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STATE EMPLOYMENT  
RELATIONS BOARD

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

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In the Matter of

Fraternal Order of Police, Ohio Labor Council, Inc.,

Rival Employee Organization,

and

United Automobile, Aerospace and Agricultural Implement Workers of America – UAW,

Incumbent Employee Organization,

and

Lucas County Deputy Sheriffs Association,

Intervener,

and

Lucas County Sheriff,

Employer.

Case Number: 2011-REP-09-0088

**DISMISSAL OF PETITIONS FOR REPRESENTATION ELECTION  
AND MOTIONS TO INTERVENE**

Before Chair Zimpher, Vice Chair Spada, and Board Member Brundige: December 15, 2011.

On September 26, 2011, Fraternal Order of Police, Ohio Labor Council, Inc. (Rival Employee Organization) filed a Petition for Representation Election seeking to displace United Automobile, Aerospace and Agricultural Implement Workers of America – UAW (Incumbent Employee Organization), which is the Board-certified exclusive representative of certain employees of the Lucas County Sheriff (Employer). The Rival Employee Organization filed an amended petition on October 4, 2011. Lucas County Deputy Sheriff's Association (Intervener) filed timely motions to intervene for the original and amended petitions with the appropriate supporting showing of interest.

BB	IF	OR	KO	JD	MS	CP	IF
FG	MC	DG	GM	LS	WB	JB	KL
DK	CS	EJ	HZ	Negot's			
Memb			Other:				

Dismissal of Petitions for Representation Election and Motions to Intervene  
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On November 28, 2011, the Incumbent Employee Organization provided information that the petition filed on September 26, 2011 was not properly served. The Proof of Service provided by the Rival Employee Organization indicated the certified mail receipt was signed by an individual named Jesse Jaquez. Mr. Jaquez is not an employee of Incumbent Employee Organization. Mr. Jaquez is an employee of Wittenberg Bail Bonds which occupies the first floor of the building at 1700 Canton Street, which is the address that appears in the Proof of Service. The Incumbent Employee Organization states it has not authorized Mr. Jaquez or any other employee of Wittenberg Bail Bonds to accept any mail. The amended petition was properly served and received by the Incumbent Employee Organization, but was filed outside the window period. Neither the Rival Employee Organization, nor the Intervener filed a response.

Ohio Administrative Code Rule 4117-1-02 (B) states in part that all documents shall include proof of service to the other parties to the proceeding or their representatives. Proof of service shall be signed and shall include the address to which the document is delivered, the manner of delivery, and the date of the mailing. It appears the Rival Employee Organization did not serve the petition that was filed on September 26, 2011 on the Incumbent Employee Organization's appropriate representative. Further, Ohio Revised Code § 4117.07(C)(6) states petitions for elections may be filed with the Board no sooner than one hundred twenty days or later than ninety days before the expiration date of any collective bargaining agreement, or after the expiration date. The current collective bargaining agreement expires December 31, 2011. It appears October 3, 2011 would have been the last day the Rival Employee Organization could have filed the amended Petition for Representation Election. The amended petition was filed on October 4, 2011.

Lucas County Deputy Sheriff's Association (Intervenor) filed two letters requesting intervention for the original petition and the amended petition filed by Fraternal Order of Police, Ohio Labor Council, Inc. (Rival Employee Organization).

The Board dismisses both filings of the Petitions for Representation Election because service was not complete pursuant to Ohio Administrative Code Rule 4117-1-02 (B) for the original filing, and the amended petition was filed outside the window period per Ohio Revised Code § 4117.07(C)(6). That the Board also construes the letters filed by the Intervener as Motions to Intervene and denies the motions as moot.

ZIMPHER, Chair; SPADA, Vice Chair; and BRUNDIGE, Board Member, concur.

  
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W. CRAIG ZIMPHER, CHAIR