

State Employment Relations Board

Board Meeting Minutes

June 2, 2016

The State Employment Relations Board met on June 2, 2016, at 10:00 a.m., at 65 East State Street, 12<sup>th</sup> Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher, Vice Chair Aaron A. Schmidt, and Board Member J. Richard Lumpe.

Chair Zimpher introduced and welcomed SERB's newly appointed Board Member, J. Richard Lumpe.

**I. APPROVAL OF MINUTES FOR THE MAY 12, 2016 BOARD MEETING:**

Vice Chair Schmidt moved that the Board approve the minutes for the May 12, 2016 Board meeting. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: LUMPE: Abstain SCHMIDT: Yes ZIMPHER: Yes  
Affirmed X Denied \_\_\_\_\_

**II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:**

1. Case 2016-MED-01-0059 Ohio Council 8, American Federation of State, County, and Municipal Employees, AFL-CIO and Northfield Center-Sagamore Hills Fire District

The employer, Northfield Center-Sagamore Hills Fire District, has requested SERB to dismiss the union's Petition to Bargain with the employer. The union previously filed a Notice to Negotiate on January 21, 2016. The parties are currently scheduled for Fact Finding on June 20, 2016.

The basis of the employer's request is, as an employer, they are going to dissolve and cease to exist. The employer is a Joint Fire District established pursuant to Ohio Revised Code 505.37. Unknown is exactly when this event will occur. The union has opposed the employer's Motion on the basis that the Motion is not supported by evidence of any kind.

Ohio Administrative Code 4117-1-04 (A) requires any motion be submitted to the Board "...setting forth with particularity the grounds." In this instance the Board is asked to take action on some event that will take place in the future. Absent supporting evidence, such as affidavits or Legislative Resolutions, setting forth the grounds for such a request, SERB has no basis on which to take action. At this juncture, the parties are scheduled for Fact Finding. This does not mean SERB will not entertain such a Motion in the future, but rather the Board will require some evidence including a more certain date of action.

Vice Chair Schmidt moved that the Board deny the employer's Motion to Dismiss the Union's Notice to Negotiate. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

2. Case 2015-MED-01-0035 Fairborn Professional Firefighters Association, Local 1235 and the City of Fairborn

This case is before the Board on the Employer's Motion to Stay Conciliation filed May 5, 2016.

Previously, on February 23, 2016, the Board issued a Directive granting the union's request

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for the appointment of a Conciliator and directed the parties to participate in Conciliation. This was followed on March 14, 2016 by a Directive from the Board denying a Motion For Reconsideration wherein the employer asked the Board to reconsider its February 23<sup>rd</sup> decision.

The basis of the current matter before the Board is an Unfair Labor Practice charge filed May 4, 2016 essentially alleging the union has not provided necessary information regarding a grievance and the union was refusing to bargain by imposing conditions on future bargaining. By filing this ULP, the employer argues that any Conciliation must be stayed until these underlying issues are resolved.

The union argues the City is stonewalling the advance to Conciliation. They note that pursuant to the Mutually Agreed Dispute Resolution procedure (MAD), the union exercised their right to advance the dispute directly to Conciliation, as per the labor agreement and the MAD. Before requesting Conciliation on December 23, 2015, the parties had participated in 13 negotiation sessions. The union argues there is no further reason for delay.

This motion is the employer's 3<sup>rd</sup> request to postpone Conciliation. Previously, after considering the arguments of both sides, the Board directed the appointment of a Conciliator and directed the parties to participate in Conciliation. The Board then reiterated its position when the employer asked for reconsideration. Here, the employer has filed an Unfair Labor Practice charge that typically takes five (5) months to resolve. Scheduling Conciliation, as per the Board's previous Directives, may provide an incentive for the parties to narrow the issues prior to Conciliation. Conciliation may also serve to narrow the issues alleged in the Unfair Labor Practice charge. The Unfair Labor Practice charge can proceed independently. There is no further reason for delay.

Vice Chair Schmidt moved that the Board deny the Employer's Motion to Stay Conciliation and again direct the parties to do whatever is necessary to proceed with Conciliation. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: LUMPE:	<u>Yes</u>	SCHMIDT:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u>                    </u>		

**III. REPRESENTATION MATTERS AT ISSUE:**

1. Case 2016-REP-03-0030 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Marysville Exempted Village School District  
(June 14, 2016 - June 28, 2016)
2. Case 2016-REP-03-0035 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Capital City Lodge #9 and City of Reynoldsburg  
(June 14, 2016 - June 28, 2016)

The parties have entered into a Consent Election Agreement seeking a mail-ballot election.

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Vice Chair Schmidt moved that the Board approve the Consent Election Agreement in each case and direct mail-ballot elections to be conducted during the polling period of June 14, 2016 through June 28, 2016. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

- 3. Case 2016-REP-04-0043 Wright State University Chapter of the American Association of University Professors and Wright State University
- 4. Case 2016-REP-05-0052 Ohio Council 8/AFSCME and Portsmouth Metropolitan Housing Authority

The parties in each case jointly filed petitions to amend certifications.

Vice Chair Schmidt moved that the Board approve the jointly filed petitions in each case and amend the perspective units accordingly. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

- 5. Case 2015-REP-12-0114 Ohio Council 8, American Federation of State County and Municipal Employees, AFL-CIO and City of Brooklyn

The Employee Organization filed a Petition for Amendment of Certification seeking to amend the existing unit to add two new positions to the bargaining-unit. The Employer does not object to the amendment. The proposed amendment appears appropriate.

Vice Chair Schmidt moved that the Board construe the petition as jointly filed and amend the unit accordingly. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

- 6. Case 2016-REP-04-0038 Ohio Council 8, American Federation of State, County and Municipal Employees and Huron County Engineer

The Employee Organization filed a letter requesting withdrawal.

Vice Chair Schmidt moved that the Board construe the parties' letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Petition for Amendment of Certification. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

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7. Case 2016-REP-04-0036 Ohio Patrolmen's Benevolent Association and Cleveland State University
8. Case 2016-REP-04-0040 International Association of Machinists & Aerospace Workers - District 54 and Municipal Construction Equipment Operators Labor Council and City of Cleveland

The Employee Organizations filed letters withdrawing their respective Petitions for Representation Election.

Vice Chair Schmidt moved that the Board construe the letters as motions to withdraw, grant the motions and dismiss without prejudice the Petitions for Representation Election. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

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

There were no ALJ or Board matters at issue.

**IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:**

1. Case 2016-ULP-03-0043 William T. Rager v. State of Ohio - Department of Rehabilitation and Correction and Richard Shutek

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

Information gathered during the investigation revealed that this matter is purely contractual. The Department complied with the provisions of the parties' collective bargaining agreement. Based on the totality of the circumstances, the Department's actions do not rise to the level of an (A)(5) violation of the statute.

Mr. Rager did not provide sufficient information 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 and for being purely contractual. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

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2. Case 2015-ULP-11-0241 Ohio Association of Public School Employees AFSCME Local 4, AFL-CIO and Its Local 366 v. Kirtland Local 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 not following the provisions in the parties' collective bargaining agreement governing subcontracting.

Information gathered during the investigation revealed that the School Board followed the subcontracting provisions of the parties' collective bargaining agreement and made an agreement to subcontract out the school's food service operation.

Contract interpretation and application is at the heart of both the unfair labor practice charge and the grievance dispute.

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 purely contractual. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

3. Case 2016-ULP-02-0020 Maple Organization Support Team, OEA/NEA v. Maple Heights City 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 failing to include the agreed upon and ratified 2016-2017 salary schedule in the parties' successor agreement.

Information gathered during the investigation revealed that the issue involves contract interpretation and application, which lie at the heart of both the unfair labor practice charge and the grievance dispute.

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 purely contractual. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

4. Case 2016-ULP-02-0022 Mansfield School Employees Association, OEA/NEA v. Mansfield City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1) and (3) by failing to properly calculate recall list placement dates for Tina Adams and not recalling her from the recall list when a position became available.

Information gathered during the investigation revealed that the Union failed to prove that Tina Adams' recall issues are the School Board's attempt at retaliation for Ms. Adams'

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involvement with the Union. The matter is proceeding through the parties' grievance and arbitration process. Contract interpretation and application is at the heart of both the unfair labor practice charge and grievance dispute.

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

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

5. Case 2016-ULP-03-0040 Donald Howard v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(6).

Information gathered during the investigation revealed that information was requested in writing from Donald Howard on March 2, 2016 with a due date of March 23, 2016 to submit position statements. On March 8, 2016, Mr. Howard submitted the dates he was available for mediation. The parties agreed to participate in a SERB-facilitated mediation on April 13, 2016, but it was unsuccessful. On the same day, the parties were sent an email advising them that the new due date for position statements was April 26, 2016. Mr. Howard was sent a follow-up letter on April 28, 2016 extending the due date to May 5, 2016. Mr. Howard failed to respond to the written requests for information.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for failure to pursue the matter. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

6. Case 2016-ULP-03-0045 Cynthia Brinkman v. Williams County Department of Job and Family Services

The unfair labor practice charge alleged that the Department violated Ohio Revised Code §4117.11 (A)(3) and (4) by terminating Cynthia Brinkman's employment for engaging in protected/concerted activity.

Information gathered during the investigation revealed that Ms. Brinkman established a prima facie case of discrimination. However, the Department provided a persuasive rebuttal to show that her termination was not based on anti-union animus, but on her violation of the Department's policies and rules, insubordination, neglect of duty, inefficiency and various other violations. Based on the totality of the circumstances, the Department's actions do not rise to the level of (A)(3) and (4) statutory violations.

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 Department's Motion to Stay as moot. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

7. Case 2016-ULP-03-0053 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its local 351 v. Tri-Valley Local School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(1), (2) and (5) by bargaining in bad faith when it used “stalling” tactics, engaging in surface and regressive bargaining and directly dealing with the Union’s administration.

Information gathered during the investigation revealed that the matter would be best addressed through an expedited hearing.

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 if the School Board violated Ohio Revised Code § 4117.11(A)(1), (2) and (5) by bargaining in bad faith when it used “stalling” tactics and engaging in surface bargaining, and direct the parties to expedited mediation not to exceed 30 days to run concurrently with the expedited processing of the charge and complaint. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

Chair Zimpher expressed appreciation for Judy Knapp’s thorough and well-written Investigator’s Memo in this matter.

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

8. Case 2016-ULP-03-0054 Ohio Council 8, AFSCME, AFL-CIO and Its Local 1770-D v. Lima/Allen County Regional Transit Authority

The unfair labor practice charge alleged that the Transit Authority violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally implementing a new Attendance Point System Work Rule.

Information gathered during the investigation revealed that the Union has pursued this issue through the proper venue when it filed the March 29, 2016 grievance. The language in Article 17 of the parties’ agreement outlines the procedures for implementing a new or revised work rule. An arbitrator will be able to determine the “reasonableness” of the newly revised Attendance Policy.

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

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

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9. Case 2016-ULP-03-0056 Jesse Cooper v. Ohio Council 8, AFSCME, AFL-CIO and Its Chapter 544-01

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(2) and (6).

Information gathered during the investigation revealed that information was requested in writing from Jesse Cooper on April 5, 2016 with a due date of April 26, 2016 for position statements.

A follow-up letter was issued extending the due date to May 5, 2016. Mr. Cooper failed to respond to the written requests for information.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for failure to pursue the matter. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

10. Case 2016-ULP-04-0079 Todd A Brooks v. State of Ohio - Department of Rehabilitation and Correction, Franklin Medical Center

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

Information gathered during the investigation revealed that on April 29, 2016, Todd A. Brooks was notified in writing that a dismissal recommendation would be made to the Board unless the deficiency was corrected on or before May 9, 2016, in the form of an amended charge. As of this writing, Mr. Brooks failed to provide a clear and concise statement of the facts constituting an alleged violation.

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

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

11. Case 2015-ULP-08-0182 Timothy W. Johnson v. Madison Township, Franklin County

The unfair labor practice charge alleged that the Township violated Ohio Revised Code §4117.11 (A)(1), (2), (3) and (8) by failing to pay Timothy Johnson back wages, failing to purchase his military time for his retirement and by interfering with the Union's ability to represent him. The Board dismissed the charge for lack of probable cause.

Information gathered during the investigation revealed that on March 16, 2016, Mr. Johnson filed a request for reconsideration and later provided documentation. However, the

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documentation did not provide new or different information regarding the charges in the original filing.

On April 12, 2016, the Township filed its Brief in Opposition to the Request for Reconsideration.

Vice Chair Schmidt moved that the Board construe the request for reconsideration as a motion for reconsideration and deny the motion with prejudice. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

12. Case 2015-ULP-08-0183 Timothy W. Johnson v. Fraternal Order of Police

The unfair labor practice charge alleged that the FOP violated Ohio Revised Code §4117.11 (B)(1) and (6) by failing to fairly represent Timothy W. Johnson's interests during the negotiation of Section 28.1 of the collective bargaining agreement, by being unresponsive to his request for assistance and representation on other related matters regarding his resignation/retirement. The Board dismissed the charge for lack of probable cause.

Information gathered during the investigation revealed that on March 16, 2016, Mr. Johnson filed a request for reconsideration. Although he provided documentation, the documentation did not provide new or different information regarding the charges in the original filing.

On April 20, 2016, the FOP filed its Brief in Opposition to the Request for Reconsideration.

Vice Chair Schmidt moved that the Board construe the request for reconsideration as a motion for reconsideration and deny the motion with prejudice. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

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

13. Case 2016-ULP-01-0008 Fraternal Order of Police, Captain John C. Post, Local No. 44 v. City of Dayton and Kenneth R. Couch, HR Director

14. Case 2016-ULP-02-0023 Mansfield School Employees Association, OEA/NEA v. Mansfield City School District Board of Education

15. Case 2016-ULP-04-0064 Tipp City Exempted Village Schools Board of Education v. Tipp City Education Association OEA/NEA

16. Case 2016-ULP-04-0076 Tipp City Education Association, OEA/NEA v. Tipp City Exempted Village Schools Board of Education

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17. Case 2016-ULP-05-0080 Westlake City School District Board of Education v. Westlake Teachers' Association, OEA/NEA

Motions and requests for withdrawal were filed in ULP matters 13 through and including 17.

Vice Chair Schmidt moved that the Board construe the requests to withdraw as motions to withdraw, and grant the motions with prejudice. Board Member Lumpe seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: LUMPE: 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:**

- June 30, 2016\* note date change
- August 04, 2016
- August 25, 2016
- September 15, 2016
- October 06, 2016
- October 27, 2016
- November 17, 2016
- December 15, 2016

**SYSTEM UPDATES:**

- **Employee Organization Annual Report Filings:** For fiscal year ending 12/31/2015, 738 Employee Organizations were required to report not later than 5/15/2016. To date, 695 Employee Organizations have filed. Licia Sapp 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 43 Employee Organizations who have not yet filed but, there are no employee organizations 31 days past due.
- **XLN Progress on SMDS Update:** The administrator and staff of Representation are continuing to meet with XLN to review the latest revisions of the SMDS application. The initial meeting with Representation was held on 5/23/16 with a follow up meeting on 06/02/16 to review templates. Everything is coming along quite well and on time. Phase one work must be completed by June 15, 2016. MED is next on the agenda.

**TRAINING:**

- **Westlaw Refresher:** On May 12, 2016, Westlaw provided a refresher for all staff on the new enhancements. One hour of CLE of credit was available for the legal staff.

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- **Spring SERB Academy:** Held on May 19 and 20, 2016. CLE's were provided; there were 99 registrations. The Academy was held at the Crowne Plaza Hotel - North in Worthington.
- **Annual Staff Training/Retreat:** Mr. Greg Hawks of Hawks Agency will meet with the staff to explore a full day of offsite training. The topic will focus on cultivating a spirit of ownership in the workplace. The goal of the training is to foster an enhanced team atmosphere and work culture and thus improve efficiencies in our everyday tasks. Following the full day with all staff, a second half day will be held with the Section Administrators and Mr. Hawks to discuss follow up and follow through steps to maintain the training thrust. Dates of the training are June 6<sup>th</sup> and June 7<sup>th</sup>. The full day of training will be held at the DAS site on Surface Road. The second half day will be held in the Retail Space of the Hertz building.
- **Fact-Finding Conference:** Scheduled for August 19, 2016. On Monday, January 04, 2016, save the date reminders were sent to all the Neutrals on SERB's roster. General Counsel is working with Research and Training on the agenda and related presenters. No registrations have been received as of this date; the notice is on the website.
- **Spring SPBR Academy:** Tentatively scheduled for Friday, March 10, 2017 at the Crowne Plaza Hotel - North in Worthington.

**WELCOME:** Mr. Christian McFarland, rising 2L, at the OSU Moritz College of Law. Christian has a background in labor relations through his experience with the United States Ohio Army National Guard where he worked as a Human Resources Specialist providing services and support between the soldiers and the government. This endeavor produced a passion for promoting fairness between employers and employees which is what led to his pursuit of his Juris Doctor. He graduated from OSU, *magna cum laude*, with a Bachelor of Arts, History, was on the Dean's List 7 semesters all while working a full-time job and balancing his Army obligations. Yesterday, June 01, 2016, was his first day with SERB. He will intern through the summer working 3 days per week, 8 a.m. to 4:30 p.m., Monday, Tuesday, and Wednesday.

**VII. EXECUTIVE SESSION:**

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

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

The Board went into Executive Session at 10:30 a.m.

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

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

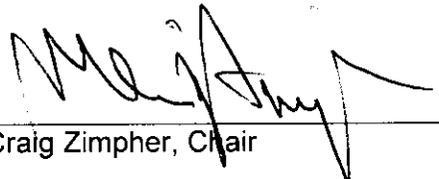
The Board exited from Executive Session at 10:48 a.m.

**IX. ADJOURNMENT:**

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

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

The Board meeting adjourned at 10:48 a.m.

/s/   
\_\_\_\_\_  
W. Craig Zimpher, Chair