



36 South Plains Road
The Plains, Ohio 45780-1348
Telephone: (740) 797-9708
Fax: (740) 797-9712
Toll Free: (800) 361-6710

William Sams
Regional Director

August 1, 2006

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James Kalb, Mayor
City of Portsmouth
728 2nd Street; Room 1
Portsmouth, Ohio 45662

**RE: City of Portsmouth, AFSCME Local 1039
Collective Bargaining Agreement**

Dear Mayor Kalb:

It has come to my attention that the Portsmouth City Council has, on your recommendation, rejected in part the tentative agreement with Local 1039, Portsmouth City Employees.

It is the Unions' contention that the Portsmouth City Council did not act on the contract in a timely manner.

The City Council received the tentative agreement on June 12, 2006, had first reading on June 26, 2006, second reading on July 10, 2006 and rejected the contract in part on July 24, 2006.

Pursuant to the Ohio Revised Code 4117.10 Section B:

"(B) The public employer shall submit a request for funds necessary to implement an agreement and for approval of any other matter requiring the approval of the appropriate legislative body to the legislative body within fourteen days of the date on which the parties finalize the agreement, unless otherwise specified, but if the appropriate legislative body is not in session at the time, then within fourteen days after it convenes. The legislative body must approve or reject the submission as a whole, and the submission is deemed approved if the legislative body fails to act within thirty days after the public employer submits the agreement. The parties may specify that those provisions of the agreement not requiring action by a legislative body are effective and operative in accordance with the terms of the agreement, provided there has been compliance with division (C) of this section. If the legislative body rejects the submission of the public employer, either party may reopen all or part of the entire agreement.



James Kalb, Mayor
August 1, 2006
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As used in this section, "legislative body" includes the governing board of a municipal corporation, school district, college or university, village, township, or board of county commissioners or any other body that has authority to approve the budget of their public jurisdiction and, with regard to the state, "legislative body" means the controlling board."

Thirty days from submission was July 12, 2006. The Portsmouth City Council did not act until July 24, 2006 - clearly twelve days past the time limits.

Also, I believe I should advise you that as you were the chief negotiator for the City, your recommendation to reject the tentative agreement is in itself an unfair labor practice.

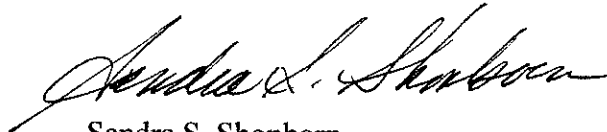
Furthermore, the legislative body's action of tabling the wage increase and OPERS pick-up, then rejecting the remainder of the tentative agreement, is also an unfair labor practice.

ORC 4117B states that the agreement must be accepted or rejected in whole (emphasis added).

I hope that we can settle this amicably. It is the Unions' intention to follow every legal avenue available to us.

Please apprise me of the status of this matter by August 9, 2006 so that I may take the necessary actions.

Sincerely,



Sandra S. Shonborn
Staff Representative

SSS/lm

cc: William Sams, Athens Regional Director
Roy Payton, Jr., President AFSCME Local #1039
Portsmouth City Council
David Kuhn, City Solicitor
File