

State Employment Relations Board

“Promoting orderly and constructive relationships between labor and management”



Annual Report 2015

Governor of the State of Ohio
John R. Kasich

SERB Chair
W. Craig Zimpher

SERB Vice Chair
Aaron Schmidt

SERB Member
N. Eugene Brundige

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Report from the Board

This 2015 Annual Report of the State Employment Relations Board (SERB) will highlight particular achievements and accomplishments achieved during the year. I am pleased to report that the Board has carried out its responsibilities and mission to “promote orderly and constructive labor relations in Ohio’s public sector” successfully, with impartiality and neutrality. Since SERB was given, by legislative act, responsibility for processing and assisting the State Personnel Board of Review (SPBR), I am pleased to also report that SPBR has continued to operate effectively and efficiently. Through this operating arrangement, practically every aspect of Ohio’s public sector employment regime is overseen by one of these two agencies; we remain committed to the fair and impartial administration of these duties.

SERB’s educational and training efforts were again well received by professional practitioners in collective bargaining. The various seminars are conducted throughout the year and are focused on the essentials of administering Chapter 4117 of the Revised Code. Over 550 professionals attended our SERB academies or fact-finding programs. Through such training and outreach, more and more “hands on” experiential opportunities for those who actually negotiate, manage labor contracts, or advocate for management or labor result in greater understanding and appreciation of peaceful and productive implementation of the negotiation and contract administrative process. Each program is evaluated by the participants; I’m pleased to report that all of our various programs continue to receive very high marks! And for this, the Board is very appreciative of the efforts of SERB’s staff in the planning and conduct of the seminars. In addition to educational programs, the Research and Training Section responded to more than 500 requests from stakeholders for specific research reports and analyses.

To be published August 1, 2015 will be the *Twenty-Third Annual Report on the Cost of Health Insurance in Ohio’s Public Sector*. Well over 1,300 units of Ohio government were sent surveys. This year’s response rate exceeded 96%, thereby creating a very valid statistical base from which to extrapolate and analyze data. The following summarizes highlights and key findings in the Report:

- Preferred Provider Organization (PPO) plans are still the most utilized plan type. Sixty-one percent of all plans reported are PPO plans. If an employer offers only one plan, 531 out of 773 employers offered a PPO plan.
- High Deductible Health Plans (HDHP) are the second most utilized plan type. HDHPs represent 30.9% of all plans reported. HDHPs may include a Health Savings Account. Just over half of the HDHPs reported include a Health Savings Account. HDHPs increased 5.3% this year.
- Just over 70% of all health plans submitted are self-funded. This represents a 2.5% increase in self-funded plans over the previous year. Self-funded plans average \$568 for single and \$1,458 for family. Self-funded plans save an average of \$9 per plan for single and \$117 per plan for family.
- The statewide average monthly medical and prescription premiums are \$570 for single plans and \$1,493 for family plans. The statewide average employee contribution is \$69 for single and \$195 for family plans. The statewide average percent of the premium paid by the employee is 12% for single and 12.8% for family plans. This represents a 4.5% increase in premiums over last year. Employee contributions towards the medical premium increased at the same rate.
- Employers who participate in a joint purchasing arrangement saw significant savings. The statewide average was \$1,450 per family plan per month for participating in a consortium versus \$1,554 per family plan per month for employers who did not participate in a consortium. This is an average savings of \$104 per family plan.

- Regarding fringe benefits, prescription coverage is provided by 97.9% of all employers who responded to the survey, dental coverage is provided by 93.5% of all employers, and vision insurance is provided by 74.1% of all employers.
- Spousal Restrictions saw some changes from last year. Just over 56% of employers stated there were no spousal restrictions. This is an 8.3 percentage point decrease over last year. The primary shift is adding the restriction that requires the spouse to take the other insurance as primary.
- Another trend is the decrease in the use of Dependent Eligibility Audits. Just over 50% of employers who responded to the survey stated that they used a Dependent Eligibility Audit in the last three years. Since the 2013 survey, the usage of the Dependent Eligibility Audit has decreased 22.6%.
- The utilization of Worksite Wellness Programs remains unchanged at 53.6%. Health education, health screenings, and supportive social and physical work environments remain to be the highlight of the wellness program.
- Fifteen employers stated that they offer money for the employees to use to buy insurance through the Affordable Care Act Marketplace.

Within our Investigations Section, an extensive amount of time was expended during the year on developing computer-generated reports to assist in monitoring and following the progress of Unfair Labor Practice investigations, and in responding to a wide range of public records requests in a prompt and efficient manner. As a result, investigations are being completed well within timeframes established by the Board. The nominal timeline for completing an Unfair Labor Practice investigation is 180 days. We are pleased to report that for this year the turnaround time for a report averaged 90 days. The computer generated reports have also been instrumental in allowing us to be able to respond more proficiently to a wide range of public records requests asking for voluminous records. Following is a list of public records requests that we fulfilled within a reasonable time period due to our computer-generated reports:

- Public Records request for all unfair labor practice charges, any related pleadings, and investigators' reports relating to strikes and ancillary matters in the Reynoldsburg School District and the Strongsville School District for 2013.
- Public Records request for all written notices dismissing unfair labor practice charges for 2013, 2014 and 2015 (to date).
- Public Records request for a list of all County Board of Developmental Disabilities and their union affiliation (or no affiliation if not organized). The response contained two spreadsheets with over 600 County Boards listed with the requested information.
- Public Records request for all union decertification petitions filed in 2012 and 2013, which resulted in a list of 26 cases.
- Public Records request for all union elections held in calendar year 2014 and fiscal year 2014.

The investigation section works from the premise of this agency's mission, which is to "promote orderly and constructive relationships between all public employers and their employees." We believe that to promote this orderly and constructive relationship, the parties must be steered to thinking of resolving their disputes before the parties become irretrievably embedded in their respective positions. Therefore, we begin our investigations, especially those where all parties will benefit, by encouraging the parties to mediate their differences. This is very important in the early stages of the dispute.

In the course of investigating cases, the parties are asked whether they are interested in voluntary mediation, which would be conducted by the investigation staff. We believe that if the parties are engaged in resolution discussions early, they are more likely to settle. As a result of this effort, the

investigators have mediated 25 cases this fiscal year. The investigators were able to settle six cases. Three cases were subsequently withdrawn due to settlement. Two scheduled mediations were cancelled for the parties to engage in settlement discussions on their own, which resulted in the charges being withdrawn. As a result of our efforts, eleven cases were withdrawn due to settlement. Requiring the parties to consider mediation at the onset of the investigation enables them to consider possible settlement options and ultimately resolve the matter themselves.

We focus on efficiency and thoroughness in the conduct of our investigations. Our investigations are efficient because we monitor our cases closely. We are conservative in the granting of extensions. The extensions are for a reasonable length of time (usually two weeks), depending upon the basis for the request. We also require periodic updates from the parties when extensions have been granted.

Although phone conferences are consistently held in representation matters, they are encouraged in unfair labor practice cases as well. Phone conferences allow the parties to identify the issues, determine the parties' positions, and to strategize the best approach to handling the case. Again, this approach requires the parties to communicate with each other and consider settlement options.

For the past several years, SERB has placed an increased emphasis on developing and enhancing our professional mediation services. We are pleased to report that our staff has initiated a one-day program for labor and management practitioners focused on alternative negotiations paradigms. This program will be presented several times throughout future years. It is our hope and expectation that such training will enhance the possibilities for positive and constructive outcomes from the bargaining process. We are very appreciative of the efforts of SERB's Bureau of Mediation for implementing this new approach to training.

We continued our staff professional training and development. In October, our staff attended a retreat titled, "Mastering Information Overload." The program was designed to assist individuals in improving reading speed, and most importantly, information retention.

In support of and consistent with the spirit in which ORC § 125.081 was enacted, to help provide resources to grow minority owned businesses, and in concert with the mandate of the Governor requiring all state agencies, boards and commissions to set aside 15% of eligible budgets to be spent with Minority Business Enterprise (MBE) vendors and 5% with Encouraging Diversity, Growth and Equity (EDGE) program vendors each fiscal year, SERB is pleased to report that we exceeded both goals. Of the MBE goal of 15%, SERB achieved a score of 25.6%; for the EDGE goal of 5%, SERB achieved a score of 13.22%.

Equally successful has been the computerization and implementation for compiling and analyzing Employee Organization Annual Reports, as required under Chapter 4117. Since the program's inception, there have been no non-compliant organizations.

In summary, FY 2015 has been a successful year. We believe progress continues in creating "constructive" relations among labor and management in Ohio's public sector. As always, the Board's work is reflective of the professionalism and dedication of our associates, and it's to them we extend our sincerest thanks. We are also mindful of the support and understanding of Ohio's Executive and Legislative governing bodies. Their support of our mission has also been truly appreciated. We have made every attempt to warrant that support through the prudent and responsible management of our resources.

Respectfully submitted,

The State Employment Relations Board

SERB Statutory Functions

The following are the major statutory duties SERB performs pursuant to the Ohio Public Employees' Collective Bargaining Act of 1983, Chapter 4117 of the Ohio Revised Code:

- Investigation or mediation of alleged unfair labor practices. [Section 4117.12]
- Issuance and prosecution of unfair labor practice complaints when probable cause is found after investigation of charges. [Section 4117.12]
- Adjudication of alleged unfair labor practices based upon formal evidence and legal arguments presented by the parties at hearing. Such cases are heard by SERB administrative law judges, the SERB Board, or individual Board members, who make recommendations that are submitted to the Board for ultimate determination. [Section 4117.12]
- Enforcement of unfair labor practice remedial orders. [Section 4117.13]
- Review of employee challenges to fair share fees paid by them to unions. [Section 4117.09]
- Establishment of standards for and review of employee organization trusteeships. [Section 4117.19]
- Establishment and communication of timetables for all negotiation cases to which the statutory impasse resolution procedure applies. [Section 4117.14]
- Analysis and resolution of legal issues raised by negotiation cases in which the parties dispute the proper procedure. [Section 4117.14]
- Assignment of mediators to resolve impasses in negotiations and to prevent or shorten the duration of public-sector strikes. [Section 4117.14]
- Compilation and submission to parties of lists from which fact finders and conciliators are chosen. [Section 4117.14]
- Subsequent appointment of fact finder and conciliator with proper notification to parties and the appointed neutral and revision of assignments as necessary after ascertaining availability. [Section 4117.14]
- Selection of qualified individuals to serve on SERB's Roster of Neutrals. [Section 4117.02]
- Investigation of petitions for election (initial representation elections, challenge elections by rival unions, or decertification elections), including an examination of a showing of interest required to demonstrate adequate employee interest in an election. Also, investigation of requests for voluntary recognition in which elections may be unnecessary. [Sections 4117.05 and 4117.07]
- Determination or mediation of appropriate bargaining-unit configurations (often through hearing) that may involve the determination of whether employees are confidential, management level, or supervisory. [Sections 4117.01 and 4117.06]
- Conducting secret ballot elections by mail for eligible employees in appropriate units. [Section 4117.07]
- Resolution, through evidential hearing, of other disputed issues associated with representation activity, such as contract bar, election bar, standing, objectionable campaign activity by a party, and eligibility of voters. [Section 4117.02]
- Determination, through evidential hearing and legal arguments, whether job actions constitute prohibited strikes. [Section 4117.23]
- Determination, through evidential hearing and legal arguments, whether otherwise legal strikes pose a clear and present danger. [Section 4117.16]
- Annual acquisition and analysis of more than 2,900 Ohio public-sector collective bargaining agreements for use as an informational clearinghouse. [Section 4117.02]
- Production of reports reflecting bargaining agreement terms for political subdivision categories, in further fulfillment of the clearinghouse and analysis functions. [Section 4117.02]
- Annually update a list of school districts that have collective bargaining agreements with teacher unions to show, for each district for the current fiscal year, the starting salary in the district for teachers with no prior teaching experience who hold bachelors degrees, and send a copy of the updated list to the state board of education. [Section 4117.102]
- Presentation of training programs for representatives of employee organizations and public employers, and preparation of educational bulletins and manuals. [Section 4117.02]
- Development and implementation of labor-management cooperation initiatives, including interest-based bargaining and labor-management committee training and facilitation. [Section 4117.02]
- Collection, organization, and verification of union financial and organizational reports. [Section 4117.19]
- Investigation of alleged failure to comply with employee organization reporting requirements and possible imposition of penalties. [Section 4117.19]
- Dissemination of information regarding the Ohio Public Employees' Collective Bargaining Act to interested parties such as organizations, public employees, employers, and academicians. [Section 4117.02]

The Board

The three-member State Employment Relations Board and its administrative staff were created by Ohio's Public Employees' Collective Bargaining Act of 1983. The Act was incorporated as Chapter 4117 of the Ohio Revised Code. Acting as a neutral, the quasi-judicial board determines appropriate bargaining units, conducts representation elections, certifies exclusive bargaining representatives, monitors and enforces statutory dispute procedures, adjudicates unfair labor practice charges, and determines unauthorized strikes. Board appointments are made by the governor with the advice and consent of the Senate. A board member's term is six years.

W. Craig Zimpher, Chair

W. Craig Zimpher was appointed Chairman of the State Employment Relations Board by Governor John R. Kasich effective January 21, 2011. Prior to his appointment, he had served as Vice President for Government Affairs at Nationwide Insurance Enterprise. In that role Mr. Zimpher oversaw the management of the company's corporate political and outreach programs. He has testified on financial services legislation many times before state legislatures and congressional committees.

Mr. Zimpher's private –sector positions included service as Assistant V.P. of Ohio Operations for Gates, McDonald and Company and Assistant Dean of Students at Ohio Wesleyan University.

Mr. Zimpher's previous public-sector work includes serving as Chairman of the Industrial Commission of Ohio; an appointment by Governor Richard F. Celeste to the Commission on Workers Compensation Administration; served as Deputy Assistant to Governor James A. Rhodes and as Legislative Assistant to the Minority Leader of the Ohio House of Representatives.

Mr. Zimpher, a native of Piqua, Ohio, received his B.A. and M.A. degrees in History from The Ohio State University. He served as a 1st Lieutenant in the U. S. Army. He is married to Park T. Zimpher, and is the father of three sons, Fletch, Peter, and Nathaniel.

Mr. Zimpher has served on the Boards of Directors of Nationwide Children's Hospital Foundation; the Ohio Statehouse Foundation; the Ohio Chamber of Commerce; and the Ohio Council of Retail Merchants. He was elected twice to the vestry of St. Mark's Episcopal Church in Upper Arlington, Ohio. Mr. Zimpher also served as a Chair of the Ohio State College of Arts and Sciences Alumni Advisory Council. He also teaches at Ohio Dominican University as an Adjunct Instructor in History.

Aaron Schmidt, Vice Chairperson

Aaron Schmidt was appointed to the State Employment Relations Board by Governor John R. Kasich effective January 2, 2014. Mr. Schmidt is an attorney with extensive legal experience in both the public and private sectors. At the time of his appointment, Mr. Schmidt served as legal counsel to the Ohio Lottery Commission.

Mr. Schmidt provided legal advice to the Lottery on a variety of legal matters, including contracts, compliance, litigation, labor relations, intellectual property, public records, and administrative law. He assisted in the promulgation of administrative rules, policies, and procedures, and represented the Lottery at hearings before the Joint Committee on Agency Rule Review (JCARR). He advised the Executive Director, Commissioners, and the Governor's Office on legal matters affecting the Lottery.

Prior to serving at the Ohio Lottery Commission, Mr. Schmidt practiced law in two Cleveland private law firms and managed litigation in a corporate legal department. His practice has encompassed a wide range of experience in employment matters and alternative dispute resolution.

Mr. Schmidt earned his bachelor's degree from The Ohio State University, he earned his law degree from Cleveland-Marshall College of Law, and he completed the Intensive Mediation program at Capital University Law School's Center for Dispute Resolution. Mr. Schmidt is admitted to the practice of law in Ohio. He is a member of the Ohio State Bar Association and the Cleveland Metropolitan Bar Association.

N. Eugene Brundige, Member

Governor Ted Strickland appointed N. Eugene Brundige to the State Employment Relations Board effective May 12, 2008. At the time of his appointment, Mr. Brundige was an arbitrator, mediator, and labor relations consultant, serving on the following arbitration rosters: American Arbitration Association (Labor Panel), Federal Mediation and Conciliation Services, Arbitration Mediation Service, and SERB's Roster of Neutrals. In addition to 15 years as a mediator, Mr. Brundige served previously as Vice Chair of the Board. Upon Governor John R. Kasich's appointment of W. Craig Zimpher as Board Chair in January 2011, Mr. Brundige assumed the position of Board Member.

Mr. Brundige served as Chief Negotiator for the City of Columbus, Director of Classified Personnel for Columbus Public Schools, Chief Negotiator for the State of Ohio, and HR Chief for the Ohio Bureau of Workers' Compensation. He also served in a number of capacities within a statewide union, including President of the Ohio Education Association and Director of Uniserv, supervising 70 staff representatives. He worked on assignment for the National Education Association in Florida.

Mr. Brundige is a graduate of Ohio University, where he received his Bachelors Degree in History and Government and also earned a Masters Degree in Education Administration. He has also served as adjunct faculty at Columbus State Community College and The Ohio State University in various labor – management programs.

SERB Fiscal Year 2015 Expenditures Summary

	Payroll	Purchased Personal Services	Supplies/ Maintenance	Equipment	Totals
					as of 07/01/15
General Revenue	\$2,796,209**	\$19,914	\$426,921	\$51,487	\$3,294,531
R & T Special Accounts	\$0	\$9,871	\$37,741	\$0	\$47,612
TOTAL	\$2,796,209**	\$29,785	\$464,662	\$51,487	\$3,342,143

SERB Personnel FY 2008- 2015

Includes Full-Time Permanent, Part-Time Permanent and Interns.

	2008	2009	2010	2011	2012	2013	2014	2015
Staff	33	30	29	28	33	30	29**	29**

** Payroll expenditures for FY 2015 include 29 personnel who serve/support 3 SERB Board members and 3 SPBR Board members.

Organization

Executive Director

The Executive Director is the chief administrative officer of the agency and reports directly to the Board. Charged with its daily operations, the Executive Director oversees the administration of agency funds and personnel. The Executive Director is responsible for implementing Board policy, and manages, directs, and supervises activities of all employees of the Board.

Office of the General Counsel

The Office of the General Counsel serves as in-house counsel, providing legal support for the Board and its sections, assisting in the preparation of Board opinions, drafting unfair labor practice complaints, and working with SERB's litigation counsel (the Ohio Attorney General) in the preparation of SERB-related cases pending before Ohio courts. Additionally, the General Counsel is the Chief Ethics Officer for the agency and provides or arranges annual ethics training for SERB personnel under Executive Order 2011-03K.

Representation Section

The Representation Section oversees the review of all representation filings; as well as Requests for Recognition and Petitions for Representation Election to determine sufficiency, coordination of efforts to achieve consent-election agreements, and the subsequent scheduling of 60-70 representation mail-ballot elections annually. Additionally, the section is responsible for the substantive development and presentation of recommendations to the Board on representation issues, and for review and recommendations of rebate cases for fair-share-fee payers.

Investigations Section

The Investigations Section is charged with the initial review, investigation, recommendation to the Board, and maintenance of statistics involving all unfair labor practice charges before SERB. The section is responsible for the investigation and recommendation to the Board of employee organization reporting complaints and jurisdictional work disputes. The agency's Labor Relations Specialists investigate an average of more than 700 of these charges each year. Additionally, the Labor Relations Specialists are involved in the mediation of unfair labor practice disputes before the Board's initial determination of whether probable cause exists.

Bureau of Mediation

The Bureau of Mediation oversees implementation of the collective bargaining impasse-resolution procedures established by Section 4117.14 of the Ohio Revised Code. These procedures provide for strict timelines and for the appointment of mediators, fact finders, or conciliators (interest arbitrators) based upon the circumstances of each case. The bureau reviews Notices to Negotiate to determine whether to apply the statutory impasse resolution process or an alternate process designed by the parties. If the statutory process applies, the bureau establishes timelines for negotiations. If an alternate impasse-resolution process applies, the bureau monitors these negotiations and assists the parties when requested. The bureau reviews strike notices and the progress of negotiations, and intervenes when necessary to avoid or end a strike. The bureau develops and coordinates

labor-management-cooperation training and facilitation for interest-based bargaining and labor-management committee effectiveness.

Hearings Section

The Hearing Section conducts administrative hearings to resolve factual disputes or help decide significant issues of law in cases involving representation, impasse-resolution, unfair labor practice matters, and other substantive responsibilities imposed by the Ohio Public Employees' Collective Bargaining Act. In addition, the Hearing Section supports the State Personnel Board of Review (SPBR) to hear cases pertaining to exempt employees in the classified service, to non-exempt employees in the classified service who have not been organized, and to non-exempt employees whose collective bargaining agreement allows an appeal to SPBR. This includes employees of state agencies, county agencies, state universities, and general health districts. In whistleblower and OSHA-type appeals, SPBR may hear appeals from employees in the classified and unclassified service; a request for an investigation may be filed either by a civil service employee or a concerned citizen. All cases for SERB and SPBR are heard before an administrative law judge who submits recommended findings of fact and conclusions of law to the SERB and Report and Recommendation to the SPBR. Administrative law judges may subpoena witnesses and documents, administer oaths, and receive or exclude evidence for cause. Administrative law judges may also mediate representation matters.

Clerk's Office

The Clerk's Office docket and maintains custody of case-related documents, processing an average of more than 2,000 new case filings annually. This section receives and distributes all case filings and other incoming documents, and is responsible for providing assistance to SERB customers. SERB's intake and record-keeping arm is vital to the agency's operation and is enhanced by a computerized and web-based docketing/imaging system.

Business/Records Office

The Business/Records Office is responsible for fiscal and budget functions and records retention and certification of the record in administrative hearings to court for SERB and State Personnel Board of Review cases. It is also responsible for SERB's fleet-management and facilities-management functions.

Research and Training Section

The Research and Training Section fulfills SERB's statutory commitment to act as a clearinghouse of information relating to wages, fringe benefits, and employment practices applicable to the various political subdivisions of the state. Also by statute, the section is responsible for training representatives of employee organizations and public employers in the rules and techniques of collective bargaining. The section's primary tool is its computerized Clearinghouse, a system providing customized collective bargaining agreement information for all jurisdictions in the state. The section is also responsible for writing, editing, and producing SERB's Annual Report and SERB's Annual Report on the Cost of Health Insurance in Ohio's Public Sector.

Glossary of Terms

SERB's current case-typing system uses these designations:

ERC	Employee Organization Reporting Complaint
JWD	Jurisdictional Work Dispute
MED	Mediation
RBT	Fair Share Fee Rebate Determination
REP	Representation
STK	Employer's Request for Determination of Unauthorized Strike <i>and</i> Request for Determination of Clear and Present Danger
ULP	Unfair Labor Practice

The following case designations were in use before January 1, 1987:

AC	Amended Certification
CE	Conscientious Exemption
CPS	Request for Determination of Clear and Present Danger (Strike case)
FR	Fair Share Rebate Determination
GR	Grandfather (Notification of historical status)
MF	Mediation/Fact-finding/Conciliation
OR	Organization Report
RC	Representation Certification by Election
RD	Petition for Decertification Election
RE	Representation Certification by Election
REPF	Fair Share Fee Rebate Determination
SD	Representation Certification for Self-Determination Election
UC	Unit Clarification
UE	Unfair Labor Practice Charge Filed Against an Employee
UR	Unfair Labor Practice Charge Filed Against an Employer
US	Notice of Strike/Request for Determination of Unauthorized Strike
UU	Unfair Labor Practice Charge Filed Against an Employee Organization
VR	Request for Voluntary Recognition by an Employee Organization

The following abbreviations are in common administrative use:

ALJPO	Administrative Law Judges' Proposed Order (Administrative Law Judges' recommendation in a ULP complaint case)
ALJRD	Administrative Law Judges' Recommended Determination (Administrative Law Judges' recommendation in a non-ULP case)
MAD	Mutually Agreed-Upon Dispute Settlement Procedure (negotiations procedure adopted by the parties that supersedes the statutory procedure)

Year-End Case Status Summary

Cases Filed	FY 2014	FY 2015
Total Cases	2,163	1,851
Mediation (MED)	1,728	1,408
Strike determinations (STK)	2	0
Representation (REP) ¹	144	137
Rebate Determination (RBT)	0	0
Unfair Labor Practices (ULP)	289	306
Employee Organization Reporting Complaints (ERC)	0	0
Jurisdictional Work Disputes (JWD)	0	0

Agency Activities	FY 2014	FY 2015
State mediator appointed for contract negotiations	882	767
Federal mediator appointed	237	246
Fact Finder appointed	345	247
Conciliator appointed	52	56
Strikes	1	2
Elections held ²	59	51
Complaints Issued	13	8
Hearings held ³	11	8
Board meetings ⁴	16	12
Board opinions issued	4	2

Mediations Conducted⁵ (Non-Contract Mediations)	FY 2014	FY 2015
ULPs Pre-Determination	13	10
ULPs Post-Probable Cause	23	9
Representation Matters Pre-Direction to Hearing	0	1
Representation Matters Post-Direction to Hearing	2	1
Total Non-Contract Mediations	38	21

Final Dispositions	FY 2014	FY 2015
Total Dispositions	2,394	2,219
Mediation Cases Closed	1,940	1,801
Election results certified	54	45
Voluntary recognition requests certified	12	7
Recognition requests/election petitions dismissed	33	16
Miscellaneous representation activities	56	65
RBT petitions settled or withdrawn	0	0
ULP charges dismissed	170	140
ULP charges settled or withdrawn	107	128
ULP charges deferred/jurisdiction retained	12	9
ULP complaints settled	10	8

¹ This figure reflects the consolidation into one case of voluntary recognition requests with responsive petitions and multiple petitions of the same unit. It also includes petitions for amendment of certification and for clarification of bargaining unit.

² Includes professional/non-professional unit determination elections.

³ Includes Board-conducted strike authorization hearings.

⁴ Includes only regular board meetings.

⁵ The statistical report on mediations conducted has been expanded and moved here from the Hearings Section Summaries.

Collective Bargaining Agreements by Employer Type

As Of June 30, 2015

Employers	Employers with Contracts	Employer Type	Number of Contracts On File	Employees Covered By Contracts
Local Government				
251	243	City	976	40,340
87	4	County Auditor	5	101
26	12	County Children Services	15	1,521
88	10	County Clerk of Courts	10	468
88	43	County Commissioners	87	3,223
88	3	County Coroner	3	33
88	48	County Engineer	53	1,346
30	15	County Health Care	17	849
14	2	County Hospital	3	2,129
86	49	County Job and Family Services	58	7,236
48	1	County Mental Health	1	29
88	42	County Board of Developmental Disabilities	70	5,157
1	1	County Narcotics Agency	1	7
2	2	County Prosecutor	2	22
86	7	County Recorder	7	43
88	85	County Sheriff	209	8,230
19	13	County Support Enforcement Agency	14	810
88	8	County Treasurer	8	215
15	10	Emergency Medical District	10	270
21	14	Fire District	16	292
83	8	Health District	9	295
52	11	Park District	17	490
4	4	Sanitary District	5	83
18	2	Conservancy District	2	10
20	10	Water/Sewer District	12	412
251	28	Library	30	2,110
40	16	Metropolitan Housing Authority	30	1,453
5	3	Port Authority	6	209
1	1	Regional Turnpike Commission	3	658
14	13	Regional Transit Authority	21	5,054
14	13	State University	45	17,371
14	9	Community College	19	2,146
9	4	Technical College	6	342
155	95	Township	223	3,284
33	11	Miscellaneous	25	674
2,015	840	Total	2,018	106,912
State Government				
1	1	Attorney General	3	742
1	1	Auditor of State	1	17
1	1	Office of the Governor	5	34,647
1	1	Secretary of State	1	52
1	1	Treasurer of State	1	46
5	5	Total	11	35,504
Boards of Education				
719	636	Boards of Education	1,138	152,493

Summary

Total of all employers	2,739
Total number of employers with contracts	1,481
Total contracts filed with SERB.....	3,167
Total employees covered.....	294,909

**Collective Bargaining Agreements by County
As Of June 30, 2015**

County	Boards of Education	Others	Total	County	Boards of Education	Others	Total
Adams	4	4	8	Licking	19	19	38
Allen	18	20	38	Logan	6	3	9
Ashland	8	12	20	Lorain	24	66	90
Ashtabula	16	32	48	Lucas	19	61	80
Athens	13	23	36	Madison	8	11	19
Auglaize	9	13	22	Mahoning	32	78	110
Belmont	12	15	27	Marion	9	10	19
Brown	10	3	13	Medina	10	35	45
Butler	20	55	75	Meigs	6	5	11
Carroll	3	1	4	Mercer	8	6	14
Champaign	10	9	19	Miami	12	19	31
Clark	13	19	32	Monroe	1	4	5
Clermont	16	26	42	Montgomery	31	82	113
Clinton	6	5	11	Morgan	2	6	8
Columbiana	21	25	46	Morrow	7	2	9
Coshocton	6	6	12	Muskingum	11	15	26
Crawford	11	8	19	Noble	4	3	7
Cuyahoga	67	266	333	Ottawa	8	10	18
Darke	10	8	18	Paulding	4	3	7
Defiance	7	6	13	Perry	6	3	9
Delaware	13	27	40	Pickaway	4	9	13
Erie	15	25	40	Pike	6	3	9
Fairfield	11	16	27	Portage	26	47	73
Fayette	3	4	7	Preble	9	3	12
Franklin	35	93	128	Putnam	14	4	18
Fulton	12	8	20	Richland	18	25	43
Gallia	6	4	10	Ross	13	6	19
Geauga	14	17	31	Sandusky	8	13	21
Greene	16	37	53	Scioto	13	13	26
Guernsey	5	9	14	Seneca	9	15	24
Hamilton	36	101	137	Shelby	11	6	17
Hancock	14	13	27	Stark	39	62	101
Hardin	11	6	17	Summit	38	94	132
Harrison	4	3	7	Trumbull	41	59	100
Henry	8	9	17	Tuscarawas	17	19	36
Highland	6	5	11	Union	3	6	9
Hocking	1	6	7	Van Wert	5	7	12
Holmes	3	2	5	Vinton	2	2	4
Huron	11	15	26	Warren	14	28	42
Jackson	6	15	21	Washington	12	9	21
Jefferson	9	22	31	Wayne	16	14	30
Knox	8	11	19	Williams	8	12	20
Lake	18	70	88	Wood	20	38	58
Lawrence	16	17	33	Wyandot	4	3	7

Summary

Boards of Education.....	1,138
Other Employers.....	2,029
Total 2015 Contracts.....	3,167

Bureau of Mediation Summary of Activity

Filings and Appointments

FY 2014

FY 2015

Matters filed

Notices to Negotiate	1,728	1,408
Notices of Intent to Strike	16	9

Neutrals appointed

Mediator Appointments	1,119	1,013
Fact Finder Appointments	345	247
Conciliator Appointments	52	56

FY 2015 Notices to Negotiate

Statutory

MADs

Total

Initial	41	0	41
Reopener	145	41	186
Successor	832	349	1,181
<i>Total</i>	<i>1,018</i>	<i>390</i>	<i>1,408</i>

FY 2015 Fact-Finding Statistical Summary

<i>Cases with reports accepted</i>	62
Accepted by both parties	16
Deemed accepted . . .	46
by employee organization only	7
by employer only	23
by both parties	16
<i>Cases with reports rejected</i>	41
by employee organization only	15
by employer only	21
by both parties	5
Total FY 2015 reports	103

Results of Fact-Finding

	FY 2014	FY 2015
Acceptances	54	62
Rejections	46	41

Fact-Finding Cases by Employer Type

	FY 2014	FY 2015
Cities	49	53
Counties	36	28
School Districts	1	1
Townships	9	6
Universities	1	1
State Government	0	0
Other	4	14

Fact-Finding Cases by Employee Type

	FY 2014	FY 2015
Police	56	64
Fire	20	12
Teaching	0	1
Nursing	1	0
Other	23	26

Public Sector Strikes, April 1, 1984—June 30, 2015

Type	04/01/84—06/30/14	FY 2013	FY 2014	FY 2015	Total
Education	148*	1	0	1	150
City	10	0	0	0	10
County	44	0	1	1	46
Township	2	0	0	0	2
Other	8*	1	0	0	9
<i>Total</i>	<i>212</i>	<i>2</i>	<i>1</i>	<i>2</i>	<i>217</i>

* FY 2014 strike total adjusted from 2013 Annual Report

Public Sector Strikes Before and After the Collective Bargaining Act

1978	67	1984 ¹	4	1990	13	1996	4	2002	6	2008	3	2014	1
1979	56	1985	9	1991	17	1997	3	2003	7	2009	2	2015	2
1980	60	1986	14	1992	11	1998	14	2004	4 ⁴	2010	0		
1981	na	1987	19	1993 ²	3	1999	6	2005	1	2011	0		
1982	na	1988	14	1994 ³	13	2000	2	2006	6	2012	1		
1983	na	1989	17	1995	7	2001	8	2007	4	2013	2		

¹ 04/01/84 – 12/31/84

² 01/01/93 – 06/30/93

³ Beginning with July 1, 1993, all data are reported by fiscal year, July 1 through June 30.

⁴ FY 2004 strike total adjusted from 2004 annual report.

Representation Summary of Activity

	04/01/84-06/30/12	FY 2013	FY 2014	FY 2015	Total
Elections held	3,304	52	59	51	3,466
Unit Determination elections held (Professional/Nonprofessional)	212	0	2	1	215
Choices for representation	2,519 ²	46	48	43	2,656
Approximate number of eligible voters	193,599	1,407	2,414	2,130	199,550
Voter turnout	162,124 84%	1,167 83%	1,843 76%	1,544 72%	166,678 84%
Certification via Voluntary Request for Recognition	1,301	9	12	7	1,329

² number adjusted from 2013 Annual Report

Unfair Labor Practice Summary of Activity

Cases	04/01/84-06/30/12	FY 2013	FY 2014	FY 2015	Total
ULP Charges Filed	18,674	356	289	306	19,625
ULP Charges Dismissed	10,376	203	170	140	10,889
ULP Charges Withdrawn	4,710	99	107	128	5,044
Probable Cause Findings	3,442 ¹	29	33	10	3,514
Deferrals to Arbitration (with retention of jurisdiction)	242 ³	5	12	9	268
Complaints Settled	2,775 ²	11	10	8	2,804
Complaints Adjudicated	532 ²	5	7	0	544

¹ Adjusted figures in 1990 used in total.

² Does not include 1984-85, when these statistics were not kept.

³ Does not include 1984-87, when these statistics were not kept.

FY 2015 Unfair Labor Practice Allegations

Total Allegations of RC 4117.11 violations	306
Section 4117.11(A) alleged employer violations	217
Section 4117.11(B) alleged employee/employee organization violations	89

Board Decisions Finding Statutory Violations

	04/01/84-06/30/12	FY 2013	FY 2014	FY 2015	Total
	393	4	5	0	402

Hearings Section Summary of Activity

Action	04/01/84-06/30/12	FY 2013	FY 2014	FY 2015	Total
ALJPOs/ALJRJs	961	6	13	1	981
Pretrials held	1,098 ¹	14	15	3	1,130
Hearings held	949	8	11	1	969
Settlements	1,533 ¹	22	13	9	1,577

NOTE: The statistical report on mediations conducted has been expanded and moved to the Year-End Case Status Summary.

¹ Statistic maintained beginning December 1994.

Board Opinions Issued in Fiscal Year 2015

In re CONNEAUT VOLUNTEER FIREFIGHTERS ORGANIZATION, SERB 2014-003 (10-8-2014)

In this Mediation case, the union filed a Notice to Negotiate for the 15 part-time volunteer firefighters it represented. The employer responded with a Motion to Dismiss alleging these volunteer fire fighters are ineligible to bargain as they are casual employees working less than 500 hours per year. Conneaut pays its volunteer firefighters \$10.00 to \$12.00 per hour.

In 1992 SERB certified the union, the Conneaut Volunteer Firefighters Organization (CVFO), as the exclusive representative of the volunteers in the Fire Department. In 1992 there were 52 volunteers represented by the union. While the CVFO has filed Notices to Negotiate previously, the parties have never had a labor agreement. Evidence produced at a hearing showed these employees work on call and man fire stations while full-time firefighters are out on runs. Over the last several years the time worked by each of these volunteer employees averaged 154 hours annually.

SERB has addressed the status of seasonal and casual employees pursuant to Ohio Revised Code 4117.01 (C)(13). *In re Ohio Turnpike Comm*, SERB 93-022 (12-21-93) established the standard to be used to determine casual and seasonal employee status, that being having worked less than 500 hours in the previous year or among whom less than 60% return the following year. In this case the Board adopted the Inquiry Report that found the Conneaut Volunteer Firefighters were casual employees ineligible for bargaining in that they did not work more than 500 hours during the past year.

In re Youngtown State University, SERB 2014-004 (10-09-2014)

In this representation case, the Youngstown State University ("YSU") filed a Petition for Clarification of Bargaining Unit, seeking to exclude from the bargaining unit the positions of Manager of Employee Benefits in YSU's Human Resources Office and Administrative Assistant 4 in YSU's Student Accounts and University Receivables Department. YSU argued that the State Employment Relations Board ("SERB" or "the Board") should grant the petition because the incumbent employees perform job duties that qualify them as "supervisors" and "management-level employees" as defined by Ohio Revised Code ("O.R.C.") §§ 4117.01(F) and (L), thereby excluding these employees from the definition of a "public employee" pursuant to O.R.C. § 4117.01(C).

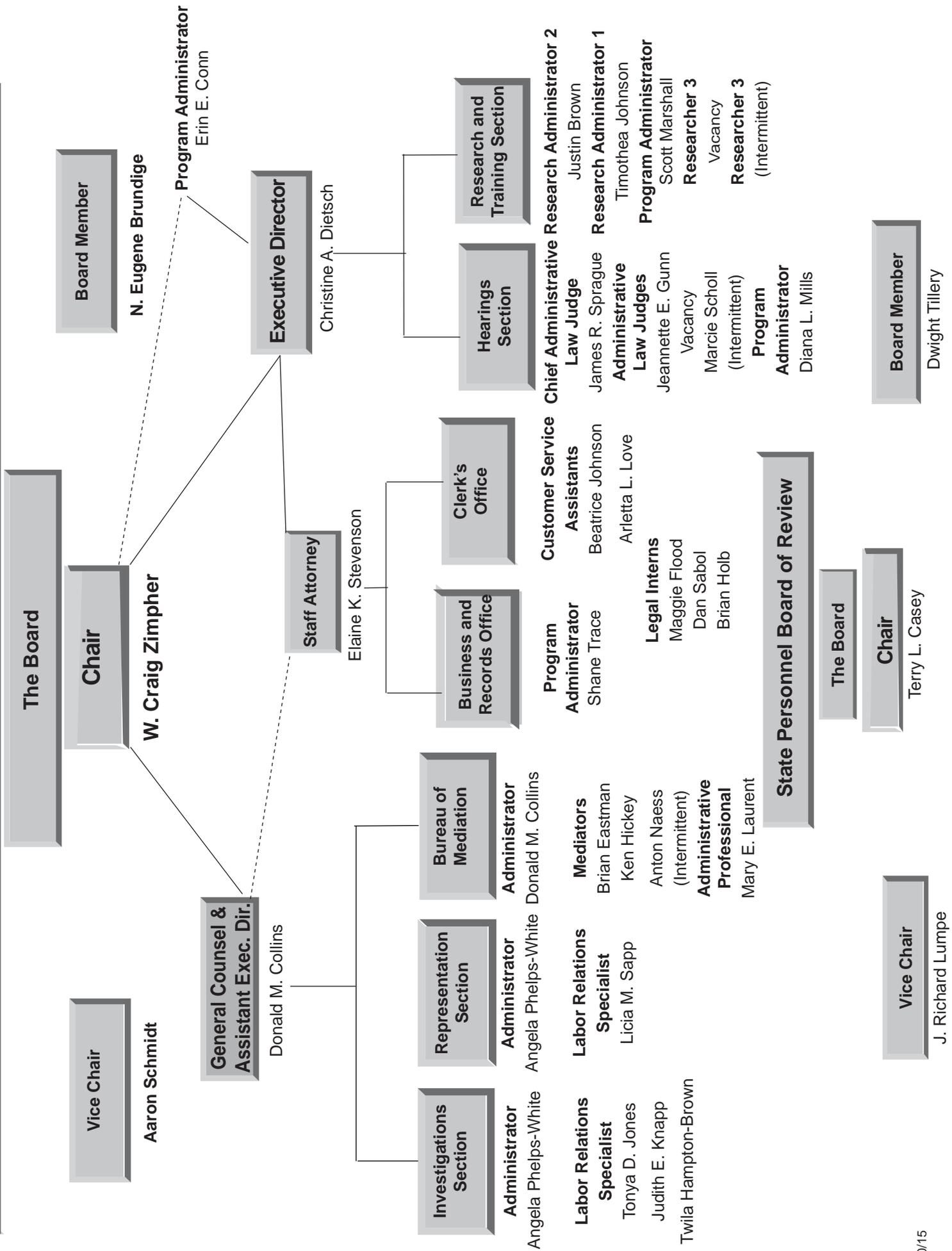
An employee will be excluded from a bargaining unit as a "supervisor" if a preponderance of the evidence contained in the record shows that the employee performs one or more the functions listed in O.R.C. § 4117.01(F) and uses independent judgment in doing so, or the employee has the authority to effectively recommend a change or changes in employment status described in O.R.C. § 4117.01(F). An employee will be excluded from a bargaining unit as a "management-level employee" if a preponderance of the evidence contained in the record shows that the employee performs one or more of the functions listed in O.R.C. § 4117.01(L).

In this case, SERB determined that the Manager of Employee Benefits and the Administrative Assistant 4 are "supervisors" as defined by O.R.C. § 4117.01(F) because they exercise independent judgment in directing the work of the employees they oversee. The evidence showed that the Manager of Employee Benefits and the Administrative Assistant 4 oversee the daily operations of YSU's Employee Benefits and Student Accounts/University Receivables sections, respectively. They perform their duties with minimal supervision. They exercise independent judgment in assigning work to their direct reports by considering the employees' respective abilities, the nature of the work assignments, workloads, and priorities within their work sections. The Manager of Employee Benefits and the Administrative Assistant 4 responsibly direct the work of their employees through the job performance evaluation process. They use performance evaluations as a tool to discuss an employee's overall job performance and the employee's particular strengths and weaknesses in order to provide guidance to the employee. The Manager of Employee Benefits and the Administrative Assistant 4 also direct their employees through individual training and daily direction regarding changes and updates to applicable university, state, and federal regulations that affect the work of their respective sections.

In addition to the “supervisory” exemption, SERB determined that the Manager of Employee Benefits also has a major role in personnel administration and is, therefore, a “management-level employee” as defined by O.R.C. § 4117.01(L). The evidence showed that the Manager of Employee Benefits’s responsibilities include managing and administering medical, dental, prescription drug, group life, accidental death, disability benefit plans, flexible spending accounts, and tax deferred annuities. She works with providers of YSU’s deferred compensation plans, oversees tuition remission, and manages voluntary benefit plans. The Manager of Employee Benefits also makes recommendations to the Chief Human Resources Officer regarding insurance carrier products. She reviews YSU’s procedures and practices regarding employee benefits and makes recommendations regarding procedural changes to YSU’s Chief Human Resources Officer. The Manager of Employee Benefits is also responsible for ensuring that YSU’s procedures and processes regarding employee benefits are compliant with all pertinent university, state, and federal regulations.

As this representation case demonstrates, a review of an employee’s position requires an in-depth analysis of the scope and nature of the job duties performed by the employee. Therefore, it is important to remember that these types of cases are fact-intensive and as such each case stands on its own specific facts.

State Employment Relations Board



2015 SERB Personnel

SERB Office (614) 644-8573

65 East State Street, Suite 1200
Columbus, Ohio 43215-4213

SERB Members' Offices (614) 466-3206

W. Craig Zimpher • Chair
Aaron Schmidt • Vice Chair
N. Eugene Brundige • Board Member

SPBR Members' Offices (614) 466-7046

Terry Casey • Chair
Richard Lumpe • Vice Chair
Dwight Tillery • Board Member

Executive Director's Office (614) 466-3013

Christine A. Dietsch • Executive Director
Erin E. Conn • Program Administrator
Elaine K. Stevenson • Staff Attorney/Supervisor

Legal Interns

Maggie Flood • Legal Intern
Dan Sabol • Legal Intern
Brian Holb • Legal Intern

General Counsel's Office (614) 466-3014

Donald M. Collins • General Counsel and Assistant Executive Director

Bureau of Mediation (614) 644-8716

Brian J. Eastman • Mediator
Kenneth F. Hickey • Mediator
Anton J. Naess • Mediator (Intermittent)
Mary E. Laurent • Administrative Professional

Clerk's Office (614) 644-7137

Elaine K. Stevenson • Staff Attorney/Supervisor
Beatrice Johnson • Customer Service Assistant 3, Lead Worker
Arletta L. Love • Customer Service Assistant

Business/Records Office (614) 466-3858

Elaine K. Stevenson • Staff Attorney/Supervisor
Shane G. Trace • Program Administrator

Hearings Section (614) 644-8688

James R. Sprague • Chief Administrative Law Judge
Jeannette E. Gunn • Administrative Law Judge
Marcie M. Scholl • Administrative Law Judge (Intermittent)
Diana J. Mills • Program Administrator

Investigations Section (614) 466-2296

Angela Phelps-White • Administrator
Tonya D. Jones • Labor Relations Specialist
Judith E. Knapp • Labor Relations Specialist
Twila Hampton-Brown • Labor Relations Specialist

Representation Section (614) 644-6278

Angela Phelps-White • Administrator
Licia M. Sapp • Labor Relations Specialist

Research and Training Section (614) 466-2963

Justin Brown • Administrator
Timothea G. Johnson • Research Administrator 1
Scott Marshall • Program Administrator

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EEO Officer: Marcie M. Scholl, Administrative Law Judge, Hearings Section (Intermittent)

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