



OFFICE OF UNEMPLOYMENT COMPENSATION
DECISION ON LABOR DISPUTE ISSUE



A35232517X0019631001

Table with employer information (BLOCK COMMUNICATIONS INC.), date issued (10/12/2006), determination number (213632269-1), and UC account number (0009765001).

THIS DECISION IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 4141.283, OHIO REVISED CODE

Bureau of UC Program Services
Ohio Dept. of Job & Family Services
PO Box 182830
Columbus, OH 43218-2830
Telephone: (614) 752-8419
Web Page: www.state.oh.us/odjfs/labordispute

In The Matter Of A Labor Dispute Between

Union: Graphic Comm Int'l Union Local 27-N Employer: BLOCK COMMUNICATIONS INC.
Union: Teamsters Mailers Local 1135 Employer: BLOCK COMMUNICATIONS INC.
Union: Teamsters Local 20 Employer: BLOCK COMMUNICATIONS INC.
Union: CWA Local 63 Employer: BLOCK COMMUNICATIONS INC.
Docket No: 00000000600027 Hearing Officer: Jim Bubutiev
Date of Hearing: 10/03/2006 Date of Issuance: 10/12/2006

APPEARANCES

William J. Karges, and John Roca, Attorneys At Law, represented the Union Locals. Steven Nobles, President of GCC/IBT District Council 3, Ward Trabbic, President of Teamsters Local #1135, Linda Morris-Cooley, CWA Representative, and John William Evans, Teamsters Local #20 Union Steward, were witnesses for the Union Locals.

Jim Kaczmarek, Human Resources Manager, and David C. Warders, Director of Human Resources and Labor Relations, represented Block.

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This matter was heard by Jim Bubutiev, Hearing Officer for the Director of the Ohio Department of Job and Family Services, pursuant to Section 4141.283 of the Ohio Revised Code. The purpose of this hearing is to determine the reason for the unemployment of certain individuals who have filed claims for unemployment compensation benefits. Division (A) of Section 4141.283 of the Ohio Revised Code provides that the Director is to schedule a hearing when there is reason to believe that the unemployment of twenty-five or more individuals relates to a labor dispute. The Department of Job and Family Services has received approximately 160 unemployment compensation benefits claims that relate to a labor dispute between the Union Locals and Block in Toledo, Ohio.

All interested parties were notified of this hearing pursuant to Ohio law. This hearing was held on October 3, 2006, in Maumee, Ohio.

FINDINGS OF FACT

Block publishes the Toledo Blade newspaper in Toledo, Ohio (Transcript Page 16).

Block employs approximately 650 people in Toledo and about 525 of them are union members. The claimants in this matter are members of the Union Locals and work for Block in Toledo (Transcript Pages 16-17).

The Union Locals had separate three (3) year collective bargaining labor agreements with Block that were effective from March 21, 2003, through March 21, 2006. The Union Locals continued working under the terms and conditions of the expired agreements with two exceptions. Union dues check offs were no longer being deducted from the claimants' paychecks and there was no longer an arbitration process in place (Transcript Pages 19-20,39-40,51,53,55-56,63).

Negotiation sessions for a new collective bargaining labor agreement began in February of 2006 and, as of the hearing date, had continued into late September of 2006. A total of between approximately nine (9) and thirteen (13) negotiation sessions have been held between the parties to date (Transcript Pages 20-22,38-39,50).

The main items of contention between the parties deal with what the Union Locals assert is a general anti-union stance by Block and economic issues which include such things as wages, health care benefits, vacations and holidays (Transcript Pages 22-25,59).

There is no factual dispute that Block locked out the members of the GCC/IBT Local #27-N Engravers Unit on August 20, 2006, and the members of the GCC/IBT Local #27-N Paper and Plate Handlers Unit on August 23, 2006 (Transcript Pages 24-26,32-35/Union Exhibits 1-2).

There is no factual dispute that Block locked out the members of Teamsters Local #1135, CWA Local #63, and Teamsters Local #20 on August 27, 2006 (Transcript Pages 39-40,42-43,50-51,53-54,58-59,64-65,67-69/Union Exhibits 3-5).

The members of the Union Locals would have continued working had they not been locked out by Block (Transcript Pages 26-27,41,51-52,66-67).

Block has continued operating with temporary replacement workers (Transcript Pages 27-28,52,66/Union Exhibits 1-5).

ISSUES

Pursuant to Section 4141.283 of the Ohio Revised Code, this Hearing Officer is required to make a determination as to whether the claimants are disqualified from receiving benefits under the unemployment compensation laws of the State of Ohio. The issues are:

1. What is the reason for the claimants' unemployment from Block?
2. Are the claimants disqualified from receiving

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unemployment compensation benefits?

3. What is the duration of the labor dispute?

The applicable law is Section 4141.29(D)(1)(a) of the Ohio Revised Code which provides as follows:

(D) Notwithstanding division (A) of this section, no

individual may serve a waiting period or be paid

benefits under the following conditions:

(1) For any week with respect to which the

director finds that:

(a) The individual's unemployment was due to a labor dispute other than a lockout at any factory, establishment, or other premises located in this or any other state and owned or operated by the employer by which the individual is or was last employed; and for so long as the individual's unemployment is due to such labor dispute. . .

REASONING

Section 4141.29(D)(1)(a) of the Ohio Revised Code provides that no individual is entitled to benefits for any week during which the individual's unemployment is due to a labor dispute other than a lockout. Thus, in order to reach a conclusion regarding the reason for the unemployment of the claimants, it is necessary to determine whether the labor dispute was a lockout within the meaning of the Ohio unemployment compensation law. The claimants would not be disqualified from eligibility for unemployment compensation benefits if the labor dispute were found to be a lockout.

The key issue to be resolved is whether the reason for the claimants' unemployment from Block was due to a lockout or a labor dispute other than a lockout.

In *Zanesville Rapid Transit v. Bailey* (1958), 168 Ohio St. 351, the Ohio Supreme Court defined a lockout as a cessation of the furnishing of work to employees or a withholding of work from them in an effort to get for the employer more desirable terms.

The testimony and evidence in this case indicate the claimants became unemployed when they were locked out by Block on various dates in August of 2006, beginning on August 20, 2006.

There is no factual dispute that Block has started a lockout. A review of Union Exhibits 1 through 5 clearly supports such a conclusion. Therefore, by applying the definition of a lockout from the *Zanesville* decision, it is clear that Block locked out the members of the Union Locals on various dates in August of 2006, starting on August 20, 2006.

Accordingly, the members of the Union Locals are unemployed due to a lockout.

DECISION

It is the decision of this Hearing Officer that all of the claimants herein were unemployed due to a lockout.

The lockout began on August 20, 2006, for the members of the GCC/IBT Local #27-N Engravers Unit.

The lockout began on August 23, 2006, for the members of the GCC/IBT Local #27-N Paper and Plate Handlers Unit.

The lockout began on August 27, 2006, for the members of Teamsters Local #1135, CWA Local #63, and Teamsters Local #20.

The claimants are not disqualified from receiving unemployment compensation benefits pursuant to Section 4141.29(D)(1)(a) of the Ohio Revised Code.

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APPEAL RIGHTS: If you disagree with this decision, you have the right to appeal. The following paragraph provides a detailed explanation of your appeal rights:

Application for appeal before the Unemployment Compensation Review Commission, PO Box 182299, Ohio Dept. Of Job And Family Services, Columbus, OH 43218-2299; or by fax to 1-614-387-3694; may be filed by any interested party within twenty-one (21) calendar days of the date of mailing of the decision. In order to be considered timely, the appeal must be filed in person, faxed, or postmarked no later than twenty-one (21) days after the date of mailing indicated on this decision. If the 21st calendar day falls on a Saturday, Sunday, or Legal Holiday, the period for filing is extended to include the next scheduled work day. Upon receipt of certified medical evidence stating that the interested party's physical condition or mental capacity prevented the filing of an appeal within the specified 21 calendar day period, the interested party's time for filing the appeal shall be extended and considered timely if filed within 21 calendar days after the ending of the physical or mental condition.

This decision was mailed on **10/12/2006**.

The twenty-one day appeal period ends on **11/02/2006**.

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