

STATE EMPLOYMENT RELATIONS BOARD
STATE OF OHIO

MINUTES OF SPECIAL BOARD MEETING ON AUGUST 18, 2010

The State Employment Relations Board held a special Board Meeting on Wednesday, August 18, 2010, at 10:45 a.m., at 65 East State Street, Columbus. Present at the meeting were Chairperson N. Eugene Brundige, Vice Chairperson Michael G. Verich, and Board Member Robert F. Spada.

1. Case 2009-ULP-06-0357 SERB v. Clark County Board of Developmental Disabilities

On July 22, 2010, the Board voted to take action on this matter. Prior to issuing the Board opinion, the Board determined that it needed to revise the remedy it was including in the opinion. Vice Chairperson Verich moved that the Board rescind its action at the July 22, 2010 Board meeting; grant Respondent's motion to clarify its exceptions; adopt the Findings of Fact and Conclusions of Law in the Administrative Law Judge's Proposed Order, finding that Respondent violated Ohio Revised Code §§ 4117.11(A)(1), (A)(2), and (A)(3) by unilaterally denying expected annual wage increases to all Registered Service Worker 1s after a Petition for Representation Election was filed but before the election occurred; set aside the election results in Case No. 2009-REP-05-0062 and order a new election to be conducted by mail ballot as soon as practicable as determined by the Representation Section in consultation with the parties; and issue an order with a Notice to Employees requiring Respondent to cease and desist from: (1) interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in Ohio Revised Code Chapter 4117, (2) initiating, creating, dominating, or interfering with the formation or administration of an employee organization, and (3) discriminating in regard to terms or conditions of employment on the basis of the exercise of rights guaranteed in Ohio Revised Code Chapter 4117 by denying all Registered Service Worker 1s their annual across-the-board wage increase after the Petition for Representation Election was filed but prior to the holding of the representation election, and otherwise violating Ohio Revised Code §§ 4117.11(A)(1), (A)(2), and (A)(3), and to take the following affirmative action: (1) provide access to Professionals Guild of Ohio representatives to meet with Registered Service Worker 1s during non-work time; (2) cooperate with the SERB Representation Section and the Intervenor to schedule the rerun representation election, (3) post for 60 consecutive calendar days in all of the usual and customary posting locations where Registered Service Worker 1s work, the Notice to Employees furnished by the Board stating that Respondent shall cease and desist from actions set forth in paragraph (A) and shall take the affirmative action set forth in paragraph (B) therein, and (4) notify SERB via electronic mail within 20 calendar days from the date the Order becomes final of the steps that have been taken to comply therewith. Opinion to follow. Board Member Spada seconded the motion. Chairperson Brundige called for discussion and the vote.

Vote: BRUNDIGE: Yes VERICH: Yes SPADA: Yes
Affirmed X Denied _____

Board Member Spada then moved that the Board adjourn the special meeting. Vice Chairperson Verich seconded the motion. Chairperson Brundige called for the vote.

Vote: BRUNDIGE: Yes VERICH: Yes SPADA: Yes
Affirmed X Denied _____

The special Board meeting adjourned at 10:48 a.m.

/s/ N. Eugene Brundige
N. Eugene Brundige, Chairperson