geauga	14	17	31	Sandusky	11	15	26
Greene	17	33	50	Scioto	14	14	28
Guernsey	4	10	14	Seneca	9	13	22
Hamilton	38	110	148	Shelby	11	7	18
Hancock	12	15	27	Stark	39	63	102
Hardin	11	7	18	Summit	40	109	149
Harrison	4	3	7	Trumbull	46	69	114
Henry	8	9	17	Tuscarawas	15	20	35
Highland	7	6	13	Union	3	6	9
Hocking	2	9	11	VanWert	5	7	12
Holmes	3	2	5	Vinton	2	1	3
Huron	13	11	24	Warren	16	29	45
Jackson	6	15	21	Washington	13	10	23
Jefferson	10	22	32	Wayne	18	13	31
Knox	8	9	17	Williams	8	11	19
Lake	21	71	92	Wood	20	39	59
Lawrence	16	13	29	Wyandot	4	3	7

### Summary

Boards of Education .....	1,204
Other Employers.....	2,049
Total 2013 Contracts.....	3,253

## Bureau of Mediation Summary of Activity

Filings and Appointments	FY 2012	FY 2013	
<i>Matters filed</i>			
Notices to Negotiate	1,449	1,611	
Notices of Intent to Strike	6	2	
<i>Neutrals appointed</i>			
Mediator Appointments	1,015	1,004	
Fact-Finder Appointments	385	295	
Conciliator Appointments	88	54	
<b>FY 2013 Notices to Negotiate</b>	<b>Statutory</b>	<b>MADs</b>	<b>Total</b>
Initial	36	0	36
Reopener	283	54	337
Successor	717	521	1,238
<i>Total</i>	<i>1,036</i>	<i>575</i>	<i>1,611</i>

FY 2013 Fact-Finding Statistical Summary	
<i>Cases with reports accepted</i>	53
Accepted by both parties	17
Deemed accepted . . .	36
by employee organization only	6
by employer only	16
by both parties	14
<i>Cases with reports rejected</i>	51
by employee organization only	23
by employer only	25
by both parties	3
<b>Total FY 2013 reports</b>	<b>104</b>

Results of Fact-Finding		
	FY 2012	FY 2013
Acceptances	60	53
Rejections	70	51

Fact-Finding Cases by Employer Type		
	FY 2012	FY 2013
Cities	62	52
Counties	42	31
School Districts	2	2
Townships	12	7
Universities	4	1
State Government	0	1
Other	8	10

Fact-Finding Cases by Employee Type		
	FY 2012	FY 2013
Police	55	56
Fire	18	14
Teaching	4	2
Nursing	0	2
Other	53	30

### Public Sector Strikes, April 1, 1984—June 30, 2013

Type	04/01/84—06/30/10	FY 2011	FY 2012	FY 2013	Total
Education	147*	0	1	1	149
City	10	0	0	0	10
County	44	0	0	0	44
Township	2	0	0	0	2
Other	8*	0	0	1	9
<i>Total</i>	<i>211</i>	<i>0</i>	<i>1</i>	<i>2</i>	<i>214</i>

\* FY 2013 strike total adjusted from 2012 Annual Report

### Public Sector Strikes Before and After the Collective Bargaining Act

1978	67	1984 <sup>1</sup>	4	1990	13	1996	4	2002	6	2008	3
1979	56	1985	9	1991	17	1997	3	2003	7	2009	2
1980	60	1986	14	1992	11	1998	14	2004	4 <sup>4</sup>	2010	0
1981	na	1987	19	1993 <sup>2</sup>	3	1999	6	2005	1	2011	0
1982	na	1988	14	1994 <sup>3</sup>	13	2000	2	2006	6	2012	1
1983	na	1989	17	1995	7	2001	8	2007	4	2013	2

<sup>1</sup> 04/01/84 – 12/31/84

<sup>2</sup> 01/01/93 – 06/30/93

<sup>3</sup> Beginning with July 1, 1993, all data are reported by fiscal year, July 1 through June 30.

<sup>4</sup> FY 2004 strike total adjusted from 2004 annual report.

## Representation Summary of Activity

	04/01/84-06/30/10	FY 2011	FY 2012	FY 2013	Total
Elections held	3,168	84 <sup>1</sup>	52	52	3,356
Unit Determination elections held (Professional/Nonprofessional)	210	1 <sup>1</sup>	1	0	212
Choices for representation	2,406	73	40 <sup>2</sup>	46	2,565
Approximate number of eligible voters	188,632	3,094	1,833	1,407	194,696
Voter turnout	158,519 84%	2,386 77%	1,219 67%	1,167 83%	163,291 84%
Certification via Voluntary Request for Recognition	1,276	16	9	9	1,310

<sup>1</sup> via mail only    <sup>2</sup> number adjusted from 2012 Annual Report

## Unfair Labor Practice Summary of Activity

Cases	04/01/84-06/30/10	FY 2011	FY 2012	FY 2013	Total
ULP Charges Filed	17,939	423	312	356	19,028
ULP Charges Dismissed	9,896	307	173	203	10,579
ULP Charges Withdrawn	4,532	108	70	99	4,809
Probable Cause Findings	3,399 <sup>1</sup>	13	30	29	3,471
Deferrals to Arbitration (with retention of jurisdiction)	221 <sup>3</sup>	15	6	5	247
Complaints Settled	2,720 <sup>2</sup>	25	30	11	2,786
Complaints Adjudicated	515 <sup>2</sup>	13	4	5	537

<sup>1</sup> Adjusted figures in 1990 used in total.

<sup>2</sup> Does not include 1984-85, when these statistics were not kept.

<sup>3</sup> Does not include 1984-87, when these statistics were not kept.

### FY 2013 Unfair Labor Practice Allegations

Total Allegations of RC 4117.11 violations.....	356
Section 4117.11(A) alleged employer violations.....	241
Section 4117.11(B) alleged employee/employee organization violations.....	115

### Board Findings of Statutory Violations

	04/01/84-06/30/10	FY 2011	FY 2012	FY 2013	Total
	381	9	3	4	397

## Hearings Section Summary of Activity

Action	04/01/84-06/30/10	FY 2011	FY 2012	FY 2013	Total
ALJPOs/ALJRDs	937	15	9	6	967
Pretrials held	1,048 <sup>1</sup>	26	24	14	1,112
Hearings held	925	13	11	8	957
Settlements	1,478 <sup>1</sup>	25	30	22	1,555

NOTE: The statistical report on mediations conducted has been expanded and moved to the Year-End Case Status Summary report on Page 9.

<sup>1</sup> Statistic maintained beginning December 1994.

# Board Opinions Issued in Fiscal Year 2013

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## **In re Williams County Sheriff's Office, SERB 2012-001 (11-15-2012)**

In this unfair labor practice matter, the Board found the employer had violated an employee's right to union representation when it did not permit an Ohio Police Benevolent Association (OPBA) attorney to review a last chance agreement before it was presented to an employee and when it did not negotiate the terms of the last chance agreement with the OPBA.

On December 14, 2011, the OPBA filed an unfair labor practice charge alleging an employee, subject to discipline, was denied representation rights when the employer did not fax a copy of a proposed last chance agreement and when it did not negotiate with the OPBA the terms of the last chance agreement. Here, the employee was presented with a last chance agreement with no advance notice and given the option of signing it or being fired. When the grievance representative asked the employer to fax it to the union attorney, the employer refused. Similarly, they did not advise the OPBA ahead of time of its intent to present a last chance agreement nor did they negotiate the terms of the last chance agreement.

Providing a fax to a union attorney and standing by the machine, did not constitute an unreasonable delay in the need to proceed with discipline. Similarly, not permitting discussion of terms with the union of the last chance agreement is improper. While it only affects one employee, it changes the terms and conditions of employment nonetheless. Negotiations may be brief. As a remedy, the OPBA and the affected employee were given the opportunity to negotiate a new last chance agreement.

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## **In re Franklin County Board of Commissioners, SERB 2012-002 (12-13-2012)**

In this case, the employer sought a determination of whether Franklin County Court Security Officers were considered law enforcement officers entitled to conciliation.

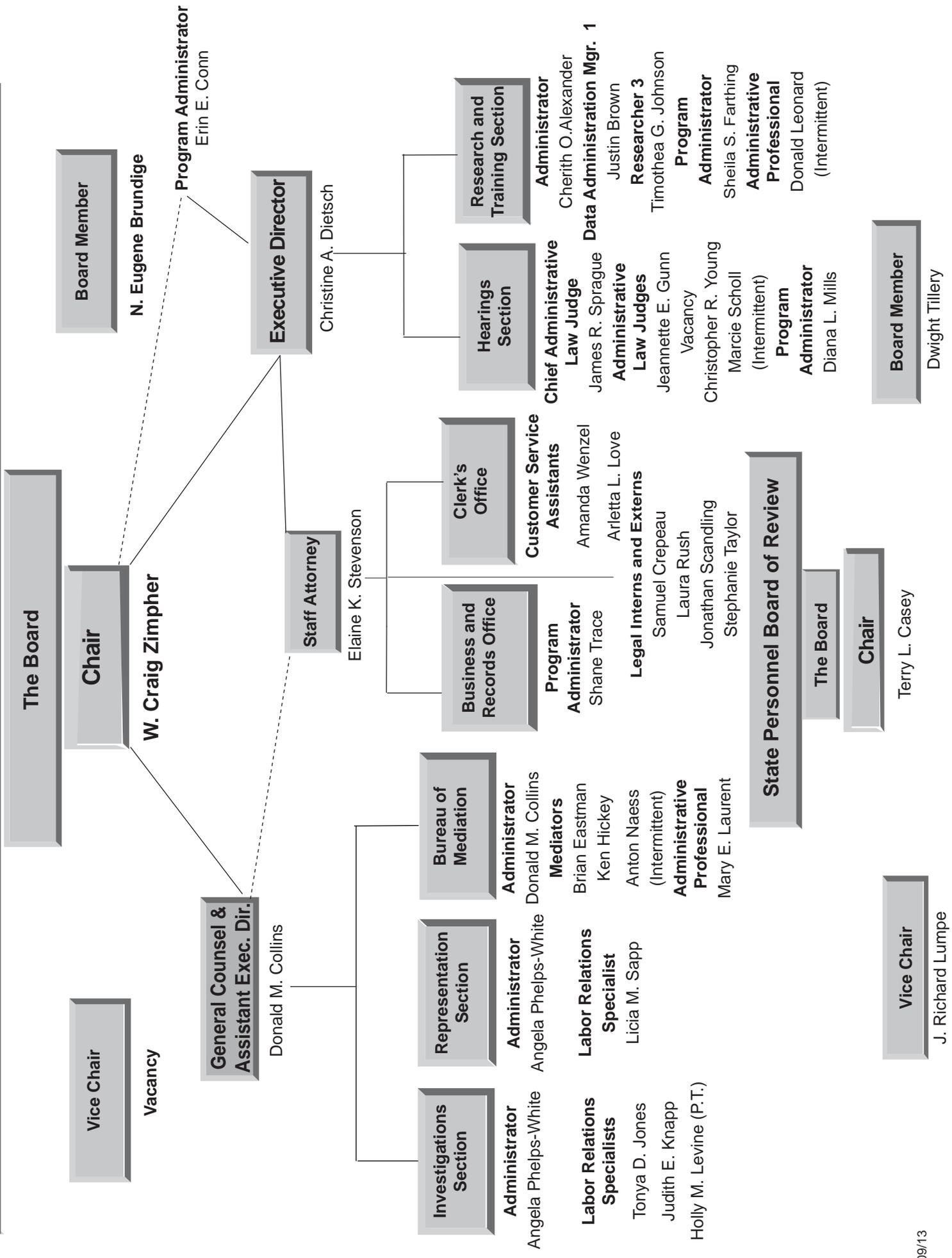
The Board adopted the findings of an Administrative Law Judge(ALJ) who concluded the Court Security Officers were not entitled to conciliation as they were not considered law enforcement officers pursuant to Ohio Revised Code §4117.14 (D)(1).

The Franklin County Court Security Officers had been negotiating for a contract and reached impasse. The parties went through Fact-Finding, after which the employer rejected the Fact Finder's recommendation. The union asked for Conciliation which was opposed by the employer. The issue was whether the Court Security Officers were "...members of a law enforcement security force that is established and maintained by a board of county commissioners..." pursuant to Ohio Revised Code § 4117.14(D)(1).

The ALJ reviewed the nature of the Court Security Officer duties and compared them to Ohio Revised Code §2901.01 (A)(11) which defines law enforcement officers. Under Revised Code §2901.01 law enforcement duties include arrest powers, carrying a weapon, executing warrants, transporting prisoners and enforcing laws. The ALJ concluded the Court Security Officers do not have law enforcement duties, but do have security duties such as screening persons and packages, confiscating prohibited objects and materials and conducting daily security checks of buildings. They assist Sheriff's Deputies and EMS personnel, but have limited involvement.

The Board adopted the ALJ's conclusion. The Board held the final offer settlement procedures involving conciliation under Ohio Revised Code §4117.14 (D)(1) did not apply to Court Security Officers who do not perform a law enforcement function.

# State Employment Relations Board



## Glossary of Terms

SERB's current case-typing system uses these designations:

ERC	Employee Organization Reporting Complaint
JWD	Jurisdictional Work Dispute
MED	Mediation
RBT	Fair Share Fee Rebate Determination
REP	Representation
STK	Employer's Request for Determination of Unauthorized Strike <i>and</i> Request for Determination of Clear and Present Danger
ULP	Unfair Labor Practice

The following case designations were in use before January 1, 1987:

AC	Amended Certification
CE	Conscientious Exemption
CPS	Request for Determination of Clear and Present Danger (Strike case)
FR	Fair Share Rebate Determination
GR	Grandfather (Notification of historical status)
MF	Mediation/Fact-finding/Conciliation
OR	Organization Report
RC	Representation Certification by Election
RD	Petition for Decertification Election
RE	Representation Certification by Election
REPF	Fair Share Fee Rebate Determination
SD	Representation Certification for Self-Determination Election
UC	Unit Clarification
UE	Unfair Labor Practice Charge Filed Against an Employee
UR	Unfair Labor Practice Charge Filed Against an Employer
US	Notice of Strike/Request for Determination of Unauthorized Strike
UU	Unfair Labor Practice Charge Filed Against an Employee Organization
VR	Request for Voluntary Recognition by an Employee Organization

The following abbreviations are in common administrative use:

ALJPO	Administrative Law Judges' Proposed Order (administrative law judges' recommendation in a ULP complaint case)
ALJRD	Administrative Law Judges' Recommended Determination (administrative law judges' recommendation in a non-ULP case)
MAD	Mutually Agreed-Upon Dispute Settlement Procedure (negotiations procedure adopted by the parties that supersedes the statutory procedure)

## **2013 SERB Personnel**

### ***SERB Office (614) 644-8573***

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Columbus, Ohio 43215-4213

### ***Board Members' Offices (614) 466-3206***

W. Craig Zimpher • Chair  
N. Eugene Brundige • Board Member

### ***Executive Director's Office (614) 466-3013***

Christine A. Dietsch • Executive Director  
Erin E. Conn • Program Administrator  
Elaine K. Stevenson • Supervisor

#### **Legal Interns**

Samuel C. Crepeau • Legal Intern  
Laura Rush • Legal Intern  
Jonathan M. Scandling • Legal Intern  
Stephanie Taylor • Legal Intern

### ***General Counsel's Office (614) 466-3014***

Donald M. Collins • General Counsel and Assistant Executive Director

### ***Bureau of Mediation (614) 644-8716***

Brian J. Eastman • Mediator  
Kenneth F. Hickey • Mediator  
Anton J. Naess • Mediator (Intermittent)  
Mary E. Laurent • Administrative Professional

### ***Clerk's Office (614) 644-7137***

Elaine K. Stevenson • Supervisor  
Amanda Wenzel • Customer Service Assistant 3, Lead Worker  
Arletta L. Love • Customer Service Assistant

### ***Business/Records Office (614) 466-3858***

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Shane G. Trace • Program Administrator

### ***Hearings Section (614) 644-8688***

James R. Sprague • Chief Administrative Law Judge  
Christopher R. Young • Administrative Law Judge  
Jeannette E. Gunn • Administrative Law Judge  
Marcie M. Scholl • Administrative Law Judge (Intermittent)  
Diana J. Mills • Program Administrator

### ***Investigations Section (614) 466-2296***

Angela Phelps-White • Administrator  
Tonya D. Jones • Labor Relations Specialist  
Judith E. Knapp • Labor Relations Specialist  
Holly M. Levine • Labor Relations Specialist

### ***Representation Section (614) 644-6278***

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Licia M. Sapp • Labor Relations Specialist

### ***Research and Training Section (614) 466-1126***

Cherith O. Alexander • Administrator  
Justin I. Brown • Data Administration Manager 1  
Timothea G. Johnson • Researcher 3  
Sheila S. Farthing • Administrative Professional  
Donald L. Leonard • Training Officer (Intermittent)

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### ***SERB is an Equal Opportunity Employer.***

*EEO Officer: Marcie M. Scholl, Administrative Law Judge, Hearings Section (Intermittent)*