

**State Employment  
Relations Board**

# ANNUAL REPORT

# 2021







## 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 are very pleased to present the State Employment Relations Board's (SERB) Fiscal Year 2021 Annual Report. The attached Report details activities, results, and ongoing programs for SERB. As the Board responsible for administering Ohio's public sector labor/management system, and adjudicating matters arising therefrom, we are pleased to report that, notwithstanding the challenges created by COVID, SERB's associates met the challenges created by alternative, remote worksites, "virtual" mediations and board meetings or adjudications.

Promoting "orderly and constructive" relationships in Ohio's public labor/management sector has continued to be our primary focus. We again commend our associates for their commitment to serving Ohio.

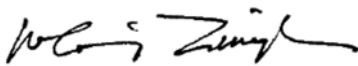
Notwithstanding the aforementioned health crisis and the challenges it created to our work and processes, our efforts continued in an almost uninterrupted manner. The following pages reveal the level of activities performed by each of our Sections. Over 1,963 matters were filed during the year; 1,190 collective bargaining agreements were received, reviewed, and incorporated into our Clearinghouse database. Our Research and Training associates processed 592 research reports for various labor or management groups. SERB mediators conducted and participated in 183 contract or other mediatory assignments. And, the Representation and Investigations Section continued to improve on its already efficient processing of Unfair Labor matters, bettering our standard goal of 120 days by at least 30 days. The Board met continuously for all of its regularly scheduled meetings and adjudicated 305 Unfair Labor Practice charges and 210 union election or representation issues.

Equally important, the Board continues to recognize the importance of continuing education and training programs. Every year, hundreds of labor and management practitioners participate in SERB sponsored seminars and other training opportunities. We are committed to continuing these programs as soon as health and welfare concerns related to COVID are resolved.

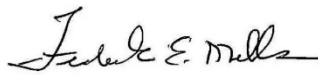
In conclusion, there are many methods by which the efficacy of programs or processes may be evaluated. SERB's mission, as noted above, has existed since the enactment of Chapter 4117 in 1984. The law contained therein, and precedents established under it, have created a now mature process by which labor and management have largely learned to negotiate and reconcile matters. It is our hope that this process will continue to produce results that do not disrupt the delivery of public service. One way by which we might evaluate this progress is to consider that prior to 1984 there were an average of 60 annual public sector strikes, that has been reduced to an average of 2 per year since 2000.

We pledge to continue to strive to achieve our goal of fair, impartial, and efficient adjudication and administration of Ohio's public collective bargaining system; we express our appreciation to all stakeholders who share that mission with us.

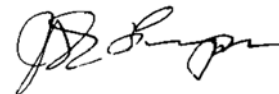
Sincerely,



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. He was appointed for a full term effective October 26, 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, Board Member Lumpe served as Vice Chair of the State Personnel Board of Review (SPBR). His public sector work 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.

Board Member 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



It is great to be back in the office with our staff and stakeholders! I do not believe anyone ever thought a remote work environment would last for 1 ½ years!! As staff began the return to a “normal” office setting, there has been a sense of excitement and wonderment of were we really away this long. Amazingly, productivity and metrics did not suffer!!

During the span of the pandemic and remote work locations, the team was very dedicated, even developing new and expanded skills. They found that remote work is intense, quite different from an office environment where there are opportunities for interaction with colleagues, time for a moment to step away from the computer and share a moment of conversation.

Virtual meetings, using TEAMS, was at first a bit off-putting, but we adapted, new skills were learned, and with practice came the ease of using this new-to-us technology. Many section meetings, budget meetings, Mediations, Record Hearings, virtual forums, and statewide meetings were accomplished using TEAMS. Other meetings employed teleconferencing to conduct Board meetings so that the public and stakeholders could dial-in. Those are but a few examples of technology that enhanced the real world of work in a remote environment.

As a result of not conducting in-person training due to the pandemic (SERB Academies, SPBR Conference, Negotiations Seminars, and the Fact Finder Conference), an online training library was developed. The training library included short, how-to videos on various topics of interest to our stakeholders and was uploaded to the SERB website. In addition, the SERB Employee Handbook was updated, digitized, and made accessible to all staff and board members.

In a spirit of support, the staff embraced the Cost Saving Days program. Although not in the office, the staff successfully completed an Audit for the two years ending FY2020 conducted by the Office of the Auditor, and which related to income and deposits. Conducting an audit by computer and telephone calls was an interesting feat in and of itself...but it got done with no findings.

Of note, the Combined Charitable Campaign kicked off while we were working remotely. The campaign achieved 103% of its goal. A true tribute to our Board and staff for their generosity despite enduring Cost Savings Days and working remotely! And in the spirit of generosity, one of SERB’s staff members provided the musical accompaniment for the virtual Martin Luther King Annual Celebration.

As we approached a return to the office from remote work, all Section Administrators met with respective staff to coordinate a gradual return to the office beginning July 6, 2021. It was great to see so many smiling faces of staff and the SERB Board Chair on the first day back. Almost felt like we never left.

We look forward to this coming year with anticipation and serving our stakeholders in achieving the mission of SERB to promote orderly and constructive relationships between public employers and their employees.

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, the Bureau of Mediation Section, and the Hearings Section. 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 2021, the office made 955 mediator appointments, 179 fact finder appointments, and 16 conciliator appointments. A total of 69 bargaining units were issued fact-finding reports, from which 46 reports were accepted (67%) and 23 were rejected (33%).

## 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 3,508 current labor agreements (see chart on right for detailed breakdown) and 38,669 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 2021, R&T responded to 592 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. No in-person events were scheduled this year because of the COVID-19 pandemic. However, R&T did assist the mediators with hosting three virtual Practical Negotiation Forums. These virtual trainings were attended by 771 labor professionals.



**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.

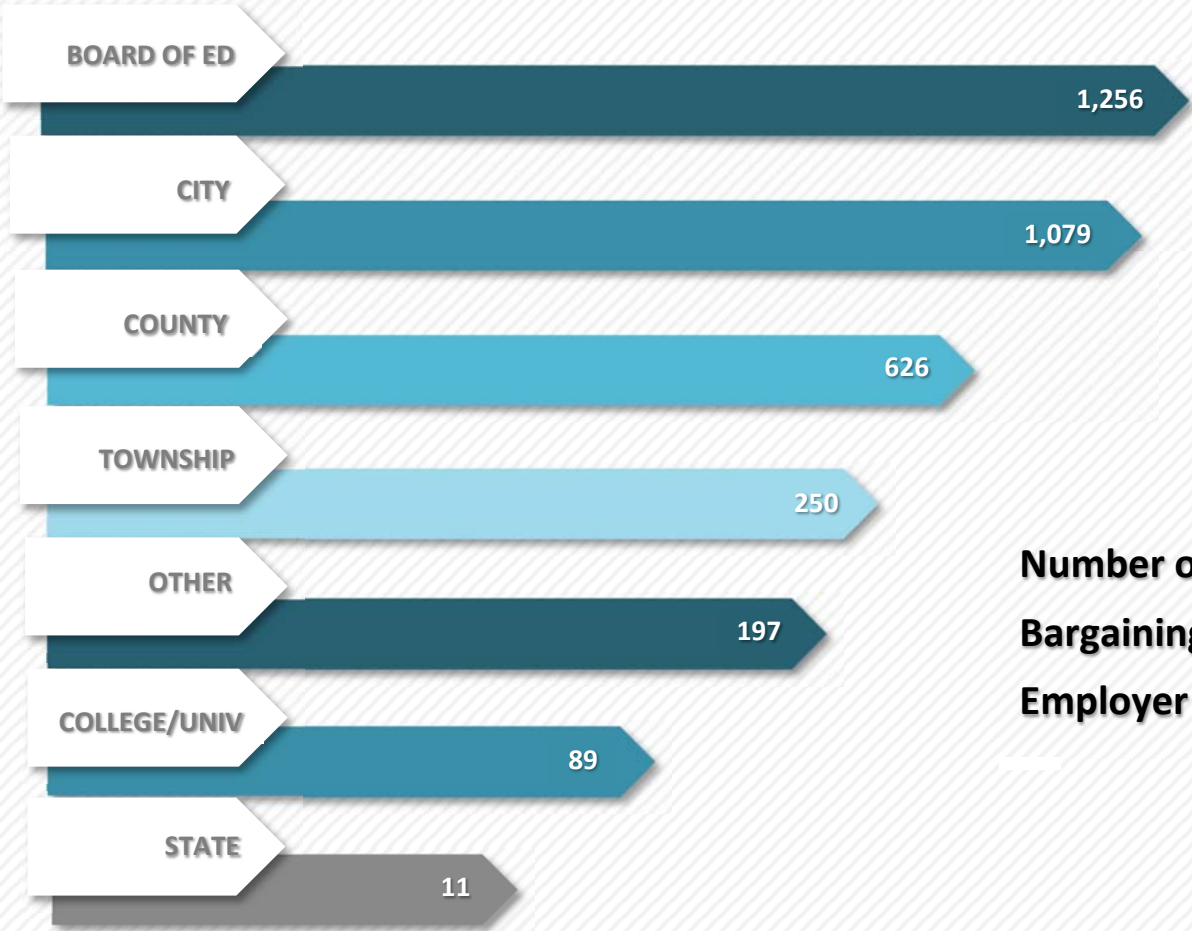
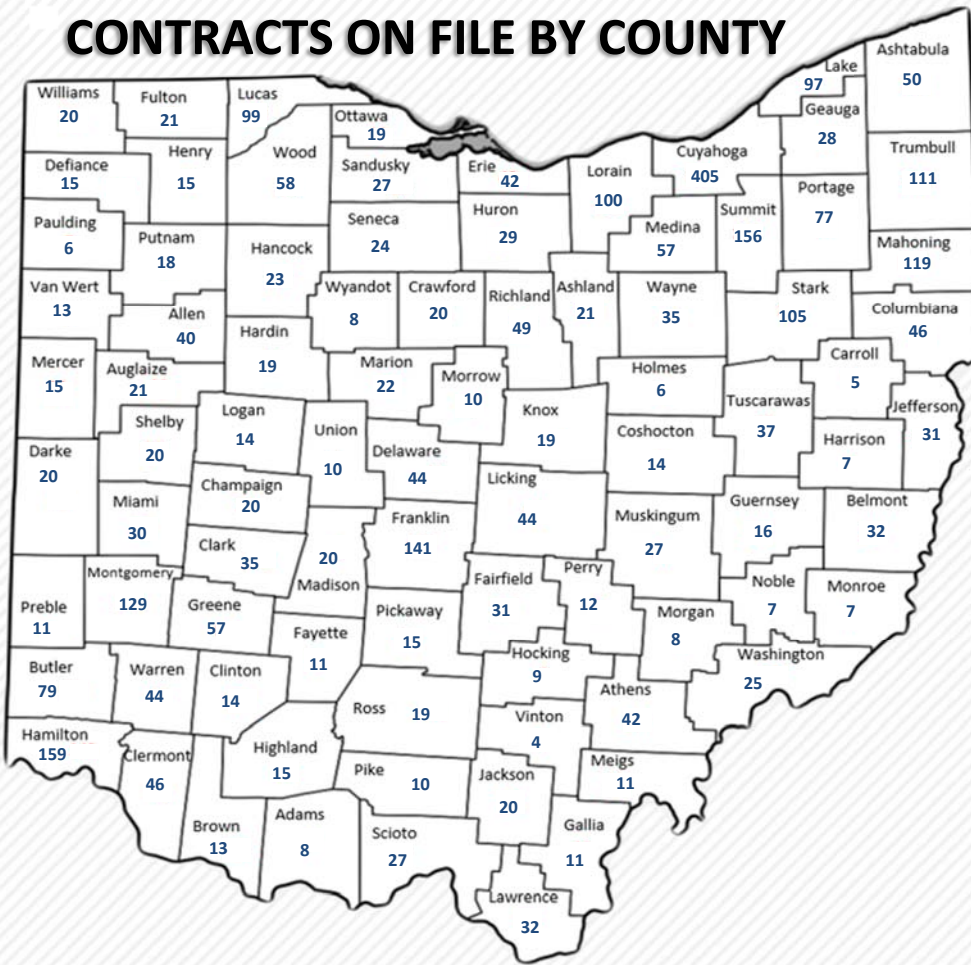
**FACT-FINDING CONFERENCE:** The Ohio Public Sector Fact-Finding Conference brings professionals together -as presenters and as participants- who are part of the fact-finding process. This includes representatives of labor and management, neutrals who preside as Fact Finders, and attorneys whose practice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

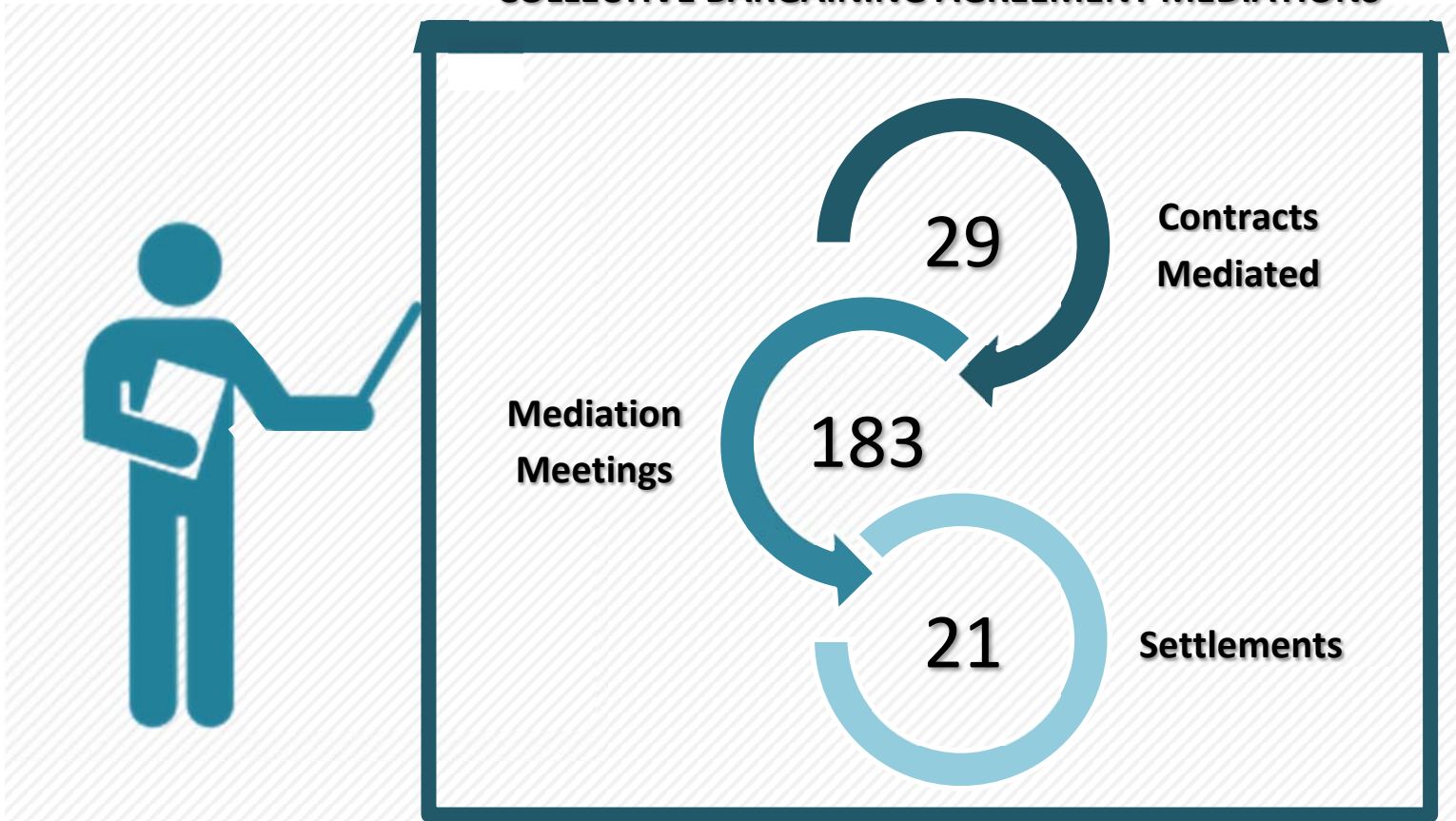
SERB's mission to promote orderly and constructive relationships between public employers and their employees is carried out every day by our mediators. They travel throughout the state to provide a variety of services at no cost to employers and employee organizations. Our mediators assist the parties 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 183 collective bargaining agreement mediation meetings with a 72.4% settlement rate and 12 mediation meetings involving unfair labor practices and representation matters with a 66.7% 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 2021, they conducted three virtual training meetings on practical negotiations for 771 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



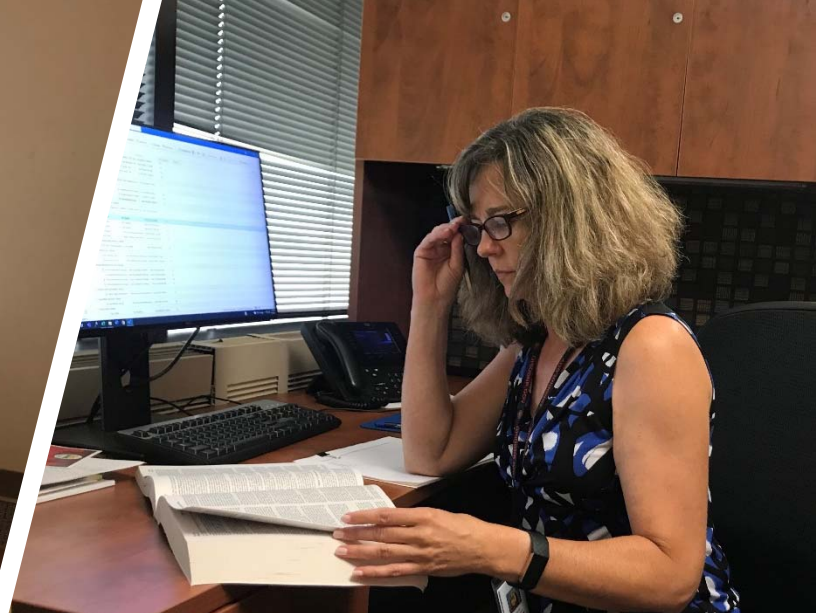
17  
Mediation  
Meetings



8  
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.

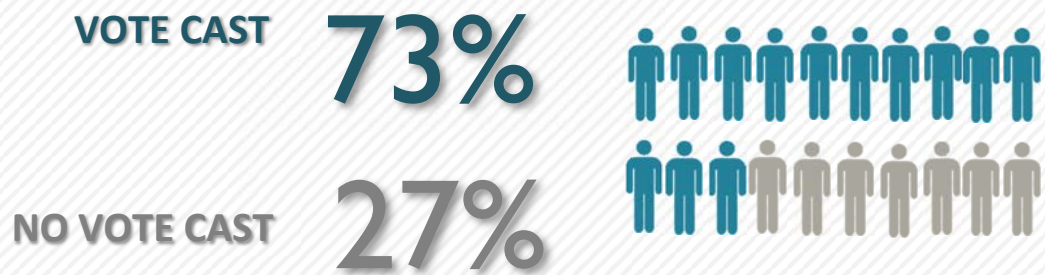
The Labor Relations Specialists assist parties engaged in union elections to reach a consent agreement. This generally involves assisting in reaching an agreement on the description of the bargaining unit, proposed dates, times, location, polling period of the election, and employee eligibility dates. 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 2021, 55 elections were held. Out of 1,870 eligible voters, 1,362 members (72.8%) voted in an election.

**55** REPRESENTATION ELECTIONS HELD

### ELECTION VOTER TURNOUT





# 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.

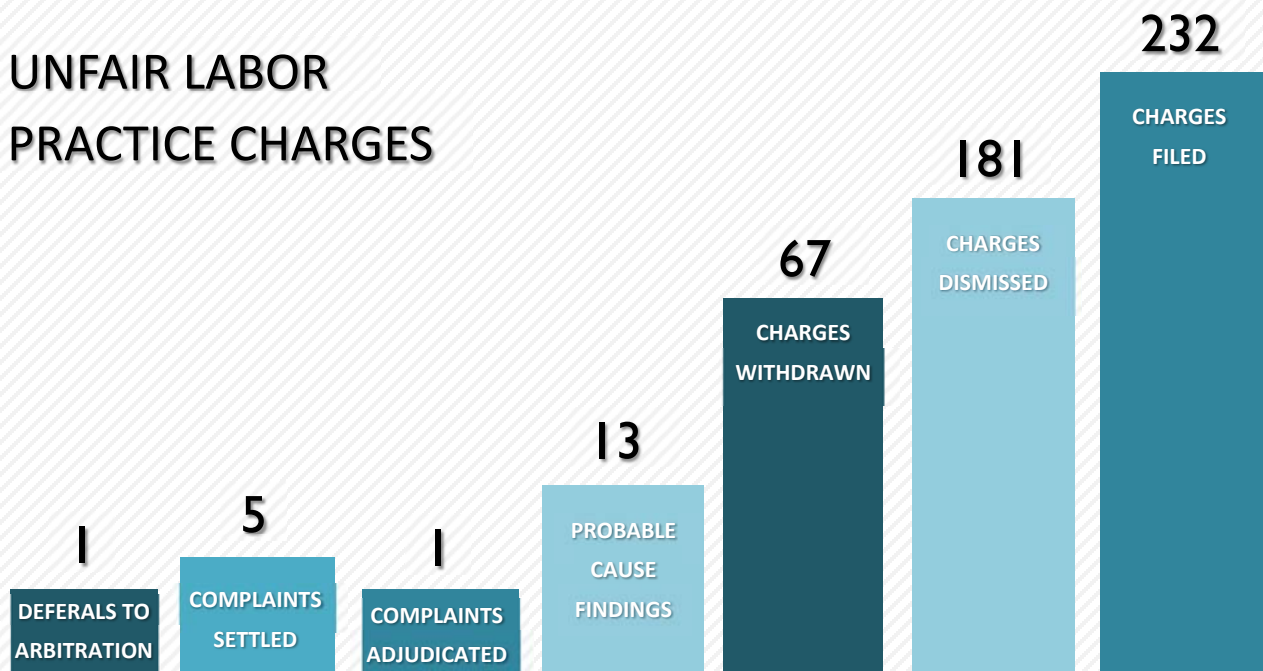
Investigations are conducted by Labor Relations Specialists, who are highly trained and skilled investigators. The Labor Relations Specialists review the parties' position statements and any supporting documentation. They may request additional information from the parties if necessary. After a thorough 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 2021, 232 ULP cases alleging violations of O.R.C. § 4117.11 were filed with SERB. From the total ULP cases, 167 cases alleged violations against public employers and 65 cases alleged violations against employee organizations. There was one case regarding jurisdictional work disputes.

## ALLEGATIONS OF O.R.C 4117.11 VIOLATIONS



## UNFAIR LABOR PRACTICE CHARGES





## HEARINGS

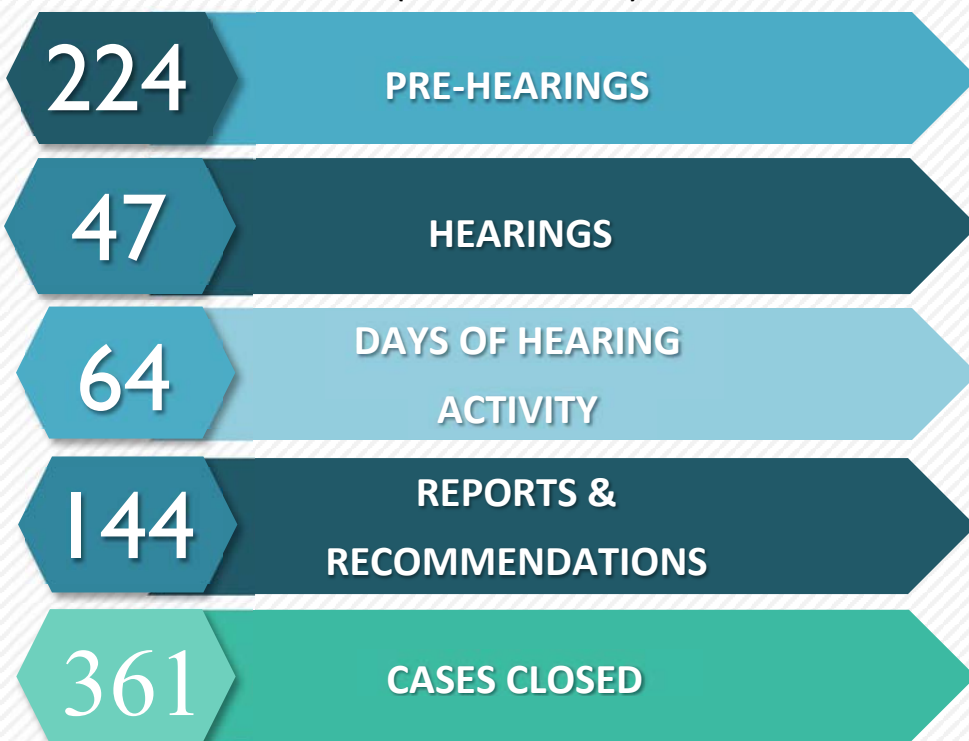
The Hearings Section conducts administrative hearings to resolve factual and legal disputes in cases involving significant issues of law arising from unfair labor practice charges, representation matters, impasse resolution, and other issues under O.R.C. 4117.

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 2021, our Administrative Law Judges presided over 64 days of hearing activity and issued 144 Reports and Recommendations. A total of 361 cases were resolved.

## HEARINGS & RECOMMENDATIONS (SERB & SPBR)



## BOARD OPINIONS ISSUED FY 2021

The State Employment Relations Board did not issue any Board Opinions during this fiscal year.





**State Employment Relations Board**  
**65 East State Street, 12th Floor**  
**Columbus, OH 43215-4213**  
**(614) 644-8573 (614) 466-3074 (FAX)**  
**<https://serb.ohio.gov>**