

State Employment Relations Board

Terry Steele, Budget Analyst

- Appropriation of \$3,294,344 in FY 2008 and \$3,431,143 in FY 2009
- SERB had 2,309 cases filed in 2006, a 2% increase

OVERVIEW

Duties and Responsibilities

The State Employment Relations Board (SERB) acts as a neutral in carrying out Ohio's Public Employees' Collective Bargaining Law, overseeing representation elections, and certifying exclusive bargaining representatives. Other important responsibilities include monitoring and enforcing statutory dispute resolution procedures, mediating collective bargaining negotiations, adjudicating unfair labor practice (ULP) charges, determining unauthorized strike claims, and providing information and training to parties in contract negotiations. SERB has 3 board members and 30 employees, 27 full-time and 3 part-time.

There are six main divisions and an administrative section that is responsible for fiscal and administrative services. The divisions and their responsibilities are as follows:

The **Hearings Section** consists of Administrative Law Judges (ALJs) whose role is to make factual findings and legal recommendations to the Board on unfair labor practice charges where the Board found probable cause to believe the law has been violated and on representation petitions. ALJs are also used to mediate cases, as needed.

The **Representation Section** investigates petitions concerning union representation, negotiates election arrangements between parties, and makes recommendations to the Board on matters such as whether an election should be directed, a hearing ordered, or an employee organization certified as the exclusive bargaining representation. This section oversees the election process and conducts representation elections.

The **Investigations Section** investigates facts within ULP charges, mediates disputes underlying ULP charges, and makes recommendations to the Board on whether there is a probable cause to believe the law has been violated and the case should be directed to the hearing. This section also assists with conducting elections.

The **Bureau of Mediation** oversees aspects of the collective bargaining impasse resolution procedures established under the Collective Bargaining Law. SERB mediators resolve impasses in contract negotiations and prevent or shorten the duration of costly public sector strikes. SERB mediators also encourage and train public employee organizations and public employers to use more cooperative methods for resolving collective bargaining problems before they escalate into full-fledged grievance filings or ULP investigations.

The **Research and Training Section** is statutorily responsible for managing Clearinghouse database of wage and benefit information from public employers across the state to assist parties in the collective bargaining process. The staff also trains employers and bargaining unit representatives on the accepted practices in the collective bargaining process.

The **Clerk’s Office** handles the scheduling of cases before the Board and maintains the automated docketing system.

Agency in Brief

Agency In Brief					
Number of Employees*	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2008	2009	2008	2009	
31	\$3,294,344	\$3,431,143	\$3,218,803	\$3,355,602	Am. Sub. H.B. 119

*Employee count obtained from the Department of Administrative Services (DAS) payroll reports as of June 2007.

The budget appropriates \$3,294,344 in FY 2008 and increases by 4.15% to \$3,431,143 in FY 2009. The FY 2008 amount is 4.2% below adjusted FY 2007 appropriations of \$3,438,900. The majority of SERB’s expenses are for payroll and employee benefits.

ANALYSIS OF THE BUDGET

Single Program Series

Collective Bargaining Act Administration

Purpose: The State Employment Relations Board (SERB) monitors public employer compliance with the Ohio's Collective Bargaining Act.

The following table shows the line items that are used to fund the State Employment Relations Board, as well as the enacted funding levels.

Fund	ALI	Title	FY 2008	FY 2009
General Revenue Fund				
GRF	125-321	Operating Expenses	\$3,218,803	\$3,355,602
General Revenue Fund Subtotal			\$3,218,803	\$3,355,602
General Services Fund				
572	125-603	Training and Publications	\$75,541	\$75,541
General Services Fund Subtotal			\$75,541	\$75,541
Total Funding: Collective Bargaining Act Administration			\$3,294,344	\$3,431,143

The following programs are within the State Employment Relations Board:

- **1.01 Labor Disputes**
- **1.02 Research and Training**

Labor Disputes

Program Description: The State Employment Relations Board (SERB) acts as a quasi-judicial body in monitoring compliance of Ohio's Collective Bargaining Law. The four major functions that the Labor Disputes program performs are: reviewing employees' petitions, investigating, hearing unfair labor practice cases, and mediating to help prevent labor disputes, including strikes.

According to data provided in the agency's annual report for FY 2007, there were a total of 3,078 collective bargaining agreements, representing 1,457 out of 2,747 public employers statewide. These agreements covered 351,378 public employees. Issues stemming from these collective bargaining issues resulted in 2,309 cases that were filed over the FY 2006 period. The following table illustrates the total number of cases filed and the total number of SERB employees over the past ten years.

Funding Source: GRF for operating expenses

Implication of the Budget: The budget will not allow SERB to fill a currently vacant mediator position, but will permit SERB to absorb the increased payroll costs due to wage increases and health care cost increases in FY 2008. It may be difficult to do so with the appropriation level for FY 2009.

Research and Training

Program Description: The Research and Training program provides statutorily required wage and benefit information for parties in bargaining negotiations and trains public employers and employee organizations in acceptable bargaining practices. SERB also publishes reports, such as the SERB Quarterly and the Quarterly Supplement. SERB charges \$18 for a subscription to the SERB Quarterly

and \$30 for the SERB Quarterly and the Quarterly Supplement. In addition, SERB provides seminars each year. These conferences have historically included two sessions of the SERB Academy each year for labor and management practitioners who are new to Ohio public sector collective bargaining and agency practices. Applicants pay a \$275 registration fee to attend this seminar. There is also an annual Developing Labor Law conference and a bi-annual fact-finding conference to train members of the Roster of Neutrals. However, SERB requires all fact finders to attend this conference and, therefore, does not charge a fee for fact finders. All other attendees are charged a \$135 fee.

Funding Source: GRF for operating expenses, GSF revenue includes proceeds from training programs

Implication of the Budget: The budget may result in the loss of a position in FY 2009. It may require SERB to reduce the number of mediation and other training programs that the board could offer to constituents.

FY 2008 - 2009 Final Appropriation Amounts

All Fund Groups

<i>Line Item Detail by Agency</i>	<i>FY 2005:</i>	<i>FY 2006: Appropriations:</i>	<i>FY 2007 Adj. Appropriations:</i>	<i>FY 2008 Appropriations:</i>	<i>% Change 2007 to 2008:</i>	<i>FY 2009 Appropriations:</i>	<i>% Change 2008 to 2009:</i>
Report For: Main Operating Appropriations Bill		Version: Enacted					
ERB Employment Relations Board, State							
GRF 125-321 Operating Expenses	\$ 3,031,994	\$ 3,002,699	\$ 3,363,359	\$ 3,218,803	-4.30%	\$ 3,355,602	4.25%
General Revenue Fund Total	\$ 3,031,994	\$ 3,002,699	\$ 3,363,359	\$ 3,218,803	-4.30%	\$ 3,355,602	4.25%
572 125-603 Training and Publications	\$ 32,419	\$ 51,975	\$ 75,541	\$ 75,541	0.00%	\$ 75,541	0.00%
General Services Fund Group Total	\$ 32,419	\$ 51,975	\$ 75,541	\$ 75,541	0.00%	\$ 75,541	0.00%
Employment Relations Board, State Total	\$ 3,064,413	\$ 3,054,674	\$ 3,438,900	\$ 3,294,344	-4.20%	\$ 3,431,143	4.15%