

# STATE EMPLOYMENT RELATIONS BOARD



# ANNUAL REPORT 2020



## MISSION

*Promoting orderly and constructive relationships between public employers and their employees.*

## CULTURE

SERB embraces a culture based on our core values of Integrity, Teamwork, Greatness and Sharing. These values define who we are and what we do, as individuals and as an agency.

**Integrity** and objectivity in the way we conduct ourselves;

**Teamwork** as we act with civility and mutual respect, towards achieving the common goal of our mission;

**Greatness** achieved by never compromising our work, providing excellent performance in serving our stakeholders, and pursuing continual improvements; and

**Sharing** and celebrating in each other's successes and viewing challenges as opportunities.

## ABOUT SERB

The State Employment Relations Board (SERB) administers the Ohio Public Employees' Collective Bargaining Act through a three-member Board appointed by the Governor and a staff of 24. Board members are appointed to staggered six-year terms, and only two Board members may be of the same political party. One Board member is designated by the Governor as the agency's Chairman and its appointing authority. An Executive Director handles the day-to-day administration of the agency, and a General Counsel provides legal support in-house and serves as liaison with the Ohio Attorney General's office, which represents the agency in court.

SERB's key statutory functions include: Investigating unfair labor practice charges; adjudicating the merits of unfair labor practice complaints after investigation; processing representation petitions and requests for recognition; determining appropriate bargaining units and conducting secret ballot representation elections; analyzing and reporting wage and benefit data from collective bargaining agreements; providing impasse resolution services through mediation, fact-finding, and conciliation; resolving disputes as to the legality of strikes and, where appropriate, reviewing the imposition of sanctions; collecting and monitoring registration and financial filings by employee organizations; and training representatives of labor and management in the methods and rules of collective bargaining.

To fulfill these functions, the agency is organized administratively into the following sections: Investigations, Representation, Hearings, Bureau of Mediation, and Research and Training. In addition, the Clerk's Office serves as an intake and docketing center, and an Administrative Services Section is responsible for personnel, fiscal, budget, and facilities management.

## LETTER FROM THE BOARD

We present the State Employment Relations Board's (SERB) Fiscal Year 2020 Annual Report. As the Board responsible for administering and/or adjudicating matters pursuant to Chapter 4117 of the Ohio Revised Code we are pleased to provide labor/management stakeholders and Ohio's citizens with information about our activities during the past year. Obviously, the COVID-19 crisis has affected our operations; since March all of our work has been performed "remotely". Nonetheless, even with the challenges this alternative work environment has presented, our Associates have adapted and succeeded in fulfilling our mission of "promoting orderly and constructive relationships between public employers and their employees." We commend them for their dedication to public service!

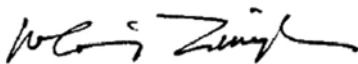
Notwithstanding a health pandemic, our work has continued unabated. The year witnessed a significant level of activity, as the following pages reveal. A quick summary, however, notes that 1,763 motions were filed with SERB and 1,084 collective bargaining agreements were processed. The Research & Training Section completed 540 research requests; of special note is the completion and publication of the 2020 report on *The Cost of Health Insurance in Ohio's Public Sector*. We are very appreciative of our staff's efforts to accomplish this important project, especially during a challenging work environment; our mediators were engaged in 90 contract or other matters requiring professional mediation.

The Board's meetings have resulted in the adjudication of 260 Unfair Labor Practice charges and 142 union elections or representation issues; our Investigation staff continues to process and complete its required investigations in 129 days, well within our objective.

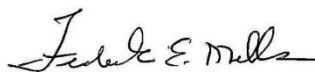
As we have noted in prior reports, education and training remain a critical part of our mission. Unfortunately, regular SERB Academies, Negotiation Trainings, and Fact-Finding Conferences have been either cancelled or postponed. We appreciate how important these programs are to our stakeholders and commit to resume them as soon as permitted and whereby health and safety precautions will be foremost in our consideration.

We again express our sincerest appreciation to Governor DeWine's administration and the General Assembly for their continued support and understanding of our Mission; we could not succeed without it. It has been our honor and privilege to serve all Ohioans as we continue to strive toward fair, objective, and impartial administration of Ohio's public sector collective bargaining process.

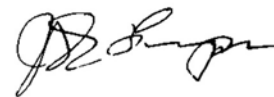
Thank you and Sincerely,



W. Craig Zimpher  
Chair



Frederick E. Mills  
Vice Chair



J. Richard Lumpe  
Board Member





W. Craig Zimpher was appointed to the Board by Governor John R. Kasich, as Chair, effective January 21, 2011. He was reappointed for a second term effective October 7, 2016.

Prior to his appointment, he had been Vice President for Government Affairs at Nationwide Insurance. Chair Zimpher's public sector work has included serving as Chairman of the Industrial Commission of Ohio, an appointment by Governor Richard F. Celeste to the Commission on Workers Compensation Administration, serving as Deputy Assistant to Governor James A. Rhodes, and as Legislative Assistant to the Minority Leader of the Ohio House of Representatives. His private sector work has included serving as Assistant Vice President of Ohio Operations for Gates, McDonald and Company and Assistant Dean of Students at Ohio Wesleyan University.

Chair Zimpher is a native of Piqua. He received a B.A. and an M.A. in History from The Ohio State University. He served as a First Lieutenant in the U.S. Army. He has also lectured as an Adjunct Instructor in History/Humanities at Ohio Dominican University.

## W. CRAIG ZIMPHER

Frederick E. Mills, Esq. was appointed to the Board by Governor Mike DeWine effective January 17, 2020.



Prior to his appointment, Board Member Mills retired from the law firm of Vorys, Sater, Seymour, and Pease, LLP where he served as the Senior Managing Partner of Vorys Advisors and the former leader of the firm's government relations group. He provided counsel on legislative matters and governmental relations to Ohio, regional, national, and international clients. He represented clients in many industries, including the retail, restaurant, technology, telecommunications, chemical and energy sectors in front of the General Assembly, local jurisdictions and administrative agencies. He received several awards including *The Best Lawyers in America*, Government Relations Practice (2012-2017), *Columbus CEO*, Top Lawyers in Columbus, (2010-2014), and he is Martindale-Hubbell AV Peer Review Rated.

In his early professional career, he served in various executive roles in State government including as Deputy Assistant to Governor James A. Rhodes; Ohio Superintendent of Banks; General Counsel and Executive Secretary of the Ohio House of Representatives, serving under former Speaker Jo Ann Davidson. Board Member Mills also served as House Chief of Staff, Majority Counsel and House Clerk. In both his public and private capacities, he has been engaged in the negotiation and resolution of many public policy issues in the State of Ohio.

He received his B.S. from The Ohio State University and a J.D. from Capital University Law School.

## FREDERICK E. MILLS



J. Richard Lumpe was appointed to the Board by Governor John R. Kasich effective June 1, 2016. Prior to his appointment, he served as Vice Chairman of the State Personnel Board of Review (SPBR).

Mr. Lumpe's public-sector work has included serving as Legal Assistant for the Columbus City Attorney, an Assistant Prosecuting Attorney for the Franklin County Prosecutor's Office, and an Assistant Attorney General. In the private-sector, he practiced law for more than 50 years at his firm, Lumpe and Raber, Esq, Attorneys at Law, until his retirement. His practice was limited to and specialized in administrative and regulatory law and legislative representation, which included drafting proposed rules and legislation.

Mr. Lumpe is a native of Columbus. He received a B.S. in Business Administration from The Ohio State University and a J.D. from Capital Law School.

## J. RICHARD LUMPE

## A MESSAGE FROM THE EXECUTIVE DIRECTOR



With the onset of COVID-19, FY 2020 was a year of challenges and adjustments in business processes and practices for our staff and stakeholders.

Remote work set ups were accomplished including the transfer of equipment from the office to staff homes. Daily login to the State of Ohio via special connections were established. Staff explored and implemented the use of many tools to continue the business of SERB through teleconferencing, using Microsoft TEAMS to conduct meetings, and training staff and stakeholders alike in how to hold virtual mediations and hearings.

As with any new venture, this transition has not necessarily been seamless or without its challenges; we continue the exploration, adaptation, and adjustment to innovative and expanded virtual business processes. Staff are to be congratulated as the level of productivity has remained very high. Notwithstanding, most miss seeing their cohorts, interacting, and conferring with them daily and being able to hold in-person hearings, mediations, and training.

Some early staff transitions, pre-COVID-19, included the retirement of SERB's long time General Counsel Don Collins. Mike Allen, former Chief of the Attorney General's Labor Relations Section joined SERB as our new General Counsel. Robert Fekete expanded his role as Board Staff Attorney with the addition of supervisor of the Investigations and Representation Sections of SERB.

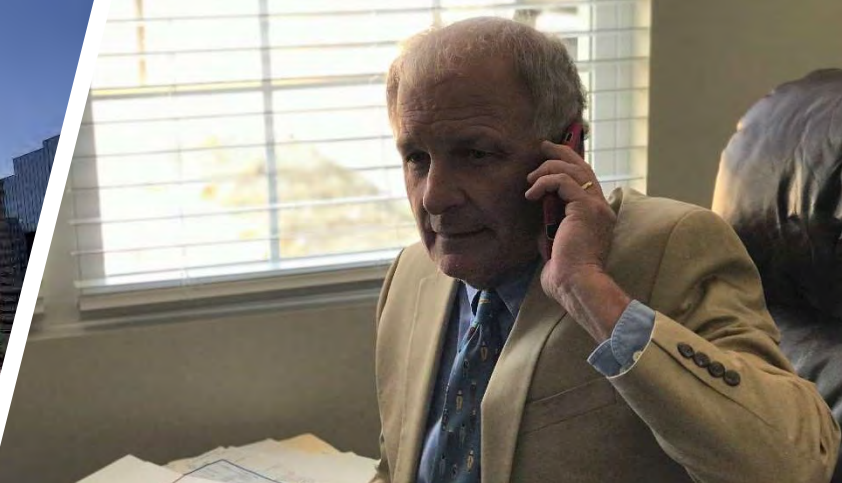
In April, the Board recognized staff celebrating 5 to 35 years of employment with SERB. They were recognized at a virtual associates meeting. A video highlighted the "ceremony". It is a tribute that there are staff who are still with SERB since 1984 when SERB opened its doors following the enactment of O.R.C. 4117.

SERB continues to work remotely to support, promote and further engage staff and our stakeholders as they execute the mission of SERB – promoting orderly and constructive labor relations between public employers and their employees. We are proud of our staff and are excited to one day be back in the office but until then we continue to serve you and work on your behalf.

Sincerely,

A handwritten signature in blue ink that reads "Christine A. Dietsch". The signature is fluid and cursive.

Christine A. Dietsch  
Executive Director



## GENERAL COUNSEL

The Office of General Counsel serves as the Board’s in-house legal counsel. The General Counsel provides legal support to the Board, issues unfair labor practice complaints, assists in the preparation of Board opinions, and works with the Ohio Attorney General’s Office (SERB’s litigation counsel) in the preparation of cases pending before Ohio courts. The General Counsel also serves as the agency’s Chief Ethics Officer providing annual ethics training for its employees and the Board.

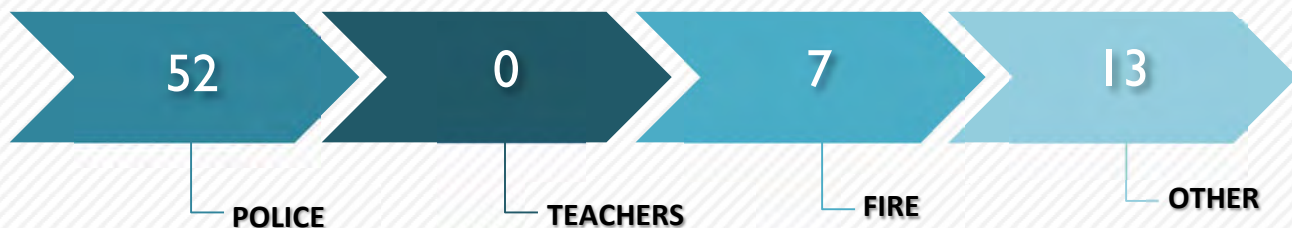
The Office of General Counsel oversees the Investigations Section and the Bureau of Mediation. The General Counsel maintains SERB’s Roster of Neutrals and monitors the roster to ensure that standards of neutrality are maintained. The office assigns mediators and provides fact finder and conciliator panels to parties.

In FY 2020, the office made 898 mediator appointments, 161 fact finder appointments, and 25 conciliator appointments. A total of 72 bargaining units were issued fact-finding reports, from which 41 reports were accepted (57%) and 31 were rejected (43%).

## RESULTS OF FACT-FINDING



## FACT-FINDING REPORTS ISSUED BY EMPLOYEE TYPE







## RESEARCH & TRAINING

The Research & Training (R&T) Section provides public employers and employee organizations with detailed information on wages, fringe benefits, health insurance, and other employment provisions.

R&T maintains SERB's Clearinghouse, a database that contains data from 3,497 current labor agreements (see chart on right for detailed breakdown) and 37,502 historical labor agreements.

R&T produces three annual reports: The Wage Settlement Report, Cost of Health Insurance Report in Ohio's Public Sector, and SERB's Annual Report. R&T also produces a Job Title Benchmark Report, Benefits Report, Wage Increase Report, Insurance by Employer Report, and custom reports that are available upon request. In FY 2020, R&T responded to 540 research requests.

The Clearinghouse is updated annually by compiling current data from an annual report that employers are required to submit. It is also updated with every collective bargaining agreement that is executed and filed with SERB.

R&T provides training on SERB's rules and procedures through several annual conferences: SERB Academy, SPBR Conference, and Fact-Finding Conference. R&T also assists the mediators with hosting several Negotiation Training events. Last year, 320 labor professionals attended these training conferences. Please note that several events were canceled this year because of COVID-19.



**SERB ACADEMY:** For newcomers to public-sector collective bargaining, new managers or new employee organization officials, staff, and those who are or will be working in positions where they need to know how Ohio's law governs labor relations in the public sector.

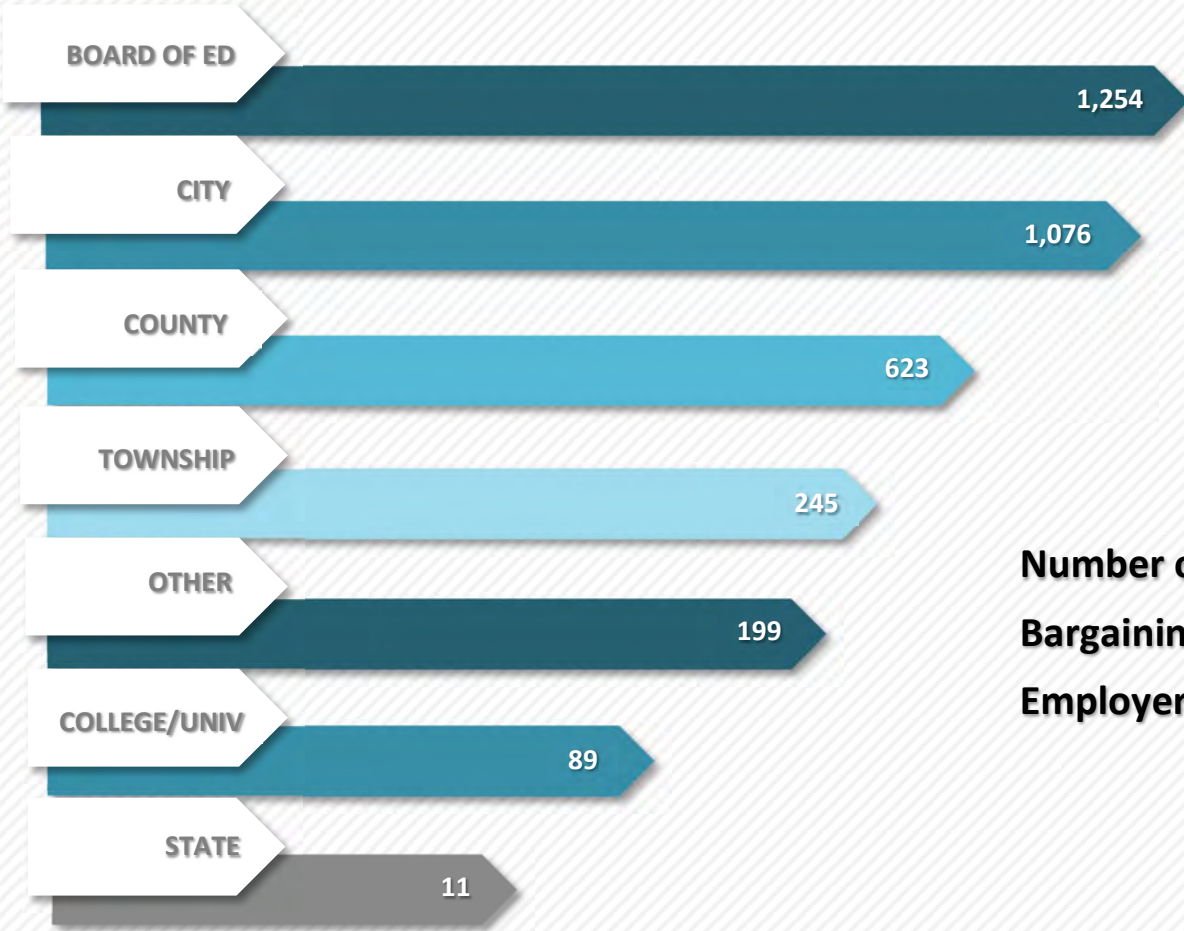
**FACT-FINDING CONFERENCE:** The Ohio Public Sector Fact-Finding Conference brings professionals together -as presenters and as participants- who are part of the fact-finding process. This includes representatives of labor and management, neutrals who preside as Fact Finders, and attorneys whose practice includes representing the parties at fact-finding.

**SPBR CONFERENCE:** The conference provides attendees with an overview of basic civil service elements, as well as best practices for participating in administrative hearings and administering due process within the civil service laws.

**NEGOTIATIONS TRAINING:** The objective is to provide training to labor relations professionals, new and experienced, to share experiences and to facilitate solutions during collective bargaining negotiations. This training covers different negotiation strategies with emphasis on those strategies best suited to result in successful negotiations.



# CONTRACTS ON FILE BY COUNTY



**Number of Collective Bargaining Agreements by Employer Type**





## MEDIATION

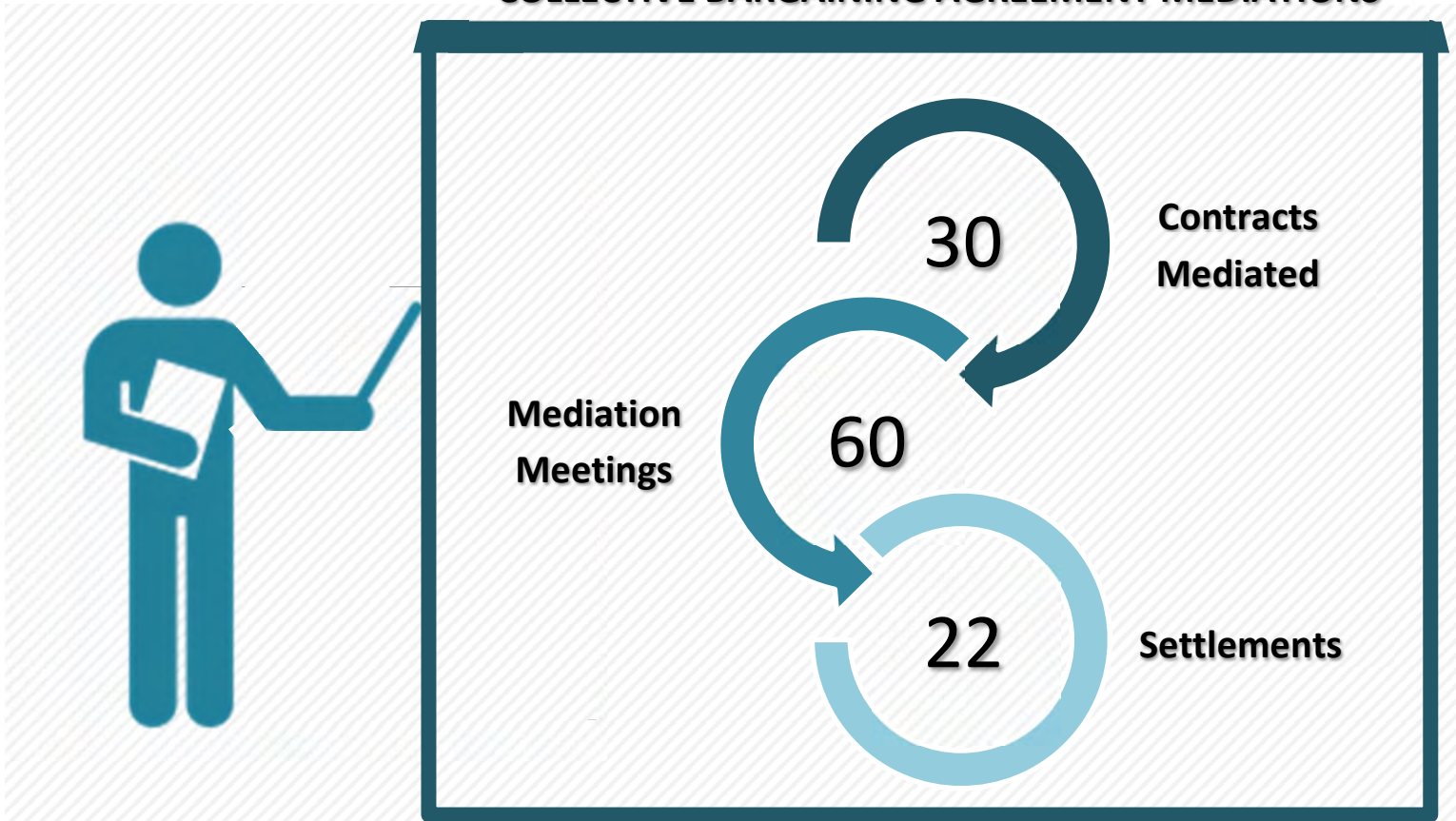
SERB's mission to promote orderly and constructive relationships between public employers and their employees is carried out every day by our mediators. They travel throughout the state to provide a variety of services at no cost to employers and employee organizations. Our mediators assist the parties at every stage of their relationship, from facilitating contract negotiations to mediating unfair labor practice charges.

The Bureau of Mediation offers mediation services in the following areas: collective bargaining, grievances, unfair labor practices, representation, and training. Last year, they conducted 60 collective bargaining agreement mediation meetings with a 73.3% settlement rate and 12 mediation meetings involving unfair labor practices and representation matters with a 41.7% settlement rate. Each successful settlement represents a substantial savings in time and costs to the parties.

The Bureau of Mediation offers several training programs to help prepare parties for contract negotiations. In FY 2020, they conducted two training meetings on practical negotiations for 150 participants. The mediators facilitated actual contract negotiations with the parties, when requested.

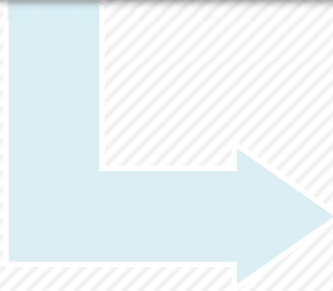
The Bureau of Mediation plays a key role in SERB's success. As our mediation services and training programs have expanded, we have seen a decrease in unfair labor practice filings.

### COLLECTIVE BARGAINING AGREEMENT MEDIATIONS



# UNFAIR LABOR PRACTICE CHARGES AND REPRESENTATION MATTERS MEDIATED

12  
Cases  
Mediated



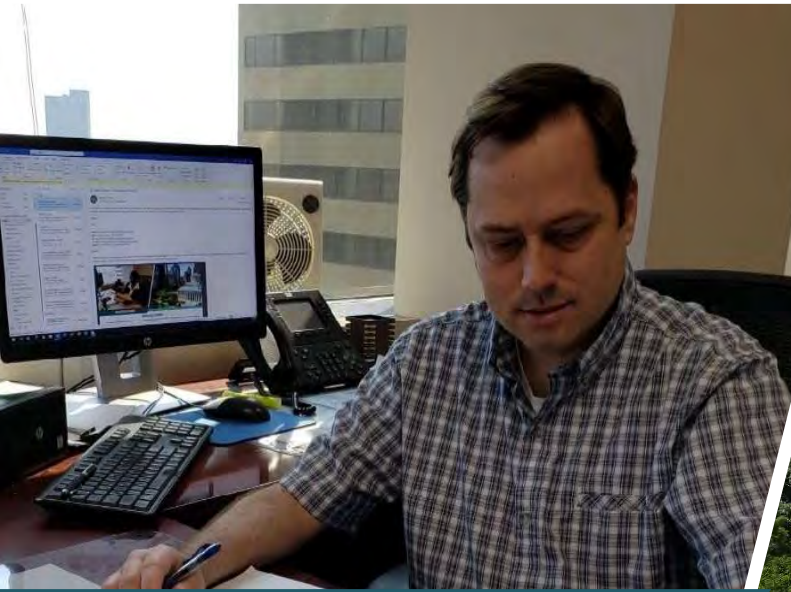
12  
Mediation  
Meetings



5  
Settlements







## INVESTIGATIONS

## REPRESENTATION

The Representation Section is responsible for all representation matters filed with SERB. The Board determines appropriate bargaining units, conducts representation elections, and certifies exclusive bargaining representatives.

The Labor Relations Specialists, who are highly trained and skilled investigators, review and process petitions for representation and decertification elections, requests for recognition, and petitions for amendment or clarification of existing bargaining units.

The Labor Relations Specialists assist parties engaged in union elections to reach a consent agreement. This generally involves assisting in reaching an agreement on the description of the bargaining unit, proposed dates, times, location, polling period of the election, and employee eligibility dates. The Labor Relations Specialists schedule and conduct the secret ballot elections and tally the ballots.

Finally, the Section is responsible for preparing recommendations on representation cases for the Board's review and determination.

In FY 2020, 37 elections were held. Out of 1,291 eligible voters, 852 members (66%) voted in an election.

37

## REPRESENTATION ELECTIONS HELD

### ELECTION VOTER TURNOUT

VOTE CAST

66%



NO VOTE CAST

34%



# UNFAIR LABOR PRACTICES

The Unfair Labor Practice (ULP) Section is responsible for investigating all ULP charges, non-compliance complaints (ERC), or jurisdictional work disputes (JWD) that are filed with SERB. ULP charges allege that an employer, an employee organization, or a public employee may have violated O.R.C. § 4117.11, the Unfair Labor Practice provision of the statute.

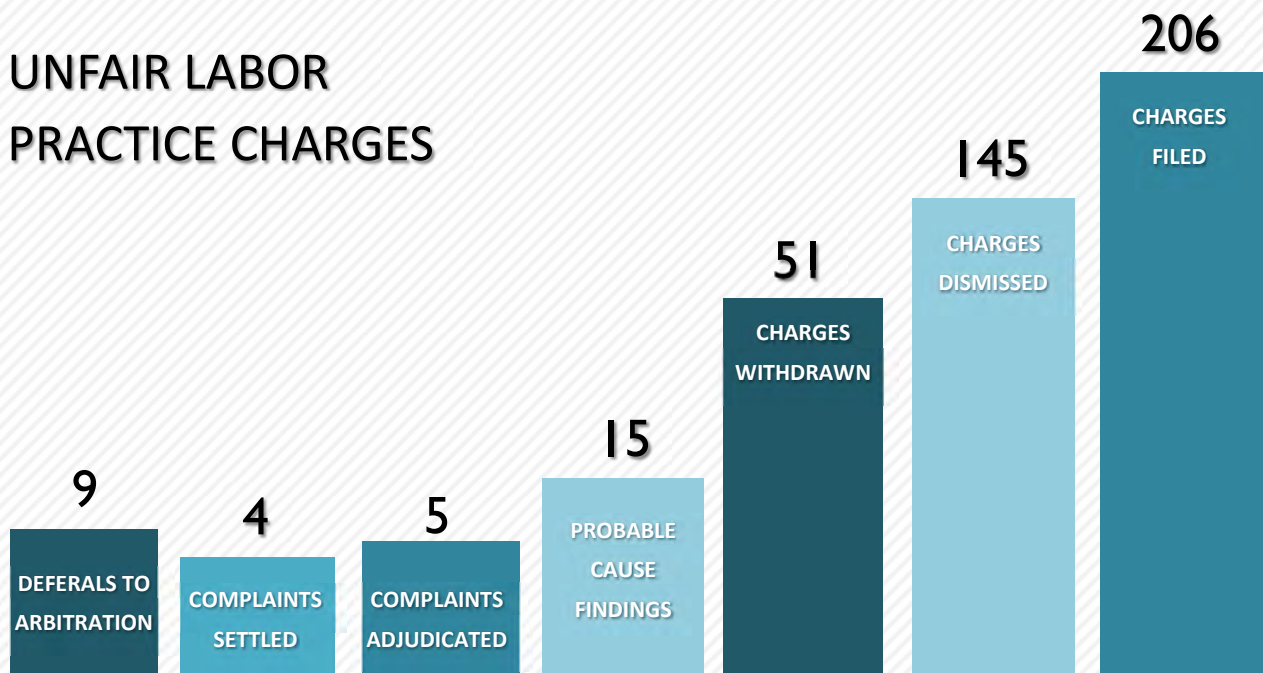
Investigations are conducted by Labor Relations Specialists, who are highly trained and skilled investigators. The Labor Relations Specialists review the parties' position statements and any supporting documentation. They may request additional information from the parties if necessary. After a thorough review of the information provided by the parties, the Labor Relations Specialists prepare an investigative Report and Recommendation, which is submitted to the Board for review and consideration. In some cases, the Labor Relations Specialists may mediate a ULP charge during the course of the investigation, in an attempt to resolve the parties' dispute.

In FY 2020, 206 ULP cases alleging violations of O.R.C. § 4117.11 were filed with SERB. From the total ULP cases, 158 cases alleged violations against public employers and 44 cases alleged violations against employee organizations. There were four cases regarding jurisdictional work disputes.

## ALLEGATIONS OF O.R.C 4117.11 VIOLATIONS



## UNFAIR LABOR PRACTICE CHARGES







## HEARINGS

The Hearings Section conducts administrative hearings to resolve factual and legal disputes in cases involving significant issues of law arising from unfair labor practice charges, representation matters, impasse resolution, and other issues under O.R.C. 4117.

In addition, the Hearings Section supports the State Personnel Board of Review (SPBR) to develop the record and hear cases pertaining to exempt employees in the classified service, non-unionized employees in the classified service, and non-exempt employees whose collective bargaining agreements allow an appeal to SPBR.

All cases are heard by an Administrative Law Judge who submits recommended findings of fact and conclusions of law to the State Employment Relations Board or a Report and Recommendation to the State Personnel Board of Review.

In FY 2020, our Administrative Law Judges presided over 123 days of hearing activity and issued 105 Reports and Recommendations. A total of 176 cases were resolved.

## HEARINGS & RECOMMENDATIONS

(SERB & SPBR)

66

PRE-HEARINGS

37

HEARINGS

123

DAYS OF HEARING  
ACTIVITY

105

REPORTS &  
RECOMMENDATIONS

176

CASES RESOLVED

## **State Employment Relations Board v. City of Youngstown, SERB 2020-001 (6-11-2020)**

The issue in this case was whether the City of Youngstown (the “City”) violated section 4117.11 (A)(1) and (2) of the Ohio Revised Code. The Youngstown Professional Firefighters, IAFF Local 312 (the “Union”) alleged that the City retaliated against, interfered with, or otherwise deterred the Union from exercising its right to arbitrate a radio equipment safety issue by threatening to eliminate Battalion Chief bargaining unit positions if the City lost at arbitration.

Evidence given at the hearing showed that on multiple occasions statements were made to the Union about eliminating the Battalion Chief positions to pay for the upgrade to the radio equipment needed to address a safety issue, which the Union soundly rejected, and the Fire Chief told the Union President that he did not want the Union to proceed with the radio equipment safety issue grievance as he did not know what the City would do if the Union “backed the City into a corner.” The Chief further confirmed at the hearing that it was the City’s position to get ahead of an unfavorable arbitration award by abolishing several Battalion Chief positions through attrition.

SERB found the City violated O.R.C. 4117.11 (A)(1) when, in the absence of any superseding managerial right, the City made statements and issued ultimatums which appeared to force the Union into choosing between either ensuring that its members possessed proper communications equipment on the fire site or ensuring that its members were protected by the presence of a second highly trained Battalion Chief on the fire site acting as a Safety Officer.

SERB dismissed the O.R.C. 4117.11 (A)(2) violation as the City’s actions did not prevent the Union from advancing its safety grievance to arbitration, and thus, did not prevent the Union from performing its administrative duties or interfere with its administration.





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