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Factfinding Report and Recommendations  
in the Matter of Factfinding between:  
The City of Delaware (Ohio)  
and  
International Association of Firefighters Local 606

S.E.R.B. Case No: 00-MED-01-0031

MARCUS HART SANDVER, Ph.D.  
Factfinder

Hearing Date: September 29, 2000  
Report Issued: October 16, 2000

Representing the City:  
Mr. Todd Allen  
Human Resources Coordinator  
City of Delaware  
Delaware, OH

Representing the IAFF:  
Mr. Henry Arnett  
Attorney at Law  
Livorno and Arnett  
Columbus, OH

## I. Background

This case arises out of a collective bargaining dispute between the City of Delaware (the City) and Firefighters Local 606 (the Union). The parties met on several occasions during the spring and summer of 2000 to negotiate a successor to the agreement which expired on March 31, 2000. The dispute involves 5 unresolved issues; definitions, wages, insurance, minimum manning and duration of the agreement. The issues involving definitions and duration were resolved during the hearing and thus will not be addressed in this report. Through mutual agreement of the parties Marcus Hart Sandver was chosen to conduct the factfinding. Through mutual agreement of the parties, September 29, 2000 was chosen as the date for the hearing.

## II. The Hearing

The hearing was convened by the factfinder at 9:00 A.M. on September 29, 2000 in the second floor conference room of the Delaware City Hall. The following persons were in attendance at the hearing:

### For the City:

- |    |                |                             |
|----|----------------|-----------------------------|
| 1. | Tom Macklin    | Fire Chief                  |
| 2. | Dean Stelzer   | Assistant City Manager      |
| 3. | Todd Allen     | Human Resources Coordinator |
| 4. | Dan Bennington | City Attorney               |

### For the IAFF:

- |    |                    |                       |
|----|--------------------|-----------------------|
| 1. | Henry Arnett       | Attorney              |
| 2. | Dan Lobdell        | Local 606 President   |
| 3. | Steven Leech       | Firefighter – EMT – P |
| 4. | Charles Cooperider | Firefighter – EMT – A |

The parties were asked to submit exhibits into the record. The following were marked as union exhibits:

Union exhibit #1 – IAFF prehearing statement

Union exhibit #2 – Multi tab notebook containing supporting documents

The following were marked as city exhibits:

City exhibit #1 – City prehearing statement

City exhibit #1(a) – Firefighter Department Wage Comparison

City exhibit #2 – Ohio Tax Returns – 1998

City exhibit #3 – 1998 Ohio Personal Tax Returns by School District

City exhibit #4 – SERB Wage Increase Report – Sept. 26, 2000

City exhibit #5 – Fire Department Turnovers 1990-Current

City exhibit #6 – Article 23. Insurance

City exhibit #7 – Schedule of Benefits

City exhibit #8 – Insurance Comparisons

City exhibit #9 – City of Delaware Rising Health Care Costs

City exhibit #10 – 1999 Health Care Insurance

City exhibit #11 – Simple Comparison of Plans

City exhibit #12 – Article 31 – Minimum Manning

City exhibit #13 – Average Response Time

The parties were informed by the factfinder that the hearing would be conducted in conformity with the rules for factfinding as found in the provisions of O.R.C. 4117 and associated administrative rules as established by S.E.R.B. The parties were notified that the criteria for developing the recommendations contained in the factfinding report were to be found

in O.R.C. 4117.14(G)(7)(a-f). The parties were invited to make opening statements. After the opening statements the parties began their discussion of the issues.

### III. The Issues

#### A. Article 16. Wages

##### 1. Union Position

The union position on this issue is to request a 5 percent increase for every year of a three-year agreement retroactive to March 31, 2000. In support of its position the IAFF representative directed the factfinder's attention to the data in union exhibit #2 tab 16. The data showed that for all Ohio cities with populations of between 20,000 and 40,000 that the average starting salary for a firefighter in 2000 was \$30,797 and the average top salary was \$41,245. In the City of Delaware the starting salary for firefighters was \$32,344 and the top salary was \$40,508. In further support of his position the IAFF representative asked the factfinder to note that the City budget in the City of Delaware had increased 13% from 1998-1999.

##### 2. City Position

The City position on this issue is to offer a 3 percent increase each year for the life of the agreement. In support of its position the City representative asked the factfinder to take note of City exhibits 1(a)-5. In City exhibit 1(a) was a comparison of Delaware firefighters wages with a group of 11 other municipalities within 30 miles of Delaware. In City exhibit 4 was a comparison of the salaries of firefighters in 47 Ohio cities in the 18,000-40,000-population range.

##### 3. Discussion

In looking over the data provided by the City and the union some difficulties arise. The City presents data from 47 municipalities, statewide and from 11 cities in the central Ohio

region. The union presents data from 32 cities statewide, and for the two cities in central Ohio (Upper Arlington and Westerville), the union wage data and the City wage data do not agree. A look at City exhibit 1(a) does reveal, however, that if we look just at firefighter top pay, Delaware ranks 7<sup>th</sup> out of the 11. If we look at City exhibit #4, we find that 19 of the 47 cities listed gave their firefighters a wage increase of 4 percent or above in the most recent agreement. Only 9 of the cities in City exhibit #4 gave their employees a raise of 3 percent or less in the most recent agreement. Only two cities in City exhibit #4 gave their firefighters a raise of 5 percent or more in the most recent agreement.

By my reading of the data, a 4 percent increase per year over the life of the agreement will keep Delaware firefighters about where they always have been in salary rankings. Admittedly comparisons between fire departments are difficult due to differences in pension pickup, paramedic premium, work week, uniform allowance and so forth. A look at City exhibit #4, however, reveals that for cities of comparable size throughout Ohio an annual raise of 4 percent in wages is the modal increase.

#### 4. Recommendation

That wages increase 4 percent per year for each year of the agreement.

#### B. Article 23 – Insurance

##### 1. Union Position

The union position on this issue is to have no change in the current health insurance system and to increase the life insurance benefit to \$40,000.

## 2. City Position

The City position on this issue is to establish a P.P.O. and to reduce the share of claims co-payment from 80-20 to 90-10. Under the City proposal, the life insurance would remain at \$30,000.

## 3. Discussion

There was a good bit of discussion about this issue at the hearing. The firefighters objected to the P.P.O. because there were some physicians that employees currently visit who were not on the P.P.O. list. The firefighters raised questions about coverage during out of area travel. The firefighters voiced concern that the P.P.O. list of physicians is subject to frequent change.

The City supported its position by pointing out to the factfinder that 85 percent of Delaware City employees are already under the P.P.O. system and emphasized that if the P.P.O. were used by all employees, the City could achieve cost savings of \$500,000 per year.

Undoubtedly, the P.P.O. system will save the City some money on its health insurance premiums, but the City must realize that these savings are achieved through a restriction on whom the firefighters can choose as their physician. Admittedly, the City representatives testified that 95% of the physicians currently used by the Delaware firefighters are on the P.P.O. list, but the misgivings expressed by the firefighters about the P.P.O. were not mollified.

## 4. Recommendation

That no changes be made to this article.

### C. Article 31 – Minimum Manning

#### 1. Union Position

The union position on this issue is that the minimum manning provision of Article 31 be changed such that a minimum staffing level of 6 persons be established for Station 300 and that a minimum staffing level of 4 persons be established for Station 302.

#### 2. City Position

The City position on this issue is that the minimum staffing of the department be increased from 6 persons to 7 persons and that the City would retain the power to decide how these persons would be deployed between the main station and the substation.

#### 3. Discussion

As might be expected, there was substantial disagreement between the parties over this issue. The heart of the matter is that the City is growing and needs to staff a new substation that was built in 1998. With present levels of staffing (three crews of 11 persons each) there are frequently not enough firefighters to staff Station 300 (main station) and Station 302 (the substation). As a result, the substation is usually not staffed at all.

The practice currently (according to the testimony of Mr. Lobdell) is to staff Station 300 with six people and to staff Station 302 with three people (when available). The union proposal would establish a minimum staffing of four people at Station 302 and six people at Station 300 for a minimum staffing of ten people. The union position is supported by a lengthy document prepared by Mr. Warren Kimball of the National Fire Protection Association. The union exhibit also contains a memo from Chief Macklin to Dean Stelzer regarding staffing issues at Station 302.

The City position on this issue is that the City needs flexibility in meeting its staffing needs for Stations 300 and 302. The City position is to establish a minimum manning of 7 to be divided between the two stations; 4 at 300 and 3 at 302. Under the City plan it is contemplated that additional staffing needs would be met through hiring some full-time and some part-time firefighters. The City estimates that it would cost an additional \$573,957 per year to meet the minimum manning level of 10 firefighters as specified in the union proposal (see City exhibit #12).

As is sometimes the case when both sides feel so strongly about an issue, the facts of the matter are somewhat difficult to discern. The firefighters argue the safety issue and are quite compelling in their presentation. The City argues the issue of flexibility and cost; both critical issues in the management of the department. To my mind one way to resolve the debate is to consider the standards of service that are offered to the public.

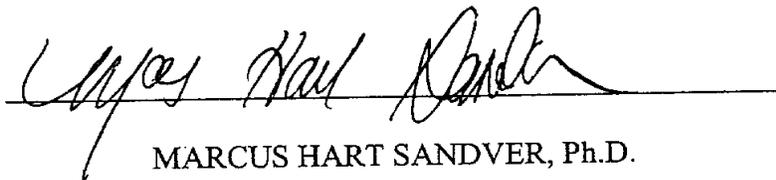
It is a waste of resources to have Station 302 stand unused for substantial periods of time. Obviously, the City will need to hire additional staff in the DFD to operate the station. I could see why the City would need some flexibility in staffing the new station and am sensitive to the City's wish to hire a mix of full-time and part-time firefighters to staff the Department. The union hasn't done much to demonstrate that a minimum manning of 10 full-time firefighters best meets the needs of the citizens of Delaware in providing firefighting services. I find the City's position persuasive on this issue.

#### 4. Recommendation

Article 31 – Minimum manning of 7.

IV. Certification

This factfinding report and recommendation is based upon evidence and testimony presented to me at a factfinding hearing I conducted in Delaware, Ohio on September 29, 2000.

A handwritten signature in cursive script, reading "Marcus Hart Sandver", is written over a horizontal line. The signature is fluid and extends slightly above and below the line.

MARCUS HART SANDVER, Ph.D.

Dublin, Ohio