

State Employment Relations Board

Board Meeting Minutes
July 9, 2015

The State Employment Relations Board met on July 9, 2015, at 10:00 a.m., at 65 East State Street, 12th Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher and Vice Chair Aaron A. Schmidt. Board Member N. Eugene Brundige was absent from the meeting.

I. APPROVAL OF MINUTES FOR THE JUNE 4, 2015 BOARD MEETING:

Vice Chair Schmidt moved that the Board approve the minutes for the June 4, 2015 Board meeting. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

1. Case 2014-MED-09-1277 International Association of Firefighters, Local 320 and City of Niles

On June 11, 2015, the International Association of Firefighters (IAFF), Local 320, filed a Motion to Stay Fact finding pending the resolution of the Unfair Labor Practice Charge in Case No. 2015-ULP-02-0025. The parties had received a Fact finding panel and were schedule to strike names to select a Fact finder.

Since then, on June 19, 2015, Local 320 filed a request to withdraw their Motion to Stay Fact finding. The parties have mutually selected a fact finder since the motion to stay was filed. In addition Local 320 has filed a dismissal on the above Unfair Labor Practice Charge filing. The ULP dismissal is being processed in the Unfair Labor Section.

Vice Chair Schmidt moved that the Board grant the request of IAFF, Local 320 to withdraw their Motion to Stay Fact Finding. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

2. Case 2015-MED-04-0371 SEIU, District 1199, WV/KY/OH and Wood County General Health District

On March 16, 2015, employees of the Wood County General Health District filed a Petition for a Representation Election seeking to decertify SEIU, District 1199, WV/KY/OH as their exclusive bargaining representative. That Petition is pending in Case No. 2015-REP-03-0033.

On April 3, 2015, SEIU filed a Notice to Negotiate for a new collective bargaining agreement with the employer, Wood County General Health District, in Case No. 2015-MED-04-0371. The employer has now filed a Motion to Stay Negotiations pending the outcome of the representation petition. The basis of their motion is that they have a good faith doubt as the majority status of the incumbent union.

Vice Chair Schmidt moved that the Board grant the Employer's Motion to stay Negotiations in Case No. 2015-MED-04-0371 pending the disposition of Case No. 2015-REP-03-0033. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

3. Closing of 286 Cases

Vice Chair Schmidt moved that the Board close 286 Mediation cases beginning with Case No. 2011-MED-03-0406 and ending with Case No. 2014-MED-10-1533, not consecutively numbered. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2015-REP-05-0050 Fraternal Order of Police, Ohio Labor Council, Inc. and University of Cincinnati

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

Vice Chair Schmidt moved that the Board certify the Employee Organization as the exclusive representative of all employees subject to the request, and add them to the Employee Organization's existing unit. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

2. Case 2015-REP-05-0049 Ohio Association of Public School Employees (OASPE)/AFSCME Local 4, AFL-CIO and Kettering City School District Board of Education
(July 21, 2015 - August 3, 2015)

3. Case 2015-REP-05-0054 Ohio Patrolmen's Benevolent Association and City of Wickliffe
(July 21, 2015 - August 3, 2015)

All parties have executed and filed the appropriate Consent Election Agreement seeking a mail-ballot election.

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

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

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4. Case 2015-REP-05-0052 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Mount Vernon
5. Case 2015-REP-06-0058 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Seneca County Commissioners and Department of Job and Family Services

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

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

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

6. Case 2015-REP-05-0053 Fraternal Order of Police, Ohio Labor Council, Inc. and The University of Toledo Medical Center

The Employee Organization (FOP/OLC) filed a Request for Recognition. The Employer filed objections and a Petition for Representation Election. The Employer asserts over-fragmentation since the employees in question share a community of interest with an existing bargaining unit represented by a different union (AFSCME). The FOP/OLC asserts that there is no evidence that AFSCME seeks to represent the employees in question and that AFSCME has not filed to become an intervening party.

A conference call was conducted; however the dispute remains. AFSCME has the opportunity to intervene in a timely manner; therefore, dismissing the Employer's objections and proceeding with a mail-ballot election is appropriate.

Vice Chair Schmidt moved that the Board dismiss the Employer's objections to the Employee Organization's Request for Recognition and direct the investigator to proceed with the Petition for Representation Election filed by the Employer. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

7. Case 2015-REP-02-0013 Cincinnati Organized & Dedicated Employees and City of Cincinnati

The Employer filed a Petition for Clarification of Bargaining Unit. The Employee Organization responded by filing a position statement. A conference call was conducted and the parties were able to reach an agreement regarding the issue. The Employer has now filed a letter of withdrawal.

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Vice Chair Schmidt moved that the Board construe the Employer's letter of withdrawal as a motion to dismiss, grant the motion, and dismiss without prejudice the Petition for Clarification of Bargaining Unit. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

8. Case 2015-REP-04-0045 Madison County Emergency Medical Professionals, IAFF Local 4532 and Madison County Emergency Medical District

The Employee Organization filed a Request for Recognition. The Employer filed objections and a Petition for Representation Election. A conference call was conducted. The Employee Organization has now filed a letter seeking to withdraw the request.

Vice Chair Schmidt moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion and dismiss without prejudice the Request for Recognition. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

9. Case 2015-REP-04-0047 Fraternal Order of Police, Ohio Labor Council, Inc. and Youngstown State University

The Employee Organization filed a Request for Recognition. The Employer filed objections. A conference call was conducted. The Employee Organization has now filed a motion seeking to withdraw the request.

Vice Chair Schmidt moved that the Board grant the Employee Organization's motion to withdraw and dismiss without prejudice the Request for Recognition. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

10. Case 2015-REP-05-0055 International Brotherhood of Teamsters Local 436 and Munson Township, Geauga County

The Employee Organization filed a Request for Recognition. The Employer timely filed objections and a Petition for Representation Election. The Employee Organization has now filed an e-mail seeking to withdraw its request.

Vice Chair Schmidt moved that the Board construe the Employee Organization's e-mail as a motion to withdraw, grant the motion, dismiss without prejudice the Request for Recognition, and dismiss the Employer's objections and Petition for Representation Election as moot. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

11. Case 2015-REP-04-0044 Akron Association of Classified Personnel, OEA/NEA and Akron City School District Board of Education

The Employee Organization filed a Petition for Clarification of Bargaining Unit and the Employer filed a response. A conference call was conducted; however, the parties' dispute still remains. You have before you the investigator's memorandum summarizing the issue and the rationale.

Vice Chair Schmidt moved that the Board dismiss with prejudice the Petition for Clarification of Bargaining Unit. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

12. 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

Chair Zimpher moved an alternative recommendation that the Board refer this matter to the General Counsel for the purpose of conducting an inquiry with stipulations and briefs. Such inquiry is to determine the issue presented by the Investigator, which is whether the two challenged ballots should be counted. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

13. Case 2015-REP-02-0020 Moraine Police Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Moraine (Sergeants)

- There were 4 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 0 votes
- Moraine Police Association received 4 votes and prevailed in this election.

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14. Case 2015-REP-02-0021 Moraine Police Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Moraine (Dispatchers)
- There were 3 valid ballots cast
 - There was 1 void ballot
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 1 vote
 - Moraine Police Association received 2 votes and prevailed in this election.
15. Case 2015-REP-02-0022 Moraine Police Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Moraine (Patrol Officers)
- There were 12 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 0 votes
 - Moraine Police Association received 12 votes and prevailed in this election.
16. Case 2015-REP-03-0032 Xenia Township Professional Firefighters, IAFF and Xenia Township, Greene County
- There were 2 valid ballots cast
 - There were 0 void ballots
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Xenia Township Professional Firefighters, IAFF received 2 votes and prevailed in this election.
17. Case 2015-REP-03-0037 Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and Marion County Sheriff
- There were 2 valid ballots cast
 - There were 0 void ballots
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Ohio Patrolmen's Benevolent Association received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 2 votes and prevailed in this election.

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Vice Chair Schmidt 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

18. Case 2015-REP-01-0006 Professionals Guild of Ohio and Montgomery County Department of Job and Family Services, Children Services Division

- Both bargaining units are currently represented by the Professionals Guild of Ohio. This was a unit determination election to determine if a majority of both the professional unit and the non-professional unit desired to combine into one bargaining unit.

Non-Professional Question - There were 31 valid ballot cast
- There were 4 void ballots
- There were 0 challenged ballots
- NO (non-inclusion with professional employees) received 0 votes
- YES (inclusion with the professional employees) received 31 vote and prevailed in this election

Professional Question - There were 65 valid ballots cast
- There were 3 void ballots
- There were 0 challenged ballots
- NO (non-inclusion with non-professional employees) received 15 votes
- YES (inclusion with the non-professional employees) received 50 votes and prevailed in this election

Vice Chair Schmidt moved that the Board certify the election results and certify that the employees have chosen to combine the professional bargaining unit and the non-professional bargaining unit into a single bargaining unit for the purposes of collective bargaining. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

19. Case 2015-REP-04-0041 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Mahoning County Engineer
(July 21, 2015 - August 3, 2015)

The Board directed this matter to Inquiry and the Office of General Counsel issued a Procedural Order. As a result of ongoing negotiations between the parties and settlement efforts by the Representation Section, the parties have entered into a Consent Election Agreement seeking a mail-ballot election. The Inquiry is no longer necessary.

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Vice Chair Schmidt moved that the Board rescind the Direction to Inquiry in Case 2015-REP-04-0041 as moot, approve the Consent Election Agreement and direct mail-ballot elections to be conducted during the polling period of July 21, 2015 through August 3, 2015. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 2015-ULP-02-0036 SERB v. Allen East Local School District Board of Education

On February 7, 2015, the Allen East Education Association, OEA/NEA (“Charging Party”) filed an unfair labor practice charge against the Allen East Local School District Board of Education (“Charged Party”), alleging that Charged Party violated Ohio Revised Code §§ 4117.11(A)(1), (A)(3), and (A)(5). On May 7, 2015, the State Employment Relations Board (“Board”) found probable cause to believe Charged Party had committed an unfair labor practice, authorized the issuance of a complaint, and directed the matter to hearing. On May 27, 2015, SERB issued a Notice of Hearing and Complaint in this matter.

On June 16, 2015, Counsel for Complainant filed a motion to dismiss the unfair labor practice charge and a copy of the parties’ settlement agreement.

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. 2015-ULP-02-0036. (The Board retains jurisdiction over this matter for purposes of enforcing the parties’ settlement agreement, pursuant to O.A.C. Rule 4117-7-06.) Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2015-ULP-04-0074 Toledo Federation of Teachers v. Toledo Public 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 unilaterally assigning bargaining-unit work to non-bargaining-unit employees.

Information gathered during the investigation revealed that the School Board did not unilaterally assign bargaining-unit work to non-bargaining-unit employees. The School Board, fulfilling statutory requirements had to hire substitute interpreters from an outside agency because of the difficulty of filling the bargaining-unit positions. This was a temporary measure. The Union did not provide sufficient information or documentation to support the (A)(1) allegation.

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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 and for being untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

4. Case 2015-ULP-04-0083 East Liverpool Education Association, OEA/NEA v. East Liverpool City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1), (2), (5) and (8) by unilaterally implementing its Last Best Offer (LBO), refusing to provide the requested information necessary for negotiations and unilaterally removing a position from a deemed-certified bargaining unit.

Information gathered during the investigation revealed that based on the totality of the circumstances, the parties were at ultimate impasse when the School Board implemented its Last Best Offer (LBO). The School Board's actions of implementing the LBO does not rise to the level of an (A)(5) statutory violation.

The investigation also reveals that even though the implementation of the LBO does not rise to the level of a statutory violation, within that LBO was an attempt to alter the composition of a deemed-certified bargaining unit by unilaterally removing the position of Athletic Director. This issue is best addressed through an expedited hearing.

The Association did not provide sufficient information or documentation to support the (A)(1) 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, refer the matter to an expedited hearing to determine whether the School Board violated Ohio Revised Code § 4117.11(A)(2) and (5), but not (1) and (8) by unilaterally attempting to alter the composition of a deemed-certified bargaining unit by unilaterally removing the position of Athletic Director, and direct the parties to expedited mediation not to exceed thirty days to run concurrently with the expedited processing of the charge and complaint and dismiss all other aspects of the charge for lack of probable cause. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

5. Case 2015-ULP-04-0089 Metzenbaum Employees Association, OEA/NEA v. Geauga County Board of Developmental Disabilities

The unfair labor practice charge alleged that the County Board violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally implementing its Last Best and Final Offer in violation of the parties' ground rules outlined in Article 2.E of the negotiated agreement.

Information gathered during the investigation revealed that Article 2.E provides that the parties meet only two (2) times prior to declaring ultimate impasse. In this case, the parties met six (6) times prior to the first session with the mediator on September 24, 2014. The

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8. Case 2015-ULP-05-0109 Communications Workers of America, Local 4501,
AFL-CIO v. The Ohio State University

The unfair labor practice charge alleged that the University violated Ohio Revised Code §4117.11 (A)(1), (3) and (5) by threatening job abolishments unless it accepted the Employer's proposed language for Article 37 for the successor agreement regarding the reassignment of bargaining-unit work.

Information gathered during the investigation revealed that on June 12, 2015, the parties filed a Joint Motion to Hold the Unfair Labor Practice Charge in Abeyance pending the outcome of the negotiations for a successor agreement. The parties agree that their "time and resources would be better expended in negotiating a successor agreement, rather than in prosecution of the instant charge at this time."

Vice Chair Schmidt moved that the Board grant the parties' Motion to hold the matter in abeyance pending the outcome of their negotiations for a successor agreement with the stipulation that the parties provide the investigator with an update as to the status of those negotiations on or before July 22, 2015. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

9. Cases 2015-ULP-01-0014 Akron Association of Classified Personnel, OEA/NEA
2015-ULP-02-0030 v. Akron City School District Board of Education

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

Information gathered during the investigation revealed that the School Board's actions do not rise to a statutory violation. The School Board informed the Association of its intentions to make the positions confidential and the School Board acted in accordance with its rights set forth in the collective bargaining agreement. Therefore, the matter is not a subject of bargaining. Consolidating the two (2) charges is appropriate because there is a nexus between the substance of the two charges. The Association did not provide sufficient information to support the (A) (1) and (5) violations.

Vice Chair Schmidt moved that the Board consolidate Case Nos. 2015-ULP-01-0014 and 2015-ULP-02-0030 and dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices have been committed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

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10. Case 2015-ULP-02-0026 Raymond C. Belt, Jr. v. Madison-Plains Local School District Board of Education, et al

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1), (2), (3), (5), (6) and (8) by interfering, restraining, coercing and discriminating against employees in the exercise of their guaranteed rights, by repeatedly failing to process grievances and by attempting to cause an unfair labor practice.

Information gathered during the investigation revealed that the School Board's actions did not interfere with Raymond C. Belt's ability to file his grievances and that Mr. Belt's grievances were processed according to the CBA. The discipline given by the School Board to Mr. Belt was not discriminatory or retaliatory. Therefore, the School Board's actions do not rise to a statutory violation. Mr. Belt did not provide sufficient information to support the (A) (1), (2), (3), (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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

11. Case 2015-ULP-02-0027 Raymond C. Belt, Jr. v. OAPSE/AFSCME Local #4 and its Local #537, et al

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1), (2) and (6) by interfering, restraining or coercing Raymond C. Belt in the exercise of his guaranteed rights, by attempting to cause an unfair labor practice charge and by failing to fairly represent him.

Information gathered during the investigation revealed that the Union took the necessary steps to represent Mr. Belt. The Union's actions were not discriminatory or in bad faith. Mr. Belt did not provide sufficient information to support the (B)(1)(2) and (6) 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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

12. Case 2015-ULP-02-0029 Keyome L. Sims v. Cuyahoga County Job and Family Services and Robert E. McEvoy

The unfair labor practice charge alleged that the County and Robert E. McEvoy violated Ohio Revised Code §4117.11 (A)(1) by interfering, restraining or coercing employees in the exercise of their guaranteed rights by failing to properly process Keyome L. Sims' grievance pursuant to the collective bargaining agreement.

Information gathered during the investigation revealed that Ms. Sims failed to follow a directive given by management because she believed it was fraudulent. As a result, the

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County's actions do not rise to a statutory violation when it charged Ms. Sims for failing to follow a directive.

In addition, Ms. Sims was advised that her grievance was denied on October 31, 2014. As a result, this charge should have been filed on January 29, 2015, but it was not filed until February 9, 2015, 101 days later. Therefore, the instant charge is untimely filed and Ms. Sims did not provide information to toll the ninety (90)-day statute of limitations.

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. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

13. Case 2015-ULP-03-0056 Ohio Council 8, AFSCME, AFL-CIO v. Lima/Allen County Regional Transit Authority

Vice Chair Schmidt moved that the Board lift the matter from the table. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

The unfair labor practice charge alleged that the Transit Authority violated Ohio Revised Code §4117.11 (A)(1) and (5) by refusing to bargain in good faith, by directly dealing with its members regarding bargaining and by leaving copies of bargaining proposals in a training room in view of the public and its members.

Information gathered during the investigation revealed that on June 4, 2015, the Board tabled the above referenced charge based on information that the parties were making "significant progress" in reaching a Tentative Agreement. The matter was tabled until the next scheduled Board meeting.

On June 24, 2015, the Union provided an update as to the status of the negotiations. The parties reached a Tentative Agreement on May 31, 2015, which the Union voted to accept on the same day. The Transit Authority was to have voted on the Tentative Agreement on June 3, 2015, but instead voted to table the matter until its July 7, 2015 meeting. On July 7th, the Transit Authority voted to reject the Tentative Agreement.

Vice Chair Schmidt moved that the Board table the unfair labor practice charge until the next scheduled Board meeting in order to allow the Investigator to resubmit a recommendation to the Board. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

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14. Case 2014-ULP-10-0221 International Union of Operating Engineers, Local 20 v. City of Hamilton

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) and (8) by interfering, restraining or coercing employees in the exercise of their guaranteed rights and by causing or attempting to cause an unfair labor practice.

Information gathered during the investigation revealed that on April 16, 2015, the Board dismissed the above charge for lack of probable cause.

On May 12, 2015, the Union timely filed a motion for reconsideration. The City did not file a response. The Union's motion contains information that is relevant to the facts and substance of the case.

Vice Chair Schmidt moved that the Board Grant the Union's Motion for Reconsideration and remand the case to the Investigator for further investigation. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

15. Case 2014-ULP-12-0259 Terry McGrady v. Greater Cleveland Regional Transit Authority

The unfair labor practice charge alleged that the Cleveland Transit Authority violated Ohio Revised Code §4117.11 (A)(1) and (2) by interfering, restraining or coercing employees in the exercise of their guaranteed rights and by interfering with the support of the exclusive bargaining representative.

Information gathered during the investigation revealed that on April 16, 2015, the Board dismissed the above charge for lack of probable cause.

On May 14, 2015, Terry McGrady timely filed a motion for reconsideration. Cleveland Transit Authority did not file a response. Mr. McGrady's motion contains information that is relevant to the facts and substance of the case.

Vice Chair Schmidt moved that the Boar grant the Mr. McGrady's Motion for Reconsideration and remand the charge to the investigator for further investigation. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

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16. Case 2015-ULP-02-0022 Otis Davenport v. Ohio Civil Service Employees Association, AFSCME Local 11 and Its Local BWC 2535
17. Cases 2015-ULP-02-0023 Otis Davenport v. State of Ohio - Bureau of Workers
2015-ULP-02-0024 Compensation

The unfair labor practice charges alleged that the Association and the Bureau violated Ohio Revised Code §4117.11 (A)(1) through (8) by denying Otis Davenport access to all of the steps outlined in the grievance procedure.

Information gathered during the investigation revealed that on May 12, 2015, Mr. Davenport timely filed requests for reconsideration. However, Mr. Davenport did not provide any new or additional information meriting reconsideration.

Vice Chair Schmidt moved that the Board construe the requests for reconsideration as motions for reconsideration, and deny the motions with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

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

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

Information gathered during the investigation revealed that on February 20, 2014, the Board deferred the above-referenced charge for resolution through the parties' final and binding grievance-arbitration procedure.

The parties executed a settlement agreement on May 4, 2015. Paragraph # 11 of the agreement constitutes the Union's request to withdraw the charge. SERB was notified of the settlement agreement on June 18, 2015.

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

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

19. Case 2015-ULP-02-0025 Niles Firefighters, IAFF Local 320 v. City of Niles

The unfair labor practice charge alleged that the City 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 bargaining in bad faith with the exclusive representative.

The Investigator will hold the discussion in abeyance pending the outcome of the recommendation.

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Vice Chair Schmidt moved that the Board grant the motion to withdraw and dismiss the charge with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

- 20. Case 2015-ULP-02-0033 City of Cincinnati v. Cincinnati Organized and Dedicated Employees
- 21. Case 2015-ULP-02-0041 Cincinnati Organized and Dedicated Employees, Inc. v. City of Cincinnati
- 22. Case 2015-ULP-03-0073 Green Local Schools and Sandy Mers v. Ohio Association of Public School Employees
- 23. Case 2015-ULP-04-0085 Ohio Patrolmen's Benevolent Association v. City of Wauseon
- 24. Case 2015-ULP-04-0086 Service Employees International Union, District 1199 v. State of Ohio - Department of Rehabilitation and Correction
- 25. Case 2015-ULP-05-0102 James K. Tedrick v. City of Canton
- 26. Case 2015-ULP-05-0111 Deanna Goodell v. Toledo Public Schools
- 27. Case 2013-ULP-08-0238 Service Employees International Union, District 1199 v. University of Cincinnati

Items 20 through and including 27 were withdrawn pursuant to a settlement, request 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 all motions with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

VI. TABLED AND OTHER MATTERS:

- 1. Case 2015-ULP-03-0056 Ohio Council 8, AFSCME, AFL-CIO v. Lima/Allen County Regional Transit Authority
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VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- August 13, 2015
- September 10, 2015
- October 01, 2015

SYSTEM UPDATES:

- **Employee Organization Annual Report Filings:** For fiscal year ending 01/31/2015 a total of five Employee Organizations were required to report not later than 06/15/2015. To date, all five Employee Organizations have filed. Scott Marshall of the Research and Training Section tracks their status and works with the Employee Organizations to encourage compliance before the deadline. At this time, there are no employee organizations 31 days past due.
- **2015 Report on the Cost of Health Insurance in Ohio's Public Sector:** A draft of the report has been completed by Justin Brown and is currently in final draft review by the Executive Director. The finalized draft report is anticipated to be ready for review by the Chairman early next week. The Report is due August 01, 2015.
- **Rule Amendments Filing With JCARR:** There were twelve rules proposed for amendments; a final public hearing was held at 10 a.m. on June 22 in Hearing Room 1. There were no comments offered by any interested parties. SERB is scheduled to appear before JCARR on July 13, 2015 at 1:30 p.m., with a final adoption date of August 6, 2015.
- **Controlling Board Approval of Lease Space:** On Monday, June 08, 2015 the Controlling Board approved a two year lease agreement for the 12th floor, 65 East State Street offices of SERB.
- **Minority Business Enterprise (MBE) and EDGE Scorecards:** SERB exceeded the goal of a 15% MBE set-aside requirement established in §125.081 of the Ohio Revised Code by achieving 25.65% MBE set-aside for FY15 and 13.22% out of a 5% goal for EDGE. The MBE program sets aside purchases selected for competition by minority business enterprises. Shane Trace worked very hard to meet and then exceed the goal.
- **Welcome to the new Research and Training Administrator 1:** Timothea (Tammy) Johnson applied for the position of Research and Training Administrator 1, successfully interviewed and was hired into the position effective Monday, June 15, 2015. Prior to assuming her new role and duties, Tammy served the Research and Training Section as a Researcher 3 for the past three years. Tammy is committed to continuing and building upon her years of experience within the Research and Training Section as she moves into a position of leadership in concert with Justin Brown. Congratulations to Tammy as she embarks on an expanded role within SERB.

- **Welcome to the new Researcher 3 in Research and Training:** Scott Marshall was one of three staff who interviewed for the vacant position and was the successful candidate. Scott began in the position effective Monday, June 29, 2015. Scott brings a wealth of experience to the position and will be an excellent complement to the team! Congratulations to Scott as he begins on a new venture as a Researcher 3 in the Section.

TRAINING:

- **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 was 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 concentrated on bargaining alternatives, requirements under the ORC, strategies, essentials and mock negotiation sessions. Twenty Three (23) participants attended. It was held at the State Library.
- **Fact-finding Conference:** Scheduled for October 23, 2015 at the Crowne Plaza Hotel in Worthington, CLE application has been submitted to the Ohio Supreme Court and approved.
- **Fall SERB Academy:** Tentatively scheduled for November 12 and 13, 2015 at the Crowne Plaza Hotel in Worthington; CLE application to the Ohio Supreme Court will be submitted by July 17, 2015.
- **Negotiations Training:** A second presentation of the 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 August 24, 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 23 participants. It will be held at the State Library.

VII. EXECUTIVE SESSION:

Chair Zimpher moved that the Board go into executive session, pursuant to Ohio Revised Code § 121.22(G)(3) to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Vice Chair Schmidt seconded the motion. Chair Zimpher called for discussion and the vote.

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

The Board went into Executive Session at 10:40 a.m.

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Vice Chair Schmidt moved that the Board exit from Executive Session. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

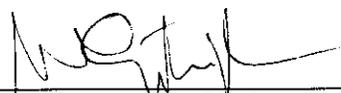
The Board exited from Executive Session at 11:11 a.m.

IX. ADJOURNMENT:

Vice Chair Schmidt moved that the Board adjourn the meeting. Chair Zimpher seconded the motion. Chair Zimpher called for the vote.

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

The Board meeting adjourned at 11:11 a.m.

/s/ 

W. Craig Zimpher, Chair