State Employment Relations Board

Board Meeting Minutes
August 14, 2014

The State Employment Relations Board met on August 14, 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 JULY 24, 2014 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the July 24, 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.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2014-REP-05-0067 Laborers' Local Union No. 860 and Cuyahoga County, Office of the Cuyahoga County Fiscal Officer (August 26, 2014 - September 8, 2014)

2. Case 2014-REP-06-0068 Teamsters Local Union No. 637 and Fraternal Order of Police, Ohio Labor Council, Inc. and Licking County Sheriff's Office (October 1, 2014 - October 14, 2014)

3. Cases 2014-REP-06-0073, 2014-REP-06-0074 Delhi Police Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Delhi Township, Hamilton County (August 26, 2014 - September 8, 2014)

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

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

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

4. Case 2014-REP-07-0082 American Association of University Professors - University of Cincinnati Chapter and University of Cincinnati

5. Case 2014-REP-07-0083 Ohio Civil Service Employees Association (OCSEA), AFSCME Local 11, AFL-CIO and The State of Ohio, DAS, Office of Collective Bargaining

6. Case 2014-REP-07-0089 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, Local 2896 and Delaware County Board of County Commissioners

7. Case 2014-REP-07-0092 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO and City of Columbiana

The parties jointly filed Petitions for Amendment of Certification and they appear appropriate.

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

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

8. Case 2014-REP-06-0069 Fraternal Order of Police, Ohio Labor Council, Inc. and Office of Attorney General, State of Ohio

9. Case 2014-REP-06-0070 Fraternal Order of Police, Ohio Labor Council, Inc. and Office of Attorney General, State of Ohio

The parties jointly filed Petitions for Amendment of Certification and have now filed Motions to Withdraw the petitions.

Vice Chair Schmidt moved that the Board grant the motions and dismiss without prejudice the Petitions for Amendment of Certification. 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-03-0042 Pickerington Support Staff Association, OEA/NEA and Pickerington Local School District

- There were 184 valid ballots cast
- There was 1 void ballot
- There were 13 challenged ballots
- No Representative received 63 votes
- Pickerington Support Staff Association, OEA/NEA received 121 votes and prevailed in this election.

11. Case 2014-REP-04-0051 Ohio Patrolmen's Benevolent Association and Great Parks of Hamilton County

- There were 19 valid ballots cast
- There were 0 void ballots
- There were 0 challenged ballots
- No Representative received 2 votes
- Ohio Patrolmen's Benevolent Association received 17 votes and prevailed in this election.

12. Case 2014-REP-04-0053 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Logan-Hocking Local School District

- There were 25 valid ballots cast
- There were 0 void ballots
- There were 2 challenged ballots
- No Representative received 5 votes
- Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO received 20 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. 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 2014-REP-06-0072 SEIU District 1199, WV/KY/OH and Wood Haven Health Care Senior Living and Rehabilitation, Wood County

Vice Chair Schmidt moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion and dismiss without prejudice the Request for Recognition. 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. Cases 2010-REP-04-0060 2010-REP-04-0061 Youngstown Association of Classified Employees, OEA/NEA and Youngstown Association of Professional and Administrative Staff, OEA/NEA and Youngstown State University

On April 5, 2010, Youngstown State University ("YSU") filed a Petition for Amendment of Certification and a Petition for Clarification of Bargaining Unit regarding the following three positions: Systems Administrator; Coordinator of Financial Systems and Interfaces; and Senior Financial Analyst. In 2008, YSU agreed to the temporary placement of these three positions in the bargaining unit represented by the Association of Classified Employees ("ACE" or "Union"). YSU asserts that the employees holding these positions perform job duties that qualify them as professional employees pursuant to Ohio Revised Code (O.R.C.) § 4117.01(J) and; therefore, these positions should be placed in the bargaining unit represented by the Association of Professional/ Administrative Staff ("APAS" or "Union"). On June 14, 2010, ACE and APAS, which are both affiliated with OEA/NEA, filed a position statement asserting that the three positions in question have been included in the ACE bargaining unit for a number of years.

On November 1, 2012, the State Employment Relations Board ("SERB" or "Board") consolidated Case Nos. 2010-REP-04-0060 and 2010-REP-04-0061, and directed these cases and Case Nos. 2010-REP-03-0052 and 2012-REP-06-0070 to an evidentiary hearing to determine an appropriate bargaining unit and for all other relevant issues. A three-day hearing was held on January 23, 25, and 30, 2013, at which time the parties presented testimonial and documentary evidence regarding all four pending cases. Subsequently, the parties filed post-hearing briefs and reply briefs. On April 23, 2014, the assigned Hearing Officer issued a Recommended Determination, recommending that the Board find that the employees holding the positions of Systems Administrator, Coordinator of Financial Systems and Interfaces, and Senior Financial Analyst perform job duties that qualify them as "professional employees" pursuant to O.R.C. § 4117.01(J) and therefore these three positions are properly included in the APAS bargaining unit. On May 30, 2014, the Unions filed exceptions to the Recommended Determination. On June 27, 2014, YSU filed its response to the Unions' exceptions.

Board Member Brundige moved that the Board.

(1) **adopt** the Findings of Fact, Conclusions of Law, and Recommendations set forth in the Recommended Determination, finding that the employees holding the positions of Systems Administrator, Coordinator of Financial Systems and Interfaces, and Senior Financial Analyst perform job duties that qualify them as "professional employees" pursuant to O.R.C. § 4117.01(J);
(2) **grant** YSU's Petition for Amendment of Certification/Petition for Clarification of Bargaining Unit; and
(3) **place** these positions in the bargaining unit represented by the Association of Professional/Administrative Staff, OEA/NEA.

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-12-0355 Roger Martin v. City of Beachwood

On December 16, 2013, Roger Martin ("Charging Party") filed an unfair labor practice charge against the City of Beachwood ("Charged Party" or "City"), alleging that the City violated Ohio Revised Code ("O.R.C.") §§ 4117.11(A)(1), (A)(2), (A)(3), and (A)(4) when it placed Charging Party on paid administrative leave and initiated disciplinary action against him for engaging in protected activity. On February 13, 2014, Charging Party filed an *amended* unfair labor practice charge, alleging that the City discharged him for engaging in protected activity.

The State Employment Relations Board ("SERB" or "Board") conducted a thorough investigation of the charge and amended charge, pursuant to O.R.C. § 4117.12. The assigned investigator reviewed all of the documents and items of information provided by the parties. The information gathered during the investigation revealed that Charging Party was placed on paid administrative leave and eventually terminated from his employment for dishonest and deceitful conduct that occurred in December 2011, 2012, and 2013. Although Charging Party established a *prima facie* case of discrimination under the test set forth in *In re Rehabilitation Services Commission*, SERB 2005-004 (5-6-2005), Charged

Party provided a persuasive rebuttal to show that Charging Party's termination was not due to the "content" of what he did, but because of the "deceitful and dishonest way he undertook the tasks and the departmental turmoil his deceitfulness caused." Charged Party terminated Charging Party for violating four articles of the Standards for Conduct of Police Officers.

On April 3, 2014, SERB issued a directive based on the information and documents gathered during the investigation. The directive dismissed the unfair labor practice charge *with prejudice* for lack of probable cause to believe that Charged Party violated O.R.C. § 4117.11(A)(3). SERB also dismissed *with prejudice* the O.R.C. §§ 4117.11(A)(1), (A)(2) and (A)(4) allegations because Charging Party did not provide sufficient information or documentation to support these allegations.

On April 24, 2014, Charging Party timely filed a motion for reconsideration pursuant to Ohio Administrative Code Rule 4117-1-4(E), which provides that motions for reconsideration may be filed with the Board no later than thirty days after the issuance of the Board's final ruling. On June 5, 2014, the Board denied *with prejudice* Charging Party's motion for reconsideration since Charging Party did not submit any new or additional information to merit reconsideration.

On July 11, 2014, Charging Party filed a public records request with the City requesting copies of documents related to the investigation and discipline of certain employees. On that same day, the City sent Charging Party 303 documents. Charging Party alleges that these documents were in response to several then-pending public records requests made on his behalf. One of the documents provided was an email correspondence between Jonathan Downes, Esq. and the City's Chief of Police, Mark Sechrist, dated September 13 and 14, 2012.

On July 24, 2014, Charging Party filed "Renewed Motion for Reconsideration and/or Request for Relief from Final Judgment." Charging Party asserts that the September 13 and 14, 2012 email is a newly discovered document that is "the smoking gun document" the Board must consider. On August 5, 2014, Charged Party filed "City of Beachwood's Opposition To and Motion to Strike Martin's Motion for Reconsideration." The City argues that Charging Party's motion should be dismissed for lack of jurisdiction, pursuant to Ohio Administrative Code Rule 4117-1-4(E). The City further argues that the Board should deny Charging Party's motion as not providing any new information that merits reconsideration.

While Charging Party's counsel acknowledges that the nature of the request contained in his July 24, 2014 pleading is not provided for in the Board's administrative rules, he asserts that the September 13 and 14, 2012 email correspondence was withheld by the City and that he did not become aware of the document until July 11, 2014. Charging Party's counsel argues that this document is material to the outcome of this case. Charging Party's argument is not persuasive. The September 13 and 14, 2012 email correspondence contains Mr. Downes' response to questions from the Chief of Police regarding the appropriate response to a public records request made by S. Randall Weltman, Esq. on behalf of Charging Party in July/August 2012. Although the Police Chief's response includes a few comments that indicate frustration with Charging Party's conduct and the ongoing issues and departmental turmoil that occurred as a result of that conduct, this email correspondence does not refute the substantial documents and information compiled during the investigation that support the Board's decision to dismiss this charge for lack of probable cause to believe Charged Party violated O.R.C. § 4117.11(A).

Vice Chair Schmidt moved that the Board deny Charging Party's Renewed Motion for Reconsideration and/or Request for Relief from Final Judgment and dismiss Charged Party's Motion to Strike as moot. 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 2014-ULP-02-0029 SERB v. Scioto County Sheriff's Office

On February 19, 2014, the Fraternal Order of Police, Ohio Labor Council, Inc. ("Charging Party") filed an unfair labor practice charge against the Scioto County Sheriff's Office ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5). On May 1, 2014, the State Employment Relations Board ("the Board" or "Complainant") 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. On July 14, 2014, a complaint was issued and the matter was set for hearing.

On July 23, 2014, the parties filed a settlement agreement that resolved the disputes underlying the unfair labor practice charge. In paragraph 7 of this agreement, the parties request that the Board construe their settlement agreement as a motion to dismiss the complaint and withdraw the unfair labor practice charge.

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 and complaint in Case No. 2014-ULP-02-0029. (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		

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2013-ULP-11-0333 Service Employees International Union, District 1199 v. Cleveland Metropolitan School District Board of Education

The unfair labor practice charge alleged that School Board violated Ohio Revised Code §4117.11 (A)(5) by bargaining in bad faith when it introduced a new proposal during fact-finding and by filing an unfair labor practice charge against the Union in an attempt to coerce members in the exercise of their guaranteed rights.

Information gathered during the investigation revealed that the Union failed to provide any information or documentation to support its allegations.

Vice Chair Schmidt 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 School Board. 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-ULP-04-0059 Scott Macinnis v. Toledo Police Patrolmen's Association

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(1), (5) and (6) by interfering with his guaranteed rights and by failing to fairly represent Scott Macinnis.

Information gathered during the investigation revealed that the Association satisfied its duty of fair representation. No information was provided to show that the Association's actions were arbitrary, discriminatory, or in bad faith. Mr. Macinnis did not provide sufficient information to support the (B)(1), (5) 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 Association. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

3. Case 2014-ULP-06-0085 Roger Howard v. Franklin County Sheriff's Office and Sheriff Zach Scott

The unfair labor practice charge alleged that the County Sheriff's Office and the County Sheriff violated Ohio Revised Code §4117.11 (A)(8) by causing or attempting to cause the Union to violate its duty of fair representation.

Information gathered during the investigation revealed that the dispute in this case involves contractual interpretation and does not rise to the level of a statutory violation. Roger Howard did not provide sufficient information to support the (A)(8) allegation.

Vice Chair Schmidt 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 Sheriff's Office and the County Sheriff. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

4. Case 2014-ULP-06-0086 Roger Howard v. Fraternal Order of Police - Capital City Lodge #9

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

Information gathered during the investigation revealed that the FOP's actions were not arbitrary, discriminatory or in bad faith. In fact, the FOP put forth a concerted effort to explain the contractual provision in question to Mr. Howard and the reasons for denying the 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 by the FOP. 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-ULP-05-0079 Kenneth A. Boles, Sr. v. City of Toledo - Streets, Bridges and Harbor

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1), (4), (6) and (8) by retaliating against Kenneth A. Boles for filing grievances and by failing to process his grievances.

Information gathered during the investigation revealed the information submitted by Mr. Boles lacked clarity. Mr. Boles did not respond to the written request for a narrative along with the documents to put them into context or to clarify how the packet of documents supported his allegations. As a result, Mr. Boles did not provide sufficient information or documentation to support the (A)(1), (4), (6) and (8) allegations.

Vice Chair Schmidt 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. 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-06-0083 Buckeye Local Classroom Teachers Association v. Buckeye Local School District Board of Education

The unfair labor practice charge alleged that the School District violated Ohio Revised Code §4117.11 (A)(1), (2), (5) and (8) by allowing Principal Kim Leonard to restrain its members in the exercise of their guaranteed rights, by interfering with the administration of the Union and causing or attempting to cause it to violate Section (B) of the statute.

Information gathered during the investigation revealed that there had been a series of events where Principal Leonard has attempted to interject herself into Union business. The District did not provide a persuasive rebuttal to those attempts and neither confirmed or

denied Principal Leonard's actions. There is enough ambiguity to warrant a hearing.

The Union did not provide sufficient information or documentation to support the (A)(5) allegation.

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 whether the School Board violated Ohio Revised Code §4117.11(A)(1), (2) and (8), but not (5) by allowing Principal Kim Leonard to restrain the members in the exercise of their guaranteed rights, by interfering with the administration of the Union and causing or attempting to cause the Union to violate Section (B) of the statute. 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 2014-ULP-06-0089 Ivy Payton v. State of Ohio - Department of Job and Family Services

The unfair labor practice charge alleged that the Department violated Ohio Revised Code §4117.11 (A)(1), (2), (3), and (8) by singling Ivy Payton out because she is a Union Steward, "bogusly disapproved use of leave" and denying her the ability to perform her Union Steward duties.

Information gathered during the investigation revealed that Ms. Payton failed to establish a prima facie case of discrimination. Furthermore, assuming a case of discrimination had been established, the Employer provided a persuasive rebuttal to show that Ms. Payton's discipline was unrelated to her Union activities. Events occurring between April and November of 2013 are untimely filed for this unfair labor practice charge.

Ms. Payton did not provide sufficient information or documentation to support the (A)(1), (2) and (8) allegations.

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

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

8. Case 2014-ULP-06-0097 Gregory L. Stevens v. City of Columbus

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) and (3) by retaliating against him for the exercise of his guaranteed right to file grievances.

Information gathered during the investigation revealed that although Gregory Stevens

established a prima facie case of discrimination, the City provided a persuasive rebuttal. Furthermore, based on the Court's decision and the July 14, 2014 e-mail, the City's actions do not rise to the level of an (A)(3) statutory violation and the matter now appears to be moot.

Mr. Stevens did not provide sufficient information or documentation to support the (A)(1) 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 City and for being moot. Vice Chair Schmidt 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-05-0071 International Brotherhood of Electrical Workers, Local 39 v. City of Cleveland - Department of Public Utilities

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) by interfering, restraining or coercing employees in the exercise of their guaranteed rights.

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 contract interpretation and application is at the heart of both the unfair labor practice charge and the grievance dispute. A grievance regarding the alleged unilateral change has been filed and is proceeding through the grievance procedure.

Vice Chair Schmidt moved that the Board defer the matter for resolution through the grievance-arbitration procedure and retain jurisdiction in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92). The parties have thirty (30) days from the issuance of the arbitration award to file a request with the Board seeking review of the remaining issues, if any. If nothing is filed within the thirty (30) days, this Board will assume all issues were resolved in the grievance-arbitration procedure and dismiss the matter. 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-ULP-06-0088 Warren County Dispatch Association (WCDA) v. Warren County Commissioners

The unfair labor practice charge alleged that the Commissioners violated Ohio Revised Code §4117.11 (A)(1) and (5) by interfering, restraining or coercing employees in the exercise of their guaranteed rights and by refusing to bargain with the exclusive bargaining representative.

Information gathered during the investigation revealed that the investigator will hold the discussion in abeyance pending the outcome of the following recommendation.

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 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. 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-ULP-06-0098 Reynoldsburg Education Association, OEA/NEA v. Reynoldsburg 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 interfering, restraining or coercing employees in the exercise of their guaranteed rights and by directly dealing with bargaining-unit members.

Information gathered during the investigation revealed that a review of the totality of the circumstances regarding the School Board's conduct concerning the content and context of the website information may rise to the level of an (A)(1) and (A)(5) violation. The matter would be best determined in a hearing.

Chair Zimpher moved an alternative recommendation that the Board refer case number 2014-ULP-06-0098 to the Office of the General Counsel for further legal review, analysis and discussion. Said matter is to be resubmitted for the Board's consideration at its next regularly scheduled meeting. Vice Chair Schmidt seconded the motion.

Chair Zimpher called for discussion.

Chair Zimpher shared the following rationale for his recommendation: "Upon review of the relevant materials and position statements pertaining to this case, and although the Investigator's recommendation **may** be appropriate, I believe the Discussion Section needs further development. A more thorough and complete analysis of all applicable case law, including *SERB v. Harrison Hills City School Board*; *Chesapeake Local Teachers Assoc. v. Chesapeake Exempted Village School Dist.*; *SERB v. City of Elyria*, or other cases would be most useful and helpful in order for the Board to render an informed decision."

Chair Zimpher called for the vote.

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

12. Case 2013-ULP-11-0330 Ohio Patrolmen's Benevolent Association and Jamie Tavano v. City of Kirtland

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1), (3) and (4) by retaliating against Jamie Tavano for engaging in protected activity.

Information gathered during the investigation revealed that on March 4, 2014, the Association timely filed a Motion for Reconsideration of the Board's directive issued on

February 20, 2014. Since the matter was deferred and jurisdiction was retained, SERB's actions were not a final ruling.

Vice Chair Schmidt moved that the Board deny the Association and Mr. Tavano's Motion for Reconsideration for being prematurely filed. 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 2014-ULP-05-0073 University Heights Firefighters IAFF Local 974 v. City of University Heights

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) and (5) by interfering, restraining and coercing its employees in the exercise of their guaranteed rights and by refusing to bargain with the exclusive representative.

Information gathered during the investigation revealed that on June 26, 2014, the parties were directed to Pre-Determination mediation. As a result of the August 1, 2014 mediation, the parties executed a settlement agreement. The University is requesting to withdraw the charge pursuant to paragraph 3 of the settlement agreement.

Board Member Brundige moved that the Board construe the SERB mediated settlement agreement as a motion to withdraw the charge, and grant 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		

14. 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

15. Case 2014-ULP-06-0090 Northwest Local School District Board of Education v. Ohio Association of Public School Employees, AFSCME Local 4 and Its Local 376

16. Case 2014-ULP-06-0101 Service Employees International Union, District 1199 v. Opportunities for Ohioans with Disabilities

17. Case 2014-ULP-07-0108 Teamsters Local Union 637 v. City of Wellston, Police Department

18. Case 2014-ULP-07-0113 International Union of Operating Engineers, Local 20 v. University of Cincinnati

19. Case 2014-ULP-07-0114 International Union of Operating Engineers, Local 20 v. University of Cincinnati

20. Case 2014-ULP-07-0121 Service Employees International Union, District 1199 v. Wood Haven Health Care, Wood County

Items 14 through and including 20 were withdrawn pursuant to either a request or a motion to withdraw.

Vice Chair Schmidt moved that the Board construe the requests to withdraw as motions to withdraw, and grant the motions 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		

VI. TABLED AND OTHER MATTERS:

There are no tabled matters.

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- September 11, 2014
- October 09, 2014
- November 06, 2014
- December 18, 2014

SYSTEM UPDATES:

- Employee Organization Annual Report Filings: For fiscal year ending 03/31/2014 a total of 15 Employee Organizations are required to report not later than August 15, 2014. To date, there are two (2) Organizations who have not yet filed.
  - ORG # 1545- IAFF Local 4201 (Ravenna Township Fire)
  - ORG# 900 – IUPA (International Union of Police Associations, AFL-CIO). IUPA has requested an extension of two weeks due to circumstances at this time.

- Continuing to work on the Biennial Budget for FY 16/17

TRAINING:

- Fact Finders Conference: Scheduled for August 21, 2014 to be held at the Crowne Plaza - North location. OSU President Alutto will be the featured speaker. To date 160 registrations have been received, of those, 68 are Neutrals.

- Staff Retreat: A staff retreat/training is scheduled for October 06, 2014. The event will be conducted by MindWorks, Inc. on the topic of "Unleashing the Minds Potential: Mastering Information Overload". The training will be held at the DAS Surface Road site. This training will be beneficial to SERB staff due to the large amount of daily reading and need to retain massive amounts of information.

- SERB Academy: Planning for the next SERB Academy is under way. It is scheduled for October 30 and 31, 2014 at the Crowne Plaza – North.

- SPBR Academy: Planning for the next SPBR Academy is under way. It is scheduled for February 20, 2015 at the Crowne Plaza – North.

STAFF UPDATES:

- Contract Administrative Law Judge Beth Jewell has submitted her letter of personal services contract termination effective September 30, 2014. Her husband, Andy Jewell, has accepted a position in Washington D.C. and as a family they will be relocating to the area this fall. Beth has served as a Contract Administrative Law Judge since July 2011 and has done an outstanding job. She has been a presenter at both SERB and SPBR Academies over the years and has done a superb job of presentation. Her talents and warm personality will be missed. We wish her well.

- Administrative Law Judge Chris Young has announced his plans for retirement on May 31, 2015. Chris has been an Administrative Law Judge first beginning with the State Personnel Board of Review and then with the Merger in 2009, joined the SERB family. His tenure with SPBR and SERB span more than 22 years of service. Chris has been a presenter at SPBR Academies over the years and is very involved in the planning of the SPBR Academy scheduled for February 20, 2015, what a great theatrical departure! He has been a valued Administrative Law Judge exercising great skill in bringing parties together to mediate their differences and settle. It will be difficult to find someone to walk in the shoes of Chris Young.

- Labor Relations Investigator Holly Levine has announced her plans to retire effective December 15, 2014. Holly has been with SERB since its inception in 1984. Holly, along with her colleagues, has worked hard over the years to develop and evolve the investigative process to the well honed system that it is today. She too has been a regular presenter at SERB Academies; her direct style of presentation has made a positive impact on those attending the Academies. Her wealth of talent and knowledge will be sorely missed and difficult to replace.

  We wish all of the departing and soon to depart staff all of the best as they embark on new ventures.

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 10:35 a.m.

/s/
W. Craig Zimpher, Chair