

State of Ohio State Employment Relations Board 65 East State Street, 12th Floor Columbus, Ohio 43215-4213 (614) 644-8573

http://www.serb.state.oh.us/2000%20forms/MED/RFDOUS.PDF

Case No.	
Mediation Case No.	

REQUEST FOR DETERMINATION OF UNAUTHORIZED STRIKE

INSTRUCTIONS: An employer may file the Request for Determination of Unauthorized Strike when it believes that its					
employees are engaged in an unauthorized strike. File one original and one copy of this form with the State Employment Relations Board at the above address and serve one copy on the employee organization. If more space is required for any item, attach, additional about a least required for					
I any item, attach additional sitems, blease number the items according	adv. The employer remiseds that the out				
Employment Relations Board proceed under its proper authority pursuant to	Ohio Revised Code Section 4117.23.				
1. Name of Employer:					
City of Toledo					
Address:	Telephone:				
One Government Center, 22nd Floor	(419) 245- 1007				
City, County, State, Zip:	Fax:				
Toledo, Oh. 43604	(419) 245-1123				
2. Name of Employer's Representative:					
Donald M. Collins					
Address:	Telephone:				
One Government Center, Suite 2250	(419) 245-1020(Law Dept.),				
City, State, Zip:	Fax:				
Toledo, OH 43604	(419) 245-1090				
3. Name of Employee Organization recognized as the Exclusive Repres	entative of employees involved in the				
aneged unauthorized strike:					
Toledo Police Patrolman's Association					
Address:	Telephone:				
1947 Franklin Ave.	(419) 241-8914				
City, State, Zip:	Fax:				
Toledo, OH 43604	(419) 241-8333				
4. Name of any other Employee Organization(s) participating in alleged	unauthorized strike:				
N/A	*				
5. Name of representative(s) of other Employee Organization(s):					
N/A					
6. Attach to this request or be prepared to furnish the names, addresses	s, and job classifications or functions of				
employees who are on strike.					
The City will provide a supplement with this list.	A				
7. Date alleged unauthorized strike commenced:	8. Number of Employees on strike:				
April 5, 2010	45+				
9. Collective Bargaining Agreement: Are any of the employees on strike cuagreement? Yes No	rrently covered by a collective bargaining				
If yes, state expiration date: (1) of agreement Dec. 2011 (2) of extension (if any)					
Are negotiations for a REOPENER of the collective bargaining agreement?	Yes √No				
If yes, designate: (1) date on which negotiation period ends:(attach copy of provision)					
	No. of the state o				

Page 2 of 2



April 6, 2010

Mr. Dan Wagner President, TPPA 1947 Franklin Avenue Toledo, Ohio 43604

Dear Dan:

This is to inform you that The City of Toledo considers the obvious work stoppage of TPPA members to be an illegal strike. In response, the City is requesting an emergency determination by the State Employment Relations Board that an unauthorized strike has occurred.

As you know, strikes by public safety personnel are patently and unambiguously illegal. Please publicly disavow any support, directly or indirectly, of this illegal activity on the part of TPPA members. I expect your statement to be clear, direct and unequivocal.

At issue is the public safety of our citizens. We cannot and will not ignore any threat that compromises the safety of this city.

I'm also sure you don't need to be reminded that continued illegal, insubordinate action on the part of TPPA members will result in discipline in accordance with the severity of the offense.

Thank you for your prompt attention to this matter.

Sincerely,

Shirley L. Green

Director of Public Safety

SLG:EG:lj

Cc:

Michael P. Bell, Mayor Stephen J. Herwat, Deputy Mayor – Operations Adam Loukx, Director of Law TOLEDO, OH (WTVG) -- Dozens of Toledo police officers are home this morning after calling in sick. This development comes after the Toledo Police Patrolman's Association said it's now willing to accept concessions membership previously voted against, but the city has pulled the offer from the table and wants deeper cuts.

When a large number of officers call in sick it is known as the 'blue flu'.

Toledo police Chief Mike Navarre confirms that 37 police officers called in sick overnight and an additional 12 during the day. All of the officers are with the Toledo Police Patrolman's Association. He says that's roughly 50 percent of officers with the union didn't show up to work. An average number of sick calls per night may be two or four.

Chief Navarre says it appears there was some kind of organized effort. They're now initiating an internal affairs investigations. Navarre said that if they find out who is responsible for coordinating the effort, they will take appropriate disciplinary action. Navarre wouldn't comment on how this would affect ongoing negotiations with the patrolman's union.

Navarre said that at no time were officers at risk because the call volume wasn't high enough. They did have a contingency plan with the sheriff's department and police officers. There was some overtime incurred with afternoon shift officers.

This development comes after the Toledo Police Patrolman's Association says it's now willing to accept a concessions deal with the city, the same deal members rejected late last month. That announcement came after a series of meetings Monday morning between all parties. However, union leaders say the city is not willing to settle on the same deal again.

TPPA president Dan Wagner told us he was not surprised at the number of sick calls, although he feels many of them will be found to be legitimate. He also indicated the union is considering the possibility of a strike.

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Taken from:

http://abclocal.go.com/wtvg/story?section=news/local&id=7370140&pt=print

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Article published April 7, 2010

Police union weighs strike as last option; 'blue flu' hits; mayor on vacation

By IGNAZIO MESSINA and BRIDGET THARP BLADE STAFF WRITERS

Police Chief Mike Navarre discusses the 'blue flu' as Police Capt. Ron Navarro, center, and Councilman D. Michael Collins listen.
(THE BLADE/DAVE ZAPOTOSKY)

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A day after more than 60 Toledo police officers called off sick, their union leader yesterday threatened a strike he knows would violate state law but said it is his last option to combat the Bell administration on forced concessions.

"We would take our chances and be heard in court," said Dan Wagner, Toledo Police Patrolman's Association president. "We would go forward and let the city file charges."

The union and Mayor Mike Bell have been at odds for months over a call for city employee concessions. Their impasse was broken last week when Toledo City Council declared exigent circumstances and forced union employees to

begin paying the 10 percent "employees" share of their pension for the next nine months and contribute to their health-care costs based on a sliding salary scale.

Mr. Wagner said a strike could be police officers' only option to address what they believe is a contract breach. Lucas County Common Pleas Judge James Jensen on Wednesday denied a request by the TPPA for a temporary restraining order against the council action. Judge Jensen said the issue was one for the State Employment Relations Board.

"We haven't said we are going to strike, we have just an option we are looking into," Mr. Wagner said. "I have done a tremendous amount of work trying to keep our guys from walking off the job."



Mayor Mike Bell, who was vacationing at an undisclosed location in Mexico, could not be reached for comment. The mayor's senior staff said he had been in regular contact and managing the labor dispute with the TPPA by telephone.

Deputy Mayor of Operations Steve Herwat said the vacation had been planned for a long time and was scheduled to occur after the city dealt with a \$48 million budget deficit, as it did, by a March 31 deadline.

Police Chief Mike Navarre said a strike by the TPPA is not legal but he is prepared to address it by using command officers if they stayed on the job, as well as asking Lucas County Sheriff James Telb and neighboring police chiefs for help.

"I didn't anticipate 'blue flu' so I am not going to make any predictions," the chief said, using a term that refers to a coordinated call-off by police officers. "I know there is a lot of anger out there but I know the membership is divided right now."

The Bell administration accused those police officers who called off sick of engaging in an illegal strike and planned to request an emergency ruling today from the State Employment Relations Board.

"This is to inform you that the city of Toledo considers the obvious work stoppage of TPPA members to be an illegal strike," said a letter yesterday from Toledo Safety Director Shirley Green to Mr. Wagner.

"As you know, strikes by public safety personnel are patently and unambiguously illegal," the letter said. "Please publicly disavow any support, directly or indirectly, of this illegal activity on the part of TPPA members."

During a news conference yesterday, Chief Navarre declined to discuss what evidence had emerged to implicate organizers.

"Because there is evidence that it was an organized effort in violation of the policy, in violation of the contract, in violation of state law, I have directed internal affairs to initiate a departmental investigation to determine who the persons were that were responsible," Chief Navarre said.

37 call in sick

Thirty-seven officers, which is about half of the police officers assigned to work the Monday night and early Tuesday morning shift, called in sick, Chief Navarre said. That includes three out of the four on-duty detectives and three members of the SWAT team.

Another 16 officers called off sick yesterday morning; two of those were authorized surgeries and two were confirmed illnesses.

Each of the six officers assigned to the SWAT team scheduled to work noon to 8 p.m. yesterday called off sick and

another 10 patrol officers called off sick for the afternoon shift that starts after 2:30 p.m.

For last night's 8 p.m. shift, 2 of 20 scheduled officers called in sick, but one has a long-standing illness, Chief Navarre said.

For last night's 10:30 and 11:30 p.m shifts, six out of 46 scheduled officers called in sick, said Chief Navarre, who said the usual number is two or three.

The apparent blue flu occurred after union leaders representing the Toledo police patrolmen and command officers walked away frustrated and empty-handed from contract meetings Monday with the Bell administration.

"I suspect this has something to do with the disagreement between the [police] union and the [city] administration over the concessions," the chief said.

'Wrong message'

Toledo City Council President Wilma Brown said the blue flu would not endanger public safety if it does not continue.

"What it does is send the wrong message to the citizens," Ms. Brown said. "Everyone is giving back and the police refuse to. The public is giving back and the other employees are giving back."

Ms. Brown, who was previously chairman of council's public safety committee, said criminals could take advantage of a police work stoppage.

"It seems like the police care more about the dollar than the city," she said. "The gangs are going to look at this and say we can have a field day."

Mr. Wagner said he advised against a blue flu but also said his members are "up against a wall."

"They are stealing our money — that is the only way to put it," he said. "The last thing anyone wants to do is endanger people, but our guys are backed into a corner and they feel the courts failed us because they didn't rule on the letter of the law and they let politics come into it. They feel that this may be their last option."

Mr. Wagner said filing with SERB is "outside the normal arena" and would not say if the union would pursue that action.

After Toledo City Council voted last week to declare "exigent circumstances" and force mid-contract concessions on five city unions, the Bell administration committed to continue talks in an effort to avoid expected legal challenges. Talks apparently are over with the TPPA and Toledo Police Command Officers Association.

Firefighters OK'd deal

Firefighters Local 92, which does not include fire battalion chiefs, was spared the exigent circumstances because the union previously agreed to a deal requiring members to pay 3 percentage points of the 10 percent that employees are expected to pay into their state pensions, and to defer overtime pay until March, 2011. Additionally, the concessions will roll back and firefighters would get a refund on the money they paid for their own pension savings if Issue 5 is approved by voters in May.

Passage of Issue 5 would let the city use the proceeds of the 0.75 percent temporary income tax for operating expenditures rather than capital improvements.

TPPA voted on a very similar deal, but the members turned it down.

Mr. Wagner again yesterday said Mr. Bell wants the TPPA to now take greater concessions and won't let them revote on that agreement.

Mr. Herwat acknowledged that TPPA wanted to revote on that same deal with the stipulation that the concession

would roll back with passage of Issue 5, but that money is no longer available to the bargaining unions.

Council last week also boosted the monthly trash fee to \$15 a month and reduced to 75 percent from 100 percent the tax credit for those residents who work outside the city and pay an income tax to another jurisdiction.

Mr. Bell promised to reduce the trash fee further this year — especially for senior citizens — and to roll back the tax credit to 100 percent if voters in May approve Issue 5, a move he took in order to get council to pass the refuse fee increase.

TPPA, TPCOA, AFSCME Local 7, and AFSCME Local 2058 all filed grievances with the city.

Councilman D. Michael Collins, chairman of council's public safety committee, condemned those who organized the blue flu and criticized officers who may have participated, saying they "violated their oath of office."

"It's embarrassing for me, having worn the uniform and carried the badge," he said. "I have no sympathy for the organizers."

More than usual

Only a handful of police officers typically call off every day, Chief Navarre said.

"There are people around here who never call in sick and come to work when they should be home sick," he said.

A review by The Blade shows that every day since March 22, an average of five police officers across the ranks called off. The number of officers who called off sick per day ranged from one to 12, according to sick and injury reports released by the city.

When the widespread call-offs became apparent late Monday, Chief Navarre said he attended the 10:30 p.m. roll call downtown to thank the officers who reported for duty. He instructed them to avoid routine traffic stops and arrests on misdemeanor warrants that would tie up officers at the county jail. "Absolutely, there's a safety concern with officers on the street," Chief Navarre said.

To cope with the blue flu, most of the afternoon patrol officers were held on overtime, as were several command officers who traveled yesterday in pairs to the homes of each person who called off sick, Chief Navarre said.

The union contract allows a visit to the home of a sick officer when "there is information that indicates that the illness is not legitimate."

The department only requires a statement from a physician after five consecutive sick days.

The cost of overtime will be "very minimal," Chief Navarre said Financial data about those costs was not made available.

The Lucas County Sheriff's department was also asked to be on special alert for mutual aid overnight Monday and yesterday, Lucas County Sheriff Major Ron Keel said.

"If needed, we were there to assist with whatever the chief needs," Major Keel said.

Most suburban police departments also have mutual aid agreements with Toledo, and could have responded as well, Chief Navarre said, adding: "As it turned out [Monday] night nothing extraordinary happened."

Contact Ignazio Messina at:imessina@theblade.comor 419-724-6171.

TOLEDO, OH (WTVG)-- Reacting to an apparent blue flu in the Toledo police department, Chief Mike Navarre said, " "We're going to respond very methodically and very strongly to the action that was taken last night."

Dozens of toledo police officers called off work overnight. Many believe this was no coincidence.

The mayor's administration says this was an organized pushback by members of Toledo's police union over concession talks. Chief Navarre wouldn't say if he thinks this is the last staged blue flu, but did say the city has contingency plans.

He also believes many of the officers who did come to work today did so despite facing a lot of peer pressure to call off. "I went to roll call myself and talked to the officers and thanked them for being here."

Chief Navarre admits morale is very low in the Toledo police department. The roller-coaster-ride contract discussions with mayor Mike Bell led to the first organized labor action in 30 years.

Navarre said, "Absolutely there's a safety concern to officers on the street and it's our job to do everything we can to provide safety in spite of the circumstances."

Despite low staffing, Chief Navarre says officers were able to respond to all calls. He contacted the sheriff's office and nearby suburban departments for extra support if needed.

Some afternoon officers stayed on overtime. Navarre told us, "The officers that were held over, were held over for a very short period of time."

Toledo Police Patrolman's Association president Dan Wagner says he sent a letter to members asking them not to organize a blue flu. He's taken heavy criticism from his union since negotiations fell apart.

Last month, the union voted down a \$3 million concession package that Wagner says they would now accept, but the city is asking for deeper cuts. About the mayor Wagner says, "He's starting to penalize our guys and that's what took place at yesterday's talking. It's clear that he was trying to penalize our guys and give us much more severe cuts than fire has taken."

Wagner is now hinting at the possibility of a strike. He says it's a last resort, and he'll do everything to avoid it. "I hope cooler heads prevail and the mayor swallows his pride a little bit and deals with us rationally."

Mayor Bell was not in town today, but safety director Shirley Green said any disciplinary action Chief Navarre takes will have the administration's support.

Green wouldn't say what happens next with the union. We asked if this changes anything at the negotiating table. She said "I'm not going to answer that."

The majority of officers who called off did so overnight, about 50 percent of those assigned to be on duty. During the day shift, Chief Navarre says there were 12 questionable sick calls.

TPD also has an afternoon shift. The chief told us 10 officers called in sick, which is above normal.

Many Toledo residents are also upset, even outraged, that dozens of officers would call in sick and put the city in jeopardy. Others say they don't blame them.

Just last week, Toledo city council approved exigent circumstances, allowing the city to force concessions from the TPPA. A judge later denied the union's request for a temporary restraining order. Attorneys for the city and the police union will be back in court April 19 to take up the matter.

Talk of a possible Toledo police strike makes a lot of people anxious, many because of bad memories from a police strike in 1979.

In fact, all 3,700 city employees took part in a bitter strike nearly 31 years ago. Some buildings were set on fire. Residents grabbed their possessions got out.

Police parked their patrol cars and formed a picket line. The 48-hour strike over pay and benefits brought unwanted negative attention to the city.

Although no one is predicting this could happen again, it does stir concern for public safety should a police strike take place.

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Taken from: http://abclocal.go.com/wtvg/story?section=news/local&id=7371539

TOLEDO, OH (WTOL) - Toledo Police Chief Mike Navarre spoke out Tuesday about what he is calling an "organized and illegal effort" on the part of police officers, which could result in reprimands, suspensions or even dismissals.

Navarre says more than 70 officers failed to show up for duty Tuesday. That amounted to 50 percent of the night shift. This could cause problems, Navarre said, because "... there's a safety concern."

This situation came a day after concession talks with the city and Toledo Police Patrolman's Association (TPPA) failed to find a solution to the question of who will cover pensions and health care costs.

The union wants to negotiate a deal regarding an officer pension pickup of less than 10 percent and an overtime payment deferral. They said the city refused.

The city demands a full 10 percent pension pickup with officers picking up 20 percent of health care costs.

The TPPA is displeased.

"You're taking over \$600 a month out of an officer's paycheck," said Dan Wagner, head of the TPPA.

Navarre is calling what the officers are doing a violation of policy, though the union said it discouraged the action. He said he instructed internal affairs to investigate.

"Once that investigation is completed and we're able to identify individuals involved, we will take the appropriate disciplinary action," Navarre said.

The chief thanked the officers who showed up and told them not to make many traffic stops or misdemeanor warrant arrests for their own safety. He then called Lucas County Sheriff James Telb to put deputies on standby in case police calls got out of hand.

He says it's a plan that will work if it happens again.

The union may have plans of its own.

"We're looking into a legal opinion to see whether or not we can strike," Wagner said.

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Taken from: http://www.wtol.com/Global/story.asp?S=12265052

"Sick List" 4/5 thru 4/6

Officer	ID		Date Shift	
Applin, Steven	טו	1898	1-16-10-16-16-16-16-16-16-16-16-16-16-16-16-16-	
Atkins, Marlon		1643		4
Baker, Terry		1934		6
Below, James		2239		6
Bergman, Patrick		2314		6
Berndt, Jeremy		2367		5
Boose, Joan		1885		4
Britt, Tracey		2139		6
Britt, Tracey		2139		6
Calzone, Brian		2281		8
Cavanaugh, Leon		2361	4/6/2010	5
Cichocki, David		1866	4/6/2010 DP	J
Cole, Dennis		1828	4/5/2010	8
Diaz, Abraham		1629	4/5/2010	6
Domschot, Angela		2405	4/5/2010	6
Dumas, Kevin		2261	4/5/2010 DP	U
Emery, Lawrence		2296		6
Emery, Lawrence		2296		6
Evans, Amanda		2053		5
Fisher, Richard		2317		8
Gillen, Anthony		2235		6
Gomez, Cruz		1949		U
Gomez, Patricia		2109		
Greenwood, Michael		2032	4/5/2010	6
Guardiola, Victor		1609		8
Hageman, Ronald		1861	4/6/2010	4
Harrison, Abraham		2286	4/5/2010	6
Holland, Richard D.		2372	4/5/2010 DP	U
Jones, Alvin		2047	4/6/2010 ISB	
Kantura, Elizabeth		1920	4/6/2010 ISB	
Kutz, Eugene		1910	4/6/2010 ISB	
Lemke, Ward		2282	4/5/2010	8
Lepiarz, Jeffrey		2335	4/5/2010	6
Lett, Dennis		2374	4/6/2010	5
McNeal, Tamara		1772	4/6/2010	4
Meyer, Jessica		2343	4/5/2010	6
Mills, Scott		2339	4/5/2010	6
Mitchell, Brian		1884	4/6/2010 DP	***
Moore, William		1913	4/6/2010 ISB	
Mosiniak, David		2279	4/6/2010	5
Mugler, John		1872	4/6/2010 DP	
Mugler, Mark		1883	4/6/2010	4
Muszynski, Denise		2041	4/6/2010 ISB	
Okos, Joseph		2384	4/5/2010	6
Orwig, Robert		2304	4/5/2010 DP	
Peters, Darnell		2408	4/6/2010	5
Petro, Joseph		2376	4/5/2010	6
Przybysz, Martin		2019	4/5/2010	6
Przybysz, Martin		2019	4/6/2010	6
Randle, Candis		1621	4/6/2010	4
Roush, George		1870	4/6/2010	4
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"Sick List" 4/5 thru 4/6

Russell, Cynthia	2055	4/6/2010	4
Sanders, Theresa	2203	4/5/2010	6
Schlievert, James	2200	4/6/2010	5
Schroeder, Michael	2352	4/5/2010	8
Schwalbe, Eric	2087	4/6/2010	6
Siwa, Peter	2102	4/5/2010 ISB	
Smith, Duane	1708	4/6/2010	4
Stamper-Cichocki, Mary	1965	4/5/2010	8
Stewart, Michael	1796	4/6/2010	4
Stone, Curtis	2046	4/6/2010 DP	
Taylor, James	2321	4/5/2010	6
Toral, John	2216	4/5/2010	8
Toska, Tonya	2385	4/6/2010	5
Wade, Maureen	2069	4/5/2010	6
Wade, Maureen	2069	4/6/2010	6
Whatmore, Alanna	2249	4/5/2010	8
Whitman, Richard	1933	4/6/2010 DP	
Windnagle, William	2312	4/5/2010	6
Wise, Sherri	2086	4/5/2010 ISB	
Zattau, Gregory	2277	4/5/2010	6

SHIFT KEY

4 = DAYS

5 = AFTERNOONS

6 = MIDNIGHTS

DP = SWAT

ISB = DETECTIVE BUREAU