

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Cleveland State University Chapter of the American Association of University Professors,

Charging Party,

v.

Cleveland State University - College Of Law,

Charged Party.

Case Number: 2013-ULP-08-0258

**DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE**

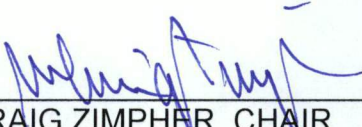
Before Chair Zimpher and Board Member Brundige: November 14, 2013.

Cleveland State University Chapter of the American Association of University Professors (Charging Party) filed an unfair labor practice charge against Cleveland State University - College Of Law (Charged Party). Charging Party alleged Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against the members, in the form of a \$666 merit increase, for exercising their guaranteed rights.

Pursuant to Ohio Revised Code § 4117.12, the Board conducted an investigation of this charge. The investigation revealed no probable cause existed to believe Charged Party violated Ohio Revised Code § 4117.11. Information gathered during the investigation revealed that the eight (8) organizers are public employees, engaged in the protected activity of organizing a union, however, the Charged Party did not take adverse action against the organizers, nor is there a reasonable inference of adverse action when they were awarded a merit increase of \$666 or \$0. Accordingly, the Charging Party has failed to establish a prima facie case of discrimination. Although it is suspect that the majority of the faculty receiving the \$666 raises were the union organizers, the Charged Party provided a plausible explanation as to how the merit raises were awarded and therefore, the Charged Party's actions do not appear to rise to the level of a (A)(3) statutory violation. Charging Party did not provide sufficient information or documentation to support the (A)(1) allegation. Accordingly, the charge is dismissed with prejudice for lack of probable cause to believe the statute has been violated.

It is so directed.

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

  
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W. CRAIG ZIMPHER, CHAIR

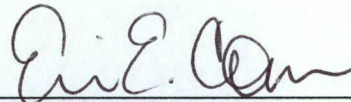
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I certify that this document was filed and a copy served upon each party or the representative of each party by e-mail<sup>7</sup> with acknowledgment requested, on this 14<sup>th</sup> day of November, 2013.



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ERIN E. CONN  
ADMINISTRATIVE ASSISTANT

11/14/2013:10

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<sup>7</sup> In the event a party does not have an electronic mail address on file, this notice was sent by regular U.S. mail.