

State Employment Relations Board

Board Meeting Minutes

August 15, 2013

The State Employment Relations Board met on August 15, 2013, at 10:00 a.m., at 65 East State Street, 12th Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher and Board Member N. Eugene Brundige. The third SERB member position is vacant.

I. APPROVAL OF MINUTES FOR THE JULY 25, 2013 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the July 25, 2013 Board meeting. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

1. Case 2010-MED-08-0953 Fraternal Order of Police/Ohio Labor Council, Inc. and Franklin County Commissioners

On August 11, 2010, the Fraternal Order of Police/Ohio Labor Council, Inc. filed a Notice to Negotiate a successor collective bargaining agreement with the Franklin County Commissioners in Case No. 2010-MED-08-0953. Since that time, the parties have been involved in various phases of negotiations.

On June 24, 2013, a Petition for a Representation Election was filed seeking to decertify the Fraternal Order of Police/Ohio Labor Council, Inc. as the exclusive representative for the bargaining unit of Court Security Officers in Case No. 2013-REP-06-0058.

On July 11, 2013, the Franklin County Commissioners filed a Motion To Stay Negotiations pending the outcome of the above representation petition. The Motion has not been opposed.

Board Member Brundige moved that the Board grant the Employer's Motion To Stay Negotiations in Case No. 2010-MED-08-0953 pending disposition of the representation matter in Case No. 2013-REP-06-0058. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

2. Closing of 332 Cases

Board Member Brundige moved that the Board close 332 Mediation cases beginning with Case 2010-MED-01-0077 and ending with Case 2013-MED-05-0654, not consecutively numbered. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2013-REP-05-0043 Rhodes State College Chapter of the American Association of University Professors and Rhodes State College
(September 17 - September 30, 2013)

This matter was postponed at the July 25, 2013 Board meeting.

All parties have executed and filed the appropriate Consent Election Agreement seeking a mail-ballot election.

Board Member Brundige moved that the Board approve the Consent Election Agreement and direct a mail-ballot election to be conducted during the polling period of September 17, 2013 through September 30, 2013. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

2. Case 2013-REP-06-0057 Ohio Patrolmen's Benevolent Association and Medina County Sheriff's Office
3. Case 2013-REP-07-0066 Ohio Association of Public School Employees (OAPSE), AFSCME/AFL-CIO, Local 4, Local #321 and Fremont City School District Board of Education

The parties jointly filed Petitions for Amendment of Certification. The proposed amendments appear appropriate.

Board Member Brundige moved that the Board approve the jointly filed petitions and amend the units accordingly. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

4. Case 2013-REP-05-0041 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Mt. Healthy

The Employee Organization filed a Request for Recognition. The Employer filed objections and requested an election.

The Employer argues that the employee in question is not a "public employee" and that a single-member bargaining unit is not an appropriate unit. The Employee Organization filed a response. Mediation was conducted by the Representation Section, but was not successful. The parties' disputes remain.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 3 of 22

Board Member Brundige moved that the Board direct this case to a hearing before an Administrative Law Judge to determine if the employee in question is a "public employee" pursuant to Ohio Revised Code 4117, and if so, to determine an appropriate bargaining unit, and for all other relevant issues. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

5. Case 2013-REP-05-0045 Butler County Sheriff's Wage & Benefit Committee and Butler County Sheriff's Office

The Employee Organization filed an Opt-In Request for Recognition. The Employer responded by filing objections and an Opt-In Petition for Representation Election.

The Employer insists the classification has no community of interest with the existing unit and objects to the inclusion of probationary employees. The Employee Organization maintains a community of interest exists and that creating a separate bargaining unit would lead to over-fragmentation.

Attempts to negotiate an amenable bargaining unit were unsuccessful. The parties' dispute remains and mediation is not recommended.

Board Member Brundige moved that the Board direct this case to a hearing before an Administrative Law Judge to determine an appropriate bargaining unit, and for all other relevant issues. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

6. Case 2013-REP-02-0006 United Steelworkers (USW) and City of Westerville

- There were 6 valid ballots cast
- There were 0 void ballots
- There were 0 challenged ballots
- No Representative received 1 vote
- United Steelworkers (USW) received 5 votes and prevailed in this election.

7. Case 2013-REP-03-0024 Teamsters Local 24 of the International Brotherhood of Teamsters and Stow-Munroe Falls Classified Employees' Association, OEA/NEA and Stow-Munroe Falls School District Board of Education

- There were 184 valid ballots cast
- There were 4 void ballots
- There was 1 challenged ballot
- No Representative received 4 votes
- Teamsters Local 24 of the International Brotherhood of

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 4 of 22

- Teamsters received 76 votes
- Stow-Munroe Falls Classified Employees' Association, OEA/NEA received 104 votes and prevailed in this election.
8. Case 2012-REP-11-0134 Pierce Township Professional Firefighters, IAFF and Pierce Township, Clermont County
- There were 15 valid ballots cast
 - There were 0 void ballots
 - There were 0 challenged ballots
 - No Representative received 3 votes
 - Pierce Township Professional Firefighters, IAFF received 12 votes and prevailed in this election.
9. Case 2013-REP-02-0013 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Sheffield Lake
(Unit 1 – p/t Dispatchers)
- There were 3 valid ballots cast
 - There were 0 void ballots
 - There was 0 challenged ballots
 - No Representative received 1 vote
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 2 votes and prevailed in this election.
10. Case 2013-REP-02-0013 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Sheffield Lake
(Unit 2 – p/t Patrol Officers)
- There were 7 valid ballots cast
 - There were 0 void ballots
 - There was 0 challenged ballots
 - No Representative received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 7 votes and prevailed in this election.
11. Case 2013-REP-05-0040 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Vermilion
- There were 4 valid ballots cast
 - There were 0 void ballots
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 1 vote
 - Ohio Patrolmen's Benevolent Association received 3 votes and prevailed in this election.

Board Member Brundige moved that the Board certify the election results and certify each prevailing employee organization as the exclusive representative of all employees in the relevant bargaining unit. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 5 of 22

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Cases 2012-ULP-04-0089 IAFF Local 92 v. City of Toledo
2013-ULP-07-0202

In Case No. 12-ULP-04-0089, the employee organization alleged the employer violated the representation rights of two Fire Officers. The discipline issue has been resolved between the parties through Arbitration, leaving the issue of whether representation rights were violated in derogation of R.C. 4117.11(A)(1)(3) and (5). At the June 6, 2013 meeting the Board found probable cause that a violation occurred and authorized the issuance of a complaint.

In Case No. 13-ULP-07-0202, filed July 15, 2013, the employee organization alleged the employer engaged in direct dealing when issuing discipline to the same two Fire Officers.

In the above captioned matters the parties have now resolved their dispute through a Settlement Agreement. That Settlement Agreement includes a provision for SERB to conduct Labor Management Refresher Training. This matter is now resolved and may be dismissed while allowing for SERB enforcement of the Settlement Agreement.

Board Member Brundige moved that the Board dismiss Case Nos. 2012-ULP-04-0089 and 2013-ULP-07-0202, with prejudice, as the parties have reached a settlement of the disputed issues. SERB is to retain jurisdiction for enforcement of the Settlement Agreement. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

2. Cases 2013-ULP-03-0057 Shaker Heights Fraternal Order of Police Lodge
2013-ULP-03-0058 23 v. City of Shaker Heights
2013-ULP-03-0059
2013-ULP-03-0060

In the above captioned cases the Shaker Heights Fraternal Order of Police Local 23 and the City of Shaker Heights have resolved their dispute and have entered into a settlement agreement. Pursuant to that settlement agreement, the parties request the Board dismiss these matters with prejudice. The parties also acknowledge SERB is to retain jurisdiction for purposes of enforcing the settlement agreement.

Board Member Brundige moved that the Board dismiss Case Nos. 2013-ULP-03-0057, 2013-ULP-03-0058, 2013-ULP-03-0059 and 2013-ULP-03-0060 with prejudice as the parties have reached a settlement of their disputed issues. SERB is to retain jurisdiction for enforcement of the settlement agreement. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 6 of 22

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

3. Case 2013-ULP-04-0092 SERB v. Springboro Community City School District Board of Education

On April 10, 2013, the Springboro Education Association, OEA/NEA ("Charging Party") filed an unfair labor practice charge against the Springboro Community City School District Board of Education ("Charged Party"), alleging that Charged Party violated Ohio Revised Code ("O.R.C.") §§ 4117.11(A)(1) and (A)(5). On June 27, 2013, the State Employment Relations Board ("the Board") determined that probable cause existed to believe Charged Party had committed an unfair labor practice, authorized the issuance of a complaint, referred the matter to an expedited hearing, and directed the parties to participate in an expedited unfair labor practice mediation prior to the pre-hearing in this matter.

Counsel for Complainant filed a motion to dismiss on August 5, 2013, stating that the parties have settled the disputes underlying the unfair labor practice charge in this case.

Board Member Brundige moved that the Board grant the motion to dismiss, and dismiss with prejudice the unfair labor practice charge in Case No. 2013-ULP-04-0092. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2013-ULP-01-0003 Ohio Patrolmen's Benevolent Association v. Cuyahoga County

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (5) and (7) by unilaterally displacing bargaining-unit personnel.

Information gathered during the investigation revealed the Charged Party's actions of reassigning bargaining-unit work to employees in another bargaining unit is a mandatory subject of bargaining. The Charged Party had an obligation to negotiate with the Charging Party regarding this issue.

Board Member Brundige moved that the Board find probable cause to believe an unfair labor practice has been committed, order the parties immediately to ULP mediation for a period not to exceed 45 days, authorize the assigned mediator, after consultation with the parties, to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. If the mediation is unsuccessful, authorize the issuance of a complaint and refer the matter to hearing to determine if Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (7), by reassigning bargaining-unit work to nonbargaining-unit employees. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 7 of 22

2. Case 2013-ULP-02-0047 International Brotherhood of Teamsters, Local 336 v. Lorain County Domestic Relations Court

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by refusing to bargain.

Information gathered during the investigation revealed the Charged Party's argument that SERB has no jurisdiction appears to be flawed. SERB certified the Charging Party as the exclusive representative for the Charged Party's employees. A public employer must bargain with the certified bargaining representative. The duty to bargain, once imposed, is relieved only upon revocation of certification by SERB or by temporarily granting a motion to stay.

Board Member Brundige moved that the Board find probable cause to believe an unfair labor practice has been committed, order the parties immediately to ULP mediation for a period not to exceed 45 days, authorize the assigned mediator, after consultation with the parties, to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. If the mediation is unsuccessful, authorize the issuance of a complaint and refer the matter to hearing to determine if Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to bargain over a wage reopener. Chair Zimpher seconded the motion.

Chair Zimpher called for discussion.

Chair Zimpher read and submitted a prepared memo regarding this case that is to be placed into the case record. The content of the memo is as follows:

While I intend to vote to accept the Investigator's Recommendation in case number 2013-ULP-02-0047 (ULP Matter #2) I am providing the following comment regarding this matter.

This Board Member is indeed mindful of the exemption of certain employees and officers of the courts from the collective bargaining process, as provided for under Section 4117.01 (C)(8) of the Ohio Revised Code. This exemption, as a part of the original "trade off" in the legislative negotiations that produced the current regime, was and remains reflective of the concept of "separation of powers" or checks and balances among the three branches of Ohio government.

I am quite aware of and sensitive to the importance this tradition enjoys in our governmental structure. Nonetheless, I am also mindful that preservation of the court's independence, while critical, may not be undermined nor threatened by the facts and evidence in the instant case. This writer is very aware of the guidance provided on the matter through State ex rel. Ohio Council 8 v. Spellacy, 17 Ohio St 3d 112 and by the Franklin County Court of Common Pleas in the case of Clerk of Courts, Stow Municipal Court District v. Teamsters Local Union No 348, et. al, [Franklin C. P. No. 09 CV 18092 (July 2nd 2010) citing State v. Hochhausler 76 Ohio St. 3d 455, 463-64 (1996)] which noted:

"It is inherent in our theory of government that each of the three grand divisions of the government must be protected from the encroachments

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 8 of 22

*of the others so far that its integrity and independence may be preserved. *** [T]he administration of justice by the judicial branch of the government cannot be impeded by the other branches of the government in the exercise of their respective powers...One need not attempt to identify precise boundaries beyond which the legislature may not go in addressing work by employees close to the core of the judiciary to acknowledge that, of necessity, they exist. This undermines SERB's reliance on a generic rule..."*

Thus, after a review of the position papers and related materials on file, I believe a more robust, thorough, and knowledgeable treatment of the issues involved would be warranted and useful for this Board to consider.

In this way, we will be able to render an informed opinion, reflective of our understanding and sympathy to our court's independence but also instructive of the appropriate application and role of the collective bargaining process.

Board Member Brundige stated that he also will support the Investigator's recommendation, but without the reservations voiced by the Chair in his well written statement of his concerns.

Board Member Brundige further stated that the position of the Charged Party that SERB has no jurisdiction because these are "court employees" overlooks the clear meaning of the statute. If, indeed, these really are "court employees" then the second part of the statutory exemption comes into play which states that the exemption is for Court Employees who perform a "judicial function". I agree this matter can best be addressed through an evidentiary hearing.

Chair Zimpher called the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

3. Case 2013-ULP-05-0120 Sammie Coleman Jr. v. City of Toledo - Street Department

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (4), (6), (7) and (8).

Information gathered during the investigation revealed pursuant to the Board's investigation under Ohio Revised Code 4117.12, information was requested in writing from Charging Party on May 17, 2013 and June 20, 2013. Charging Party did not respond to the written requests for information.

Board Member Brundige moved that the Board dismiss the charge with prejudice because the Charging Party failed to pursue the matter. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 9 of 22

4. Case 2013-ULP-05-0126 Maumee Education Association, OEA/NEA v. Maumee City School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (2), 3), (4), and (5) by unilaterally altering terms and conditions of employment in retaliation for employees engaging in concerted activity, and dealing directly with employees over mandatory subjects of bargaining.

Information gathered during the investigation revealed Charging Party has failed to establish a prima facie case. While the employees were engaged in concerted activity with Charged Party's knowledge, the alleged "punishment meetings" do not rise to harm. The meetings in question were consistent with the parties' agreement in Article 10 - Required Meetings and Activities. The Charging Party has failed to substantiate an (A)(3) violation. Charging Party did not provide information to support the (A)(1), (2) and (5) allegations.

Board Member Brundige 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

5. Case 2013-ULP-05-0128 Laborers' International Union of North America, Local Union 860 v. Cuyahoga County

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (3), and (5) by unilaterally changing terms and conditions of employment in retaliation for employees exercising their guaranteed rights.

Board Member Brundige moved that the Board, without rendering any judgment on the merits, order the parties to pre-determination mediation for a period not to exceed 30 days with instructions to the assigned mediator to consult with the parties and to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. That the Board further order the assigned mediator to report the outcome back to the investigator at the conclusion of the mediation or the mediation period, whichever occurs first. If the mediation is unsuccessful, order that the matter be remanded to the investigator to complete the investigation and issue a recommendation to the Board. Chair Zimpher seconded the motion.

Chair Zimpher called for discussion.

Board Member Brundige stated the he will support the recommendation of the Investigator with the caveat that the Mediator will report only if the mediation was successful or unsuccessful to the Investigator. He further stated it is important that we always maintain the purity of the mediation process separate from the investigative process and not smudge the line.

Chair Zimpher called for the vote.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 10 of 22

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

6. Case 2013-ULP-05-0133 SEIU Local 1, Fireman and Oilers Division 100 v. Akron Public School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(5) by failing to bargain in good faith.

Information gathered during the investigation revealed Charging Party failed to provide any information to support its (A)(5) violation.

Board Member Brundige 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

7. Case 2013-ULP-05-0143 Elyria Police Patrolman's Association v. City of Elyria

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by frustrating the bargaining process by attempting to conceal general fund resources in order to deny economic proposals by the Association.

Information gathered during the investigation revealed the Charged Party's actions with respect to the delay of negotiations and the allocation of their windfall appear to be suspect. As a result, the question of whether the Charged Party's actions amount to bad faith bargaining would be best addressed in a hearing.

Board Member Brundige moved that the Board find probable cause to believe an unfair labor practice has been committed, order the parties immediately to ULP mediation for a period not to exceed 45 days, authorize the assigned mediator, after consultation with the parties, to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. If the mediation is unsuccessful, authorize the issuance of a complaint and refer the matter to hearing to determine if Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by bargaining in bad faith by delaying the start of negotiations. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 11 of 22

8. Case 2013-ULP-05-0148 Maumee City School District Board of Education v. Maumee Education Association, OEA/NEA

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(3) by failing to bargain in good faith.

Information gathered during the investigation revealed based on the totality of the circumstances in this matter, it does not appear the Charged Party's actions amount to bad faith bargaining. Despite delays and cancellations/postponements of meetings/hearings, the Charged Party provided a persuasive rebuttal to show that the delays were not intentional and that it made a good faith effort to proceed with the negotiations.

Board Member Brundige 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

9. Case 2013-ULP-04-0109 Elyria Education Association, OEA/NEA v. Elyria City School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally changing the benefits provided to retiring and laid-off bargaining-unit members.

Pursuant to Ohio Revised Code § 4117.12, the Board conducted an investigation of this charge. The investigation revealed that the collective bargaining agreement between the parties includes a grievance procedure culminating in final and binding arbitration. A grievance regarding the alleged unilateral change has been filed and is proceeding through the grievance procedure. While interpreting contract provisions such as Article IV: Sections 35 (Time and Method of Salary Payment) and 43 (Economic Fringe Benefits), the arbitrator will determine whether the District violated the contract and/or past practice when it changed the retirees and laid-off employees benefit payments from August 31st to June 30th. Contract interpretation and application appear to lie at the heart of both the unfair labor practice charge and grievance dispute.

Board Member Brundige moved that the Board sua sponte 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). Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 12 of 22

10. Case 2013-ULP-05-0122 Belinda McClain, et al v. Stow-Munroe Falls Classified Employees Association, OEA/NEA

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(6) by failing to fairly represent the members regarding the District's failure to pay their dental premiums as outlined in the contract.

Information gathered during the investigation revealed Charged Party's actions do not appear to be arbitrary, discriminatory or in bad faith in its representation of the membership. Charged Party filed a grievance in 2011 knowing that the members had been paying the dental premium since the start of the 2007 contract. The grievance is pending in the parties' Grievance Council, which is Step 4 of the grievance process. The charge also appears to be untimely filed based on the fact the members have been paying the dental premium since the 2007 contract. Charging Party's actions do not rise to the level of a (B)(6) statutory violation.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and as untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

11. Case 2013-ULP-05-0139 Shannon L. Kimble v. International Brotherhood of Teamsters Local 20

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(6) by failing to fairly represent him.

Information gathered during the investigation revealed the Charged Party's actions do not appear to be arbitrary, discriminatory or in bad faith. Charged Party did pursue Charging Party's grievances and the last one was settled by the remedy Charging Party had requested on the grievance. Charging Party did not provide sufficient information or documentation to support the (B)(6) allegation. Also, the allegations beginning on April 20, 2011 through October 8, 2012 are untimely filed.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and regarding the April 20, 2011 through October 8, 2012 allegations, dismiss as untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 13 of 22

12. Case 2013-ULP-05-0140 Shannon L. Kimble v. City of Toledo - Water Reclamation Department

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) by violating the contract regarding his continuous service.

Information gathered during the investigation revealed Charging Party did not provide sufficient information or documentation to show Charged Party interfered with, restrained or coerced him in the exercise of his guaranteed rights. Charged Party processed his grievances and on April 3, 2013, reached a settlement with the Union regarding his last grievance.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed, and regarding the June 2010 through October 2012 allegations, dismiss as untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

13. Case 2013-ULP-05-0141 Dawn M. DuPree v. City of Toledo

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (6) and (8) by failing to abide by the contractual disciplinary procedure.

Information gathered during the investigation revealed the incidents referenced in the charge are untimely filed. The most recent event referenced in the charge is February 4, 2013, which means the charge should have been filed on or before May 5, 2013, but it was not filed until May 20, 2013. Charging Party did not provide sufficient information or documentation to support the (A)(1), (6) and (8) allegations or to toll the statute of limitations.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and as untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

14. Case 2013-ULP-05-0146 Ohio Civil Service Employees Association, AFSCME Local 11 and Its Chapter 8010 v. State of Ohio Department of Rehabilitation and Correction, Ohio Reformatory for Women

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (2), and (3) by retaliating against Union Steward, Corrections Officer (CO) Evan Nephew for questioning the manner in which the Deputy Chief Inspector was gathering information from inmates to use as the basis for disciplinary action.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 14 of 22

Information gathered during the investigation revealed Charging Party has established a prima facie case of discrimination. However, the Charged Party provided a persuasive rebuttal to show that even if CO Nephew was acting as a Union Steward, he still had the obligation to follow the chain of command and was terminated for violating the Standards of Employee Conduct and not for anti-union animus. Charging Party did not provide sufficient information or documentation to support the (A)(1) and (2) allegations.

Board Member Brundige 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

15. Case 2013-ULP-05-0155 Professionals Guild of Ohio v. Butler County Board of Developmental Disabilities

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (2) and (3) by retaliating against Union President John Ferrando for his exercise of guaranteed rights.

Information gathered during the investigation revealed Charging Party has failed to establish a prima facie case of discrimination. Even if it had, Charged Party provided a persuasive rebuttal to show that Mr. Ferrando's reassignment was part of its regular reassignment process and was not anti-union animus. Mr. Ferrando had been previously reassigned during his tenure with the Employer. Charged Party provided 8 examples of CSP reassignments between 2009 and 2013. Mr. Ferrando is still the Union President and is still representing the members during the grievance process. Charging Party did not provide sufficient information or documentation to support the (A)(1) and (2) allegations.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and as untimely filed for events occurring on or before January 15, 2013. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

16. Case 2013-ULP-06-0164 Arlene Sampson v. Service Employees International Union, District 1199

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(6) by failing to properly represent her.

Information gathered during the investigation revealed Charged Party's actions do not appear to be arbitrary, discriminatory or in bad faith. Charging Party confirms she had representation at every step of her Pre-Disciplinary and grievance hearings Ms. Sampson had the opportunity to review the evidence prior to the hearings, but did not indicate she objected to the way Charged Party was going to present the case. Based on the merits, Charged Party decided not to advance her grievance to arbitration.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 15 of 22

Charging Party appealed the decision and will have a hearing in September 2013.

Board Member Brundige 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

17. Case 2013-ULP-06-0173 Stow-Munroe Falls Classified Employees Association, OEA/NEA v. Stow-Munroe Falls City School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally outsourcing the District's Transportation Services.

Information gathered during the investigation revealed Charged Party has yet to implement its decision to outsource the transportation services. Therefore, the charge appears to be prematurely filed.

Board Member Brundige moved that the Board dismiss the charge without prejudice as prematurely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

18. Case 2013-ULP-06-0174 Stow-Munroe Falls Classified Employees Association, OEA/NEA v. Stow-Munroe Falls City School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally changing the terms and conditions of employment after the International Brotherhood of Teamsters filed its Petition for Representation Election.

Information gathered during the investigation revealed pursuant to prong 1 of Youngstown, the pay schedule is related to wages, hours and terms and conditions of employment, prong 2 appears to support Charged Party's position that Charging Party participated in the development of the 2012 - 2013 pay schedule prior to its distribution in May 2012, prong 3 does not appear to be applicable in this situation since the parties appeared to have agreed to the pay schedule in 2012. The Charged Party's September 7, 2012 and May 31, 2013 payments appear to have had a de-minimus effect on the members normal pay schedule. Also, Charging Party knew or should have known in May 2012 of Charged Party's 2012 -2013 pay schedule. The charge was not filed until June 24, 2013.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 16 of 22

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and as untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

19. Case 2013-ULP-06-0175 Stow-Munroe Falls Classified Employees Association, OEA/NEA v. Stow-Munroe Falls City School District Board of Education

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (5) and (6) by failing to timely process grievances.

Information gathered during the investigation revealed Charged Party appears to be processing the grievances submitted by Charging Party. By Charging Party's own admission, Charged Party, at the completion of the unfair labor practice charges, the parties' proceeded to arbitration or have arbitrations scheduled. As for the Charged Party's failure to schedule mediation for a grievance, the parties' agreement is silent on which party is mandated to contact the mediator at the conclusion of Step 4. The Charging Party did not provide sufficient information or documentation to support the (A)(1) and (5) allegations.

Board Member Brundige 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

20. Case 2012-ULP-12-0311 Ohio Council 8, AFSCME, AFL-CIO and Its Local 100 v. City of Cleveland

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(3) and (4) by discriminating, retaliating and suspending local union officers and stewards in an attempt to discourage them from assisting or participating in concerted union activities.

Information gathered during the investigation revealed Ms. Perry's grievance is proceeding through the grievance/arbitration process. The mediation hearing had been scheduled for June 6, 2013, and July 1, 2013, but has been rescheduled for August 22, 2013.

Board Member Brundige 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 17 of 22

21. Case 2012-ULP-12-0334 Association of Cuyahoga County Employees for Special Students v. Cuyahoga County Board of Developmental Disabilities

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by interfering with bargaining-unit members rights to be recalled and unilaterally permitting an external third party to perform bargaining-unit duties.

Information gathered during the investigation revealed pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation revealed that the collective bargaining agreement between the parties includes a grievance procedure culminating in final and binding arbitration. A grievance regarding the alleged unilateral change has been filed and is proceeding through the grievance procedure. While interpreting contract provisions such as Article 21, Sections D and E of the CBA, the arbitrator will determine whether Charged Party violated the contract. Contract interpretation and application appear to lie at the heart of both the unfair labor practice charge and grievance dispute.

Board Member Brundige moved that the Board sua sponte 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). Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

22. Case 2013-ULP-02-0036 Lisa Armstrong v. Toledo Federation of Teachers

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(6) by failing to represent her.

Information gathered during the investigation revealed Charged Party's actions were not arbitrary, discriminatory or in bad faith in its representation of Charging Party. Charging Party did not provide sufficient information or documentation to support the (B)(6) allegation.

Board Member Brundige 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 18 of 22

23. Case 2013-ULP-03-0077 Daniel Mahaney v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 1632

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (B)(6) by failing to fairly represent him.

Information gathered during the investigation revealed Charged Party's actions were not arbitrary, discriminatory, or in bad faith in its representation of Charging Party. Charging Party did not provide sufficient information or documentation to support the (B)(6) allegation. Also, based on the information provided, the charge is untimely filed.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and as untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

24. Case 2013-ULP-03-0083 American Association of University Professors - Kent State Chapter v. Kent State University

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by interfering, restraining or coercing employees in the exercise of their guaranteed rights by unilaterally changing the terms and conditions of dental benefit coverage.

Pursuant to Ohio Revised Code § 4117.12, the Board conducted an investigation of this charge. The investigation revealed that the collective bargaining agreement between the parties includes a grievance procedure culminating in final and binding arbitration. A grievance regarding the alleged unilateral change has been filed and is proceeding through the grievance procedure. Contract interpretation and application appear to lie at the heart of both the unfair labor practice charge and grievance dispute.

Board Member Brundige moved that the Board sua sponte 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). Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

25. Case 2013-ULP-04-0098 Daniel Mahaney v. City of Columbus

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (4) by interfering, restraining, coercing and discriminating against him for filing charges or giving testimony.

Information gathered during the investigation revealed Charging Party has failed to establish a prima case of discrimination. The meeting in question appears to have been investigatory and not disciplinary. Charging Party did not provide sufficient information

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 19 of 22

or documentation to support the (A)(1) and (4) allegations.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and as untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

26. Case 2013-ULP-05-0138 Civil Service Personnel Association, Inc. v. City of Akron

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally reassigning bargaining-unit work to nonbargaining-unit employees and refusing to bargain regarding the reassignment.

Board Member Brundige moved that the Board, without rendering any judgment on the merits, order the parties to pre-determination mediation for a period not to exceed 30 days with instructions to the assigned mediator to consult with the parties and to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. That the Board further order the assigned mediator to report the outcome back to the investigator at the conclusion of the mediation or the mediation period, whichever occurs first. If the mediation is unsuccessful, order that the matter be remanded to the investigator to complete the investigation and issue a recommendation to the Board. Chair Zimpher seconded the motion.

Chair Zimpher called for discussion.

Board Member Brundige stated that he will support the recommendation with the same caveat stated earlier regarding ULP matter #5.

Chair Zimpher called for the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

27. Case 2013-ULP-05-0150 Fraternal Order of Police, Ohio Labor Council, Inc v. University of Cincinnati, Department of Public Safety

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1), (2), (3), and (5) by interfering, restraining or coercing and discriminating against employees in the exercise of their guaranteed rights, also initiating and interfering with the support of an employee organization and refusing to bargain.

Information gathered during the investigation revealed Charging Party has established a prima facie case. The Charged Party did not provide a persuasive rebuttal to show why it did not maintain the status quo during the impending Petition for Representation Election. The matter appears to be best addressed through a hearing.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 20 of 22

Board Member Brundige moved that the Board find probable cause to believe an unfair labor practice has been committed, order the parties immediately to ULP mediation for a period not to exceed 45 days, authorize the assigned mediator, after consultation with the parties, to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. If the mediation is unsuccessful, authorize the issuance of a complaint and refer the matter to hearing to determine if Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3) and (5) by interfering, restraining, or coercing and discriminating against employees in the exercise of their guaranteed rights, also initiating and interfering with the support of an employee organization and refusing to bargain. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

28. Case 2013-ULP-03-0052 Laborers' Local 860 v. City of Geneva

The unfair labor practice charge alleged that Charged Party violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally implementing an attendance policy.

Information gathered during the investigation revealed on June 6, 2013, the Board dismissed the charge for lack of probable cause. On June 7, 2013 Charging Party filed a timely motion for reconsideration. The Charging Party merely reiterated its position, but failed to provide any new information meriting reconsideration.

Board Member Brundige moved that the Board deny Charging Party's Motion for Reconsideration with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

29. Case 2012-ULP-12-0336 Amalgamated Transit Union, Local 1385 v. Greater Dayton Regional Transit Authority

30. Case 2013-ULP-04-0106 Elyria Schools Support Staff, OEA/NEA v. Elyria City School District Board of Education

31. Case 2013-ULP-05-0136 Sebring Local School District Board of Education v. Sebring Local Education Association, OEA/NEA

32. Case 2013-ULP-06-0166 International Brotherhood of Teamsters Local 24 v. Stow-Munroe Falls City School District Board of Education

33. Case 2013-ULP-07-0184 James Oatman v. Cuyahoga County

34. Cases 2013-ULP-01-0019 Springboro Education Association, OEA/NEA v.
2013-ULP-07-0186 Springboro Community City Schools Board of Education

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 21 of 22

- 35. Case 2013-ULP-05-0130 New Franklin Firefighters, North IAFF Local 2885 v. City of New Franklin
- 36. Cases 2013-ULP-03-0064 Cincinnati Organized and Dedicated Employees (CODE) v. City of Cincinnati
2013-ULP-03-0065 Willie Clarence Stallworth v. City of Cincinnati
2013-ULP-03-0066 Lana A. Callahan v. City of Cincinnati
- 37. Case 2013-ULP-04-0100 Garfield Heights City School District Board of Education v. Garfield Heights Teachers Association, OEA/NEA
- 38. Case 2013-ULP-04-0111 Garfield Heights Teachers Association, OEA/NEA v. Garfield Heights City School District Board of Education
- 39. Case 2013-ULP-04-0091 Service Employees International Union District 1199 v. Cuyahoga Community College

Board Member Brundige moved that the Board lift Case No. 2013-ULP-01-0019 from the table. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

Board Member Brundige moved that the Board construe the requests to withdraw as motions to withdraw, and grant the motions with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

VI. TABLED AND OTHER MATTERS:

There are no tabled matters.

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- Reminder of the next regular scheduled meeting dates of the State Employment Relations Board:
 - September 12, 2013
 - October 10, 2013
 - October 24, 2013
 - November 14, 2013
 - December 12, 2013
 - January 09, 2014

SYSTEM UPDATES:

- XLN projects their work will be wrapped up by the end of August.

State Employment Relations Board
Board Meeting Minutes
August 15, 2013
Page 22 of 22

- IT Workforce Planning for 2013 which is due Friday, 8/16/13, was submitted to CSA and DAS OIT on Wednesday, 8/14/13. It is a comprehensive overview of the IT planning for the next fiscal year and for IT optimization of SERB staff related to the field.
- Annual Workforce Plan for 2014 is due on 10/01/13. This particular plan deals with all aspects of SERB and its workforce. The plan is almost complete.
- VOIP Telephone system installed and in place.
- Summer Legal Interns: The interns from OSU Moritz College of Law, wrapped up their summer internship last Friday, but will be returning as Legal Interns beginning on Friday, August 30, 2013 working approximately 16 hours per week as their schedules allow. The Summer Legal Intern from Capital Law School will conclude on August 23, 2013 and then will resume as a Legal Intern on Friday, August 30, 2013 working the same schedule as the other interns. Beginning August 26, 2013, SERB will host a Capital Law School extern for the semester.

REMINDERS:

- EEO Training on "Vicarious Liability" for all Managers and Board members will be presented this afternoon at 1 P.M. in Hearing Room 1.
- Conference on Ohio Public Sector Fact Finding: the Ohio State Employment Relations Board will be held Friday, August 16, 2013 at the Crowne Plaza Hotel, Dublin. This conference brings together presenters and participant professionals who are part of the Fact-Finding process. It includes representatives of labor and management, neutrals who preside as Fact Finders, staff of the State Employment Relations Board under whose jurisdiction the Fact-finding is conducted, and attorneys whose practice includes representing the parties at Fact Finding. To date there are 57 Fact Finders (Neutrals) registered and 90 other interested parties registered for a total registration of 146 plus the staff and presenters for a grand total of 166 attendees.

IX. ADJOURNMENT:

Board Member Brundige moved that the Board adjourn the meeting. Chair Zimpher seconded the motion. Chair Zimpher called for the vote.

Vote: BRUNDIGE: Yes ZIMPHER: Yes
Affirmed X Denied _____

The Board meeting adjourned at 10:45 a.m.

/s/ 
W. Craig Zimpher, Chair