

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
Montgomery County Job and Family Services, Division of Children Services,
Employer
And
Professionals Guild of Ohio,
Employee Organization

Case No. 2019-STK-01-0004

DETERMINATION

STATE EMPLOYMENT
RELATIONS BOARD
2019 JUL 21 P 6 02

Before Chair Zimpher, Vice Chair Schmidt and Board Member Lumpe: July 21, 2019.

This case comes before the State Employment Relations Board (“SERB”) upon the filing of a request by the Employer to determine whether a strike by the employees of the Montgomery County Job and Family Services, Division of Children Services (“Employer”), represented by the Professionals Guild of Ohio (“PGO”) constitutes a Clear and Present Danger. SERB is required to determine whether the strike constitutes a Clear and Present Danger when requested by the employer after the issuance of a temporary restraining order by the Court of Common Pleas. SERB is to make a determination during the period the strike is enjoined or 72 hours as required by O.R.C. 4117.16.

The Employer has argued that the Strike by PGO has created a Clear and Present Danger to public safety and health. Upon consideration of the parties’ pleadings, all filings in the record, exhibits, and upon the arguments presented by the parties’ representatives on this date, SERB finds that the potential for harm would be too great not to declare that the strike by employees of Employer presents a Clear and Present Danger under the provisions of O.R.C. 4117.16.

In making this determination, we are guided by the precedent established in *Napoleon City School Dist. Bd. Of Ed.*, SERB No. 92-023. In that case, this Board found that, due to situations created by a strike, “... All the ingredients for a disaster were there.” *Id.* at

13. In the instant case, the potential for harm here may be even more serious than in *Napoleon, supra*. We note that in 2018, Montgomery County experienced 16 child fatalities and 12 child fatalities already this calendar year. We declare that protecting vulnerable children falls squarely in the public interest. Thus, this significant risk of harm in this case presents a Clear and Present Danger to the public.

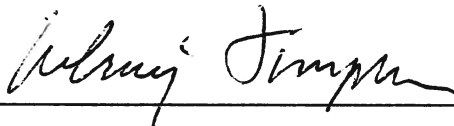
We are mindful that this cohort is entitled to strike. However, the responsibility put on this Board pursuant to O.R.C. 4117.16 and based on evidence and facts presented at hearing, essentially mandates that SERB find the presence of a Clear and Present Danger in this case.

Accordingly, based on the facts of this case, including the risk of child fatalities that are a part of those facts, in conjunction with established Board precedent, we hereby find that the strike by the employees of the Employer represented by PGO, constitutes a Clear and Present Danger, pursuant to the authority established in O.R.C. 4117.16.

Pursuant to the objection made by PGO regarding the appropriate party of record, the Board finds insufficient evidence to believe the parties before us were not the proper parties; furthermore, this finding is consistent with that delivered by the Montgomery County Court of Common Pleas.

It is so determined.

ZIMPHER, Chair, SCHMIDT, Vice Chair, and LUMPE, Board Member, concur.



W. Craig Zimpher, Chair

CERTIFICATE OF SERVICE

I certify that this document was filed and a copy served upon each party or the representative of each party by hand delivery on this 21st day of July, 2019.

