

State Employment Relations Board

Board Meeting Minutes  
November 6, 2014

The State Employment Relations Board met on November 6, 2014, at 10:00 a.m., at 65 East State Street, 12<sup>th</sup> 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 OCTOBER 9, 2014 BOARD MEETING:**

Board Member Brundige moved that the Board approve the minutes for the October 9, 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. Cases 2014-MED-09-1158 Fraternal Order of Police, Ohio Labor Council, Inc.  
2014-MED-09-1159 and City of Fairborn  
2014-MED-09-1160

On September 9, 2014, the Fraternal Order of Police, Ohio Labor Council, Inc. filed a Notice to Negotiate for a new collective bargaining agreement with the City of Fairborn. The union has now filed a motion to withdraw the Notice to Negotiate Without Prejudice. The basis of their request is the employees in the bargaining unit are no longer represented by the Fraternal Order of Police, Ohio Labor Council, Inc.

Vice Chair Schmidt moved that the Board grant the Motion To Withdraw Without Prejudice the Notice to Negotiate in Case No (s). 2014-MED-09-1158, 2014-MED-09-1159, and 2014-MED-09-1160. 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-MED-10-1444 Fraternal Order of Police, Ohio Labor Council, Inc.  
and City of Mt. Healthy

On October 3, 2014, the Fraternal Order of Police, Ohio Labor Council, Inc. filed a Notice to Negotiate for a new collective bargaining agreement with the City of Mt. Healthy. The union has now filed a Motion to Withdraw Without Prejudice the previously filed Notice to Negotiate. The basis of their request is the Notice to Negotiate was filed in error.

Board Member Brundige moved that the Board grant the Motion To Withdraw Without Prejudice the Notice to Negotiate in Case No. 2014-MED-10-1444. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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



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Board Member Brundige moved that the Board grant the Employer's Motion To Stay Negotiations in Case Nos. 2013-MED-01-0017 and 2013-MED-08-0925 pending disposition of the representation matter in Case Nos. 2007-REP-01-0113 and 2014-REP-09-0111. 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.      Closing of 361 Cases

Vice Chair Schmidt moved that the Board close 361 Mediation cases beginning with Case No. 2011-MED-01-0010 and ending with Case No. 2014-MED-05-0803, not consecutively numbered. 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-08-0097    Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Fairfield County Sheriff  
(December 16, 2014 - December 29, 2014)
2.      Case    2014-REP-08-0098    Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Fairfield County Sheriff  
(December 16, 2014 - December 29, 2014)
3.      Case    2014-REP-09-0104    Fraternal Order of Police, Ohio Labor Council, Inc. and Champaign County 911 Center  
(November 18, 2014 - December 1, 2014)
4.      Case    2014-REP-09-0106    Laborers' Local Union No. 860 and Cuyahoga County, Board of Revision  
(November 18, 2014 - December 1, 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      \_\_\_\_\_

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5. Case 2014-REP-09-0115 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO and Monroe County Commissioners and Monroe County Care Center
6. Case 2014-REP-10-0123 Communications Workers of America and Mahoning County Board of County Commissioners
7. Case 2014-REP-10-0124 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, Local 2501 and City of Warren
8. Case 2014-REP-10-0126 Morgan Local Education Association, OEA/NEA and Morgan Local School District Board of Education

The parties jointly filed Petitions for Amendment of Certification. The petitions 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 \_\_\_\_\_

9. Case 2014-REP-09-0110 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO and Ashland County Board of County Commissioners and Ashland County Department of Job and Family Services

The Employee Organization filed an Opt-In Request for Recognition and has now filed a motion to withdraw.

Board Member Brundige moved that the Board grant the motion to withdraw and dismiss without prejudice the Opt-In Request for Recognition. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

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10. 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

- There were 34 valid ballots cast
- There was 1 void ballot
- There was 1 challenged ballot
- Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO received 7 votes
- No Representative received 27 votes and prevailed in this election.

11. 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

- There were 27 valid ballots cast
- There were 0 void ballots
- There were 0 challenged ballots
- Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO, Local #049 received 7 votes
- No Representative received 20 votes and prevailed in this election.

12. Case 2014-REP-07-0079 Linda Haverkos and Service Employees International Union, District 1199 and Hamilton County Head Start

- There were 36 valid ballots cast
- There were 0 void ballots
- There were 3 challenged ballots
- Service Employees International Union, District 1199 received 16 votes
- No Representative received 20 votes and prevailed in this election.

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

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

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

- There were 10 valid ballots cast
- There were 0 void ballots
- There were 0 challenged ballots
- No Representative received 0 votes
- Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO received 10 votes and prevailed in this election.

14. 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

- There were 32 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 13 votes
- Teamsters Local Union No. 637 received 19 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 \_\_\_\_\_

**IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:**

1. Case 2014-ULP-06-0098 SERB v. Reynoldsburg City School District Board of Education

On June 24, 2014, the Reynoldsburg Education Association, OEA/NEA ("Charging Party") filed an unfair labor practice charge against the Reynoldsburg City School District Board of Education ("Charged Party"), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5). On September 11, 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. A complaint was issued on September 22, 2014.

On October 14, 2014, Counsel for Complainant filed an unopposed motion to dismiss, notifying the Board that the parties have reached a settlement in this matter.

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Vice Chair Schmidt moved that the Board grant the motion to dismiss and dismiss with prejudice the unfair labor practice charge and complaint in Case No. 2014-ULP-06-0098. (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 \_\_\_\_\_

2.      Case    2013-REP-05-0050    Laborers' International Union of North America, Local 860 and Cuyahoga County's Department of Jobs and Family Services

This matter comes before the State Employment Relations Board ("SERB" or "the Board") upon the Laborers' International Union of North America, Local 860 ("Union") and the Cuyahoga County's Department of Jobs and Family Services' ("Employer") October 29, 2014 Joint Motion for Reconsideration of the Directive Dismissing the Petition for Representation Election in the above-referenced case.

**CASE HISTORY**

On May 31, 2013, the Union filed a Petition for Representation Election, seeking to represent approximately one hundred forty employees of Cuyahoga County's Department of Jobs and Family Services. On June 10, 2013, the Union filed an amended Petition for Representation Election. The Union's proposed bargaining unit includes twenty job classifications. The Employer filed objections asserting that the employees in the job classifications contained in the Union's proposed bargaining unit are "supervisors" as defined by O.R.C. § 4117.01(F) and, therefore, not "public employees" pursuant to O.R.C. § 4117.01(C)(10). The Employer further asserts that nine employees within the classifications of Administrative Assistant 1, Administrative Assistant 2, Business Administrator 1, and Program Officer 2 are "confidential employees" as defined by O.R.C. § 4117.01(K) and, therefore, not "public employees" pursuant to O.R.C. § 4117.01(C)(6). The Employer further asserts that the Help Desk Technicians in the Department of Jobs and Family Services should be placed into an existing bargaining unit with the Help Desk Technicians in the Division of Children and Family Services, which is also represented by the Union.

On December 12, 2013, the Board directed this matter to an inquiry to gather information to determine an appropriate bargaining unit. On February 25, 2014, an inquiry was held in this matter, at which time, testimonial and documentary evidence was presented. On July 14, 2014, the parties filed post-inquiry briefs.

On August 26, 2014, SERB's General Counsel submitted to the Board an Inquiry Report and Recommendation, finding that the Employment and Family Service Supervisors are "supervisors" within the meaning of O.R.C. § 4117.01(F) and, therefore, are exempt from the definition of "public employee" pursuant to O.R.C. § 4117.01(C)(10). It was recommended that the Union's Petition for Representation Election be dismissed.

On October 9, 2014, after reviewing the General Counsel's Inquiry Report and Recommendation, *attached hereto*, the parties' exhibits and post-inquiry briefs, and the entirety of the record, the Board issued a Directive adopting the Findings of Fact, Conclusions of Law, and Recommendation in the Report and Recommendation, finding

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that the Employment and Family Service Supervisors are "supervisors" pursuant to O.R.C. § 4117.01(C)(10) and, therefore, not public employees under O.R.C. Chapter 4117. The Board further directed that the Petition for Representation Election be dismissed.

On October 29, 2014, the parties filed this Joint Motion for Reconsideration. The parties state that they did not file this motion to request reconsideration of the Board's ruling on the Employment and Family Services Supervisors, but to address the other job classifications that were initially included in the petition but not properly addressed in the stipulations set forth in the Inquiry Report and Recommendation. The parties request that the Board issue a revised directive reflecting the parties' agreement, as set forth below:

1. Directing that an election be conducted with all due speed for full and regular part-time employees in the following job classifications at the Cuyahoga County Department of Health and Human Services, Division of Jobs and Family Services:

Administrative Assistant, Administrative Assistant II, Senior Account Clerk, Senior Employment Services Specialists, Fiscal Officer 1, Case Control Reviewer, Help Desk Technician, Business Administrator 1, and Senior Training Officer. All other employees are excluded

2. Directing that the job classification of Employment and Family Services Supervisor should not be included in the proposed bargaining unit based on the reasons stated in SERB's original directive dismissing the petition in Case No. 2013-REP-05-0050.
3. Directing that the following supervisory classifications should not be included in the proposed bargaining unit based on the parties' stipulations:

Account Clerk Supervisor, Investigator Supervisor, Office Manager, Records Management Administrator, Senior Office Manager, Support Office Officer Supervisor, Support Specialist Supervisor. (See Transcript, page 6).

4. Directing that the Account Clerk Classification should not be included in the proposed bargaining unit because it is represented by another union - the American Federation of State, County, and Municipal Employees, Ohio Council 8, Local 1746, as stipulated by the parties. (Transcript page 6).

Finding that, per the stipulation of the parties, two positions are properly deemed "confidential" and exempt from bargaining. The first is an employee at Employment and Family Services in the Administrator's Office because of the position's close working relationship with management officials who participate in collective bargaining (that person is currently Program Officer 2 Mary Riviotta). The second position is the administrative assistant (currently Theresa Thomas) to the Deputy Director at the Child Support Enforcement Agency ("CSEA") because of her close working relationship with the Deputy Director who participates in collective bargaining and is the management representative at CSEA primarily responsible for handling grievances (see Transcript, pages 6-7).

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Board Member Brundige moved that the Board:

1. **Grant** the parties' Joint Motion for Reconsideration;
2. **adopt** the Findings of Fact, Conclusions of Law, and Recommendation, finding that the Employment and Family Service Supervisors are "supervisors" within the meaning of O.R.C. § 4117.01(F) and, therefore, are exempt from the definition of "public employee" pursuant to O.R.C. § 4117.01(C)(10);
3. **direct** that a mail-ballot election be conducted in accordance with the parties' agreement in the unit described below:

**Included:** All full and regular part-time employees in the following job classifications at the Cuyahoga County Department of Health and Human Services, Division of Jobs and Family Services:  
Administrative Assistant, Administrative Assistant II, Senior Account Clerk, Senior Employment Services Specialists, Fiscal Officer 1, Case Control Reviewer, Help Desk Technician, Business Administrator 1, and Senior Training Officer;

**Excluded:** All other employees.

The mail-ballot election shall be held during a polling period to be established by the Representation Section. As required by Ohio Administrative Code Rule 4117-5-07(A), no later than **November 16, 2014**, the Employer shall serve on Laborers' International Union of North America, Local 860 and shall file with the Board, a numbered, alphabetized election-eligibility list containing the names and home addresses of all employees eligible to vote as of the last pay period just prior to **November 6, 2014**. The Employer shall also provide the election-eligibility list to the Board in label format.

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 2014-ULP-06-0099 Steven B. Heselden v. City of Columbus - Division of Fire

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) by interfering in the exercise of his guaranteed rights by failing to promptly forward a complaint through the chain of command.

Information gathered during the investigation revealed despite the Steven Heselden's allegations, the information provided failed to support an (A)(1) violation. Mr. Heselden was not involved in any protected activity and the City's actions did not result in Mr. Heselden being disciplined or suffering any adverse actions.

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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 \_\_\_\_\_

2.      Case    2014-ULP-08-0132    Scioto County Department of Job and Family Services v. American Federation of State, County and Municipal Employees, Ohio Council 8, Local 3501

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(2) and (3) by using the grievance process as a tool for harassing supervisors and seeking to force the County to commit a violation of the statute by engaging in rude, offensive tactics, calculated to have the Union's business agent, Sandy Shonborn, barred from access to County property.

Information gathered during the investigation revealed that the County has failed to provide any information to support its (B)(2) and (3) 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 \_\_\_\_\_

3.      Case    2013-ULP-01-0001    International Association of Fire Fighters, Local 20 v. City of Hamilton

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1), (5) and (7) by failing to maintain the status quo during negotiations for a successor agreement.

Information gathered during the investigation revealed that the matter was addressed during the parties' negotiation for a successor agreement rather than the grievance-arbitration procedure. Therefore, the City's actions do not rise to the level of a statutory violation and the matter is moot.

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 and for being 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 \_\_\_\_\_



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Board Member Brundige moved that the Board dismiss the charge with prejudice for Mr. Washington's lack of standing to file an unfair labor practice charge and for SERB's 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 \_\_\_\_\_

6.      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 Board 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.

Information gathered during the investigation revealed the Union established a prima facie case of discrimination. The District did not provide a persuasive rebuttal to the allegation of anti-union animus. Therefore, the Superintendent's conduct may rise to an (A)(3) statutory violation. The Union did not provide sufficient information to support the (A)(1), (2), (5) and (8) allegations.

Vice Chair Schmidt 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 School Board violated Ohio Revised Code §4117.11(A)(3), but not (1), (2), (5) and (8). 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-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.

Information gathered during the investigation revealed the Union's statement regarding the Superintendent's behavior toward the local President does not appear to violate Article 36 of the parties' agreement. The statements made were not directly related to the agreement nor was there any information disclosed about the pending grievances. The Union's actions do not rise to the level of a statutory violation. The District did not provide sufficient information to support the (B)(1) and (3) allegations.

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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. 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-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 Board 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.

Information gathered during the investigation revealed that both parties have made disparaging statements about one another to the press. The information provided by the District to the press was done pursuant to public records law. Therefore, the District's actions do not rise to the level of a statutory violation because information regarding the pending grievances was not released. The Union did not provide sufficient information to support the (A)(1), (2), (3), (5) 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. 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-05-0078 Service Employees International Union, District 1199 v. Stark County District Library

The unfair labor practice charge alleged that the County Library 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 the collective bargaining agreement between the parties includes a grievance procedure culminating in final and binding arbitration. A grievance regarding the alleged unilateral change has been filed and is proceeding through the grievance procedure. Contract interpretation and application lie at the heart of both the unfair labor practice charge and grievance dispute.



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Federal and State Court cases, which relate to the subject matter of the charge pending before the Board.

Board Member Brundige moved that the Board consolidate Case Nos. 2014-ULP-07-0124 and 2014-ULP-07-0125 and grant the parties' Joint Motion to Stay the investigation pending the outcome of the Federal and State Court Cases. 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 2012-ULP-12-0305 Liberty Township Professional Fire Fighters, IAFF Local 4394 v. Liberty Township Board of Trustees

The unfair labor practice charge alleged that the Township violated Ohio Revised Code §4117.11 (A)(5) by unilaterally implementing changes to the members' health insurance coverage.

On January 31, 2013, SERB deferred the unfair labor practice charge to the parties' grievance-arbitration procedure pursuant to option three of *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92).

After several attempts to secure updates as to the status of this case, the Township sent a request to withdraw the charge for being "absorbed and resolved through the collective bargaining process" in 2013.

Vice Chair Schmidt moved that the Board construe the Union's Request to Withdraw as a Motion to Withdraw and dismiss the charge 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 \_\_\_\_\_

13. Case 2014-ULP-06-0102 Mason Education Association, OEA/NEA v. Mason City School District Board of Education
14. Case 2014-ULP-08-0128 Service Employees International Union District 1199 v. Cincinnati State Technical and Community College
15. Case 2014-ULP-08-0133 Reynoldsburg Education Association, OEA/NEA v. Reynoldsburg City School District, Board of Education
16. Case 2014-ULP-08-0148 Reynoldsburg City School District Board of Education v. Reynoldsburg Education Association, OEA/NEA
17. Case 2014-ULP-08-0149 Reynoldsburg City School District Board of Education v. Reynoldsburg Education Association, OEA/NEA

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18. Case 2014-ULP-09-0156 Weaver Workshop and Support Association, OEA/NEA v. Summit County Board of Developmental Disabilities
19. Case 2014-ULP-09-0158 Toledo Firefighters Local 92, IAFF, AFL-CIO-CLC v. City of Toledo
20. Case 2014-ULP-10-0195 Josh Norris v. Cincinnati State Technical & Community College

Items 13 through and including 20 were withdrawn pursuant to either a request to withdraw 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:**

There are no tabled matters.

**VII. ADMINISTRATIVE MATTERS:**

**SERB REGULAR SCHEDULED MEETING DATES:**

- December 18, 2014
- January 15, 2015
- February 12, 2015
- March 12, 2015
- April 16, 2015
- May 07, 2015
- June 04, 2015

**SYSTEM UPDATES:**

- **Employee Organization Annual Report Filings:** For fiscal year ending **05/31/2014** a total of **8** Employee Organizations were required to report not later than 10/15/2014. All Employee Organizations have filed and are therefore in compliance.
- **Annual Employee Performance Evaluations:** Section Administrators have completed their Annual Staff Employee Performance Evaluations. They were due at the end of October. The submission this year was totally electronic. Direct reports for the Executive Directors Office will be completed at the end of the first week in November.
- **2014 Workforce Plan:** The 2014 Workforce Plan was submitted to CSA on October 29, 2014. They will submit it to DAS not later than November 12, 2014. This plan addressed the major project initiatives for the coming year; the projection for retirements and related succession planning was also updated. This was accomplished using a Workforce Planning Technique and Model called Force Field



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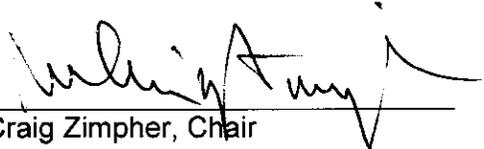
The Board exited from Executive Session at 10:38 a.m.

**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 10:38 a.m.

/s/   
W. Craig Zimpher, Chair