

# State Employment Relations Board

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## OVERVIEW

The State Employment Relations Board (SERB) acts as a neutral in carrying out Ohio's Collective Bargaining Law, overseeing representation elections, and certifying exclusive bargaining representatives. Other important responsibilities include monitoring and enforcing statutory dispute resolution procedures, adjudicating unfair labor practice (ULP) charges, and determine unauthorized strike claims. The three board members oversee a staff of 43.

There are five main divisions and an administrative section that is responsible for fiscal and administrative services.

The **Hearings** unit consists of Administrative Law Judges (ALJs) whose role is to resolve factual disputes and settle issues of law relating to representation issues, bargaining impasses, and so forth.

The **Labor Relations Section** handles filings for representation and oversee the election process. This section also investigates the facts underlying Unfair Labor Practice (ULP) filings.

The **Bureau of Mediation** oversees aspects of the collective bargaining impasse resolution procedures established under the Collective Bargaining Law. SERB has been trying to encourage public employee representatives 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 a data "warehouse" of wage and benefit information from public employers across the state. 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.

The executive recommendations provide for \$3,839,593 in FY 2002, 4.7 percent higher than projected FY 2001 expenditures of \$3,668,185. FY 2003 funding is slated at \$3,994,040, or four percent above the FY 2002 recommendations.

## ADDITIONAL FACTS AND FIGURES

State Employment Relations Board Staffing Levels						
State Employment Relations Board	1998	1999	2000	2001	<i>Estimated</i>	
					2002	2003
STATE EMPLOYMENT RELATIONS BOARD	42	43	42	41	40	40
<b>Totals</b>	<b>42</b>	<b>43</b>	<b>42</b>	<b>41</b>	<b>40</b>	<b>40</b>

Note that the figures above include filled positions and include two part time permanent staff in FY 1999 and FY 2000. FY 1998-FY 2000 figures include two interns. FY 2002-2003 projections include full and part time permanent staff only.

## ANALYSIS OF EXECUTIVE PROPOSAL

### SERB

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**Purpose** The agency monitors public employer compliance with the Ohio’s Collective Bargaining Act

The following table shows the line items that are used to fund this program series, as well as the Governor’s recommended funding levels.

Fund	ALI	Title	FY 2002	FY 2003
GRF	125-321	Operating Expenses	\$3,765,894	\$3,918,499
GSF	125-603	Training and Publications	\$73,699	\$75,541
<b>Total funding: STATE EMPLOYMENT RELATIONS BOARD</b>			<b>\$3,839,593</b>	<b>\$3,994,040</b>

This agency is funded through a single program series.

■ **State Employment Relations Board**

**Program Description:** The State Employment Relations Board (SERB) acts as a quasi-judicial body in monitoring compliance of Ohio’s Collective Bargaining Law for over 345,000 public employees that are labor union members. The four major functions that SERB performs are review of employees’ petitions, investigation, mediation, and hearing of collective bargaining cases and investigation of claims.

According to data provided in the agency’s annual report for CY 2000, there were a total of 3,044 separate labor contracts governing 1,418 public workplaces statewide. These agreements covered 426,676 employees in state agencies, local governments, and school boards. Issues stemming from these collective bargaining agreements resulted in 2,344 cases that were filed over the CY 2000 period.

Revenue sources include fees from training programs for local government and bargaining unit officials.

**Funding Source:** GRF for operating expenses, GSF revenue includes proceeds from training programs and the sale of publications.

**Line Items:** 125-321 Operating Expenses, 125-603 Training and Publications

**Implication of the Executive Recommendation:** The recommendations would appear to allow for continuation funding at current service levels. There are no staff increases included in the recommendations. Recommended GRF funding of \$3.84 million in FY 2002 is a 4.7 percent increase over expected FY 2001 GRF spending of \$3.67 million. Recommended FY 2003 GRF appropriations of \$3.99 million are 4.1 percent over FY 2002 levels.

## PERMANENT AND TEMPORARY LAW

This section describes permanent and temporary law provisions contained in the executive budget that will affect the department's activities and spending decisions during the next biennium.

The executive proposal does not contain any permanent law changes or temporary law provisions that would affect the agency.

## REQUESTS NOT FUNDED

<b>SERB Request—Includes GRF and GSF</b>						
<b>Fund Line Item</b>	<b>FY 2002 Requested</b>	<b>FY 2002 Recommended</b>	<b>Difference</b>	<b>FY 2003 Requested</b>	<b>FY 2003 Recommended</b>	<b>Difference</b>
GRF 125-321	\$4,005,198	\$3,765,894	(\$239,304)	\$4,279,325	\$3,918,499	(\$360,826)
GSF 125-603	\$73,699	\$73,699	\$0	\$75,541	\$75,541	\$0
<b>Total</b>	<b>\$4,078,897</b>	<b>\$3,839,593</b>	<b>(\$239,304)</b>	<b>\$4,354,866</b>	<b>\$3,994,040</b>	<b>(\$360,826)</b>

In total, the agency submitted five requests for additional GRF funding for the following over the biennium:

1. \$573,519 to fund pay and benefits for five *current* support staff that could not be included in the base request because of executive budgeting guidelines affecting personnel.
2. \$236,050 to add one labor relations mediator in FY 2002 and another in FY 2003.
3. \$87,000 to provide two new cars and replace three existing ones.
4. \$74,569 to increase the per diem rate for fact finders and conciliators to \$700, a more competitive market rate.
5. \$51,214 to allow for an expected increase in rental rates for the agency's leased space in its State Street offices when its lease expires in June 30, 2001.

The recommendations do not fully fund any of these desired requests. However, since retaining the five support staff is a key priority, the agency will redirect and reprioritize the funding granted in the four other areas to retain these staff. It appears as though the desired funding for the additional mediators will be the primary source of this funding. Given the remaining requests, the agency might be able to buy three new automobiles. The increase in per diems for neutrals is not funded; therefore, it appears as though the existing per diem of \$600 will remain unchanged for the upcoming biennium. The additional funds requested to allow for the rental increases was barely funded. Overall, the implication of the recommended funding levels is that services will remain at continuation levels.

## LSC Budget Spreadsheet by Line Item, FY 2002 - FY 2003

<i>Fund</i>	<i>ALI</i>	<i>ALI Title</i>	<i>2000</i>	<i>Estimated 2001</i>	<i>Executive 2002</i>	<i>% Change 2001 to 2002</i>	<i>Executive 2003</i>	<i>% Change 2002 to 2003</i>
<b><i>ERB Employment Relations Board, State</i></b>								
GRF	125-321	Operating Expenses	\$ 3,586,019	\$3,596,072	\$ 3,765,894	4.7%	\$ 3,918,499	4.1%
<b>General Revenue Fund Total</b>			<b>\$ 3,586,019</b>	<b>\$ 3,596,072</b>	<b>\$ 3,765,894</b>	<b>4.7%</b>	<b>\$ 3,918,499</b>	<b>4.1%</b>
572	125-603	Training and Publications	\$ 59,098	\$72,113	\$ 73,699	2.2%	\$ 75,541	2.5%
<b>General Services Fund Group Total</b>			<b>\$ 59,098</b>	<b>\$ 72,113</b>	<b>\$ 73,699</b>	<b>2.2%</b>	<b>\$ 75,541</b>	<b>2.5%</b>
<b><i>Total All Budget Fund Groups</i></b>			<b>\$ 3,645,117</b>	<b>\$ 3,668,185</b>	<b>\$ 3,839,593</b>	<b>4.7%</b>	<b>\$ 3,994,040</b>	<b>4.0%</b>

## General Revenue Fund

### GRF 125-321 Operating Expenses

1998	1999	2000	2001 Estimate	2002 Executive Proposal	2003 Executive Proposal
\$3,440,939	\$3,396,524	\$3,586,019	\$3,596,072	\$3,765,894	\$3,918,499
	-1.3%	5.6%	0.3%	4.7%	4.1%

**Source:** GRF

**Legal Basis:** ORC 4117.02 (originally established by Am. Sub. S.B. 133 of the 115th G.A.)

**Purpose:** The line item funds the operating expenses of the State Employment Relations Board.

## General Services Fund Group

### 440 125-601 Transcript & Other

1998	1999	2000	2001 Estimate	2002 Executive Proposal	2003 Executive Proposal
\$17,506	\$26,076	\$0	\$0	\$0	\$0
	49.0%	-100.0%	N/A	N/A	N/A

**Source:** GSF: fees collected for copies, rule books, newsletters, and transcriptions provided by the board

**Legal Basis:** ORC 124.03 (originally, the fund was transferred from the Personnel Board of Review (PBR) by Am. Sub. S.B. 133 of the 115th G.A., which created SERB and consolidated the two agencies; Am. Sub. H.B. 171 of the 117th G.A., separated the two agencies and gave PBR agency status once again)

**Purpose:** The fund is used to cover costs associated with the printing of rule books and the quarterly newsletter.

### 572 125-603 Training and Publications

1998	1999	2000	2001 Estimate	2002 Executive Proposal	2003 Executive Proposal
\$31,240	\$36,540	\$59,098	\$72,113	\$73,699	\$75,541
	17.0%	61.7%	22.0%	2.2%	2.5%

**Source:** GSF: sale of clearinghouse data and training seminars

**Legal Basis:** originally established by Controlling Board on October 22, 1984

**Purpose:** Supports costs associated with compiling clearinghouse data, seminars, microfilming, equipment, and printing.