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**CHRISTLEY, HERINGTON & PIERCE**  
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**SCHOOL LAW BULLETIN**

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Unfair labor practice charge based on board member's comments at a board meeting dismissed.

Ohio's State Employment Relations Board ("SERB") dismissed an allegation of unfair labor practice against a public school district board of education represented by Christley, Herington & Pierce. The union complained that a board of education member committed an unfair labor practice when he stated at a board of education meeting that the board had, in fact, agreed to raises in salary in the preceding collective bargaining agreement and that in his opinion the union was pursuing or had pursued litigation that was not to the benefit of the majority of its members or that served to benefit only a few officers of the union. Christley, Herington & Pierce argued that the board member's comments were not coercive or restraining behavior meant to dictate the composition of the union's current bargaining team or slate of officers because there was no threat of retaliation if the composition of the union's bargaining team or officers was not changed. In fact, the board and the union continued to bargain after the board meeting, reaching some tentative agreements, with the composition of the union bargaining team and officers unchanged. Christley, Herington & Pierce also argued that the board member's comments did not amount to an attempt to bargain directly with union members because the board member's comments did not address any specific contract terms. The Ohio SERB dismissed the union's complaint of unfair labor practice after finding no probable cause to believe that an unfair labor practice had been committed.

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