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**IN THE MATTER
OF
FACT FINDING
REPORT**

BETWEEN	CASE NO: 00-MED-01-0015
The	00-MED-01-0016
City of Port Clinton, OH	00-MED-01-0017
and the	FACT FINDER: JOHN S. WEISHEIT
Fraternal Order of Police	HEARING DATE: May 17, 2000
	AWARD ISSUED: June 5, 2000

**REPRESENTATION
by**

<u>Employer Representatives</u>	<u>Union Representatives</u>
John Kroch, Employer Representative Clemens, Nelson, & Associates	Hugh Bennett, FOP Representative FOP, OLC, Inc.

AUTHORITY

This matter was brought before Fact Finder John S. Weisheit, in keeping with applicable provisions of ORC 4117 and related rules and regulations of the Ohio State Employment Relations Board. The parties have complied in a timely manner with all procedural filings. The matters before the Fact Finder are for consideration and recommendation based on merit and fact according to the provisions of ORC 4117, particularly those applicable to safety forces.

BACKGROUND

The above named parties engaged in collective bargaining for a successor labor agreement to the one expiring March 31, 2000. In the course of good faith bargaining, several issues were tentatively agreed to; however, a few issues remained unresolved and impasse was declared. The above named Fact Finder was assigned in keeping with provisions of the ORC 4117 and SERB Rules & Regulations.

A Fact Finding Hearing was convened on May 17, 2000. At the mutual request of the parties, the Fact Finder joined the parties in mediation as a means to resolve the issues at impasse. An extensive mediation session was held. The parties reached tentative agreement, at least in principle, on all remaining issues during the mediation session. Such issues are included in this Report without further comment by the Fact Finder as agreed to by the parties. When the parties indicated they had no additional matters to bring before the Fact Finder, the Hearing was adjourned.

In compliance with ORC 4117.14(C)(4)(e), and related rules and regulations of the State Employment Relations Board, the following criteria were given consideration in making this Award:

1. Past collectively bargained agreements between the parties;
2. Comparison of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
3. The interest and welfare of the public, the ability of the public Employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;
4. The lawful authority of the public Employer;
5. Any stipulations of the parties;
6. Such other factors, not confined to those listed above, which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agreed-upon dispute settlement procedures in public service or in private employment.

This Report and Recommendation is based on facts provided in document and testimony introduced at that time and in keeping with statutory consideration cited above and mutual understandings stated at the Hearing by the parties.

ISSUES OF TENTATIVE AGREEMENT

The following issues were at tentative agreement between the parties prior to the declaration of impasse, inclusive of provisions agreed to be brought forward in this Agreement from the expiring agreement or otherwise resolved:

Article	Title	Article	Title
	Preamble/Purpose	Article 16	Leaves & Leave of Absence
Article 2	Union Recognition	Article 17	Sick Leave
Article 3	Dues Deduction	Article 18	Hours of Work
Article 4	FOP Representation	Article 21	Report-in & Call-In Pay
Article 5	Management Rights	Article 22	Training
Article 6	Non-Discrimination	Article 25	Health & Safety
Article 7	Grievance Procedure	Article 27	Professional Liability Insurance
Article 9	Rules and Regulations	Article 30	Severability
Article 10	Labor-Management Committee	Article 31	Waiver in Case of Emergency
Article 11	Personnel Files	Article 32	No Strike/No Lockout
Article 12	Bulletin Boards/Misc.	Article 33	Copies of Agreement
Article 13	Seniority	Article 34	Use of County Vehicles
Article 14	Vacancy & Promotion	Article 35	Past Practice
Article 15	Layoff & Recall	Article 36	Bargaining Unit Application of Civil Service Law
		Article 37	Drug/Alcohol Testing

ISSUES AT IMPASSE

The following issues were at impasse at time of the Fact Finding Hearing:

Article	Title	Article	Title
5	Lodge Business	New	Firearms
8	Hours of Work & Overtime	New	Shifts
11	Vacations	New	Indemnification of Members
12	Sick Leave	Side Letter	Reserves
19	Uniform Allowance	Side Letter	Ordering In
21	Wages	Side Letter	Dispatch
24	Duration & Renewal	Side Letter	Labor-Management Committee Referrals, includes Safety /Shift Bidding

All issues listed were resolved in mediation, by tentative agreement of the parties or withdrawal by the proposing party, except the effective date for wage schedule and the duration of the Agreement.

RECOMMENDATION OF THE FACT FINDER

It is recommended that the Agreement between the parties include:

- A. All matters tentatively agreed to prior to the Fact Finding Hearing.
- B. All issues as tentatively agreed to in mediation conducted by the Fact Finder inclusive of the following:

Article	Action
Article 5 Lodge Business	Withdrawal . Retain Current Language.
Article 8 Hrs of Wk/OT	Tentative Agreement
Article 11 Vacations	Withdrawal. Retain Current Language.
Article 12 Sick Leave	Tentative Agreement
Article 19 Uniform Allowance	Tentative Agreement
Article __ Indemnification of Members	Withdrawn
Side Letter Reserves	Tentative Agreement
Side Letter Ordering In	Tentative Agreement
Side Letter Dispatch	Tentative Agreement
Letter of Understanding Labor Management Committee	Tentative Agreement

- C. Remaining Unresolved issues are recommended to include the following:

Article 21 Wages	It is recommended to include this provision as tentatively agreed to between the parties with the effective date to be April 1, 2000.
Article 24 Duration and Renewal	It is recommended to include this provision as tentatively agreed to between the parties with the effective date to be April 1, 2000 thru March31, 2003.

DETERMINATION AND AWARD

It is recommended that all items of tentative agreement prior to Fact Finding be included in the Agreement. If not otherwise resolved by the parties, it is recommended all provisions of the expiring agreement be included in the Agreement.

It is recommended the issues agreed to in Mediation, conducted by the Fact Finder be included in the Agreement as tentatively agreed to.

It is recommended to include the Fact Finder's determination regarding the effective date of the wage schedule and duration of the Agreement as set forth in this Award.

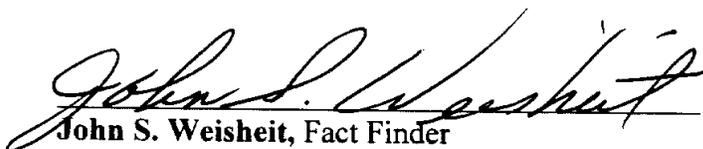
TOTALITY OF AGREEMENT

This will affirm this Report, consisting of **-5-** pages, inclusive of this page, set forth the recommendations of the Fact Finder.

All matters presented before the Fact Finder and otherwise not specifically addressed are not recommended for inclusion in the Agreement.

To the best of my knowledge, said Report and its included recommendations complies with applicable provisions of ORC 4117 and related Rules and Regulations adopted by the State Employment Relations Board.

I therefore affix my signature at the City of **Galion**, in the County of **Crawford**, in the State of **Ohio**, this date of **June 7, 2000**.


John S. Weisheit, Fact Finder

CERTIFICATE OF SERVICE

This will affirm that the Fact finding Report in the Matter of Fact finding between

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The	00-MED-01-0016
City of Port Clinton, OH	00-MED-01-0017
and the	FACT FINDER: JOHN S. WEISHEIT
Fraternal Order of Police	HEARING DATE: May 17, 2000
	AWARD ISSUED: June 5, 2000

was served to the below named parties at the stated addresses

Hugh Bennett
Fraternal Order of Police, OLC, Inc.
3076 Hillside Tr.
Stow, OH 44224

John Kroch
Clemens, Nelson & Associates
355 E. Campus View Blvd., Suite 125
Columbus, OH 43235

by U.S. Postal Service Mail, overnight express delivery, on June 5, 2000.

I affirm, to the best of my knowledge that the foregoing is true and accurate and in keeping with ORC 4117 and related SERB Rules and Regulations.


John S. Weisheit, Fact Finder June 5, 2000
Date