State Employment Relations Board

Board Meeting Minutes
September 11, 2014

The State Employment Relations Board met on September 11, 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 AUGUST 14, 2014 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the August 14, 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:

1. Case 2014-MED-04-0589 Service Employees International Union/District 1199 and the Hamilton County Educational Service Center (Hamilton County Head Start Program)

On April 10, 2014, the Service Employees International Union/District 1199 filed a Notice to Negotiate for a new collective bargaining agreement with the Hamilton County Educational Service Center.

On July 3, 2014, a Petition for Decertification Election was filed seeking to decertify the Service Employees International Union/District 1199 as the exclusive representative for this bargaining unit in Case No(s). 2014-REP-07-0079. That petition is being processed, in Case No. 2014-REP-07-0079.

On July 28, 2014, the Hamilton County Educational Service Center filed a Motion to Stay Negotiations pending the outcome of the above mentioned representation petition.

Vice Chair Schmidt moved that the Board grant the Employer's Motion To Stay Negotiations in Case No. 2014-MED-04-0589 pending disposition of the representation matter in Case No. 2014-REP-07-0079. Board Member Brundige seconded the motion. Chair Zimpher called for discussion and the vote.

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

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2014-REP-07-0078 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO and Defiance-Paulding Consolidated Department of Job & Family Services
(September 23, 2014 - October 6, 2014)

2. Case 2014-REP-07-0079 Linda Haverkos and and Service Employees International Union, District 1199 and Hamilton County Head Start
(September 23, 2014 - October 6, 2014)

3. Case 2014-REP-07-0084 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO and City of Delphos
(September 23, 2014 - October 6, 2014)

4. Case 2014-REP-07-0088 Christy A. Lucas and Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO, Local #049 and Georgetown Exempted Village School District Board of Education
(September 23, 2014 - October 6, 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-07-0087 Fraternal Order of Police, Ohio Labor Council, Inc. and City of St. Clairsville

6. Case 2014-REP-07-0093 International Brotherhood of Electrical Workers Local 1377, AFL-CIO and Village of Grafton

The Employee Organizations filed Requests for Recognition. The substantial evidence is sufficient and no objections have been filed. The Employers have complied with the posting requirements.

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

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

7. Case 2014-REP-07-0090 Fraternal Order of Police, Ohio Labor Council, Inc. and Office of Attorney General, State of Ohio

8. Case 2014-REP-07-0091 Fraternal Order of Police, Ohio Labor Council, Inc. and Office of Attorney General, State of Ohio

The Employee Organization filed Opt-In Requests for Recognition. The substantial evidence is sufficient and no objections have been filed. The Employer has complied with the posting requirements.

Board Member Brundige moved that the Board certify the Employee Organization as the exclusive representative of all employees subject to the requests and add them to the Employee Organization's existing units. 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-REP-08-0095 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Adams County Department of Job and Family Services

10. Case 2014-REP-08-0096 Paint Creek Professional Firefighters, IAFF and Paint Creek Joint EMS/Fire District

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		

11. Case 2014-REP-07-0080 Sheet Metal, Air, Rail & Transportation Workers Local 33 and Lorain County Court of Common Pleas

The Employee Organization filed a request for recognition. Although the Employer did not file objections, the issue was raised as to whether the petitioned-for employees fall within the court employee exemption. The memorandum to the Board includes the discussion and rationale.

Chair Zimpher moved an alternative the Board refer case number 2014-REP-07-0080 to the Office of SERB General Counsel for a non oral hearing which will be limited to the collection and review of briefs from the parties, stipulations and written arguments; upon completion of said review the General Counsel shall forward a recommendation to the Board for its consideration at the earliest possible date. Board Member Brundige seconded the motion. Chair Zimpher called for discussion.

Chair Zimpher shared the following rationale for his recommendation: "The issue presented in this case appears to be centered on the very specific issue of employment control and authority for the employees in question. I do not believe a hearing, and its concomitant expenses are required; rather, a referral of the matter to the General Counsel's office with a request to the parties for submission of legal briefs should suffice. The General Counsel, on review and analysis of such briefs, would then forward a recommendation for the Board's consideration."

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 2014-ULP-06-0098 Reynoldsburg Education Association, OEA/NEA v. Reynoldsburg City School District, Board of Education

On June 24, 2014, the Reynoldsburg Education Association OEA/NEA ("Union" or "Charging Party") filed an unfair labor practice charge against the Reynoldsburg City School District, Board of Education ("School District" or "Charged Party"), alleging the School District violated Ohio Revised Code ("O.R.C.") §§ 4117.11(A)(1) and (A)(5). The Union's allegations were investigated pursuant to O.R.C. § 4117.12(B). The assigned investigator issued a report on August 14, 2014, recommending that the State Employment Relations Board ("SERB" or "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 Charged Party violated O.R.C. §§ 4117.11(A)(1) and (A)(5) by posting bargaining proposals on its website; and direct the parties to expedited mediation, to run concurrently with the expedited processing of the charge and complaint.

After a thorough review of the investigator's report, the Board referred this case to SERB's Office of the General Counsel for further legal analysis and discussion of case law, including *In re Harrison Hills City School Dist. Bd. of Educ.*, SERB 2010-011; *In re City of Elyria*, SERB 2011-033; and *Chesapeake Local Teachers Assoc, v. Chesapeake Union Exempted Village School Dist. Bd. of Ed.* SERB No. 02-ULP-03-0205. (Said matter is to be resubmitted for the Board's consideration at its next regularly scheduled meeting on September 11, 2014.)

The School District and the Union are parties to a collective bargaining agreement effective from August 1, 2011 through July 31, 2014. This agreement contains a grievance-arbitration clause that is binding.

On or about May 23, 2014, the parties began negotiations for a successor agreement. These negotiations are ongoing. The parties have not established any ground rules for their negotiations.

The School District maintains a website to disseminate information regarding the School District to students, parents, staff, prospective parents, and the general public. Bargaining-unit members have access to this website.

On or about May 30, 2014, the School District posted on its website a section entitled: Frequently Asked Questions ("FAQs"). In the FAQs section, the School District posted details regarding the parties' ongoing negotiations, including bargaining proposals concerning insurance and compensation.

The central case in this matter is *In re SERB v. Harrison Hills City School Dist. Bd. of Educ.*, SERB 2010-011 (*Harrison Hills*). In that case, the employer posted terms of bargaining unit proposals on its website and expressly requested that the bargaining unit employees vote on its last best offer. SERB found that the employer engaged in direct communications with bargaining unit employees and that those actions violated O.R.C. § 4117.11(A)(1), but not (A)(2) or (A)(5). SERB set forth a comprehensive analysis of SERB precedent regarding a public employer's communications with its employees who are

bargaining unit members. SERB addressed the standards for finding a violation of O.R.C. § 4117.11(A)(1) as follows: "A complainant may thus establish a *prima facie* violation by presenting evidence sufficient to sustain a finding that the employer more likely than not made communications with employees concerning wages, hours, or other terms and conditions of employment." SERB held that to establish an O.R.C. § 4117.11(A)(1) violation, the Complainant must demonstrate not only the reasonable *tendency* of the complained action to interfere with, restrain, or coerce employees in exercising their rights, but that the interference, restraint, or coercion outweighs any competing legitimate managerial right. Lastly, the Board reiterated that any determination of interference, restraint, or coercion must be based on the totality of the circumstances and the context in which the action was taken, in accordance with *In re Pickaway County Human Services Dept.*, SERB 93-001 (3-24-93).

In this case, the School District's postings on its website can be accessed by bargaining unit members. The School District does not dispute that these postings contain details regarding bargaining proposals that concern compensation and other terms and conditions of employment. Therefore, the information gathered during the investigation indicates that the School District may have violated O.R.C. § 4117.11(A)(1). However, the School District maintains that it did not engage in *direct communications* with bargaining unit members concerning the subject of collective bargaining. The School District maintains that the website postings were not designed to reach bargaining unit members, but rather were solely in response to inquiries made by the community. The School District states that the purpose of the FAQs section is to keep the residents of the School District informed of the status of the parties' negotiations amid significant media exposure, to respond to the inquiries that are received by board members and the administration during the current negotiations, and to explain the goals and rationale of the School District's proposals.

An administrative hearing is the appropriate forum to fully address the issue as to whether the School District's actions rise to the level of a violation of O.R.C. § 4117.11(A)(1).

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 an expedited hearing to determine whether Charged Party violated O.R.C § 4117.11(A)(1) but not (A)(5) by posting details regarding bargaining proposals concerning insurance and compensation on its website during ongoing negotiations. 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-11-0342 Liberty Center Classroom Teachers Association, OEA/NEA v. Liberty Center Local School District Board of Education

On November 26, 2013, the Liberty Center Classroom Teachers Association, OEA/NEA ("Charging Party") filed an unfair labor practice charge against the Liberty Center Local School District Board of Education ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5). On February 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. The parties participated

in unfair labor practice mediation.

The parties reached a settlement in this matter and filed a copy of their settlement agreement on August 18, 2014. In paragraph 3 of the agreement, the parties request that the Board construe their settlement agreement as a motion to dismiss the unfair labor charge and complaint with prejudice. It is noted that the parties settled this matter prior to the issuance of a complaint.

Vice Chair Schmidt moved that the Board construe the parties' settlement agreement as a motion to dismiss, grant the motion, and dismiss the unfair labor practice charge in Case No. 2013-ULP-11-0342 with prejudice. (The Board retains jurisdiction over this matter for purposes of enforcing the parties' settlement agreement, pursuant to Ohio Administrative Code Rule 4117-7-06.). 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-02-0021 Parma Education Association v. Parma City School District Board of Education

On February 10, 2014, the Parma Education Association ("Charging Party") filed an unfair labor practice charge against the Parma City School District Board of Education ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5). On May 15, 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. The parties participated in unfair labor practice mediation.

The parties reached a settlement in this matter and filed a copy of their settlement agreement. In paragraph 3 of the agreement, the parties request that the Board construe their settlement agreement as a motion to dismiss the unfair labor charge and complaint with prejudice. It is noted that the parties settled this matter prior to the issuance of a complaint.

Board Member Brundige moved that the Board construe the parties' settlement agreement as a motion to dismiss, grant the motion, and dismiss the unfair labor practice charge in Case No. 2014-ULP-02-0021 with prejudice. (The Board retains jurisdiction over this matter for purposes of enforcing the parties' settlement agreement, pursuant to Ohio Administrative Code 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		

4. Case 2009-ULP-10-0495 Youngstown State University Association of Classified Employees v. Youngstown State University

At long last, the above captioned matter has been resolved. Initially in October 2009 the Youngstown State University Association of Classified Employees (YSACE) filed a ULP alleging the University was taking improper action regarding personal leave balances of employees. SERB deferred the matter to Arbitration in February of 2010. The parties selected an Arbitrator in November of 2011. After SERB contacted the parties numerous times, the charging party requested mediation. At the June 5, 2014 meeting, the Board referred this matter to the General Counsel for a status update and mediation.

Since then, this matter has been resolved with the assistance of a SERB mediator. The charging party has requested this Unfair Labor Practice be withdrawn.

Vice Chair Schmidt moved that the Board dismiss this matter as it has been resolved. 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 2014-ULP-06-0093 Ohio Association of Public School Employees Local 4, AFL-CIO and its Local 752 v. Green 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), (3) and (8) by retaliating against Bryan Chaffins by threatening him and terminating him for engaging in protected activity.

Information gathered during the investigation revealed that after a review of the totality of the circumstances, the Association failed to demonstrate that threats were made that interfered with Mr. Chaffins' guaranteed rights or that his termination was a result of his position as a union representative. The Association failed to provide sufficient information to support the (A)(2) and (8) allegations.

Board Member Brundige moved that the Board deny the School District's motion to defer, and dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. 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 2014-ULP-06-0087 Ohio Patrolmen's Benevolent Association v. City of Parma Heights

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) and (3) by retaliating against the members when they filed a grievance regarding the changes to the body armor reimbursement program.

Information gathered during the investigation revealed that this is a purely contractual matter encompassing no arguable statutory violation. The parties are currently in the process of selecting an arbitrator and the grievance-arbitration procedure is the best venue for this issue.

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

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

3. Case 2014-ULP-06-0103 Elyria Education Association, OEA/NEA v. Elyria City School District Board of Education

The unfair labor practice charge alleged that the School District violated Ohio Revised Code §4117.11 (A)(1) and (5) by bargaining in bad faith when the Superintendent made "negative and disparaging" comments about its members and their bargaining proposals in a newspaper article and then refused to bargain the issue of salary schedule and step increases during negotiations for a successor agreement.

Information gathered during the investigation revealed that the School District has refused to bargain in good faith by failing to even discuss the issues of salary schedule and step increases contrary to the terms outlined in the parties' 2011 MOU.

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 District violated Ohio Revised Code 4117.11(A)(5), but not (1), by refusing to bargain the issue of salary schedule and step increases during negotiations for a successor agreement in violation of the parties' 2011 MOU, 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:	SCHMIDT:	ZIMPHER:
	Yes	Yes	Yes
Affirmed	X	Denied	

4. Case 2014-ULP-07-0106 Holgate Teachers Association, OEA/NEA v. Holgate Local 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 bargaining in bad faith when it directly dealt with its members, by discussing on-going negotiations and by setting conditions on certain subjects of bargaining.

Information gathered during the investigation revealed that the Superintendent's June 12th email does not rise to the level of statutory interference of any members' exercise of guaranteed rights. However, the School District Counsel's actions at the June 30th negotiation session could have a chilling effect on the parties' future negotiations and the School District's actions of "conditioning" what it would and would not discuss during traditional bargaining could hinder the parties' ability to reach a successor agreement.

Chair Zimpher moved an alternative recommendation that the Board, without making a determination as to the existence of probable cause, this matter be directed to mediation for a period of 45 days. At the end of that mediation period, unless extended by mutual assent of the parties, the assigned mediator is to report back to the Board. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion.

Chair Zimpher shared the following rationale for his recommendation: "I propose the recommendation as an alternative to the Investigator's Recommendation. I have had the opportunity to review the Briefs submitted during the investigation. At the outset, I do not believe the email sent by the School Superintendent rises to the level of interference with bargaining or Direct Dealing with employees. Similarly the allegations against the School District at the bargaining table by reading a statement of a position or by the bellicose behavior of the Management Representative, without more, do not rise to actionable behavior. I do believe, however, this behavior needs to be discussed with the parties and recommend this case be sent to mediation."

Chair Zimpher called for the vote.

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

5. Case 2014-ULP-07-0110 Elyria City School District, Board of Education v. Elyria Education Association, OEA/NEA

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

Information gathered during the investigation revealed that after a review of the totality of the circumstances, the School District's allegation that the Association refused to bargain is not supported by the information and documentation provided. In addition, the School District admits that the parties are still in negotiations for a successor agreement.

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. 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-08-0129 Division of Park Maintenance & Properties - Urban Forestry Section v. City of Cleveland - Department of Public Works - Division of Park Maintenance & Properties

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1). However, the charge does not set forth a clear and concise basis for the charge.

Information gathered during the investigation revealed that on August 1, 2014, the City filed the unfair labor practice charge, but did not set forth a clear and concise statement of the facts as required by OAC 4117-07-01. In addition, the information that was provided did not set forth a specific date within 90-days of filing the charge. As a result, this charge was not only deficient on its face, but is untimely filed.

Board Member Brundige moved that the Board dismiss the charge with prejudice due to the Division's failure to provide a clear and concise statement of the facts constituting the alleged violation 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

7. Case 2014-ULP-06-0092 Krina Penewit v. State of Ohio - Department of Transportation

The unfair labor practice charge alleged that the Department violated Ohio Revised Code §4117.11 (A)(1) and (3) by interfering, restraining, discriminating or coercing employees in the exercise of their guaranteed rights.

Information gathered during the investigation revealed that all the employees involved in the EEO complaint signed a waiver after discussing the waiver with their Union representatives. Accordingly, the Department's conduct and the context within which the waiver was signed does not rise to the level of a statutory violation. The Union did not provide sufficient information to support the (A)(1) and (3) 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. 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-04-0055 Ohio Association of Public School Employees/AFSCME Local 4 and its Local 351 v. Tri-Valley 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), (3), (5) and (8) by interfering, restraining, coercing and discriminating against employees in the exercise of their guaranteed rights, by initiating and

interfering with the support of an employee organization, by refusing to bargain with the exclusive representative and by attempting to cause the Union to commit an unfair labor practice.

9. Case 2014-ULP-06-0096 Tri-Valley Local School District Board of Education v. Ohio Association of Public School Employees/AFSCME, Local 4 and its Local 351

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(1) and (3) by interfering with the Employer's representative and by refusing to bargain.

10. Case 2014-ULP-07-0107 Ohio Association of Public School Employees/AFSCME, Local 4, AFL-CIO and its Local 351 v. Tri-Valley Local School District, Board of Education

The unfair labor practice charge alleged that School District violated Ohio Revised Code §4117.11 (A)(1), (2), (3), (5) and (8) by interfering, restraining, discriminating or coercing employees in the exercise of their guaranteed rights, by initiating and interfering with the support of an employee organization, by causing or attempting to cause an unfair labor practice and by refusing to bargain collectively with the exclusive representative.

As a result of the information gathered during the investigation of these cases, respectively, the investigator, will hold the discussion in abeyance pending the outcome of the recommendation.

Board Member Brundige moved that the Board, without rendering any judgment on the merits, coordinate Case Nos. 2014-ULP-07-0107, 2014-ULP-04-0055 and 2014-ULP-06-0096, 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.

Board Member Brundige commented that this was a wise recommendation and a good idea to get the parties in the same room. He further stated that the Board has consistently held that a ULP can't be used to negotiate a contract. Chair Zimpher agreed.

Chair Zimpher called for the vote.

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

11. Case 2014-ULP-07-0123 Lexington Teachers' Association, OEA/NEA v. Lexington Local School District Board of Education

The unfair labor practice charge alleged that the School District 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 failing to bargain with the exclusive representative.

Information gathered during the investigation revealed that the parties met for a series of bargaining sessions and have exchanged proposals on various articles. The Association did not provide sufficient information to support the (A)(1) and (5) 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. 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-ULP-02-0027 Darrell E. Starcher v. Ohio Civil Service Employees Association, AFSCME Local 11

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(6).

Information gathered during the investigation revealed that Darrell Starcher's unfair labor practice charge involves internal union business, which should be handled through the appeal process pursuant to the Union's Constitution and By-laws.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of jurisdiction. 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-ULP-06-0084 Amalgamated Transit Union Local 1385 v. Greater Dayton Regional Transit Authority

14. Cases 2014-ULP-02-0024, 2014-ULP-02-0025, 2014-ULP-02-0026 Ohio Patrolmen's Benevolent Association v. The City of Munroe Falls

15. Case 2014-ULP-05-0074 Weaver Workshop and Support Association, OEA/NEA v. Summit County Board of Developmental Disabilities

16. Case 2014-ULP-06-0095 Ohio Patrolmen's Benevolent Association v. City of Bowling Green

17.	Case	2014-ULP-07-0112	Pike-Delta-York Education Association, OEA/NEA v. Pike-Delta-York Local School District Board of Education
18.	Case	2014-ULP-07-0122	City of University Heights v. University Heights Firefighters, IAFF Local 974
19.	Case	2014-ULP-08-0136	Sherry M. Faul v. Fayette County Memorial Hospital Medical Surgical Associates
20.	Case	2014-ULP-08-0139	Chippewa Local School District Board of Education v. Leslie Marshall
21.	Case	2014-ULP-08-0140	Chippewa Local School District Board of Education v. Carolyn Garbinsky
22.	Case	2014-ULP-08-0141	Chippewa Local School District Board of Education v. Karen Funk
23.	Case	2014-ULP-08-0142	Chippewa Local School District Board of Education v. Chippewa Education Association, OEA/NEA
24.	Case	2014-ULP-08-0143	Chippewa Local School District, Board of Education v. Beth Badock
25.	Case	2014-ULP-08-0145	Ohio Council 8, AFSCME, AFL-CIO and its Local 1360 v. City of Akron
26.	Case	2013-ULP-09-0292	Ohio Council 8, AFSCME, AFL-CIO and Its Local 2415 v. The University of Toledo
27.	Case	2013-ULP-09-0293	Ohio Council 8, AFSCME, AFL-CIO and Its Local 2415 v. The University of Toledo
28.	Case	2014-ULP-07-0115	Keystone Local Education Association, OEA/NEA v. Keystone Local School District Board of Education
29.	Case	2014-ULP-06-0100	Keystone Local School District Board of Education v. Keystone Local Education Association, OEA/NEA

Items 13 through and including 29 were withdrawn pursuant to either a settlement agreement, a request to withdraw or a motion to withdraw.

Vice Chair Schmidt moved that the Board construe the provision of the settlement agreement and 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:	SCHMIDT:	ZIMPHER:
	Yes	Yes	Yes
Affirmed	X	Denied	

VI. TABLED AND OTHER MATTERS:

There are no tabled matters.

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- 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 **14** Employee Organizations are required to report not later than August 15, 2014. To date, there is one (1) Organization outstanding, they filed but put the wrong fiscal year end date on their filing. They are working to make the correction.
  - ORG # 1545- IAFF Local 4201 (Ravenna Township Fire)

- **Biennial Budget for FY 16/17:** The upload process for all sections of the Biennial Budget for FY 16/17 into the OBM portal began on September 10, 2014. Elaine Stevenson, Erin Conn and I worked to finalize the data and Erin is doing the upload. It is anticipated that the entire upload will be completed by Friday. The FY 16/17 Biennial Budget for non regulatory (non-licensing) Boards and Commissions is not due until October 10, 2014. We are ahead of schedule!

- **Annual Employee Performance Evaluations:** Section Administrators are working on the Annual Employee Performance Evaluations for their staffs. They are due not later than the end of October. The submission this year is totally electronic.

- **Combined Charitable Campaign**: Once again, Judy Knapp has volunteered to coordinate the campaign – **thank you Judy!!** Thanks to her leadership the campaign is off to a great start. We are at 61% of goal. The goal is $12,300. The campaign concludes on September 26, 2014. Thank you to all who have already contributed and encouragement is given to those still contemplating giving to be generous to this worthwhile cause.

TRAINING:

- **Fact Finders Conference:** Held August 21, 2014 at the Crowne Plaza - North location. Former OSU Interim President and Distinguished Professor Alutto was the featured speaker. 180 attended.

- **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 24, 2015 at the Crowne Plaza – North.

STAFF UPDATES:

- It is with deep regret that we announce the departure of Amanda Wenzel, Customer Service 3, in the Clerk's Office, who transferred to the Ohio Department of Public Safety. Her last day with SERB was Friday, September 05, 2014. The transfer takes her much closer to her home location in the Mansfield area. She has been hired as a License Examiner and it actually results in a pay increase for her. Amanda was most helpful in testing many of the SMDS software applications and making great suggestions for improvement for the overall functioning of the Clerk's Office. The level of professionalism and team work in the Clerk's Office was enhanced by her presence. We wish her all the best!

  We are currently in the process of conducting interviews for a replacement.

- Friday, September 12, 2014 will be the last day for Sheila Farthing, Program Administrator 1 in the Research and Training Section. Her husband is being transferred to California. Sheila began her employ in the Clerk's Office as a Customer Service Assistant 1 and then over time divided her time between there and the Research and Training Section. She was instrumental in assisting with the design of "Barn Burner" and has done an exceptional job managing the requirement of Ohio Revised Code 4117.19 requiring all employee organizations to annually file their Annual Reports and Financial Reports. She was one of the most "entertaining" presenters at our SERB Academies. She will be missed and we wish her well.

  We will soon be in the process of posting the position and then conducting interviews for a replacement.

  We wish all of the departing staff 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