

State Employment Relations Board

Board Meeting Minutes

January 15, 2015

The State Employment Relations Board met on January 15, 2015, 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 DECEMBER 18, 2014 BOARD MEETING:

Board Member Brundige moved that the Board approve the minutes for the December 18, 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 or fact-finding matters at issue.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2014-REP-12-0141 Warren County Dispatch Association and Warren County Commissioners
2. Case 2014-REP-12-0145 Ohio Council 8, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO and its Local 1313 and City of Twinsburg

The parties jointly filed Petitions for Amendment of Certification and 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 _____

3. Case 2014-REP-12-0138 Frank Demczyk and Teamsters Local Union 436 and Medina County Engineer

On December 3, 2014, the Petitioner filed a Petition for Decertification Election.

Ohio Revised Code § 4117.07(C)(6) states a Petition for Decertification Election must be filed with the Board no sooner than 120 days or later than 90 days before the expiration date of any collective bargaining agreement. The contract expires February 28, 2015; thus, October 31, 2014 through November 30, 2014 is the proper filing window period. It appears the petition is untimely filed. The Investigator has contacted the Petitioner and explained the filing deficiency.

Board Member Brundige moved that the Board dismiss without prejudice the Petition for Decertification Election pursuant to Ohio Revised Code § 4117.07(C)(6). 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 motion to dismiss, and dismiss with prejudice the unfair labor practice charge and complaint in Case No. 2014-ULP-06-0103. (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 _____

3. Case 2014-ULP-08-0134 Greater Dayton Regional Transit Authority v. Amalgamated Transit Union, Local 1385

Pursuant to the Board's directive of December 18, 2014, General Counsel had the opportunity for further review of the issues raised in this matter. Without commenting on the likelihood of a probable or no probable cause recommendation, it is recommended that mediation would serve to reduce or resolve the issues raised in this matter.

Vice Chair Schmidt moved that the Board direct this case to the Mediation Section for assignment to a SERB mediator for the purposes of mediating this dispute. The assigned mediator shall issue a procedural order to the parties regarding the date and location of the Mediation and report back to the General Counsel within 45 days for further disposition. The General Counsel may grant one extension of this time after consultation with the assigned mediator. 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-09-0184 Daren Moore v. Ohio Council 8, AFSCME, AFL-CIO

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1), (2), (3) and (6) by failing to fairly represent Daren Moore after he was terminated.

Information gathered during the investigation revealed that the Union has taken the basic and required steps in its representation of the Mr. Moore. Mr. Moore did not provide sufficient information or documentation to support the (B)(1), (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. 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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2. Case 2014-ULP-09-0185 Daren Moore v. Lima/Allen County Regional Transit Authority

The unfair labor practice charge alleged that the Transit Authority violated Ohio Revised Code §4117.11 (A)(1), (3), (5), (6) and (8) by unjustly terminating Daren Moore, in part, for engaging in the protected activity of helping to organize a union.

Information gathered during the investigation revealed Mr. Moore's termination was due to his seven (7) violations of the Policies and Procedures Manual and not for any anti-union animus. The Transit Authority's actions do not amount to an (A)(3) violation of the statute. Furthermore, Mr. Moore did not provide sufficient information or documentation to support the (A)(1), (5), (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. 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-10-0193 Service Employees International Union, District 1199 v. Medina County Public Library

The unfair labor practice charge alleged that the County Library violated Ohio Revised Code §4117.11 (A)(1), (2) and (5) by directly dealing with its members by "spreading false statements" regarding the parties' discussions of merit-based bonuses.

Information gathered during the investigation revealed that based on the totality of the circumstances, the Union did not provide sufficient information or documentation to show how the alleged statements/actions rose to the level of an (A)(1) and (2) statutory violation. Furthermore, the direct dealing allegation is untimely filed.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and 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 _____

4. Cases 2014-ULP-10-0198 Jeremey Copas v. Fraternal Order of Police, Capital
2014-ULP-10-0199 City Lodge #9

The unfair labor practice charges alleged that the FOP violated Ohio Revised Code §4117.11 (B)(6) by entering into a Memorandum of Understanding with the Employer that directly violated the collective bargaining agreement; and that the FOP violated Ohio Revised Code §4117.11 (B)(6) by allowing the Employer to violate the contract when it did not post bids for open SWAT team shifts.

Information gathered during the investigation revealed that in both cases, the FOP's actions were not arbitrary, discriminatory or in bad faith. Therefore, the FOP's actions do not

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amount to a (B)(6) violation of the statute.

Vice Chair Schmidt moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices were 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 _____

5. Case 2014-ULP-10-0201 Helen Prack v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 1543

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1), (2) and (6) by failing to fairly represent Helen Prack's interests in the settlement of a class action grievance.

Information gathered during the investigation revealed that the parties agreed to only include those employees who had been in the Union when the grievance was filed on July 26, 2011. Ms. Prack admits that she had not been a member of the Union since February of 2008. Therefore, the Union's actions are not arbitrary, discriminatory or in bad faith.

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 _____

6. Case 2014-ULP-10-0203 Jaime Breitenbach v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 1543

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1), (2) and (6) by failing to fairly represent Jaime Breitenbach interests in the settlement of a class-action grievance.

Information gathered during the investigation revealed that the parties agreed to only include those employees who had been in the Union when the grievance was filed on July 26, 2011. Ms. Breitenbach admits that she had not been a member of the Union since February of 2006. Therefore, the Union's actions are not arbitrary, discriminatory or in bad faith.

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 _____

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7. Case 2014-ULP-10-0211 Timothy Patrick McTaggart v. City of Painesville

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(3) by "repeatedly and excessively" disciplining Timothy Patrick McTaggart.

Information gathered during the investigation revealed that Mr. McTaggart's discipline was based on his violations of the Policies and Procedures and the negotiated agreement and not for any anti-union animus.

Furthermore, events referenced in the Statement of Facts occurring in 2013 and before September 11, 2014 are outside of the 90-day statutory time frame and are untimely.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed, and for being untimely filed for events occurring in 2013 and before September 11, 2014. 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-11-0240 Josh Norris v. Montgomery County Stillwater Center

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(1) and (6).

Information gathered during the investigation revealed that on November 19, 2014, Josh Norris was notified in writing that the charge needed to be amended to cure the deficiency pursuant to Ohio Administrative Code 4117-7-01. Mr. Norris was given until November 28, 2014 to provide the amended charge and that the 90-day statutory time frame for filing would continue to run until the deficiency was corrected.

On December 8, 2014, Mr. Norris was again advised that the amended charge needed to be filed as soon as possible and that the 90-day statutory time frame would still run. To date, Mr. Norris has not filed an amended charge.

Also, the most recent date referenced in the Statement of Facts was August 15, 2014, which meant the charge should have been filed on or before November 13, 2014, but was not filed until November 17, 2014. As of this report, the charge is also untimely filed and no amended charge has been received.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice due to Josh Norris' failure to provide an amended charge 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 _____

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9. Case 2014-ULP-11-0245 Debra Boyer v. City of Cleveland - Police Impound

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

Information gathered during the investigation revealed that on November 19, 2014, Debra Boyer was notified in writing that the charge was deficient as it did not contain a clear and concise statement of the facts. Ms. Boyer was also advised that the 90-day statutory time frame would continue to run until the deficiency was corrected.

On December 2, 2014, Ms. Boyer, through her daughter, was again advised that the Statement of Facts needed to include names, dates and any allegations as they relate to Ohio Revised Code § 4117.11 and was advised of the 90-day statutory time frame to file the charge. As of the date of this report, Ms. Boyer has not filed an amended charge.

Board Member Brundige moved that the Board dismiss the charge without prejudice due to Ms. Boyer's failure to provide a clear and concise statement of facts constituting the alleged violation. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

10. Case 2014-ULP-12-0263 Laurie A. Davis v. Ohio Civil Service Employees Association, AFSCME Local 11

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1).

Information gathered during the investigation revealed that on December 12, 2014, Laurie Davis was notified in writing that the charge did not contain a clear and concise statement of facts and appeared to be untimely filed. Ms. Davis was advised of the deficiencies and was given until December 19, 2014 to file the amended charge.

After being granted an extension of time to file, Ms. Davis indicated that she could not provide any documentation to correct the deficiencies.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice 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 _____

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11. Cases 2014-ULP-07-0124 Communications Workers of America, Local 4501,
2014-ULP-07-0125 AFL-CIO v. State of Ohio - Secretary of State

The unfair labor practice charges alleged that the Secretary of State violated Ohio Revised Code §4117.11 (A)(1) and (5) and that the Department of Administrative Services violated Ohio Revised Code §4117.11 (A)(1) by unilaterally changing the eligibility of same sex partners in health care coverage.

Information gathered during the investigations revealed that these matters are purely contractual with no arguable statutory violation and are best addressed through the grievance-arbitration procedure.

Chair Zimpher moved an alternative recommendation that the Board retain jurisdiction of this matter and defer resolution to the grievance arbitration procedures of the parties' labor agreement. The parties will have 30 days from the issuance of the arbitrator's award to request review of any remaining issues. Board Member Brundige seconded the motion.

Chair Zimpher called for discussion.

Chair Zimpher shared the following rationale for his alternative recommendation: "Review of the relevant briefs and position papers in this matter as well as parts of the Investigator's report reveal that much of the issue at hand revolves around specific contract provisions and interpretations thereof. Under *In Re Upper Arlington Education Assn.* SERB 92-010 (6/30/92), the Board may employ one of three options. Especially in cases in which grievances have been filed, and are pending during the filing of an Unfair Labor Practice Charge, we have been consistent in exercising the third prong of *In Re Upper Arlington*, that is by referring the matter to grievance arbitration. Review of this case indicates, to this member, at least, that such would be the appropriate resolution."

Chair Zimpher called for the vote.

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

12. Case 2014-ULP-09-0181 David A. Nebbia v. Municipal Construction Equipment Operators Labor Council (MCEOLC)

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(6) by failing to fairly represent David A. Nebbia.

Information gathered during the investigation revealed that the Union communicated its policy requiring members to pay any filing or arbitrator's fees if they want to pursue arbitration. Accordingly, the Union's actions were not arbitrary, discriminatory or in bad faith and do not rise to the level of a statutory violation.

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Chair Zimpher moved an alternative recommendation that the Board refer case number 2014-ULP-09-0181 to the Office of SERB's General Counsel for further review and analysis; said matter to be resubmitted with a recommendation at the earliest possible SERB meeting. Vice Chair Schmidt seconded the motion.

Chair Zimpher called for discussion.

Chair Zimpher shared the following rationale for his alternative recommendation: "After review of the Investigator's report and pertinent documents relating to the above case, I believe another review focused on all relevant legal authority about the alleged behavior would be useful for an informed opinion."

Board Member Brundige shared the following comments: "I support the Chair's recommendation that this item be referred to the Office of General Counsel for additional research. While I understand that unions have no duty to take unmerited cases to arbitration, I question a blanket policy that requires any member who wants to take a case to arbitration, to pay for it her/himself. ORC § 4117 provides an alternative for bargaining unit employees who do not have a contract that ends in binding arbitration (they can appeal to SPBR). Since this union has a contract that concludes in binding arbitration, it would seem to me that they may have a responsibility to forward cases that they find meritorious."

Chair Zimpher called for the vote.

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

13. Case 2014-ULP-10-0189 Ben Eberts v. Ohio Education Association

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

Information gathered during the investigation revealed that the Association went beyond the basic and required steps in its representation of Mr. Eberts. Therefore, the Association's actions do not amount to a (B)(6) violation of the statute.

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 _____

14. Case 2014-ULP-10-0190 Ben Eberts v. Wellston City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(3) and (4) by discriminating and discharging Ben Eberts.

Information gathered during the investigation revealed that Mr. Eberts did not provide sufficient information or documentation to support the (A)(3) and (4) allegations. In addition, Mr. Eberts knew or should have known in 2013 that his contract was not renewed, but did not file the instant charge until October 1, 2014. Therefore, the charge is untimely

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filed.

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 _____

15. Case 2014-ULP-10-0196 Greater Dayton Regional Transit Authority v. Amalgamated Transit Union, Local 1385

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(3) by failing to bargain collectively with its exclusive representative.

Information gathered during the investigation revealed that the allegations in this case are very similar to the allegations in Case No. 2014-ULP-08-0134, which, on December 18, 2014, was referred to SERB's General Counsel for further review and legal analysis. Accordingly, ATU's Motion to Stay the instant case pending the outcome of Case No. 2014-ULP-08-0134 is appropriate.

Board Member Brundige moved that the Board grant the Union's Motion and hold the matter in abeyance pending the outcome of Case No. 2014-ULP-08-0134. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

16. Case 2009-ULP-03-0125 Eastlake Fire Fighters, Local 2860, IAFF v. City of Eastlake
17. Case 2013-ULP-03-0083 American Association of University Professors - Kent State Chapter v. Kent State University
18. Case 2014-ULP-09-0163 Dayton Education Association, OEA/NEA v. Dayton City Schools Board of Education
19. Case 2014-ULP-10-0197 Ohio Patrolmen's Benevolent Association v. Trumbull County Sheriff's Office
20. Case 2014-ULP-11-0232 Wayne County Joint Vocational School Education Association v. Wayne County Joint Vocational School District Board of Education
21. Case 2014-ULP-11-0249 Fraternal Order of Police, Lodge 15 v. Brunswick Hills Township

Items 16 through and including 21 were withdrawn pursuant to a request or motion to withdraw.

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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:

- **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 **07/31/2014** a total of 15 Employee Organizations were required to report not later than **12/15/2014**. All Employee Organizations have filed and are therefore in compliance.
- **2015 Report on the Cost of Health Insurance in Ohio's Public Sector:** The survey process has begun. Final draft of the survey was completed January 09, 2015. The survey is scheduled to be sent out on January 15, 2015. At the request of DAS, SERB was contacted to explore the possibility of coordinating with a contractor surveying the use of health insurance consortiums by public employers to see if there was a fit for additional questions in our annual survey instrument. Justin Brown of SERB's Research and Training Section met with John Hoornbeek, PhD, Director, Center for Public Policy and Health at Kent State University to explore options. SERB provided Dr. Hoornbeek with survey responses from last year in an excel file and also included a copy of the full insurance survey. In addition he was provided with all the Health Insurance Reports from 2010-2014 (5 total). The questions that SERB asks in the annual survey require either a yes/no, numeric or a fact based response. Dr. Hoornbeek has geared his questions to match our format and they have been included in this year's survey. The questions he poses relate to public employers and their responses as to why or why not each chose the insurance broker or consortium that they did or did not. SERB will continue to work with and assist Dr. Hoornbeek as much as possible.
- **SERB Fleet:** Based on the usage and condition of our three 2012 Ford Focus vehicles used by the Mediators, and the diminishing need for a fourth vehicle, leased unit #32-722 was released back to DAS Fleet Management for reassignment. The vehicle was returned on January 05, 2015. Fleet Management agreed to credit December's lease invoice if the vehicle was returned by January 09, 2015.

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- **Contract Administrative Law Judge:** Sarah Cole's contract commences on January 15, 2015. Erin Conn and Jim Sprague will facilitate training on SERB systems and Hearing procedures for Sarah Cole. Erin Conn has set a date of January 27, 2013 to conduct training on SMDS and audio recording equipment and obtain all necessary signed documents for compliance with State of Ohio and SERB Policies. Jim Sprague has set a Pre-hearing for a SERB ULP case for February 17, 2015 for her to sit on the bench with him to observe and/or participate. The Record Hearing has been set for March 11, 2015, she has also been scheduled.
- **Labor Relations Specialist 2 Position:** The position was posted on Monday, January 12, 2015 and will run for 10 days. Following the posting, applications will be forwarded to SERB for our review and selection of applicants to interview.
- **Registration/Constitution/By Laws/Annual Reports for Employee Organizations:** A project long overdue is underway under the guidance of Shane Trace in coordination with the Clerk's Office to begin scanning certain employee organization reports into SMDS. All employee organization documents that were filed with SERB from 1984 through 2012 shall be retained permanently by SERB in paper format. Thereafter, all employee organization registrations, constitutions, and bylaws, including amendments and updated versions that are filed with SERB shall be retained permanently in both paper and electronic format. All employee organization annual reports and financial statements will be retained permanently in an electronic format only.

TRAINING:

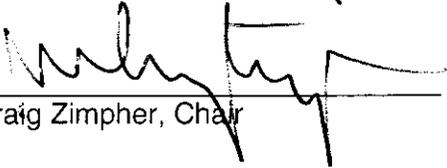
- **SPBR Academy:** SPBR Academy is scheduled for February 24, 2015 at the Crowne Plaza – North. To date there are 73 registrations.
- **SERB Academy:** Planning is underway for the next SERB Academy scheduled for April 09 and 10, 2015 at the Crowne Plaza – North.

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 10:34 a.m.

/s/ 
W. Craig Zimpher, Chair