State Employment Relations Board

Board Meeting Minutes
April 3, 2014

The State Employment Relations Board met on April 3, 2014, at 10:00 a.m., at 65 East State Street, 12th Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher, Vice Chair Aaron A. Schmidt, and Board Member N. Eugene Brundige.

I. APPROVAL OF MINUTES FOR THE MARCH 13, 2014 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the March 13, 2014 Board meeting. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no mediation matters at issue.

III. REPRESENTATION MATTERS AT ISSUE:

1. Cases 2014-REP-01-0016 2014-REP-01-0017 Pierce Township Police Association and Pierce Township, Clermont County

In each case, the Employee Organization filed a Request for Recognition. The substantial evidence is sufficient and no objections have been filed in either case. The Employer has complied with the posting requirements.

Vice Chair Schmidt moved that the Board certify the Employee Organization as the exclusive representative of all employees in the relevant bargaining units. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

2. Case 2014-REP-01-0015 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Painesville
(April 15, 2014 - April 28, 2014)

3. Case 2014-REP-02-0018 Ohio Patrolmen's Benevolent Association and City of Hudson
(April 15, 2014 - April 28, 2014)

4. Case 2014-REP-02-0025 Teamsters Local 436 and Rocky River Wastewater Employee's Association and City of Rocky River
(April 15, 2014 - April 28, 2014)

All parties have executed and filed the appropriate Consent Election Agreement.

Board Member Brundige moved that the Board approve the Consent Election Agreements and direct mail-ballot elections to be conducted during the polling periods indicated. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

5. Case 2014-REP-02-0028 Fraternal Order of Police, Ohio Labor Council, Inc. and Pickaway County Sheriff

6. Case 2014-REP-03-0030 Fraternal Order of Police, Ohio Labor Council, Inc. and Sugarcreek Township Trustees, Greene County

7. Case 2014-REP-03-0031 Fraternal Order of Police, Ohio Labor Council, Inc. and Sugarcreek Township Trustees, Greene County

8. Case 2014-REP-03-0034 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Jackson County Engineer

9. Case 2014-REP-03-0036 Fraternal Order of Police, Ohio Labor Council, Inc. and Hamilton County Sheriff

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

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

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

10. Case 2014-REP-02-0026 Service Employees International Union District 1199 and Portage County District Library

The Employee Organization filed a Petition for Amendment of Certification and has now filed a letter requesting to withdraw the petition.

Board Member Brundige moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Petition for Amendment of Certification. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

11. Case 2014-REP-02-0029 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO and Defiance/Paulding Consolidated Job & Family Services Board

The Employee Organization filed a Petition for Representation Election and has now filed a motion to withdraw the petition.

Vice Chair Schmidt moved that the Board grant the Employee Organization's motion to withdraw and dismiss without prejudice the Petition for Representation Election. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

12. Case 2013-REP-12-0121 Kyle L. Clemons and Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO, Local 3171 and City of Hillsboro

- There were 14 valid ballots cast
- There was 1 void ballot
- There were 0 challenged ballots
- Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO, Local 3171 received 2 votes
- No Representative received 12 votes and prevailed in this election.

Board Member Brundige moved that the Board certify the election results and certify that the employees in the unit have chosen to have no exclusive representative for the purposes of collective bargaining. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

13. Case 2013-REP-11-0116 Fraternal Order of Police, Ohio Labor Council, Inc. and Hubbard Township Police Department, Trumbull County

- 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 4 votes and prevailed in this election.

14. Case 2013-REP-11-0117 Bellbrook Professional Firefighters - IAFF and City of Bellbrook

- There were 5 valid ballots cast
- There were 0 void ballots
- There were 0 challenged ballots
- No Representative received 1 vote
- Bellbrook Professional Firefighters – IAFF received 4 votes and prevailed in this election.

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

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

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 2013-ULP-11-0337 Indian Hill Education Association, OEA/NEA and Indian Hill Exempted School District Board of Education

On November 20, 2013, Indian Hill Education Association, OEA/NEA, ("Charging Party") filed an unfair labor practice charge against Indian Hill Exempted School District Board of Education ("Charged Party"), alleging that Charged Party violated Ohio Revised Code § 4117.11(A)(1). On January 30, 2014, the State Employment Relations Board ("the Board") determined that probable cause existed to believe Charged Party had committed or was committing an unfair labor practice, authorized the issuance of a complaint, and referred the matter to an expedited hearing. The Board also directed the parties to participate in unfair labor practice mediation, to run concurrently with the expedited processing of the charge and complaint.

On January 30, 2014, this case was transferred to the Board's Hearings Section for processing of the unfair labor practice charge and complaint. On March 11, 2014, the parties participated in an unfair labor practice mediation session and were able to reach a settlement that resolved the disputes underlying the unfair labor practice charge. On March 12, 2014, the parties filed a copy of their settlement agreement, which includes a request that the agreement be construed as a motion to dismiss the unfair labor practice case and complaint with prejudice. It is noted that the complaint in this matter was not issued due to the parties' filing of a settlement agreement.

Board Member Brundige moved that the Board construe the parties' settlement agreement as a motion to dismiss, grant the motion, and dismiss with prejudice the unfair labor practice charge in Case No. 2013-ULP-11-0337. (The Board retains jurisdiction over this matter for purposes of enforcing the parties' settlement agreement, pursuant to O.A.C. Rule 4117-7-06.) Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

1. Case 2013-ULP-10-0310 City of Cleveland v. Communications Workers of America, Local 4340, AFL-CIO

On October 11, 2013, the City of Cleveland ("Charging Party") filed an unfair labor practice charge against the Communications Workers of America, Local 4340, AFL-CIO ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(B)(1), (2), (3), (6), and (8). On January 20, 2014, the State Employment Relations Board ("the Board") determined that probable cause existed to believe Charged Party had committed or was

committing an unfair labor practice, authorized the issuance of a complaint, and referred the matter to hearing. The Board also directed the parties to participate in unfair labor practice mediation for a period not to exceed forty-five days.

On March 10, 2014, the parties participated in an unfair labor practice mediation session that led to the filing of a settlement agreement. In paragraph 3 of the settlement agreement, the parties request that the Board construe their agreement as a motion to hold the unfair labor practice charge and complaint in this matter in abeyance for a period of sixty days. At the end of the sixty-day period, the assigned SERB mediator will either certify that the matter has been settled and may be dismissed or has not been settled and should proceed in accordance with the Board's January 20, 2014 Directive.

Vice Chair Schmidt moved that the Board construe the parties' settlement agreement as a motion to hold the unfair labor practice charge and complaint in this matter in abeyance for a period of sixty days, grant the motion, and hold in abeyance the unfair labor practice charge and complaint for sixty days. At the end of the sixty-day period, the assigned SERB mediator will either certify that the matter has been settled and may be dismissed or that the matter is not settled and should proceed with the issuance of a complaint in accordance with the Board's January 20, 2014 Directive. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2013-ULP-10-0298 Fraternal Order of Police, Lodge 101 v. Butler County Sheriff's Office

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally creating a new classification of corporal within the deputy unit.

Information gathered during the investigation revealed that in this case, the creating and filling of the Corporal classification could logically and reasonably relate to wages, hours and terms and conditions of employment warranting bargaining.

Board Member Brundige moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, and refer the matter to a hearing to determine whether the creation of the new Corporal classification is a mandatory subject of bargaining, a managerial right, if it is a managerial right, whether there is an obligation to bargain the effects and whether Charged Party violated Ohio Revised Code §4117.11(A)(1) and (5) by unilaterally creating a new classification of Corporal within the Deputy bargaining unit. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

2. Case 2013-ULP-12-0354 Laborers' Local 1099 v. City of Cleveland

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) and (5) by transferring Arborist III bargaining-unit duties to other employees and refusing to post the position.

Information gathered during the investigation revealed the parties have indicated that they are in agreement that the instant charge should be deferred until such time that the grievances are resolved.

Vice Chair Schmidt moved that the Board, at the parties' request, 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). Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

3. Case 2013-ULP-12-0355 Roger Martin v. City of Beachwood

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1), (2), (3), and (4) by terminating Roger Martin for engaging in protected activity when he signed a Service Agreement with the Ohio Patrolmen's Benevolent Association which was the subject of Case No. 2013-REP-04-0034.

Information gathered during the investigation revealed that Mr. Martin has established a prima facie case of discrimination. However, the City provided a persuasive rebuttal to show that Mr. Martin's termination was for violating at least four (4) articles of the Standard for Conduct for Police Officers and was not based on anti-union animus. Mr. Martin did not provide sufficient information or documentation to support the (A)(1), (2) 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 by the City. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

4. Case 2013-ULP-12-0361 Oregon City Federation of Teachers v. Oregon City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1) by retaliating against Benjamin Pfeiffer for sending an email in response to a Facebook post by the Board of Education President.

Information gathered during the investigation revealed that there is a question as to whether the School Board's actions constitute an attempt to interfere with Mr. Pfeiffer's exercise of his guaranteed rights when it reprimanded him, in writing, for forwarding the

School Board President's Facebook post, revealing the District's position in the upcoming negotiations for a successor agreement. This matter is best addressed through a hearing.

Chair Zimpher moved an alternative recommendation that the Board table and hold this matter in abeyance until the parties have filed a joint status report regarding the above-noted court action with the Board's Office of General Counsel. The parties' status report should include a description of the issues, the parties' positions regarding the issues, and the status of the court actions. Board Member Brundige seconded the motion.

Chair Zimpher called for discussion.

Chair Zimpher shared the following rationale for his recommendation: "A review of the information contained in the case file of the above-referenced case indicates that the parties have filed claims in the Lucas County Court of Common Pleas related to the issues underlying the unfair labor practice charges in this case. Although the School District filed a voluntary dismissal of its court claim on February 14, 2014, the trial court judge's docket indicates that there was a pretrial hearing held on March 20, 2014, at which time the court ordered, upon agreement of the parties, that the matter be scheduled for further "Status Pretrial" on June 12, 2014. Therefore, I would submit that further proceedings on the pending ULP matter would be premature until the above-referenced actions are resolved."

Chair Zimpher called for the vote.

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

5. Case 2014-ULP-01-0008 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 the School Board violated Ohio Revised Code §4117.11 (A)(1), (5) and (8) by directly dealing with some, but not all, of its members regarding outsourcing the transportation services.

Information gathered during the investigation revealed that the School Board's actions may constitute direct dealing when it knowingly only invited a select group of ten (10) bus drivers to attend the October 23, 2013 meeting with the third-party vendor and did not invite any Union Representatives. The matter is best addressed through a hearing.

Vice Chair Schmidt 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 whether the School Board violated Ohio Revised Code §4117.11(A)(1) and (5), but not (8), by directly dealing with some, but not all, of the Association's members regarding outsourcing the transportation services. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

6. Case 2014-ULP-02-0020 Parma Education Association, OEA/NEA v. Parma City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1) and (5) by directly dealing with its members regarding an ongoing subject of negotiations and by bargaining in bad faith.

Information gathered during the investigation revealed that the Superintendent's action of having the Building Administrators advise the STAR teachers they would not be subject to the evaluation process if they were retiring at the end of the school year, without prior consultation with the exclusive bargaining representative, may constitute direct dealing. Furthermore, the Superintendent knew or should have known that the STAR teachers had been the subject of the October 31st negotiating session where the parties had failed to reach a Tentative Agreement. This matter is best addressed through an expedited hearing.

Board Member Brundige 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 whether the School Board violated Ohio Revised Code §4117.11(A)(1) and (5) when the Superintendent had the Building Administrators directly deal with the STAR teachers regarding the evaluation process without prior consultation with the exclusive bargaining representative, and direct the parties to expedited mediation not to exceed thirty days to run concurrently with the expedited processing of the charge and complaint. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

7. Case 2013-ULP-11-0334 Service Employees International Union, District 1199 v. Butler County Head Start

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(6) by repeatedly failing to process twenty-plus (20+) grievances.

Information gathered during the investigation revealed that both parties maintain that the other has refused to strike a panel and select an arbitrator. However, the parties are currently in negotiations and the FSW stipend is just one issue the parties will be negotiating. The grievances were filed prior to the settlement agreement in the previous unfair labor practice, and therefore, the parties should have continued with the grievance-arbitration process.

Chair Zimpher moved an alternative recommendation that the Board table and hold this matter in abeyance until the parties have each submitted an update on the status of negotiations regarding the FSW Stipend to the Board's General Counsel. The status report should include dates of recent as well as scheduled meetings or negotiation sessions. The parties should also provide an estimate of progress on this issue and likelihood of resolution through negotiations. The update should be provided no later than April 11, 2014. Board Member Brundige seconded the motion.

Chair Zimpher called for discussion.

Chair Zimpher shared the following rationale for his recommendation: "Here this subject matter is before us the second time. In the first case, the dispute was regarding the exact terms of a FSW stipend. Each side claimed their version is what was agreed upon in the last negotiations. That case, No. 2013-ULP-05-0131 was resolved by a settlement agreement where the parties agreed to bargain collectively. That agreement was entered into on December 31, 2013. In the present matter, in August of 2013, approximately 11 employees filed grievances alleging they have not been properly paid their FSW stipend. The union subsequently filed this charge, alleging the employer has not been processing these grievances. The employer's response is that they are negotiating with the union and that those negotiations will resolve this matter. The only issue between the parties seems to be what the terms are of the FSW stipend. That will have bearing on exactly what the grievants are alleging. Unknown is where the parties are in negotiations after the Settlement Agreement in Case No. 2013-ULP-05-0131."

Chair Zimpher called for the vote.

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

8. Case 2013-ULP-12-0352 Ohio Council 8, AFSCME, AFL-CIO v. Mahoning County Department of Job & Family Services and Mahoning County Board of County Commissioners

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(3) and (5) by discriminating and discharging the exclusive representative's Local President for exercising her guaranteed rights in concerted union activity and refusing to reinstate her employment.

Information gathered during 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 wrongful termination has been filed and is proceeding through the grievance procedure. Contract interpretation and application seems to lie at the heart of both the unfair labor practice charge and the grievance dispute.

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

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

9. Case 2014-ULP-01-0007 Kathy L. Schaefer v. Service Employees International Union, District 1199, et al

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1) and (6) by restraining and coercing Kathy Schaefer in the exercise of her guaranteed rights and by refusing to fairly represent her.

Information gathered during the investigation revealed that Ms. Schaefer was asked to step down in her capacity of union delegate on the Labor Management Committee due to her non-positive actions which were disrupting the mission of both the Union and the Employer.

The Union had the discretion to choose its delegates for the Committee. Ms. Schaefer did not provide sufficient information to support the (B)(1) and (6) 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 Union. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

10. Case 2014-ULP-01-0009 Civil Service Personnel Association v. City of Akron

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) and (5) by interfering, restraining and coercing employees in the exercise of their guaranteed rights and by refusing to allow an employee to have union representation during an investigation and suspension.

The Investigator will hold the discussion in abeyance pending the outcome of the recommendation.

Vice Chair Schmidt 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 mediator to report back to the Board at the conclusion of the mediation or the mediation period, whichever comes first, 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. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

11. Case 2014-ULP-02-0019 Ohio Patrolmen's Benevolent Association v. Sandusky County Sheriff's Office

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(1), (3) and (5) by unilaterally changing the terms and conditions of shift bidding.

Information gathered during the investigation revealed that the issues in this case are purely contractual encompassing no arguable statutory violation. The parties' grievance-arbitration process is the appropriate venue to resolve the issues contained in the instant charge.

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 County. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

12. Case 2014-ULP-03-0044 International Union of Operating Engineers, Local 20 v. Greenville Township, Darke County

The unfair labor practice charge alleged that Greenville Township, Darke County (Township) violated Ohio Revised Code §4117.11 (A)(2) by sending emails directly to the members outlining the unilateral changes to the health care benefits.

Information gathered during the investigation revealed that SERB lacks jurisdiction because the Township is not a public employer. The census report reveals that the population in the Township is less than five thousand (5,000).

Vice Chair Schmidt moved that the Board dismiss the charge without prejudice because Greenville Township, Drake County is not a public employer on the basis that its' population in the unincorporated area is less than 5,000. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

13. Case 2012-ULP-07-0194 John Gladman v. International Association of Machinist and Aerospace Workers, Local 1363

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(6) by failing to fairly represent John Gladman.

Information gathered during the investigation revealed that on March 7, 2014, Mr. Gladman, through counsel, filed a Motion for Reconsideration and Reissuance alleging that SERB sent its December 13, 2012, ruling to an incorrect email address. The Board's directive was sent to the e-mail provided by Counsel on the charge and the notice of appearance. Furthermore, on January 24, 2014, pursuant to a request, Mr. Gladman received a second copy of the Board's Directive. Mr. Gladman knew or should have known on that date that the charge had been dismissed. Mr. Gladman had thirty (30) days in which to file a Motion for Reconsideration, which should have been filed on or before February 24, 2014, but was it was not filed until March 7, 2014, forty-one (41) days later.

Board Member Brundige moved that the Board deny Mr. Gladman's Motion for Reconsideration and Reissuance, with prejudice, and for being untimely filed. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

14. Case 2013-ULP-08-0248 Deborah J. Robinson v. City of Toledo

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(5), (6) and (8) by refusing to bargain with the exclusive representative, by failing to timely process grievances and by directing Senior Clerks and other employees to perform work duties assigned to other departments and cause or attempt to cause an unfair labor practice.

Information gathered during the investigation revealed on January 9, 2014, the Board

dismissed this charge for lack of probable cause. On February 10, 2014, Deborah Robinson timely filed a request for reconsideration. Ms. Robinson did not provide any new or additional information meriting reconsideration.

Vice Chair Schmidt moved that the Board construe Ms. Robinson's request for reconsideration as a Motion for Reconsideration, and deny the motion with prejudice. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

15. Case 2013-ULP-08-0249 Deborah J. Robinson v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 7

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(2), (3) and (6) by causing or attempting to cause an unfair labor practice charge by failing to bargain with a public employer and by failing to fairly represent Deborah Robinson.

Information gathered during the investigation revealed on January 9, 2014, the Board dismissed this charge for lack of probable cause. On February 10, 2014, Ms. Robinson timely filed a request for reconsideration. Ms. Robinson did not provide any new or additional information meriting reconsideration.

Board Member Brundige moved that the Board construe Ms. Robinson's request for reconsideration as a Motion for Reconsideration, and deny the motion with prejudice. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

16. Case 2013-ULP-09-0282 Sidney Education Association, OEA/NEA v. Sidney City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally implementing an armed first response team consisting, in part, of teachers in the bargaining unit.

Information gathered during the investigation revealed on January 30, 2014, the Board dismissed this charge for lack of probable cause and for being untimely filed. On February 28, 2014, Charging Party timely filed a Motion for Reconsideration.

Although the Association provided new and/or additional information, the information does not support reconsideration nor does the information provide support for the equitable tolling of the statute of limitations regarding the untimely filing of the original unfair labor practice charge.

Board Member Brundige moved an alternative recommendation that the Board deny Charging Party's Motion for Reconsideration since Charging Party failed to offer any support for tolling the statutory timelines. Vice Chair Schmidt seconded the motion.

Chair Zimpher called for discussion.

Board Member Brundige shared the following rationale for his recommendation: "In this case charging party did provide new information not before the Board when we first considered this matter. Had the charge been timely filed, I believe this new information might have led to a probable cause finding. The fact that bargaining unit members, whether they are volunteers or not, could face discipline does raise the proper role of the exclusive agent in considering such changes. I can support dismissing strictly on the basis of untimely filing."

Chair Zimpher called for the vote.

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

17. Cases 2013-ULP-10-0303, 2013-ULP-10-0304, 2013-ULP-10-0305 — Perrysburg Education Association, OEA/NEA v. Perrysburg Exempted Village School District Board of Education

18. Cases 2013-ULP-09-0285, 2013-ULP-10-0317, 2013-ULP-10-0319 — Perrysburg Exempted Village School District Board of Education v. Perrysburg Education Association, OEA/NEA

Items 17 through and including 18 were held in abeyance by this Board at its March 13, 2014 meeting until this Board meeting to allow time for investigations to receive the necessary documentation reflecting settlement in these cases. The settlement documents have been received along with Motions to Withdraw.

Vice Chair Schmidt moved that the Board no longer hold these matters in abeyance and grant the motions to withdraw with prejudice. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

19. Case 2013-ULP-12-0348 — Ohio Education Association v. Pickerington Local School District Board of Education

20. Case 2013-ULP-12-0351 — Ohio Council 8, AFSCME, AFL-CIO v. City of New Philadelphia

21. Case 2014-ULP-02-0030 — Priscilla Nash v. Service Employees International Union District 1199

22. Case 2014-ULP-02-0031 — Priscilla Nash v. University of Cincinnati

23. Case 2014-ULP-01-0014 Weaver Education Association II, OEA/NEA v. Summit County Board of Developmental Disabilities

Items 19 through and including 21 were withdrawn pursuant to either a request or a motion to withdraw.

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

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

VI. TABLED AND OTHER MATTERS:

1. Case 2013-ULP-10-0310 City of Cleveland v. Communications Workers of America, Local 4340, AFL-CIO
Hold In Abeyance – April 3, 2014

2. Case 2013-ULP-11-0334 Service Employees International Union, District 1199 v. Butler County Head Start
Tabled – April 3, 2014

3. Case 2013-ULP-12-0361 Oregon City Federation of Teachers v. Oregon City School District Board of Education
Tabled – April 3, 2014

VII. ADMINISTRATIVE MATTERS:

Donald Collins provided the following updates on administrative matters:

- SERB Academy was held March 31st and April 1st. There were 126 attendees, plus staff.
- The PBR Academy is planned for June 13th.
- The Cost of Health Insurance in the Public Sector survey responses are due April 18th. As of today's date, we are just 16 surveys shy of what we had at this time last year. Last year's final response rate was 92.5%, and at this point in time the response rate is 91.6%. Justin Brown is following up on outstanding surveys.
- A total of 741 employee organizations are required to file their Employee Organization Annual Reports by May 15th. At this point in time, 361 have not yet filed. No employee organizations are out of compliance.
- There are a number of applicants requesting appointment to SERB's Roster of Neutrals. Their information will be shared with the Board.

IX. ADJOURNMENT:

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

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

The Board meeting adjourned at 10:37 a.m.

/s/
W. Craig Zimpher, Chair