

STATE EMPLOYMENT RELATIONS BOARD

**In Re: Fraternal Order of Police, Ohio Labor Council, Inc.,
Rival Organization**

**CASE NO. 06-REP-03-0042
& 06-REP-03-0043**

And

**Ohio State Troopers Association, Inc.,
Incumbent Organization**

91 7108 2133 3930 9813 6779

**POSITION STATEMENT OF OHIO STATE TROOPERS
ASSOCIATION, INC.**

Now comes the Ohio State Troopers Association, the certified collective bargaining agent for State Bargaining Units # 1 and 15 and states as its position:

- A. That it challenges the validity of the showing of interest cards allegedly executed in conformance with the OAC 4117-5-02(A).**
- B. Cards submitted reached the Rival Organization in bulk as submitted by individuals who submitted numerous cards allegedly from bargaining unit members.**
- C. The Certifying officer of the rival organization had no direct contact with the execution and gathering of the showing of interest cards.**
- D. As shown in the attached Affidavits, attached hereto and made a part hereof as if fully set forth herein, agents of the rival organization conducted a number of meetings with bargaining unit members of State Bargaining Units #1 and #15; that at such meetings showing of interest cards were passed out and the receivers of such cards were led to believe that the execution of such cards would simply provide the individual with additional**

information about the rival organization and were not "show of interest cards" as defined by the code.

- E. As demonstrated by the Affidavits attached and incorporated herein by reference, representatives of the rival organization tacitly approved the false and fraudulent execution of the showing of interest cards. On multiple occasions at locations around the state in meetings with assembled members of Bargaining Units #1 and #15, those in attendance received tacit approval to sign the name of others on the cards.

Note the Affidavit of Allan L. Wheeler wherein he states that in response to the question to Chet DeLong, a staff member of the rival organization, if others than the individual identified on the card could sign the show of interest cards, DeLong responded:

" I don't know what those peoples' signatures look like."

(Meeting conducted January 24, 2006 in Columbus, Ohio):

Note the Affidavit of John Asbrock, wherein he states that at a Meeting conducted by the rival organization on or about January 18, 2006, in Sharonville, OH, he asked if a person can sign half a dozen cards and send them in?" The same Chet DeLong responded "well yeah". The Asbrock Affidavit is supported by affidavits from others in attendance at the meeting.

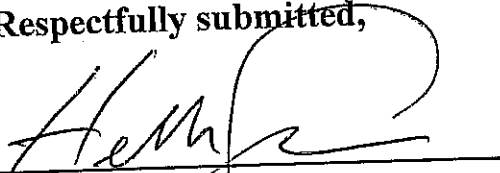
- F. The rival organization conducted multiple meeting across the State of Ohio and it is at least probable if not assured that the responses offered to questions about signing cards for others would have been consistent with the occasions noted above.
- G. With cards submitted from an attesting officer of the rival organization who had no connection with the procurement of the cards and with the clear indication that individuals were encouraged to sign cards for others, it is impossible to determine whether the signatures on the cards as submitted are genuine or fraudulent.

Summary

SERB in the instant case cannot but determine that a question of representation requiring a hearing does exist and proceed to a hearing on the issue. Ohio Administrative Code 4117-05-05.

Additionally, as part of its investigation, SERB "may require an employer to provide such other information as it deems necessary to conduct a thorough investigation". In the instant case the Board should secure from the Employer payroll card signatures from the Employer, which can be compared to the signatures contained on the show of interest cards submitted by the rival organization. Such a comparison would establish the validity of signatures submitted by the rival organization. Ohio Administrative Code 4117-05-05.

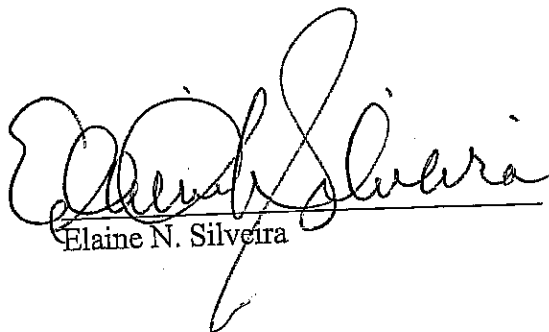
Respectfully submitted,



Herschel M. Sigall
General Counsel
Ohio State Troopers Association

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Incumbent Union's Position Statement has served upon Catherine Brockman, Fraternal Order of Police, Ohio Labor Council, Inc., 222 East Town Street, Columbus, Ohio 43215 and Steve Loeffler, Deputy Director, Office of Collective Bargaining, 100 East Broad Street, 18th Floor, Columbus, Ohio 43215, by U.S. Regular Mail this 21st day of April 2006.



Elaine N. Silveira

STATE OF OHIO

COUNTY OF FRANKLIN, SS:

AFFIDAVIT

Before me this day came Allan L. Wheeler, who being first duly cautioned and sworn, says that

he is an Ohio State Highway Patrol Trooper assigned to the Human Resource Management section and a member of Bargaining Unit 1; that

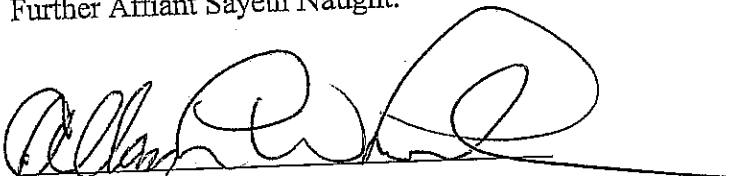
Bargaining Unit 1 is a brother bargaining unit to Bargaining Unit 15, which consists of Ohio State Highway Patrol Sergeants; that

on or about January 24, 2006 I attended an information session conducted by Sgt. Mike Crispin and representatives from the Fraternal Order of Police/Ohio Labor Council; that

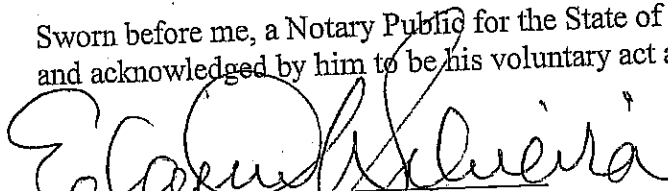
Sgt. Dan Cline, a Bargaining Unit 15 member in attendance asked whether interest showing cards could be filled out by others than those whose name was indicated on the card; that

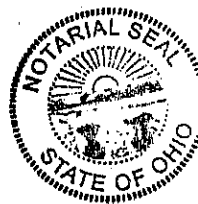
Chet Delong, the FOP/OLC Representative responded, "I don't know what these peoples' signatures look like."

Further Affiant Sayeth Naught.


Allan L. Wheeler

Sworn before me, a Notary Public for the State of Ohio by the Affiant, Allan L. Wheeler, and acknowledged by him to be his voluntary act and deed this 7th day of April 2006.


Notary Public for the State of Ohio



ELAINE N. SILVEIRA
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

STATE OF OHIO

COUNTY OF Warren, SS:

AFFIDAVIT

Before me this day came John Asbrock, who being first duly cautioned and sworn, says that

he is an Ohio State Highway Patrol Trooper assigned to the Wilmington District Headquarters and a member of Bargaining Unit 1; that

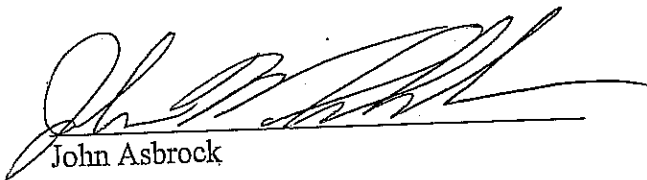
Bargaining Unit 1 is a brother bargaining unit to Bargaining Unit 15, which consists of Ohio State Highway Patrol Sergeants; that

on or about January 18, 2006 I attended an information session conducted by Sgt. Mike Crispin and representatives from the Fraternal Order of Police/Ohio Labor Council; that

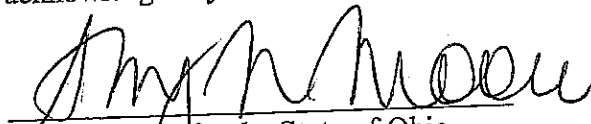
he ^{HBO} asked the FOP/OLC Representatives the following question, "So, a person can sign half a dozen cards and send them in?"; that

Chet Delong, the FOP/OLC Representative responded, "Well, yeah.";

Further Affiant Sayeth Naught.


John Asbrock

Sworn before me, a Notary Public for the State of Ohio by the Affiant, John Asbrock, and acknowledged by him to be his voluntary act and deed this 20th day of April 2006.


Notary Public for the State of Ohio
11.08.10

STATE OF OHIO

COUNTY OF FRANKLIN, SS:

AFFIDAVIT

Before me this day came Larry K. Phillips, who being first duly cautioned and sworn, says that

he is an Ohio State Highway Patrol Trooper assigned to the Jackson District Headquarters and a member of Bargaining Unit 1; that

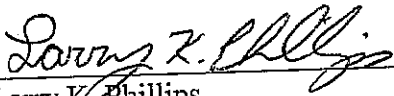
Bargaining Unit 1 is a brother bargaining unit to Bargaining Unit 15, which consists of Ohio State Highway Patrol Sergeants; that

on or about January 24, 2006 I attended an information session conducted by Sgt. Mike Crispin and representatives from the Fraternal Order of Police/Ohio Labor Council; that

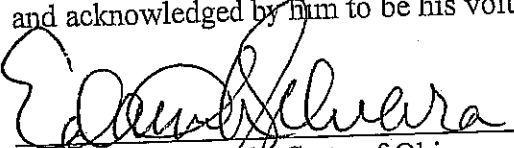
Sgt. Dan Cline, a Bargaining Unit 15 member in attendance asked whether interest showing cards could be filled out by others than those whose name was indicated on the card; that

Chet Delong, the FOP/OLC Representative responded, "I don't know what these peoples' signatures look like.";

Further Affiant Sayeth Naught.


Larry K. Phillips

Sworn before me, a Notary Public for the State of Ohio by the Affiant, Larry K. Phillips, and acknowledged by him to be his voluntary act and deed this 7th day of April 2006.


Notary Public for the State of Ohio



ELAINE N. SILVEIRA
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

STATE OF OHIO

COUNTY OF FRANKLIN, SS:

AFFIDAVIT

Before me this day came Dennis Gorski, who being first duly cautioned and sworn, says that

he is an Ohio State Highway Patrol Trooper assigned to the Lebanon Patrol Post and a member of Bargaining Unit 1; that

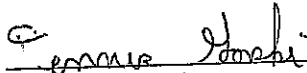
Bargaining Unit 1 is a brother bargaining unit to Bargaining Unit 15, which consists of Ohio State Highway Patrol Sergeants; that

on or about January 18, 2006 I attended an information session conducted by Sgt. Mike Crispen and representatives from the Fraternal Order of Police/Ohio Labor Council; that

Tpr. John Asbrock asked the FOP/OLC Representatives the following question, "So, a person can sign half a dozen cards and send them in?"; that

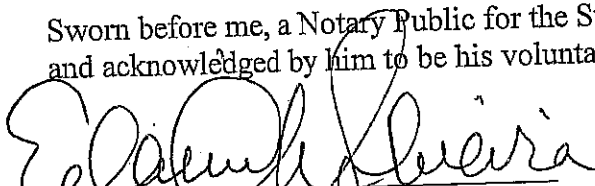
Chet Delong, the FOP/OLC Representative responded, "Well, yeah.";

Further Affiant Sayeth Naught.



Dennis Gorski

Sworn before me, a Notary Public for the State of Ohio by the Affiant, Dennis Gorski, and acknowledged by him to be his voluntary act and deed this 17th day of April 2006.



Notary Public for the State of Ohio



ELAINE N. SILVEIRA
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

STATE OF OHIO

COUNTY OF WARREN, SS:

AFFIDAVIT

Before me this day came James Adams, who being first duly cautioned and sworn, says that

he is an Ohio State Highway Patrol Sergeant assigned to the Lebanon Patrol Post and a member of Bargaining Unit 15; that


Bargaining Unit 15 is a brother bargaining unit to Bargaining Unit 1, which consists of Ohio State Highway Patrol Communication Technicians, Dispatchers, Electronic Technicians, Radio Operators and Troopers; that

on or about January 18, 2006 I attended an information session conducted by Sgt. Mike Crispen and representatives from the Fraternal Order of Police/Ohio Labor Council; that

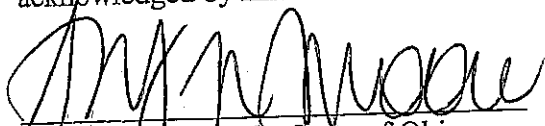
Tpr. John Asbrock ~~████~~ asked the FOP/OLC Representatives the following question, "So, a person can sign half a dozen cards and send them in?"; that

Chet Delong, the FOP/OLC Representative responded, "Well, yeah.";

Further Affiant Sayeth Naught.


James Adams

Sworn before me, a Notary Public for the State of Ohio by the Affiant, James Adams, and acknowledged by him to be his voluntary act and deed this ___ day of April 2006.


Notary Public for the State of Ohio

11-08-10

STATE OF OHIO

COUNTY OF WARREN, SS:

AFFIDAVIT

Before me this day came Timothy Hall, who being first duly cautioned and sworn, says that

he is an Ohio State Highway Patrol Trooper assigned to the Lebanon Patrol Post and a member of Bargaining Unit 1; that

Bargaining Unit 1 is a brother bargaining unit to Bargaining Unit 15, which consists of Ohio State Highway Patrol Sergeants; that

on or about January 18, 2006 I attended an information session conducted by Sgt. Mike Crispen and representatives from the Fraternal Order of Police/Ohio Labor Council; that

Tpr. John Asbrock asked the FOP/OLC Representatives the following question, "So, a person can sign half a dozen cards and send them in?"; that

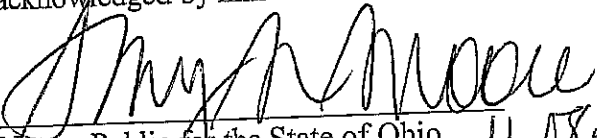
Chet Delong, the FOP/OLC Representative responded, "Well, yeah.";

Further Affiant Sayeth Naught.



Timothy Hall

Sworn before me, a Notary Public for the State of Ohio by the Affiant, Timothy Hall, and acknowledged by him to be his voluntary act and deed this 20 day of April 2006.



Notary Public for the State of Ohio 11-08-10

STATE OF OHIO

COUNTY OF FRANKLIN, SS:

AFFIDAVIT

Before me this day came Bryan Cook, who being first duly cautioned and sworn, says that

he is an Ohio State Highway Patrol Trooper assigned to the Dayton Post and a member of Bargaining Unit 1; that

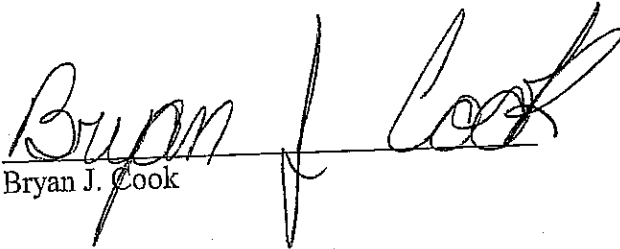
on or about January 10, 2006 I attended an information session conducted by Sgt. Mike Crispin and representatives from the Fraternal Order of Police/Ohio Labor Council; that

the information at this meeting initially indicated that the cards being passed out and requested of others to pass out was for informational purposes only; that

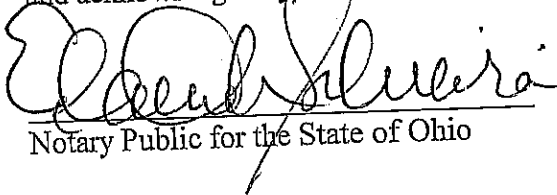
the only mention of the card being used to support an election was said at the end of the meeting as a passing thought; that

I left the meeting with the understanding that the cards passed out were to obtain information about the FOP/OLC only not for the purposes of an election.

Further Affiant Sayeth Naught.


Bryan J. Cook

Sworn before me, a Notary Public for the State of Ohio by the Affiant, Bryan J. Cook, and acknowledged by him to be his voluntary act and deed this 6th day of April 2006.


Notary Public for the State of Ohio



ELAINE N. SILVEIRA
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.



April 26, 2006

Dory McClendon
Labor Relations Specialist
State Employment Relations Board
65 East State Street, 12th Floor
Columbus, Ohio 43215

VIA Regular U.S. Mail & Fax

RE: Case No. 06-REP-03-0042 & Case No. 06-REP-03-0043

Dear Ms. McClendon:

Please find an additional Affidavit executed April 26, 2006 regarding the Petition for Election filed by the Fraternal Order of Police/Ohio Labor Council, Inc. for both bargaining units #1 and #15. The statements contained in the Affidavit were made April 25, 2006. A copy has been served upon the rival organization and the Employer as well.

Thank you for your prompt attention to this matter and cooperation. If you have any questions, please do not hesitate to contact me.

Sincerely,

Elaine N. Silveira
Assistant General Counsel

AFFIDAVIT

State of Ohio
County of Franklin, SS:

Before me a Notary for the State of Ohio personally appeared Wayne McGlone, known to me, who being first duly cautioned and sworn says: that

He is a retired Lieutenant of the Ohio Highway Patrol currently employed as a staff representative for the Ohio State Troopers Association; that

On Tuesday, April 25, 2006 he attended a meeting of OSTA members in Cambridge, Ohio attended by eight active members of the OHP; two retirees of the OHP a fellow staff representative of the OSTA and himself; that

One of the items of discussion at the meeting was the pending challenge to the OSTA by the Ohio Labor Council/Fraternal Order of Police; that


In the discussion the issue of "show of interest" cards was raised; that

Sergeant Robert Robson stated to the group assembled that he personally witnessed a fellow Sergeant, Brian Vierstra, filling out multiple show of interest cards for other members of the Cambridge post and sign such cards; that



Sergeant Robson further stated that Trooper Scott Buxton had told him that Sergeant Vierstra had filled out what he now believes to be a show of interest card for him, but had told him that the card was simply a request for additional information from the OLC/FOP; that

Sergeant Robson stated that it was his estimate that half of the show of interest cards that were sent from the Cambridge OHP Post were filled out by Sergeant Vierstra;

Further Affiant sayeth naught.


Wayne McGlone

Sworn to before me, a Notary for the State of Ohio, and subscribed in my presence this 26th day of April 2006.



HERSCHEL M. SIGALL
Notary Public, State of Ohio
My Commission Has No Expiration Date