

State Employment Relations Board

Board Meeting Minutes
October 29, 2015

The State Employment Relations Board met on October 29, 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 OCTOBER 1, 2015 BOARD MEETING:

Vice Chair Schmidt moved that the Board approve the minutes for the October 1, 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:

There were no mediation or fact-finding matters.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2015-REP-07-0064 Michael Harkless and Teamsters Local Union 637 affiliated with the International Brotherhood of Teamsters and Jackson County EMS
(November 10, 2015 - November 24, 2015)
2. Case 2015-REP-08-0074 Gregory Grimm and Ohio Association of Public School Employees (OAPSE) Southeast District and Athens County Board of Developmentally Disabled
(November 10, 2015 - November 24, 2015)
3. Case 2015-REP-08-0077 Fraternal Order of Police, Ohio Labor Council, Inc. and Fayette County Sheriff
(November 10, 2015 - November 24, 2015)

The parties have entered into a Consent Election Agreements seeking mail-ballot elections.

Vice Chair Schmidt moved that the Board approve the Consent Election Agreements and direct mail-ballot elections to be conducted during the polling period of November 10, 2015 through November 24, 2015. 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-REP-08-0076 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Maple Heights

The Fraternal Order of Police, Ohio Labor Council, Inc. filed a Request for Recognition seeking to represent certain employees of City of Maple Heights. The substantial evidence is sufficient and no objections have been filed.

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Vice Chair Schmidt moved that the Board certify the 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 _____

5. Case 2015-REP-09-0085 New Lexington Education Association OFT/AFT/AFL CIO #4186 and New Lexington City Schools

The parties jointly filed a Petition for Amendment of Certification seeking to amend the certification to change the Employee Organization's name to New Lexington Education Association OFT/AFT/AFL-CIO #4186. The proposed amendment appears appropriate.

Vice Chair Schmidt moved that the Board approve the petition and amend the certification 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-09-0086 General Truck Drivers and Helpers Local Union No. 92 and Lawrence County Auditor

The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to change titles and classifications in the existing bargaining unit. The proposed amendment appears appropriate.

Vice Chair Schmidt moved that the Board approve the jointly filed petition and amend the unit accordingly. 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-09-0090 Edison Local OAPSE #350 and Edison Local Schools

The parties jointly filed a Petition for Amendment of Certification seeking to amend the certification to include the classification of Transportation-Dispatcher. The proposed amendment appears appropriate.

Vice Chair Schmidt moved that the Board approve the jointly filed petition, and amend the certification accordingly. 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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8. Case 2015-REP-07-0065 Local 756 IATSE, Treasurers & Ticket Sellers Union and Cleveland State University

Local 756 IATSE, Treasurers & Ticket Sellers Union filed a Request for Recognition seeking to represent certain employees of Cleveland State University. However, the Employer has failed to provide an alphabetized list of employees and has also failed to provide the required certificate of posting. The Employer has been contacted via phone, e-mail and advised that the petition will be held in abeyance until the Employer complies with the requirements.

Vice Chair Schmidt moved that the Board order the Employer to show cause why it has not complied with the evidence as required by Ohio Revised Code § 4117.07(A)(1). 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-09-0089 Teamsters Local Union No. 507 and City of Maple Heights

Teamsters Local Union No. 507 filed a Petition for Representation Election, but has subsequently filed a letter withdrawing the Petition.

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 Petition for Representation Election. 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-07-0068 Elyria School Support Staff, OEA/NEA and Elyria City School District Board of Education

The Elyria School Support Staff filed a Petition for Clarification of Bargaining Unit. The parties have reached a settlement agreement and the Employee Organization filed a motion to withdraw.

Vice Chair Schmidt moved that the Board grant the Employee Organization's motion to withdraw, 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 _____

11. Case 2015-REP-09-0088 Teamsters Local Union No. 52 and Brunswick Hills Township Board of Trustees

Teamsters Local Union No. 52 filed a Petition for Representation Election. The Employee Organization has filed a letter withdrawing the Petition.

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 2015-REP-01-0004. International Union of Operating Engineers, Local 20 and City of Hamilton

The International Union of Operating Engineers, Local 20 (“Employee Organization” or “Union”) is the deemed-certified exclusive representative of a bargaining unit comprised of approximately 67 employees of the City of Hamilton (“Employer” or City”). The City owns and operates its own municipal electric utility system. Electric generation, transmission, and distribution fall within its Department of Electric.

On January 6, 2015, the Union filed a Petition for Clarification of Bargaining Unit seeking to clarify whether City employees working at the City’s Meldahl Hydroelectric Power Plant in the job classification of Meldahl Plant Operator are members of the existing deemed-certified bargaining unit. On January 29, 2015, the Employer filed objections to the petition claiming that the State Employment Relations Board (“SERB” or “the Board”) does not have jurisdiction over the employees at the Meldahl Hydroelectric Power Plant, as the plant is physically located in the state of Kentucky. Additionally, the Employer asserts that a Petition for Clarification of Bargaining Unit is not the proper mechanism to address the bargaining unit status of the employees in question.

On April 16, 2015, SERB directed this case to a hearing to determine jurisdiction and the bargaining-unit status of the employees in question. On May 12, 2015, a procedural order was issued ordering the parties to submit stipulations of fact and legal briefs regarding whether SERB has jurisdiction to determine the bargaining-unit status of the employees working at the City’s Meldahl Hydroelectric Power Plant in the job classification of Meldahl Plant Operator and, if so, whether the Board should clarify the existing deemed-certified bargaining-unit’s description to include the job classification of Meldahl Plant Operator, thereby including these employees in the existing deemed-certified bargaining unit. The parties timely filed their stipulations of fact and briefs.

On August 17, 2015, Administrative Law Judge Marcie M. Scholl (ALJ Scholl) issued a Recommended Determination, recommending the Board find that: **(1)** SERB has jurisdiction to consider the bargaining-unit status of the City employees assigned to the Meldahl Hydroelectric Plant in the State of Kentucky; **(2)** a Petition for Clarification of Bargaining Unit filed pursuant to O.A.C. § 4117-5-01(E)(2) is the proper mechanism to address the question of whether the Meldahl Plant Operator job classification is properly included in the existing bargaining unit; **(3)** that the evidence is sufficient to support a finding that the existing deemed-certified bargaining-unit’s description properly includes the job position/classification of Meldahl Plant Operator and; **(4)** the employees in the Meldahl Plant Operator job classification working at the Meldahl Hydroelectric Plant should be included in the existing bargaining unit.

On September 8, 2015, the Employer filed Exceptions to the Recommended Determination. On September 18, 2015, the Union filed its Response to Exceptions.

Vice Chair Schmidt moved that the Board:

1. Adopt the Findings of Fact, Analysis and Discussion, Conclusions of Law, and Recommendations set forth in the Recommended Determination;

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2. grant the Employee Organization's Petition for Clarification of Bargaining Unit;
3. clarify the existing deemed-certified bargaining-unit's description to include the job position of Meldahl Plant Operator; and
4. include the employees in the Meldahl Plant Operator job position working at the Meldahl Hydroelectric Plant in the existing bargaining unit pursuant to O.A.C. § 4117-5-01.

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-04-0091 Victor Ervin, Mark Mittelstaedt, Darby Svoboda, et al v. Municipal Construction Equipment Operators Labor Council and Stewart Roll

The unfair labor practice charge alleged that the Union and Stewart Roll violated Ohio Revised Code §4117.11 (B)(1) and (6) by restraining or coercing employees in the exercise of their guaranteed rights and by failing to fairly represent the bargaining-unit employees.

Information gathered during the investigation revealed that the Union represented Victor Ervin, *et al.* through the entire grievance process and as a result, the Union's actions do not rise to the levels of (B)(1) and (6) statutory violations.

In addition, this matter is untimely 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, for being untimely filed and dismiss the Union's motion for being moot. 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-ULP-06-0116 International Union of Operating Engineers v. City of Hamilton

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(5) by refusing to bargain with the exclusive representative on the "search policy" inherent in Administrative Directive 407.

Information gathered during the investigation revealed that the City updated Administrative Directive 407 due to a recent investigation regarding weapons on the premises. The actual policy has been in place since 2004 and the language contained in the May 2015 revision remained the same.

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

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

3. Case 2015-ULP-06-0122 Charles A. Jones v. Pike County Engineer

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(1) and (5) by failing to attend contract negotiation sessions and by failing to offer any counter-proposals.

Information gathered during the investigation revealed Charles Jones was unable to provide sufficient documentation or information to support his claim that the Employer is failing to engage in contract negotiations. Based on the information provided, the parties have followed the bargaining process and are negotiating in good 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. 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-06-0124 Columbus Fire Fighters, Local Union #67, IAFF v. City of Columbus

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) and (5) by failing to bargain with the Union and unilaterally implementing the City's decision to cease reimbursement for employees who receive medical services from Dr. Richard Cavendar.

Information gathered during the investigation revealed that the City made the Union aware of the investigation and the City's decision to cease giving medical reimbursement for services provided by Dr. Cavendar. In addition, the Union failed to request mid-term bargaining as required by the parties' CBA.

Based on the information provided the Union did not provide sufficient information to support the (A)(1) and (5) allegations.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. 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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5. Case 2015-ULP-06-0126 Sugarcreek Township Professional Firefighters Local 4175 v. Sugarcreek Township

The unfair labor practice charge alleged that the Township violated Ohio Revised Code §4117.11 (A)(3) and (7) by failing to fill a vacant position via the eligibility list that had an eligible candidate available.

Information gathered during the investigation revealed that the Union did not provide supporting evidence to show that the Township was required to fill both vacant positions and the one vacant position that was filled was in accordance with the prescribed hiring process for firefighters.

Based on the information provided, the Union did not provide sufficient information to support the (A)(3) and (7) 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 _____

6. Case 2015-ULP-06-0129 Service Employees International Union District 1199 WV/KY/OH v. Public Library of Youngstown and Mahoning County

The unfair labor practice charge alleged that the Library violated Ohio Revised Code §4117.11 (A)(1) and (5) by subcontracting bargaining-unit work to a third party to facilitate the opening of a new library branch.

Information gathered during the investigation revealed that the one-time use of a contract company to fulfill the large material order for the open ceremony of the new Canfield Branch Library does not amount to a change in bargaining unit member's wages, hours or terms and other conditions of employment. The Library's actions do not rise to the level of a 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. 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-ULP-06-0133 Charles A. Jones v. Pike County Engineer

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

Information gathered during the investigation revealed that pursuant to Ohio Revised Code § 4117.12, the Board conducted an investigation. During that investigation, information was requested, in writing, from Charles Jones on July 17, 2015 with a due date of August 7,

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2015 and September 21, 2015 with a due date of September 28, 2015. Mr. Jones did not respond to either request for information.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for failure to pursue the matter. 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-ULP-07-0158 Service Employees International Union, District 1199 v. Stark County District Library

The unfair labor practice charge alleged that the County Library violated Ohio Revised Code §4117.11 (A)(1) by "intentionally circumventing" the contractual grievance procedure in order to intimidate bargaining-unit member, Amy Baltzly, from exercising her guaranteed right to file a grievance.

Information gathered during the investigation revealed that the matter is purely contractual encompassing no arguable statutory violation. This matter is best addressed through the parties' binding grievance-arbitration procedure.

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 deny the District Library's Motion to Defer as moot. 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-ULP-07-0159 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 332 v. Vermilion Local School District Board of Education

The unfair labor practice charge alleged that School District violated Ohio Revised Code §4117.11 (A)(1) and (5) by failing to officially accept/reject the parties' Tentative Agreement (TA) during its June 8, 2015 meeting.

Information gathered during the investigation revealed that the Board of Education's directive to the Superintendent, while in Executive Session, to advise the Union that the Board had rejected the Tentative Agreement, does not meet the requirements set forth in Ohio Revised Code §121.22(A). The Board of Education did not officially reject the Tentative Agreement in open session until July 16, 2015. This matter is best addressed through an expedited hearing.

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Information gathered during the investigation revealed that the Union did not provide any evidence to show how the complaints filed against it by Mr. Jones restrained or coerced it during negotiations for a successor agreement. Based on the totality of the circumstances, the Union's actions do not rise to the level of a (B)(1) statutory violation.

The County Engineer did not provide sufficient information or documentation to support the (B)(2) 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. 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-07-0163 International Brotherhood of Teamsters, Local Union No. 507 v. City of Cleveland - Department of Public Safety, Division of Correction

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally referring a matter involving an alleged overpayment of wages to its members to a third party collection agency.

Information gathered during the investigation revealed that the matter is purely contractual and encompasses no arguable statutory violation. Based on the totality of the circumstances, the City's actions do not rise to the level of an (A)(5) statutory violation.

The Union did not provide sufficient information or documentation to support the (A)(1) 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. 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-07-0167 Toledo Federation of Teachers, AFT, AFL-CIO v. Toledo Public Schools Board of Education

The unfair labor practice charge alleged that School Board violated Ohio Revised Code §4117.11 (A)(1) and (5) by directly dealing with the Union's members after receiving the Fact-Finder's report.

Information gathered during the investigation revealed that the Union was made aware of the School Board's revised offer of the wage increase recommended by the Fact-Finder on July 10, 2015. Based on the totality of the circumstances, the School Board's actions do not rise to the level of an (A)(5) statutory violation.

In addition, the investigation reveals that the Superintendent's emails to members do not rise to the level of an (A)(1) statutory violation nor do they constitute direct dealing.

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

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

14. Case 2015-ULP-07-0169 Cleveland Police Patrolmen's Association v. City of Cleveland

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(5) and (8) by unilaterally changing the terms and conditions of employment for its members when it entered into a Settlement Agreement/Consent Decree with the United States Department of Justice.

Information gathered during the investigation revealed that the matter is purely contractual encompassing no arguable statutory violation and is best addressed through the parties' final and binding grievance-arbitration procedure. The City's actions do not rise to the level of an (A)(5) violation of the statute.

The Association did not provide sufficient information or documentation to support the (A)(8) 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. 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 2015-ULP-07-0170 Cleveland Police Patrolmen's Association v. City of Cleveland

The unfair labor practice charge alleged that the City violated Ohio Revised Code §4117.11 (A)(1), (5) and (8) by refusing to timely determine the Hazardous Duty Injury Status of its injured members, which in turn, requires them to use their own leave in violation of Article XXI.A of the parties' negotiated agreement.

Information gathered during the investigation revealed that the matter is purely contractual encompassing no arguable statutory violation. This matter is best addressed through the grievances filed by the Association. The City's actions do not rise to the level of an (A)(5) statutory violation. In addition, the matter is untimely filed.

The Association did not provide sufficient information or documentation to support the (A)(1) and (8) allegations.

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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 _____

16. Case 2015-ULP-08-0176 Paulding Education Association, OEA/NEA v. Paulding Exempted Village School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1), (3) and (5) by unilaterally assigning the bargaining-unit work of the Librarian to nonbargaining-unit member Library Aides.

Information gathered during the investigation revealed that the grievance filed by the Association involves allegations similar to those contained in the instant charge. As a result, the Arbitrator's decision may resolve the instant charge.

The Association did not provide sufficient information or documentation to support the (A)(1) and (3) allegations.

Vice Chair Schmidt moved that the Board grant the School Board's Motion to Defer, defer the matter for resolution through the grievance-arbitration procedure and retain jurisdiction in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92). The parties have thirty (30) days from the issuance of the arbitration award to file a request with the Board seeking review of the remaining issues, if any. If nothing is filed within the thirty (30) days, this Board will assume all issues were resolved in the grievance-arbitration procedure and dismiss the matter. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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

17. Case 2015-ULP-08-0179 Joseph Bellino v. Trumbull County Engineer

The unfair labor practice charge alleged that the County violated Ohio Revised Code §4117.11 (A)(1) and (3) by unjustly terminating Joseph Bellino for being an alleged whistleblower.

Information gathered during the investigation revealed that Mr. Bellino did not provide sufficient information or documentation to support his (A)(1) violation.

Information also gathered during the investigation reveals that although Mr. Bellino is a public employee and was harmed when he was terminated; however, he did not provide any information or documentation to support that he was engaged in any protected/concerted activity prior to his termination. Therefore, Mr. Bellino has failed to establish a prima facie case of discrimination for an (A) (3) allegation.

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parties grievance-arbitration process. In addition, the matter is untimely filed. The City's actions do not rise to the level of an (A)(5) statutory violation.

The Association did not provide sufficient information or documentation to support the (A)(1) 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 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 _____

20. Case 2014-ULP-11-0224 Helen Pagan v. Lorain City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1) by interfering, restraining or coercing Helen Pagan in the exercise of her guaranteed rights.

Information gathered during the investigation revealed that on August 13, 2015, the Board dismissed the above charge for lack of probable cause.

On September 11, 2015, Ms. Pagan filed a timely Request for Reconsideration; however, she did not provide any new or additional information meriting reconsideration. The School Board did not file a response.

Vice Chair Schmidt moved that the Board construe the Ms. Pagan's request for reconsideration as a motion for reconsideration, and deny 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 _____

21. Case 2014-ULP-11-0225 Helen Pagan 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 Helen Pagan.

Information gathered during the investigation revealed on March 12, 2015, the Board dismissed the above charge for lack of probable cause.

On September 11, 2015, Ms. Pagan untimely filed a Request for Reconsideration. In addition, Ms. Pagan did not provide any new or additional information meriting reconsideration.

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Vice Chair Schmidt moved that the Board construe Ms. Pagan's request for reconsideration as a motion for reconsideration, and deny the motion 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 _____

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

2014-ULP-07-0125 Communications Workers of America, Local 4501, AFL-CIO v. State of Ohio - Department of Administrative Services

The unfair labor practice charges alleged that the Secretary of State and Department of Administrative Services violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally changing the eligibility of same sex partners in the health care coverage. On September 25, 2015, the Union filed a Motion for Dismissal in both cases.

Vice Chair Schmidt moved that the Board grant the Motions to Dismiss 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 _____

23. Case 2015-ULP-06-0120 Ottawa Hills Support Staff Association/OEA/NEA v. Ottawa Hills Local School District Board of Education - Kevin S. Miller, Superintendent

24. Case 2015-ULP-07-0140 Youngstown State University Association of Classified Employees (YSUACE) v. Youngstown State University

25. Case 2015-ULP-07-0168 Sebring Local Education Association, OEA/NEA v. Sebring Local School District Board of Education

Items 23 through and including 25 were withdrawn pursuant to motions to withdraw.

Vice Chair Schmidt moved that the Board grant the motions to withdraw and dismiss the charges 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 _____

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26. Case 2015-ULP-06-0131 Teachers' Association of Central Local Schools, OEA/NEA v. Central Local School District Board of Education

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 _____

On September 10, 2015, this Board tabled this case to allow the parties time to ratify their settlement agreement and submit a withdrawal. The matter remained tabled at the Board's October 1st meeting. The parties have finalized the agreement and submitted a motion to withdraw the charge.

Vice Chair Schmidt moved that the Board grant the Association's Motion to Withdraw 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:

There are no tabled matters.

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- November 19, 2015
- December 17, 2015
- January 07, 2016
- January 28, 2016
- February 18, 2016
- March 10, 2016
- March 31, 2016
- April 21, 2016
- May 12, 2016
- June 02, 2016
- June 23, 2016

SYSTEM UPDATES:

- **Employee Organization Annual Report Filings:** For fiscal year ending 5/30/2015 one Employee Organization was required to report not later than 10/15/2015. To date, that Employee Organization has 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.

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- **Customer Service Assistance 1 Position:** Began interviewing candidates for the posted position on October 19, 2015. There were almost 800 applicants for the position. Interviews are continuing through next week.
- **Workforce Plan 2015:** The Workforce Plan was submitted to CSA on October 05, 2015, 10 days in advance of the due date.
- **Annual HR Resource Conference:** Erin Conn and Christine Dietsch attended the 2015 Human Resources Conference, Tuesday, October 20, 2015 at the Riffe Center, Capitol Theatre. It was an entire day of training on the basic topic of employee engagement and talent management strategies. It was a worthwhile conference.
- **Minority Business Enterprise (MBE) Awards Ceremony:** The MBE Awards Ceremony was held on Tuesday, October 27, 2015 at the Ohio History Center and was attended by Shane Trace and Christine Dietsch. SERB was recognized for its achievement of 28.14% of dollars spent in both the MBE and Edge categories and for surpassing the statewide goal of 15%. Shane Trace worked hard to support the mission of the MBE program.

TRAINING:

- **Intermediate Negotiations Training:** Was held on October 08, 2015 at the State Library. Sixteen out of the original 23 participants from the June 16th class attended the Intermediate Negotiations Training. The training was conducted 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.
- **Fact-finding Conference:** Was held on October 23, 2015 at the Crowne Plaza Hotel in Worthington, 174 attended the Fact-Finding conference (54 Neutrals, 102 paying customers, 9 staff, 9 presenters).
- **Fall SERB Academy:** Scheduled for November 12 and 13, 2015 at the Crowne Plaza Hotel in Worthington; CLE's have been approved by the Ohio Supreme Court. To date there are 94 registrations.
- **Intermediate Negotiations Training:** Scheduled for November 19, 2015 at the State Library. The participants from the August 24th class are scheduled to come back for the November 19th Intermediate Negotiations Training. This training will follow the same format as the October 8th session. The training will be conducted 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. There are 10 registrations confirmed to date.
- **Spring SPBR Academy:** Scheduled for March 10, 2016 at the Crowne Plaza Hotel in Worthington. Agenda, topics and speakers have been arranged. CLE's will be applied for with the Ohio Supreme Court.

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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 10:38 a.m.

/s/ 
W. Craig Zimpher, Chair