

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 2014-REP-09-0107 Huber Heights Professional Firefighters IAFF and City of Huber Heights

On September 16, 2014, Huber Heights Professional Firefighters IAFF 2926 ("Employee Organization") filed an Opt-In Request for Recognition, seeking to include the classification of Fire Prevention Manager in the existing bargaining unit represented by IAFF 2926. The City of Huber Heights filed Objections to the Opt-In Request for Recognition, asserting that the employee in question is a management-level employee as defined by O.R.C. § 4117.01(L) and, therefore, exempt from the provisions of O.R.C. Chapter 4117.

On January 15, 2015, the Board directed this matter to SERB's Office of General Counsel to conduct an inquiry regarding whether the employee in question is a "public employee" under O.R.C. Chapter 4117, and if found to be, to determine an appropriate bargaining unit.

On March 23, 2015, the Employee Organization filed a request to withdraw its Opt-In Request for Recognition.

Board Member Brundige moved that the Board grant the Employee Organization's request and dismiss without prejudice the Opt-In Request for Recognition in Case No. 2014-REP-09-0107. 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-REP-10-0128 Goshen Township Police Association and Goshen Township Trustees, Clermont County

On October 23, 2014, the Goshen Township Police Association ("Association") filed an Opt-In Request for Recognition, seeking to include the classification of Police Clerk in the existing bargaining unit represented by the Association. On November 10, 2014, the Goshen Township Trustees filed Objections to the Opt-In Request for Recognition, asserting that the employee in question is a confidential, management-level, and supervisory employee and, therefore, not a "public employee" as defined by O.R.C. § 4117.01(C).

On February 12, 2015, the Board directed this matter to SERB's Office of General Counsel for the purpose of conducting an inquiry to determine whether the employee in question is a "public employee" under O.R.C. Chapter 4117, and if found to be, to determine an appropriate bargaining unit.

On March 30, 2015, the Association filed a request to withdraw its Opt-In Request for Recognition.

Vice Chair Schmidt moved that the Board grant the Goshen Township Police Association's request and dismiss without prejudice the Opt-In Request for Recognition in Case No. 2014-REP-10-0128. 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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3. Cases 2014-REP-12-0143 Teamsters Local Union No. 284 affiliated with the International Brotherhood of Teamsters and Franklin County Sheriff's Office
- 2015-REP-01-0008 Teamsters Local Union 413 affiliated with the International Brotherhood of Teamsters and Franklin County Sheriff's Office

The Teamsters Local Union No. 284 affiliated with the International Brotherhood of Teamsters (Employee Organization/Teamsters 284) is the exclusive representative of two (2) Board-certified bargaining units: Control Room Operators (Case No. 2014-REP-03-0045) and Court Security Officers (as certified in Case No. 2013-REP-06-0058). Teamsters 284 filed a Petition for Amendment of Certification in Case No. 2014-REP-12-0143 seeking to change the Employer's name, change the job title of Court Security Officers to Facility Security Officers, combine the two-Board certified bargaining units into one bargaining unit, and add the currently unrepresented classification of Facility Security Specialists into the combined bargaining unit. The Employer did not oppose the petition.

The Teamsters Local Union 413 affiliated with the International Brotherhood of Teamsters (Employee Organization/Teamsters 413) filed a Request for Recognition, in Case No. 2015-REP-01-0008, seeking to represent the aforementioned Facility Security Specialists. The Employer timely filed objections.

On March 12, 2015, in Case 2014-REP-12-0143, the Board granted the Employer name change and job title change, held all remaining issues, and ordered all three parties to participate in mediation. At the same meeting, the Board directed Case 2015-REP-01-0008 to Inquiry to determine an appropriate bargaining unit. The Office of General Counsel issued a Procedural Order in Case 2015-REP-01-0008 stating that since the cases involved the same Employer and job classification issue, the Inquiry would be held in abeyance pending the outcome of the mediation.

Mediation was held with all parties on April 2, 2015. As a result of mediation, the parties have agreed to have an election with both Teamsters 284 and Teamsters 413 on the ballot. During mediation, the parties entered into a Consent Election Agreement seeking a mail-ballot election for the polling period of April 28, 2015 through May 11, 2015. As the job classification of Facility Security Specialist will be decided by the mail-ballot election, the issue is now moot and an Inquiry no longer necessary.

Board Member Brundige moved that the Board rescind the Direction to Inquiry in Case 2015-REP-01-0008 as moot, approve the Consent Election Agreement and direct a mail-ballot election to be conducted during the polling period of April 28, 2015 through May 11, 2015, and consolidate Cases 2014-REP-12-0143 and 2015-REP-01-0008 for the purpose of the election. Also, in 2014-REP-12-0143, that the Board grant the petition, in part, by combining the two Board-certified bargaining units of Control Room Operators and Facility Security Officers into one combined bargaining unit. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion.

Board Member Brundige commended the staff on their efforts in resolving this matter. Chair Zimpher agreed.

Chair Zimpher called for the vote.

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

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2013-ULP-09-0286 Laborers' International Union of North America, Local 860 v. Cuyahoga County

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(1), (3) and (5) by unilaterally assigning bargaining-unit work to nonbargaining-unit members in retaliation for exercising their guaranteed rights.

Information gathered during the investigation revealed that based on the job descriptions for both positions, the Network Manager position has overlapping job duties with the Network Administrator. The Union did not provide any documentation to show which job duties were strictly bargaining-unit work. Based on the totality of the circumstances, the County's actions do not rise to the level of an (A)(5) statutory violation. Charging Party did not provide any information to support the (A)(1) and (3) allegations.

The matter also appears to be moot because the parties have ratified an agreement addressing the issue of bargaining-unit work and nonbargaining-unit work.

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 the matter 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 _____

2. Case 2014-ULP-11-0226 Toledo Federation of Teachers, AFT, AFL-CIO v. Toledo City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(5) by creating and implementing a District-wide Staff/Teacher Handbook which contains "directives and rules" that are contrary to the parties' collective bargaining agreement.

Information gathered during the investigation revealed that Article XVIII.B provides for the use of the standardized lesson forms, as adopted in the fall of 1969 and does not contain any reference to the content that should be contained on that form. A further provision of Article XVIII.B provides that: "Disputes concerning lesson plans shall be resolved by the co-chairs of the Intern Review Board." The Union did not provide any information to show that it followed that process prior to filing the instant charge or that it had filed a grievance. Based on the totality of the circumstances, the School Board's actions do not amount to an (A)(5) 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.

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

5. Case 2015-ULP-01-0010 Michael J. Carlisle, Sr. v. Amalgamated Transit Union, Local 268

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1) by violating the Constitution and By-Laws when it conducted an internal election for officers.

Information gathered during the investigation revealed that the Union's conduct and procedures in conducting the internal election did not interfere with, restrain or coerce the members in the exercise of their guaranteed rights to vote in the election or interfere with the members statutorily protected rights. Michael J. Carlisle failed to exhaust his internal remedies prior to filing. Mr. Carlisle's concerns are with the Union's Constitution and By-Laws at Sections 38 and 39. Therefore, based on the totality of the circumstances, the Union's actions do not amount to a (B)(1) statutory violation.

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 lack of jurisdiction. 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 2015-ULP-01-0012 Brant L. Jordan v. Northmor Classified Employees

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1) and (6) by failing to represent Brant L. Jordan during his arbitration and failing to fairly represent the membership.

Information gathered during the investigation revealed that Mr. Jordan's numerous allegations that the Union failed to properly represent him and/or the membership lies solely in his interpretation of the events, but are not supported by the documentation provided. Based on the totality of the information provided, the Union's actions are not arbitrary, discriminatory or in bad faith in its representation of Mr. Jordan or the membership.

Mr. Jordan did not provide sufficient information or documentation to support the (B)(1) allegation.

Board Member Brundige moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. 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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7. Case 2015-ULP-01-0013 Paul W. Butler v. International Brotherhood of Teamsters, Local 244

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(2), (3) and (6) by failing to represent Paul W. Butler at a hearing.

Information gathered during the investigation revealed Mr. Butler did not provide any information and/or documentation to support any of his allegations. Mr. Butler had representation at his hearing, which took place on February 3rd. Therefore, the Union's actions were not arbitrary, discriminatory or in bad faith and do not rise to the level of a (B)(6) statutory violation. Mr. Butler did not provide any information to support the (B)(2) 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 2015-ULP-02-0022 Otis Davenport v. Ohio Civil Service Employees Association, AFSCME Local 11 and Its Local BWC 2535

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1), (2), (3), (4), (5), (6), (7) and (8) by failing to follow the procedures outlined in the grievance process.

Information gathered during the investigation revealed that Mr. Davenport did not provide sufficient information or documentation to show how the Union failed to follow the procedures outlined in the grievance procedure. The grievances were advanced to a Step 2 where Mr. Davenport was present. After the Employer denied the grievances at Step 2, the Union filed an appeal to advance the grievances to Step 3. The grievances are currently pending mediation. The Union provided Mr. Davenport with an explanation of why one (1) of his grievances was not advanced to Step 3. The grievance dealt with his verbal reprimand which cannot be advanced past Step 2 per the procedures outlined in the parties' negotiated agreement. Based on the totality of the circumstances, the Union's actions were not arbitrary, discriminatory or in bad faith in its representation of Mr. Davenport. The Union's actions do not rise to the level of a (B)(6) statutory violation.

Mr. Davenport did not provide any information or documentation to support the (B)(1), (2), (3), (4), (5), (7) and (8) 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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Vote: BRUNDIGE: Yes SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

13. Case 2014-UPL-11-0238 Samuel A. Meeks v. Firemen and Oilers, Local 200

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

Information gathered during the investigation revealed that Mr. Meeks was not selected for a vacant Head Custodian position. Mr. Meeks alleged that the School District violated the CBA when the selected candidate for the vacant position was not done through the Civil Service Rules. Mr. Meeks' matter was handled through the parties' grievance-arbitration process and pursuant to Local 200's investigation of Mr. Meeks' grievance, Local 200 did not advance his grievance to arbitration because it lacked merit. The grievances filed by Mr. Meeks in 2012 and 2013 are outside the ninety (90)-day statute of limitations and are untimely.

Local 200 took the necessary steps to represent Mr. Meeks and its actions were not arbitrary, discriminatory or in bad faith. Mr. Meeks did not provide sufficient information to support the (B)(6) allegation.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed, and for that part of the charge relating to grievances filed in 2012 and 2013 as 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 _____

14. Case 2014-UPL-11-0239 Samuel A. Meeks v. Shaker Heights City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(6) by repeatedly failing to timely process Samuel A. Meeks' grievances.

Information gathered during the investigation revealed that the allegations regarding grievances filed in 2010, 2011 and 2013 are outside the ninety (90)-day statute of limitations and are untimely. The grievance filed by Mr. Meeks in 2014 was processed through the parties' grievance-arbitration process. The decision not to advance the grievance to arbitration because it lacked merit was determined by Local 200 and not by Fred Shaloup, the School District's Operation Manager or by the School District.

The School District's actions do not rise to a statutory violation. Mr. Meeks did not provide sufficient information to support the (A)(6) allegations.

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19. Cases 2014-ULP-05-0078 Service Employees International Union, District 1199
2014-ULP-06-0104 v. Stark County District Library

The unfair labor practice charges alleged that the County violated Ohio Revised Code §4117.11 (A)(1), (2), (7) and (8) by interfering, restraining or coercing employees in the exercise of their guaranteed rights, by interfering with the support of an employee organization by locking out employees and by causing or attempting to cause an unfair labor practice.

Information gathered during the investigation revealed the matters were deferred for resolution through the parties' grievance-arbitration procedure pursuant to *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92) by the Board on November 6, 2014. The issues were resolved in arbitration and as a result, the Union is requesting withdrawal of these charges.

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

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

20. Case 2014-ULP-12-0272 Ohio Civil Services Employees Association, AFSCME Local 11, AFL-CIO v. Huron County Department of Job & Family Services
21. Case 2014-ULP-11-0227 Ohio Association of Public School Employees/AFSCME Local 4, AFL-CIO and its Local 131 v. Coventry Local School District Board of Education
22. Case 2014-ULP-11-0228 Toledo Federation of Teachers, AFT, AFL-CIO v. Toledo City School District Board of Education
23. Case 2014-ULP-11-0234 Wellington Education Association, OEA/NEA v. Wellington Exempted Village School District Board of Education
24. Case 2014-ULP-11-0253 Garfield Heights City School District Board of Education v. Garfield Heights Teachers Association
25. Case 2015-ULP-01-0008 International Brotherhood of Teamsters, Local 377 v. Trumbull County Children's Services
26. Case 2015-ULP-01-0009 International Brotherhood of Teamsters, Local 20 v. City of Toledo
27. Case 2015-ULP-01-0019 Ohio Council 8, AFSCME, AFL-CIO v. Lima/Allen County Regional Transit Authority

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28. Case 2015-ULP-02-0028 Cleveland Heights Teachers Union Local 795, OFT/AFT AFL-CIO v. Cleveland Heights-University Heights City School District Board of Education & Dr. Octavia Reid
29. Case 2015-ULP-02-0035 Akron Association of Classified Personnel, OEA/NEA v. Akron City School District Board of Education
30. Case 2015-ULP-03-0048 City of Niles v. Ohio Patrolmen's Benevolent Association and Director John Marshall
31. Case 2015-ULP-03-0065 Stow-Munroe Falls Classified Employees Association, OEA/NEA v. Stow-Munroe Falls City School District Board of Education
32. Case 2015-ULP-03-0068 Katherine O'Keeffe v. Ravenna Education Association, OEA/NEA
33. Case 2014-ULP-05-0071 International Brotherhood of Electrical Workers, Local 39 v. City of Cleveland - Department of Public Utilities
34. Case 2014-ULP-05-0081 Service Employees International Union, District 1199 v. Cleveland State University

Items 20 through and including 34 were withdrawn pursuant to a request, settlement or motion to withdraw.

Vice Chair Schmidt moved that the Board construe the requests to withdraw and the settlement agreements 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:

- **May 07, 2015**
- **June 04, 2015**
- **July 09, 2015**
- **August 13, 2015**
- **September 10, 2015**
- **October 01, 2015**

SYSTEM UPDATES:

- **Employee Organization Annual Report Filings:** For fiscal year ending **10/31/2014** two Employee Organizations were required to report not later than **03/15/2015**. The Employee Organizations filed and are therefore in compliance. There are no employee organizations 31 days past due.

There are no Employee Organizations with a fiscal year ending 11/31/14 and therefore none are required to report not later than 04/15/15.

- **2015 Report on the Cost of Health Insurance in Ohio's Public Sector:** Comparison over last year below.

OVERALL RESPONSE RATE	SURVEYS SENT 2014	RECEIVED 2014	RATE 2014	SURVEYS SENT 2015	RECEIVED 2015	RATE 2015
	1,327	1,231	92.8%	1,322	1,261	95.3%

Note: Health Districts were not surveyed this year, since past surveys found majority were included in county submitted surveys.

To date, just over 100 medical plans have been reviewed and scrubbed by Justin Brown. Emails were sent out as needed. There are a total of 1,903 medical plans. Justin Brown has done an admirable job of managing this year's report on the Cost of Health Insurance in Ohio's Public Sector. He sent out five (5) fewer surveys this year over last year, but received 30 more surveys than last year! His attention to detail, follow up, follow through and work with the recipients of the survey is clearly demonstrated in the positive results.

- **Operation Feed:** The Operation Feed Campaign began on Monday, March 16, 2015 and concluded on Monday, April 6, 2015. The goal was 495 meals - which is the equivalent of \$124.00; **\$430.00** was collected, that equates to **1,720 meals!** Thank you to everyone who generously contributed and to Judy Knapp for once again chairing this campaign, her efforts in helping us painlessly participate to assist those in our area who are most in need are appreciated.
- **Minority Business Enterprise (MBE) Training:** Shane Trace and Christine Dietsch attended MBE Training on 3/16/15 specifically geared toward assisting Boards and Commissions in reaching the MBE 15% set aside goal. SERB is right on track to attain and exceed the goal.
- **Payment Card (PCard) Holder Training:** Shane Trace and Christine Dietsch completed the online training qualifying them to receive, manage and provide oversight for the PCard (agency credit card). Shane has been issued a PCard.
- **Legal Internships:** Interviews for three legal internship positions were held on 4/7/15. Four candidates were scheduled for interviews for three available slots. One of the scheduled interviewees declined due to another offer which they accepted.

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Therefore, three Legal Intern candidates were interviewed and have been selected. The interns will begin on June 2, 2015 and will work three consecutive days per week, Tuesday/Wednesday/Thursday. Thank you to Elaine Stevenson for coordinating the Legal Intern program with the various law schools. This year, OSU Moritz College of Law is the only participating school.

- **Financial Disclosure Filings:** Members of the SERB and SPBR Boards, Executive Director and General Counsel filed the appropriate Financial Disclosure Filings with the Ethics Commission prior to the deadline of April 15, 2105.

TRAINING:

- **SERB Academy:** Held on April 09 and 10, 2015 at the Crowne Plaza – Worthington. One hundred and thirty (130) people attended; of that number 16 were staff and/or presenters. A total of 114 participants registered and paid. It was well received and rated among the highest to date.
- **Ethics Training:** Per Governor Kasich's Executive Order 2011-0K, **all** state officials and employees must participate in annual Ohio Ethics Law training. Susan Willeke, Education and Communications Administrator, Ohio Ethics Commission is scheduled to provide a session here on site for Board Members of SERB and SPBR and our staff in order to meet the Ohio Ethics Law education requirement in the Executive Order. This session is **scheduled for Wednesday, April 29, 2015 at 1:30 p.m. in Hearing Room 1**. As in past years we have invited Public Works (located in this building) to join us for the presentation.
- **Negotiations Training:** A one day basic training program in practical negotiations for persons new to collective bargaining and for those seeking a new perspective on conducting and participating in negotiations will be presented on June 16, 2015 by SERB Mediators Ken Hickey and Brian Eastman, supported by Don Collins, General Counsel and Mary Laurent, Administrative Professional 2 of the Bureau of Mediation. The training will concentrate on bargaining alternatives, requirements under the ORC, strategies, essentials and mock negotiation sessions. The training will be limited to 22 participants. To date 13 participants have registered. It will be held at the State Library.
- **Fact-finding Conference:** scheduled for October 23, 2015 at the Crowne Plaza Hotel in Worthington.
- **Fall SERB Academy:** tentatively scheduled for November 12 and 13, 2015 at the Crowne Plaza Hotel in Worthington.

WELCOME:

- **Twila Hampton Brown** Twila Hampton-Brown began with SERB on Monday, March 23, 2015 as a Labor Relations Specialist 2 in the Investigations Section. For the past 12 years Twila was employed as a Labor Relations Officer 2 with the Department of Rehabilitation and Corrections at the Orient institution.

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She holds a Bachelor's Degree in Criminal Justice from New Jersey City University and a Master's Degree in Anthropology from The Ohio State University. In addition, she has certifications from Capital University Law School Center for Dispute Resolution, Ohio Collective Bargaining, EEO/Department of Administrative Services, and the National Public Employer Labor Relations Association.

Her familiarity with the Ohio Revised Code, contracts, investigations and research in combination with her prior work on both sides of the labor/management process including experience in contract negotiations has broadened her professional perspectives. All of these experiences are an asset as she trains on the SERB procedures and investigatory methodologies. Welcome to Twila!

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 10:40 a.m.

/s/ 
W. Craig Zimpher, Chair