

State Employment Relations Board

Board Meeting Minutes

January 9, 2025

The State Employment Relations Board met on January 9, 2025, at 10:00 a.m., at 65 East State Street, 12th Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher, Vice Chair Sandra Drabik Collins, and Board Member Robert Walter.

I. APPROVAL OF MINUTES FOR THE DECEMBER 12, 2024 BOARD MEETING:

Vice Chair Collins moved that the Board approve the minutes for the December 12, 2024 Board meeting. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no mediation matters.

III. REPRESENTATION MATTERS AT ISSUE:

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| 1. | Case 2024-REP-07-0086 | <u>Northwestern Fire District Local 5493 – International Association of Fire Fighters and Northwestern Fire District</u> |
| 2. | Case 2024-REP-09-0104 | <u>Ohio Patrolmen's Benevolent Association and Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Ashtabula County Commissioners</u> |
| 3. | Case 2024-REP-09-0105 | <u>Ohio Patrolmen's Benevolent Association and Ohio Council 8, Local 3781, American Federation of State, County and Municipal Employees, AFL-CIO and Ashtabula County Clerk of Courts</u> |
| 4. | Case 2024-REP-09-0106 | <u>Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Shaker Heights</u> |
| 5. | Case 2024-REP-09-0107 | <u>Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Rossford</u> |
| 6. | Case 2024-REP-09-0108 | <u>Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Rossford</u> |
| 7. | Case 2024-REP-09-0109 | <u>Fraternal Order of Police, Ohio Labor Council, Inc. and United Steelworkers (USW Local 7334-02) and City of Conneaut</u> |

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| 8. | Case 2024-REP-09-0110 | <u>Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and Hardin County Sheriff</u> |
| 9. | Case 2024-REP-09-0111 | <u>Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Highland Heights</u> |
| 10. | Case 2024-REP-09-0112 | <u>Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Highland Heights</u> |
| 11. | Case 2024-REP-09-0113 | <u>Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Highland Heights</u> |
| 12. | Case 2024-REP-11-0133 | <u>Teamsters Local No. 637, affiliated with the International Brotherhood of Teamsters and Jackson County Department of Job & Family Services</u> |

The parties have entered into Consent Election Agreements.

Vice Chair Collins moved that the Board approve the Consent Election Agreements and direct mail-ballot elections to be conducted during the polling period of January 21, 2025 through February 4, 2025. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>		<u>Denied</u>		<u> </u>

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| 13. | Case 2023-REP-11-0129 | <u>International Alliance of Theatrical Stage Employees, (I.A.T.S.E.), Local 12 and Ohio State University, Schottenstein Center</u> |
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The parties have entered into a Consent Election Agreement.

Vice Chair Collins moved that the Board approve the Consent Election Agreement and direct a mail-ballot election to be conducted during the polling period of January 28, 2025 through February 11, 2025. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>		<u>Denied</u>		<u> </u>

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14. Case 2024-REP-03-0043 U.A.W. Local 12, U.A.W. International Union and Lucas County Auditor's Office
15. Case 2024-REP-11-0129 Ohio Council 8, AFSCME, Local 1097, AFL-CIO and City of Pepper Pike
16. Case 2024-REP-11-0136 Professionals Guild of Ohio, Subdivision Council 21 and Butler County Board of Developmental Disabilities
17. Case 2024-REP-12-0139 Ohio Education Association and Youngstown State University

The parties filed Joint Amendment of Certifications.

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

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

18. Case 2024-REP-06-0070 Ohio Council 8, American Federation of State, County & Municipal Employees, AFL-CIO and Montgomery County Public Defender's Office

- There were fifty-eight (58) valid ballots cast
- There were zero (0) void ballots
- There were zero (0) challenged ballots
- No Representative received five (5) votes
- Ohio Council 8, American Federation of State, County & Municipal Employees, AFL-CIO received fifty-three (53) votes
- Ohio Council 8, American Federation of State, County & Municipal Employees, AFL-CIO prevailed in this election

19. Case 2024-REP-06-0073 Ohio Patrolmen's Benevolent Association and Great Parks of Hamilton County

- There were four (4) valid ballots cast
- There were zero (0) void ballots
- There were zero (0) challenged ballots
- No Representative received zero (0) votes
- Ohio Patrolmen's Benevolent Association received four (4) votes
- Ohio Patrolmen's Benevolent Association prevailed in this election

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20. Case 2024-REP-08-0092 Ohio Association of Public School Employees, OAPSE/AFSCME, Local 4, AFL-CIO and Shaker Heights Public Library
- There were twenty-eight (28) valid ballots cast
 - There was one (1) void ballot
 - There was one (1) challenged ballot
 - No Representative received two (2) votes
 - Ohio Association of Public School Employees, OAPSE/AFSCME, Local 4, AFL-CIO received twenty-five (25) votes
 - Ohio Association of Public School Employees, OAPSE/AFSCME, Local 4, AFL-CIO prevailed in this Election
21. Case 2024-REP-09-0103 Ohio Association of Public School Employees, AFSCME, Local 4, AFL-CIO and Eastland-Fairfield Career and Technical Schools
- There were fourteen (14) valid ballots cast
 - There were zero (0) void ballots
 - There were zero (0) challenged ballots
 - No Representative received zero (0) votes
 - Ohio Association of Public School Employees, AFSCME, Local 4, AFL-CIO received fourteen (14) votes
 - Ohio Association of Public School Employees, AFSCME, Local 4, AFL-CIO prevailed in this election
22. Case 2024-REP-09-0114 International Brotherhood of Electrical Workers, Local Union 245 and City of Clyde, Department of Clyde Light & Power
- There were six (6) valid ballots cast
 - There were zero (0) void ballots
 - There were zero (0) challenged ballots
 - No Representative received one (1) votes
 - International Brotherhood of Electrical Workers, Local Union 245 received five (5) votes
 - International Brotherhood of Electrical Workers, Local Union 245 prevailed in this election

Mail ballot elections were conducted.

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Vice Chair Collins moved that the Board certify the Employee Organizations as the exclusive representative of all employees in the bargaining units. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	Yes	COLLINS:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied			

23. Case 2024-REP-08-0093 Ryan Peiffer and Ohio Council 8, American Federation of State, County and Municipal Employees AFL-CIO & Local 115 and Miami County Engineer

- There were eight (8) valid ballots cast
- There was one (1) void ballot
- There was one (1) challenged ballot
- No Representative received seven (7) votes
- Ohio Council 8, American Federation of State County and Municipal Employees AFL-CIO & Local 115 received zero (0) votes
- No Representative prevailed in this election

A mail ballot election was conducted.

Vice Chair Collins moved that the Board certify the election results and that the employees in the unit have chosen to have no exclusive representative for the purposes of collective bargaining. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	Yes	COLLINS:	Yes	ZIMPHER:	Yes
Affirmed	X	Denied			

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Cases 2023-ULP-12-0154 State Employment Relations Board v. Sandusky County Commissioners (Sandusky County Emergency Medical Services Department)
2024-REP-01-0001

On December 26, 2023 (as amended on January 9, 2024), the Teamsters, Chauffeurs, Warehousemen and Helpers Local Union 20 ("the Union" or "Intervenor") filed an unfair labor practice ("ULP") charge with SERB ("SERB", "the Board", or "Complainant"), pursuant to and in accordance with Section 4117.12(B) of the Ohio Revised Code and Section 4117-7-01 of the Ohio Administrative Code. The Union charged that the Sandusky County Commissioners ("the Employer" or "Respondent") violated Section 4117.11(A)(5) of the Ohio Revised Code, by refusing to continue negotiations after the Union rejected the Fact-Finding Report, declaring that the parties were at ultimate impasse, and by threatening to implement its last, best offer.

On April 4, 2024, SERB determined that probable cause existed to believe the Employer had committed or was committing unfair labor practices in violation of R.C. 4117.11(A)(5) for the

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reasons set forth above. Accordingly, SERB issued a Directive, referred the matter to hearing, and authorized the issuance of a complaint. A complaint was issued on June 3, 2024. This case was coordinated with the Inquiry concerning SERB Case No. 2024-REP-01-0001 as the two involved the same parties and the findings regarding the unfair labor practice may impact the Petition for Decertification. Respondent filed an Amended Answer on June 11, 2024.

The matter was assigned to a SERB Administrative Law Judge (“ALJ”). The parties filed Joint Stipulations of Fact and Joint Stipulations of Exhibits, and Pre-Hearing Statements. A record hearing was held on August 26, 2024. Post-hearing briefs were submitted by the parties on September 16, 2024. Parties were also asked to submit additional briefs on the topic of ultimate impasse which were filed on October 7, 2024. The record was then closed. The assigned ALJ issued a Proposed Order on November 25, 2024. There were no exceptions filed.

Vice Chair Collins moved that the Board adopt the Findings of Fact, Analysis and Discussion, and Conclusions of Law set forth in the Administrative Law Judge’s Proposed Order, find that Respondent, Sandusky County Commissioners (Sandusky County Emergency Medical Services Department), did not violate Section 4117.11(A)(5) of the Ohio Revised Code when it declared ultimate impasse after the Union’s rejection of the Fact Finding Report and the Union’s nearly six weeks of formal communication silence thereafter. Further, dismiss with prejudice the unfair labor practice charge and complaint as it has been determined that the Employer did not illegally interfere with the election, deny the Employee Organization’s objections filed in Case No. 2024-REP-01-0001 and certify the April 15, 2024 election results and decertify the Teamsters, Chauffeurs, Warehousemen and Helpers Local Union 20 as the exclusive representative of all employees in the bargaining unit. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>		<u>Denied</u>		

2. Case 2024-ULP-03-0033 Springfield Police Patrolman’s Association v. City of Springfield

On March 8, 2024, the Springfield Police Patrolman’s Association (Union/Charging Party) filed an unfair labor practice charge against the City of Springfield (Employer/Charged Party). The Union alleges the Employer violated R.C. 4117.11(A)(1) and (A)(5) by refusing to bargain regarding the implementation of body worn cameras.

On September 19, 2024, the State Employment Relations Board (SERB/Board), without rendering any judgment on the merits, ordered the parties to pre-determination mediation for a period not to exceed sixty (60) days, with instructions to the mediator to report back to the Board at the conclusion of the mediation or the mediation period, whichever occurs first.

On September 20, 2024, the Employer filed a Motion for Continuance of Mandated Mediation requesting an enlargement of the time to hold the mediation due to some ongoing issues regarding the upcoming election. The Employer’s motion was granted by the General Counsel on October 2, 2024, and the mandated mediation was ordered to be held on or before December 18,

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2024.

On December 17, 2024, the mandated mediation was held with the assigned SERB mediator. During that mediation the parties entered into an agreement to engage in further negotiations and agreed upon the topics to be discussed at those negotiation sessions. The parties also agreed to seek a further extension on the mediation period from the Board.

On December 20, 2024, the assigned mediator filed a Mediator's Procedural Order Requesting Stay of the matter until February 28, 2025, at which time the mediator will follow up on the progress of the parties' negotiations and report back to the Board.

Vice Chair Collins moved that the Board grant the party and the mediator's requests to stay the matter until February 28, 2025. The mediator will report back to the Board regarding the parties' negotiations at the conclusion of that period. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	Yes	COLLINS:	Yes	ZIMPHER:	Yes
Affirmed	<u>X</u>	Denied	<u> </u>		

3. Case 2024-REP-05-0061 Ohio Nurses Association (ONA), AFT, AFL-CIO and Cleveland Heights Behavioral Health Hospital, Metro Health

The Ohio Nurses Association (ONA) filed a request for recognition seeking to represent "all full-time and regular part-time nurses including Registered Nurses (RNs) and Advanced Practice Registered Nurses (APRNs) employed at Cleveland Heights Behavioral Health Hospital, Metro Health (Metro)." ONA excluded Directors, Managers, Supervisors, and all other employees not mentioned above. The initially proposed unit was approximately 69 employees.

Metro objected to the proposed bargaining unit asserting that the RNs and APRNs are fiduciary employees under R.C. 4117.01(C)(9) and thereby excluded from bargaining. Metro additionally filed a petition for representation election with its own proposed bargaining unit.

The matter of representation was assigned to a SERB Administrative Law Judge ("ALJ") and directed to inquiry on September 19, 2024. The inquiry was completed on Friday, November 15, 2024. During the inquiry, parties presented witness testimony and documentary exhibits relevant to the Board resolving the issues raised. Parties submitted written post-hearing briefs which included a proposed bargaining unit. Both parties submitted the following language for the proposed bargaining unit:

Included:

All full-time, regular part-time, and pro re nata (PRN) Registered Nurses employed by The MetroHealth System at its Cleveland Heights Behavioral Health Hospital.

Excluded:

Directors, Managers, Supervisors, fiduciary, confidential, and all other employees not mentioned above.

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However, Metro maintained its objection that the Behavioral Health Hospital nurses are fiduciaries and thereby excluded from the definition of public employee and excepted from participation in collective bargaining.

The ALJ provided a Report and Recommendation to the Board recommending that the Board dismiss Metro's objection and find that the employees included in the bargaining unit are not prohibited from organizing under R.C. 4117.01(C)(9).

Vice Chair Collins moved that the Board adopt the Findings of Fact, Analysis and Discussion, and Conclusions of Law set forth in the Administrative Law Judge's Report and Recommendation, find that the employees included in the proposed bargaining unit are not prohibited from organizing under R. C. 4117.01(C)(9), dismiss the Employer's objection, and remand this matter to the Representation section for further proceedings. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

4. Case 2023-ULP-03-0033 State Employment Relations Board v. Moraine Professional Firefighters, IAFF Local 2981

On March 28, 2023, Christopher Lutz, ("Lutz") filed an unfair labor practice charge against the Moraine Professional Firefighters, IAFF Local 2981 ("the Union"). Lutz alleges the Union violated R.C. 4117.11(B)(1) and (6) by placing him last on the overtime eligibility list in response to his withdrawal from the Union.

On May 2, 2024, the State Employment Relations Board ("SERB") found probable cause existed to believe the Union violated R.C. 4117.11(B)(1) and (6) by restraining or coercing employees in exercising their rights guaranteed in R.C. 4117 and failing to represent Lutz. SERB issued a directive authorizing the issuance of a Complaint and referring the matter to a hearing.

SERB issued a Complaint on May 22, 2024. A record hearing was held before an Administrative Law Judge (ALJ) who received prehearing statements and joint stipulations of fact from the parties. The ALJ also heard testimonial evidence during the hearing and permitted the parties to submit post-hearing briefs.

On October 30, 2024, after carefully reviewing the entire record, the assigned ALJ issued a Proposed Order, recommending that the Board find that the Union did violate R.C. 4117.11(B)(1) and (6) when the Union's actions resulted in Lutz being discriminated against in the process of awarding overtime opportunities. The ALJ found that the Union's actions in adding 5,000 hours to Lutz's charged hours on the overtime equalization chart in response to Lutz's withdrawal from the Union constituted an unfair labor practice. To remedy the violation, the ALJ recommended that the Union cease and desist from discriminating against non-members and that the Union be ordered to fairly represent non-members. The Union previously restored Lutz's position on the overtime equalization chart, but the ALJ also recommended that the Union remedy an 18-hour error discovered on the chart.

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Due to an error in serving the Proposed Order on the parties, it was re-issued on December 2, 2024. The parties were permitted to re-submit exceptions and responses. Lutz filed exceptions to the ALJ's Proposed Order. The Union filed a response. In his exceptions, Lutz asks the Board to review selected evidence and make credibility determinations different than those of the ALJ. In the Proposed Order, the ALJ makes clear that she has considered the entire record in making her determination and is in the best position to assess the credibility of the witnesses. As noted in *In the Matter of State Employment Relations Board, Complainant, and Gallia-Jackson-Vinton Joint Vocational School District Board of Education, Respondent, and Norman L. Stewart, Charging Party*, "Such determinations have been made, expressly or implicitly, by the hearing officer and are entitled to great weight. For he heard the witnesses, observed their demeanor and reviewed any documentary and tangible evidence." SERB 86-044 (11-6-86), 1986 WL 1167109, at *2.

Vice Chair Collins moved that the Board adopt the Findings of Fact, Analysis and Discussion, and Conclusions of Law set forth in the Administrative Law Judge's Proposed Order, find that the Union violated R.C. 4117.11(B)(1) and (B)(6), and order the Union to:

A. CEASE AND DESIST FROM:

- (1) Interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in R.C. 4117. by discriminating against non-members of the employee organization, as prohibited by R.C. 4117.11(B)(1); and
- (2) Failing to fairly represent non-members of the employee organization in violation of R.C. 4117.11(B)(6).

B. TAKE THE FOLLOWING AFFIRMATIVE ACTION:

- (1) Post for sixty days in all the usual and normal posting locations where bargaining-unit employees represented by the Moraine Professional Firefighters, IAFF Local 2981 work, the Notice to Employees furnished by the State Employment Relations Board stating that the Union shall cease and desist from actions set forth in paragraph (A) and shall take the affirmative action set forth in paragraph (B);
- (2) Remedy the February 6, 2023, 18-hour error stipulated to by the parties by adjusting Intervenor's charged hours on the current overtime equalization chart; and
- (3) Notify the State Employment Relations Board in writing within twenty calendar days from the date the ORDER becomes final of the steps that have been taken to comply therewith.

Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>		<u>Denied</u>		

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V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2024-ULP-09-0121 Ohio Nurses Association, AFT, AFL-CIO v. The Ohio State University

The unfair labor practice charge alleged that Charged Party violated R.C. 4117.11(A)(1) by denying Nurse Marley Haynes her Weingarten rights at a meeting that resulted in discipline.

Information gathered during the investigation reveals that pursuant to the first requirement in *In re City of Cleveland*, SERB 97-011 (6-30-97), the Union did not provide sufficient information or documentation to show that the August 22, 2024 meeting was investigatory in nature. In her statement, Ms. Haynes agrees that she called Nurse Manager Gomez on August 18, 2024, to explain why she did not answer the call to report to work on August 17, 2024. The University asserts that Nurse Manager Gomez had not asked Ms. Haynes to call her or attempted to question her prior to the call being made to Nurse Manager Gomez. The University states that it had already decided to issue Ms. Haynes a written reprimand for the August 17, 2024 issue prior to the August 22, 2024 meeting. The University maintains that the August 22, 2024 meeting was simply to administer the written reprimand and was not an investigatory interview. The University states that the meeting was not intended to solicit additional information from Ms. Haynes because she had already provided that information on August 18, 2024, where she did not request any Union representation. As for the second and fourth requirements, in her statement, Ms. Haynes confirms that she tried to contact Union Rep Apple prior to going to the meeting, but did not indicate that she requested and was denied representation once the meeting officially started or that the University denied the requested representation and compelled her to continue with the meeting. Based on the totality of the circumstances, the University's actions do not rise to the level of an (A)(1) violation of the statute.

Vice Chair Collins moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote. Board Member Walter stated that he believes there is enough evidence to support a probable cause finding.

Vote: WALTER:	<u>No</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

2. Case 2024-ULP-09-0128 Ohio Nurses Association, AFT, AFL-CIO v. The Ohio State University

The unfair labor practice charge alleged that Charged Party violated R.C. 4117.11(A)(1) and (2) by attempting to reclassify the Anesthesia Technicians, who are currently engaged in an organizing effort with ONA, to a job classification represented by the Communications Workers of America (CWA) bargaining unit.

Information gathered during the investigation reveals that the Union did not provide sufficient information or documentation to show a nexus between its distribution of a survey, which did not identify the Union by name, to gauge the interest of potential ATs in an organizing effort and

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the University's decision to combine the AT classification into the POT classification. The Union alleges that it began its organizing effort in December of 2023, but as of the filing of the June 20, 2024 announcement or the filing of the instant charge on September 18, 2024, it had not filed any formal petition with SERB to become the exclusive representative of the ATs. The Union did not provide sufficient evidence to substantiate its allegations that the University's decision was based on its alleged organizing campaign. Further, the fact that COO Anderson emailed Director Kupp to inquire about ONA's response to the announcement, absent additional evidence, does not automatically show that the University's decision was made to thwart the Union's organizing attempt. It is reasonable that the University's management team would be interested in the reaction to its decision given that the Union represents many of its employees. The Union also did not provide sufficient information or documentation to show that the University interfered with, restrained or coerced the potential members in the exercise of their guaranteed rights since no formal notification of any organizing effort was provided to the University. The University was exercising its management rights when it made the decision to combine the position and place the newly combined positions into the existing CWA bargaining unit. Based on the totality of the circumstances, the University's actions do not rise to the levels of (A)1) and (2) violations of the statute.

The instant charge is also untimely filed. The Union knew or should have known at the time of the June 20, 2024 announcement that the University was planning on combining the AT positions with the POT positions. The Union did not file the instant charge until September 18, 2024, 102 days later. *In re City of Barberton*, SERB 88-008 (7-5-88), *aff'd sub nom. SERB v. City of Barberton*, 1990 SERB 4-46 (CP, Summit, 7-31-90).

Vice Chair Collins moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party, and as untimely filed. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

3. Case 2024-ULP-10-0136 Erie County Board of Developmental Disabilities Employee Association, OEA/NEA v. Erie County Board of Developmental Disabilities

The unfair labor practice charge alleged that Charged Party violated R.C. 4117.11(A)(1), (2), (3) and (5) by unilaterally removing the "time back-out" productivity procedures for the newly elected SSA Union officers which were and are utilized by Union officers in the Specialist Unit when conducting Union business.

Information gathered during the investigation revealed that the Investigator will hold the discussion in abeyance pending the outcome of the following recommendation.

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Vice Chair Collins moved that the Board, without rendering any judgment on the merits, order the parties to pre-determination mediation for a period not to exceed 60 days with instructions to the mediator to report back to the Board at the conclusion of the mediation or the mediation period, whichever comes first, authorize the assigned mediator, after consultation with the parties to issue and e-mail a mediator's procedural order, including date, time, and location of mediation within the time period designated. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

4. Case 2024-ULP-08-0117 Norton City School District Board of Education v. Norton Classroom Teachers' Association, OEA/NEA

The unfair labor practice charge alleged that Charged Party violated R.C. 4117.11(B)(3) by failing to bargain in good faith during contract negotiations.

Information gathered during the investigation reveals that the parties were engaged in negotiations for a successor agreement. Upon the parties reaching tentative agreement on a successor CBA, the Union presented the terms of the tentative agreement to its membership on August 1, 2024. The PowerPoint presentation that LRC Johnson presented to the membership included slides that negatively portrayed the Employer's actions during the bargaining process, including statements allegedly made by the Employer's bargaining team, as well as salary comparisons that highlighted the wage increases received by other districts and cost savings to the Employer of certain proposals. The membership ultimately voted down the TA and the parties continue to negotiate a successor agreement. The Employer alleges that the Union's actions were in violation of the CBA's Ground Rules and constituted a failure to bargain in good faith. The Union asserts that it was performing its duties as the bargaining unit's exclusive bargaining representative by being fully transparent with the membership about the bargaining process and the TA. Ultimately, while the Union's presentation negatively portrayed certain alleged actions and/or statements by the Employer during negotiations, information comparing the salary rates to comparable districts, and areas of the TA the Union felt membership may be unhappy with, it does not rise to the level of an unfair labor practice. The Union has an obligation to represent its members, and it chose to be transparent with its members regarding the TA they were considering. The presentation included information addressing questions the membership might have regarding why the TA contained a different salary schedule than the one originally proposed by the Union, along with other information it felt was pertinent to the vote. The Employer also has not alleged that the information the Union included in the presentation was untrue or inaccurate. The Union's actions do not constitute a failure to bargain in good faith in violation of R.C. 4117.11(B)(3).

Vice Chair Collins moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

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5. Case 2024-ULP-10-0135 Stacey Rentz v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 3058-2

The unfair labor practice charge alleged that Charged Party violated R.C. 4117.11(B)(3) and (6) by failing to represent her when she did not receive a negotiated contractual wage increase.

Information gathered during the investigation reveals that the Union did not commit an unfair labor practice. The Union has shown that it has continued to represent Ms. Rentz throughout the grievance process and responded to her concerns. Further, even if it had not, the language of the CBA seems to exclude Ms. Rentz from receiving the wage increase that was effective on January 1, 2023. Ms. Rentz was not employed by the Employer on January 1, 2023. Ms. Rentz has failed to demonstrate that the Union's actions were arbitrary, discriminatory, or conducted in bad faith. Therefore, the Union's actions do not violate R.C. 4117.11(B)(6).

Ms. Rentz has not provided information or documentation to show that the Union has failed to bargain in good faith. Thus, the Union's actions do not violate R.C. 4117.11(B)(3).

Vice Chair Collins moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

6. Case 2024-ULP-02-0010 Mary Jo Graves v. Cleveland Police Patrol Association

The unfair labor practice charge alleged that Charged Party violated R.C. 4117.11(B)(6) by failing to represent her.

Information gathered during the investigation reveals that the Union did not fail in its duty to fairly represent the Charging Party. As noted by the Arbitrator, and supported by the evidence provided by the Union, the Employer had a "longstanding practice/procedure" of only issuing the Notice of Investigation once it was decided that criminal charges would not be brought. Further, the Arbitrator held that the Charging Party was not harmed by the delay and that the Union's delay in arguing the issue was irrelevant to the outcome. As a result, the Charging Party's termination still would have been upheld even if the Union had initially made the timeliness argument. The Arbitrator's decision directly refutes the Charging Party's claim that the Union failed to represent her.

The Union also did not fail to represent the Charging Party by opting not to emphasize the argument that a medical condition caused the Charging Party to allegedly be untruthful during multiple interviews during the investigation process. The Union had a good faith basis for doing so, as it did not feel the argument would benefit it strategically at the Arbitration. The Union also has shown that it successfully represented the Charging Party in three, non-related grievances between 2020 and 2022.

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The Charging Party did not provide any information indicating that the Union's actions were arbitrary, discriminatory, or in bad faith. As a result, the Union did not fail to represent the Charging Party in violation of R.C. 4117.11(B)(6).

The charge is also untimely filed, as the Union has shown that the Charging Party had knowledge of its decision to not raise the timeliness issue of the Notice of Investigation in March of 2022 because she emailed Union leadership specifically asking about the issue. The Union also notes that the Charging Party was present during the Pre-Disciplinary Hearing and Arbitration, occurring on January 14, 2022 and July 7, 2023, respectively, and knew the issues were not raised. The charge was not filed until February 1, 2024, well outside of the 90-day statute of limitations.

Vice Chair Collins moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party, and as untimely filed. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	Yes	COLLINS:	Yes	ZIMPHER:	Yes
Affirmed	<u>X</u>	Denied	<u> </u>		<u> </u>

7. Case 2024-ULP-11-0141 American Association of University Professors, Cincinnati State Technical & Community College Chapter v. Cincinnati State Technical and Community College

The unfair labor practice charge alleged that Charged Party violated R.C. 4117.11 (A)(1) by entering into "extra-contractual arrangements" with a new hire.

The charge alleges that the Employer entered into a contract with an individual to accept a bargaining unit position that was predicated on her agreeing to other terms not included in the parties' collective bargaining agreement. The Union asserts that this took place on July 15, 2024. The instant charge was filed on November 1, 2024, 108 days after the incident giving rise to the charge. As a result, the charge is deficient on its face. The Charging Party was notified that it could rectify the deficiency, if able, withdraw the charge, or have the charge dismissed with prejudice. The Charging Party advised that it was unable to rectify the deficiency due to the date of harm being July 15, 2024, and requested that the Board rule on the matter regardless. The Charging Party's filing is untimely.

Vice Chair Collins moved that the Board dismiss the charge against the Charged Party with prejudice as untimely filed. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	Yes	COLLINS:	Yes	ZIMPHER:	Yes
Affirmed	<u>X</u>	Denied	<u> </u>		<u> </u>

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8. Case 2024-ULP-12-0166 Kyheem R. Carter v. Akron City School District Board of Education

The unfair labor practice charge alleged that Charged Party R.C. 4117.11 (A)(4), (5), (6) and (8).

The initial charge, filed on December 5, 2024, did not contain “a clear and concise statement of the facts constituting the alleged unfair labor practice” or “[a] brief statement of any other information relevant to the charge.” Ohio Adm. Code 4117-07-01(B)(3)-(4). The Charging Party was informed of this deficiency and instructed to file an amended charge. On December 20, 2024, the Charging Party filed an Amended Charge. However, the Amended Charge alleged dates outside of the 90-day statute of limitations. The Charging Party was advised that the matter was outside of the statute of limitations and that it would be recommended for dismissal. Documentation submitted by the Charging Party shows that he was terminated by the Employer on November 27, 2023. On December 1, 2023, a grievance was filed on behalf of the Charging Party. The Employer and Union representing the Charging Party, the Service Employees International Union, Local 1, engaged in the grievance process. On March 20, 2024, the Employer denied the grievance at Step II of the grievance process. On April 9, 2024, the Union informed the Charging Party that it would not advance his grievance to arbitration.

The unfair labor practice charge was filed on December 5, 2024, approximately 260 days after the Employer denied the grievance. As a result, the charge is deficient on its face. The Charging Party’s filing is untimely.

Vice Chair Collins moved that the Board dismiss the charge against the Charged Party with prejudice as untimely filed. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

9. Case 2024-ULP-09-0126 Allen East Education Association, OEA/NEA and Ashley Dellenbaugh v. Allen East Local School District Board of Education

10. Case 2024-ULP-11-0160 City of Twinsburg v. Fraternal Order of Police, Ohio Labor Council, Inc.

Vice Chair Collins moved that the Board grant the Charging Parties’ Motions to Withdraw and dismiss the charges with prejudice. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

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11. Case 2024-ULP-11-0148 Service Employees International Union, District 1199 v. Cleveland State University
12. Case 2024-ULP-10-0134 Mark J. Ballenger v. State of Ohio - Department of Commerce

Vice Chair Collins moved that the Board construe the Charging Parties' requests to withdraw as Motions to Withdraw and grant the Motions with prejudice. Board Member Walter seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>	Denied	<u> </u>		

VI. TABLED AND OTHER MATTERS:

There are no tabled matters.

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- February 6, 2025
 - March 6, 2025
 - April 17, 2025
 - May 22, 2025
 - June 26, 2025
 - July 23, 2025
 - August 20, 2025
 - September 18, 2025
 - October 16, 2025
 - November 13, 2025
 - December 11, 2025
- **Employee Organization Annual and Financial Reports:** All Employee Organizations are in compliance with filing their Annual and Financial Reports.
 - **Clearinghouse Database:** A soft launch of the updated Clearinghouse database occurred on January 6, 2025. Both Clearinghouse databases, current and updated, are running in tandem to ensure we do not experience any issues. Once we confirm the updated Clearinghouse database is running as expected, the plan is to go live on January 20, 2025. An announcement of the updated Clearinghouse database going live will be publicized in advance of January 20, 2025, and an updated Clearinghouse database guidebook will be available.

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- **Office Realignment:** Due to significant similarities in responsibilities performed by staff in the Clerk's Office and the Hearing Office, a realignment of the office occurred on January 6, 2025. Di Mills became part of Erin Conn's team. Di's duties and responsibilities remain the same.
- **2025 Health Care Survey:** Health Insurance Surveys were sent to 1,337 public employers on January 2nd. Public employers have until Friday, February 28th to return their responses to SERB.
- **2025 Public Employer Annual Employer Information Reports (Non-Board of Education):** On January 2nd the Research and Training team sent out the Public Employer Annual Employer Information Reports to 2,028 public employers. Public employers have until Friday, January 31st to submit their information to SERB.
- **Teleworking Policy:** The Ohio Department of Administrative Services approved SERB's Teleworking Policy for 2025.
- **Administrative Law Judge Vacancy:** We are currently recruiting for the Administrative Law Judge vacancy.
- **Customer Service Assistant 1 Vacancy:** Second round interviews were held on January 2, 2025, and January 3, 2025. Reference checks have been conducted on a candidate and a formal offer will be made in the coming days.

2024/2025 TRAINING:

- The 2025 SPBR Conference will be held on Friday, October 3, 2025.
- The W. Craig Zimpher SERB Academy for 2025 will be held on Tuesday, December 2, 2025, and Wednesday, December 3, 2025.
- The Fact Finder Conference will be held on Monday, May 12, 2025.
- A Fact Finder Conference planning committee will be meeting in January to review the survey results of the questionnaire that was sent to fact finders and identify topics to be covered during the conference.

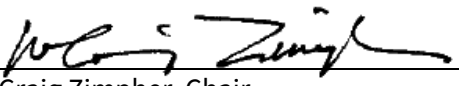
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VIII. ADJOURNMENT:

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

Vote: WALTER:	<u>Yes</u>	COLLINS:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
Affirmed	<u>X</u>		<u>Denied</u>	<u> </u>	

The Board meeting adjourned at 10:18 a.m.

/s/ 
W. Craig Zimpher, Chair