

State Employment Relations Board
Board Meeting Minutes
October 20, 2005

The State Employment Relations Board met on Thursday, October 20, 2005, at 10:04 a.m., at 65 East State Street, Columbus, Ohio. Present at the meeting were Chairman Drake, Vice Chairman Gillmor, and Board Member Verich.

I. APPROVAL OF MINUTES OF THE PREVIOUS REGULAR MEETING:

Vice Chairman Gillmor moved that the Board approve the minutes for the previous meeting. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no Mediation matters.

III. REPRESENTATION MATTERS AT ISSUE:

1. Cases 05-REP-06-0091 Ohio Civil Service Employees Association,
05-REP-06-0097 AFSCME Local 11, AFL-CIO (OCSEA) and
Voices of Individual County Employees
(VOICE) and Hamilton County Sheriff's
Department
November 9, 2005

Board Member Verich moved that the Board consolidate Case Nos. 05-REP-06-0091 and 05-REP-06-0097, approve the Consent Election Agreement, and direct an election to be conducted on the date indicated. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

2. Case 05-REP-09-0134 Washington Professional Fire Fighters,
Local 699, International Association of Fire
Fighters and City of Washington Court
House

The Employee Organization and Employer jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect certain negotiated changes in the existing unit. The parties confirmed the position is vacant. Pursuant to *In re Ohio Dept of Development*, SERB 95-003 (2-27-95), and the ripeness doctrine, dismissal appears appropriate. Vice Chairman Gillmor moved that the Board dismiss without prejudice the jointly filed Petition for Amendment of Certification. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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3. Case 05-REP-09-0137 Mayfield Education Association – School Support Personnel/Ohio Education Association and Mayfield City School District Board of Education

The Employee Organization and Employer jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to change the Employee Organization's name and to reflect current contract language. Board Member Verich moved that the Board approve the jointly filed petition and amend the unit accordingly. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

4. Cases 04-REP-06-0112 Fraternal Order of Police, Ohio Labor Council, Inc. and Franklin County Sheriff
04-REP-06-0113
05-REP-06-0083
05-REP-08-0114

On March 3, 2005, the Board consolidated Case Nos. 04-REP-06-0112 and 04-REP-06-0113, directed the cases to hearing to determine an appropriate bargaining unit and for all relevant issues, and directed the parties to mediation. The parties also jointly filed Petitions for Amendment of Certification in Case Nos. 05-REP-06-0083 and 05-REP-08-0114. The parties seek to create two separate bargaining units.

As a result of mediation, motions to withdraw have been filed for Case Nos. 04-REP-06-0112, 04-REP-06-0113, and 05-REP-06-0083. Vice Chairman Gillmor moved that the Board grant the parties' Motions to Withdraw and dismiss without prejudice Case Nos. 04-REP-06-0112, 04-REP-06-0113, and 05-REP-06-0083; approve the jointly filed petition in Case No. 05-REP-08-0114, and amend the unit accordingly. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

5. Case 04-REP-11-0205 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Fair Haven/Shelby County Nursing Home

Board Member Verich moved that the Board direct an election at a date, time and place to be determined by the Representation Section in consultation with the parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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6. Case 05-REP-03-0036 Ohio Patrolmen's Benevolent Association
and Delaware County Commissioners

- There were 13 ballots cast
- There were 0 challenged ballots
- Ohio Patrolmen's Benevolent Association received 6 votes
- No Representative received 7 votes and has prevailed in this election.

Vice Chairman Gillmor moved that the Board certify the election results and certify "No Representative" prevailed in the election and that the employees in the unit have chosen to have no exclusive representative for purposes of collective bargaining. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

Case 05-ULP-03-0126 Queen City Lodge No. 69, Fraternal Order
of Police v. City of Cincinnati

Board Member Verich moved that the Board lift the case from the table. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

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V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 05-ULP-06-0323 Aurora City Fire Fighters Local 2488, IAFF v. City of Aurora

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing a city-wide substance policy without negotiating. The investigation reveals the Charged Party did implement a new policy with a disciplinary component without bargaining. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing a city-wide substance policy without negotiating, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

2. Case 05-ULP-07-0403 Marcy Wilkinson v. Lenora Minor

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by restraining or coercing employees in the exercise of their guaranteed rights, and by failing to fairly represent the bargaining-unit members. The investigation reveals no additional information was provided to substantiate the allegations. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

3. Case 05-ULP-06-0376 Jeffrey E. Milani v. City of Twinsburg

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (5) by terminating the Charging Party in retaliation for his exercise of guaranteed rights. The investigation reveals the Charged Party did not provide a persuasive rebuttal that retaliation was not the motive behind the Charging Party's termination. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3), but not (2) and (5), by terminating the Charging Party in retaliation for his exercise of guaranteed rights, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

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4. Case 05-ULP-06-0377 Euclid Teachers Association, OEA/NEA v. Euclid City School District Board of Education

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by failing to issue supplemental contracts to individuals in retaliation for their exercise of guaranteed rights. The investigation reveals contracts were not renewed for reasons other than engaging in protected activity. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

5. Case 05-ULP-08-0435 Salem Firefighters, International Association of Firefighters, Local 283 v. City of Salem

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (5), and (7) by bargaining in bad faith. The investigation reveals the Charged Party unilaterally abolished the fire department because the Charging Party refused to negotiate a joint fire district. The investigation reveals no additional information was provided to substantiate the Ohio Revised Code § 4117.11(A)(3) or (7) violations occurred. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (3) or (7), by unilaterally destroying a bargaining-unit recognized by the Board, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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6. Cases 05-ULP-04-0198

State of Ohio, Department of
Transportation v. Ohio Civil Service
Employees Association, AFSCME
Local 11, AFL-CIO, Chapter 7700

05-ULP-04-0200 through
05-ULP-04-0205 and
05-ULP-04-0207

State of Ohio, Department of
Transportation v. John Ball, Tara Maroney,
James Mashburn, Danilo Petrovic, Sandra
Rienzi, Jeffery Shearl, and Richard Ward

The Charging Party alleges the Charged Party in Case 05-ULP-04-0198 violated Ohio Revised Code § 4117.11(B)(5) and (8) by inducing or encouraging employees to engage in an unlawful strike without a ten-day notice. The Charging Party also alleges that each of the Charged Parties violated Ohio Revised Code § 4117.11(B)(8) by engaging in an illegal strike without a ten-day notice. The investigation reveals a union steward organized the work stoppage and nine bargaining-unit members participated in the work stoppage.

Vice Chairman Gillmor moved, in Case 05-ULP-04-0198, that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(5) and (8) by inducing or encouraging employees to engage in an unlawful strike without a ten-day notice, and direct the parties to ULP mediation; and, in Cases 05-ULP-04-0200 through 05-ULP-04-0205, and 05-ULP-04-0207, consolidate the charges, find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Parties violated Ohio Revised Code § 4117.11(B)(8) by engaging in an illegal strike without providing a ten-day notice, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

7. Case 05-ULP-04-0199

State of Ohio, Department of
Transportation v. Martin Baker

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(8) by engaging in an illegal strike without a ten-day notice. The investigation reveals the Charged Party participated in the work stoppage. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate with Cases 05-ULP-04-0198, 05-ULP-04-0200 through 05-ULP-04-0205, and 05-ULP-04-0207, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(8) by engaging in an illegal strike without providing a ten-day notice, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

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8. Case 05-ULP-04-0206 State of Ohio, Department of Transportation v. Paul Tucci

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(8) by engaging in an illegal strike without a ten-day notice. The investigation reveals the Charged Party participated in the work stoppage. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate with Cases 05-ULP-04-0198 through 05-ULP-04-0205, and 05-ULP-04-0207, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(8) by engaging in an illegal strike without providing a ten-day notice, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

9. Case 05-ULP-08-0475 Graham Local School District Board of Education v. Graham Education Association, OEA/NEA and William Otten

The Charging Party alleges the Charged Parties violated Ohio Revised Code § 4117.11(B)(3) and (6) by assuring the Charging Party on two occasions that the Charged Parties would accept the tentative agreements reached. The investigation reveals the Charged Parties presented the tentative agreement to the membership. The membership rejected the tentative agreement, and no guarantee that a tentative agreement will be accepted should be construed by either party during contract negotiations. Insufficient evidence was provided to support the Ohio Revised Code § 4117.11(B)(6) allegation. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

10. Case 05-ULP-06-0321 Lake Education Association, OEA/NEA v. Lake Local School District Board of Education

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by asking a bargaining-unit employee to perform coaching duties without pay. The investigation reveals the e-mails do not indicate any bargaining over the coaching issue took place. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

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11. Case 05-ULP-06-0325 Lake Local School District Board of Education v. Lake Education Association, OEA/NEA and Jim Kubuske

The Charging Party alleges the Charged Parties violated Ohio Revised Code § 4117.11(B)(1), (2), and (3) by communicating directly with a School Board member regarding negotiation matters. The Charging Party filed a motion requesting payment for legal fees. The investigation reveals no negotiations or identification of negotiation matters were contained in the e-mails, and the request for legal fees should be denied. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties, and deny the motion for legal fees. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

12. Case 05-ULP-08-0442 Lake Education Association, OEA/NEA v. Lake Local School District Board of Education

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by filing an unfair labor practice charge against a bargaining-unit employee who had supplied information to support an unfair labor practice charge filed by the Charging Party. The investigation reveals the Charged Party has the same right to file unfair labor practice charges as does the Charging Party. No violation of the statute occurred. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

13. Cases 05-ULP-03-0132 Goshen Education Association, OEA/NEA
05-ULP-04-0181 v. Goshen Local School District Board of Education

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against Carolyn McCollister for engaging in protected activities. The investigation reveals two employees engaged in protected activities were transferred and received comments about their union activities in their evaluations. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the charges, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against Carolyn McCollister for engaging in protected activities, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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14. Case 04-ERC-10-0007 Cynthia Witte v. Cincinnati Organized and Dedicated Employees

The Complainant alleges the Employee Organization violated Ohio Revised Code § 4117.19(C) and (D) by failing to submit its Constitution to the Board, failing to have the membership vote on its By-Laws and Constitution, failing to hold elections of its officers, and failing to provide copies of its By-Laws to the membership. The investigation reveals that the Employee Organization has adopted a Constitution and By-Laws as amended on October 12, 2005, and the Employee Organization is now in compliance. Vice Chairman Gillmor moved that the Board dismiss the complaint with prejudice. Board Member Verich seconded the motion. Vice Chairman Gillmor stated that when the complaint was filed, the Employee Organization was not in compliance; now it is in compliance. She stated that it seems incongruous that the Employee Organization can belatedly comply with the statute and the complaint be dismissed even though the complaint was accurate when filed; since the Board has treated the ERC cases in this manner, however, she will vote for the recommendation and motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

15. Case 05-ULP-08-0449 Ashtabula Area Teachers Association, OEA/NEA v. Ashtabula Area City School District Board of Education

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to bargain over a mandatory subject of bargaining. The parties have jointly requested deferral in this matter. Board Member Verich moved that the Board defer the matter for resolution through the grievance-arbitration procedure and retain jurisdiction in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92). Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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16. Case 05-ULP-06-0326 Fraternal Order of Police, Ohio Labor Council, Inc. v. Summit County Executive

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally changing a term and condition of employment without bargaining in retaliation for the Charging Party's exercise of guaranteed rights. The investigation reveals the deputies were engaged in protected activities with the Charged Party's knowledge and were harmed when the Charged Party unilaterally changed the opt-out insurance payment. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally changing a term and condition of employment without bargaining in retaliation for the Charging Party's exercise of guaranteed rights, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

17. Case 05-ULP-06-0332 Service Employees International Union, District 1199 and Reginald Lanton v. Cleveland Public Library

18. Case 05-ULP-06-0333 Service Employees International Union, District 1199 and Ryan Moore v. Cleveland Public Library

In Case No. 05-ULP-06-0332, the Charging Parties allege the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing a change in working conditions when it reduced the number of employees allowed to be off at the same time. The investigation reveals the charge is untimely filed.

In Case No. 05-ULP-06-0333, the Charging Parties allege the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3), (5), (6), and (8) by retaliating against Ryan Moore for engaging in protected activities. The investigation reveals the charge is untimely filed.

Board Member Verich moved that the Board dismiss the charges with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

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19. Case 05-ULP-06-0334 Service Employees International Union,
District 1199 and Janice Ridgeway v.
Cleveland Public Library

The Charging Parties allege the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the working conditions when it required employees to use vacation time to be off on Mondays and Saturdays. The Charging Parties did not provide any information to substantiate a violation of the statute. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

20. Case 05-ULP-06-0335 Service Employees International Union,
District 1199 and Ardella Primm v.
Cleveland Public Library

The Charging Parties allege the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by Supervisor Maureen Mullin retaliating against Union Steward Ardella Primm for exercising guaranteed rights. The investigation reveals the charge is untimely filed. Board Member Verich moved that the Board dismiss the charge with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

21. Case 05-ULP-06-0336 Service Employees International Union,
District 1199 v. Cleveland Public Library
and Tish Lowery

The Charging Party alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by dealing directly with Technical Services Department, and by making a unilateral change in working conditions. The investigation reveals the Charging Party did not provide sufficient information to substantiate a violation of the statute. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

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22. Case 05-ULP-06-0337 Service Employees International Union,
District 1199 v. Cleveland Public Library

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by attempting to implement changes in the job bidding process in violation of the contract. The investigation reveals the charge is untimely filed. Board Member Verich moved that the Board dismiss the charge with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

23. Case 05-ULP-05-0227 Alisa Blair-Tucker v. International
Brotherhood of Teamsters, Local 244

On July 28, 2005, the Board dismissed the charge with prejudice for lack of probable cause. On August 17, 2005, the Charging Party filed a timely request for reconsideration. New information was provided demonstrating the Charged Party denied the Charging Party membership. Vice Chairman Gillmor moved that the Board construe the Charging Party's request as a motion for reconsideration, grant the motion, find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by failing to allow the Charging Party to join the union, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

24. Case 05-ULP-06-0314 David A. Simpkins v. Service Employees
International Union, District 1199

25. Case 05-ULP-07-0387 David A. Simpkins v. Service Employees
International Union, District 1199

Board Member Verich moved that the Board dismiss the charges with prejudice because the Charging Party has failed to pursue the matters. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

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Vice Chairman Gillmor moved that the Board authorize Executive Director Craig Mayton to negotiate with the OSU consultants up to the proposed amount of \$17,300. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

Fact-Finders Fee Cap – Executive Director Mayton presented for discussion the issue of raising the fee or remaining with the status quo. Mediation Administrator Dale Zimmer commented that the fee has been \$550 per day with a restriction of a six-day limit. Chairman Drake stated the Board should hold a public meeting to give interested parties an opportunity to be heard. Mr. Zimmer agreed a date and time should be set for a public meeting at which parties can discuss whether the Board should raise its rate, let the fees go to the market rate, or whether the Board should continue to be involved in setting a rate since the Board is no longer required by statute to pay for any of the costs of the fact-finding hearing.

Part-time Legal Intern – Executive Director Mayton suggested the Board consider hiring a part-time legal intern to support the Administrative Law Judges and General Counsel.

Vice Chairman Gillmor moved that the Board authorize Executive Director Mayton to recruit a part-time legal intern from local law schools at a rate of \$14.00 per hour. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

Public Sector Labor Management Conference – Executive Director Mayton informed the Board that the University of Cincinnati has expressed an interest in having SERB partner with it to host a conference devoted to improving labor-management relations in the public sector. Chairman Drake expressed concern that such an event should not interfere with SERB Academy or the Developing Labor Law Conference for which SERB is already committed to hold during 2006. General Counsel Russ Keith stated that the University of Cincinnati conference could work with the Developing Labor Law Conference. Vice Chairman Gillmor asked that the Board not over-commit its limited resources to this conference when it is contracting out other Research and Training projects to The Ohio State University. Executive Director Mayton stated that the University of Cincinnati has committed a lot of resources for this proposed conference. Mediation Administrator Zimmer stated that this conference sounded similar to the types of “training” the mediators regularly conduct, only to a larger group, and the mediators have worked with the University in training various bargaining units.

Ethics Training – Executive Director Mayton stated that David Freel, the Executive Director of the Ohio Ethics Commission, will speak to the SERB board and staff on Thursday, February 16, 2006 at 2 p.m.

At this point, Chairman Drake exited from the meeting.

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Executive Session – Board Member Verich moved that the Board go into executive session to discuss the employment of public employees pursuant to Ohio Revised Code § 121.22(G)(1). Vice Chairman Gillmor seconded the motion and called for the vote.

Roll Call: DRAKE: Not present GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

Vice Chairman Gillmor moved that the Board exit from executive session. Board Member Verich seconded the motion.

Roll Call: DRAKE: Not present GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

At this point, Chairman Drake returned to the meeting.

Continuation of Full-time Employment Status – Executive Director Mayton suggested that the Board continue Tom Worley in a full-time status from October 16, 2005 through November 12, 2005.

Vice Chairman Gillmor moved that the Board continue Tom Worley in a full-time status from October 16, 2005 through November 12, 2005. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

VI. ADJOURNMENT

Board Member Verich moved that the Board adjourn its meeting. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

/s/ Carol Nolan Drake
Carol Nolan Drake, Chairman