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STATE EMPLOYMENT RELATIONS BOARD
FACT-FINDING REPORT

CITY OF CORTLAND)	CASE NO.: 01-MED-04-0438
TRUMBULL COUNTY, OHIO)	
)	
EMPLOYER)	FACT FINDER:
AND)	JOSEPH W. GARDNER
)	
OHIO PATROLMEN'S)	
BENEVOLENT ASSOCIATION)	
)	
UNION)	

APPEARANCES

FOR THE EMPLOYER:

Patrick K. Wilson	Representative
Gary M. Mink	Chief of Police
Diane D. Sweeney	Council President/Acting Mayor
Fran Moyer	Financing Director
Frank J. Stocz	Councilman

FOR THE UNION:

Jeffrey D. Perry	Representative
Jason Smith	Assistant Director
Tom Andrews	Assistant Director

INTRODUCTION

The employer, The City of Cortland, has approximately 6,830 residents and is located in northern Trumbull County, Ohio. The bargaining unit consists of seven (7) members who are the full time members of the police force of the City of Cortland. Bargaining between the parties reached an impasse on the issues of wages. All other matters were agreed upon.

The undersigned was appointed by SERB on May 31, 2001. The parties were contacted and a fact finding conference was scheduled by agreement with the parties on July 20, 2001.

At the hearing of July 20, 2001 the parties engaged in lengthy, but meaningful mediation, however, the parties failed to reach an agreement. A new fact finding conference was re-scheduled for August 13, 2001.

On August 13, 2001 the parties proceeded to fact finding. At the end of the fact finding conference, the parties agreed because of the Labor Weekend to extend the time to mail the fact finding report. All parties and this fact finder agreed that the report was to be mailed on August 29, 2001.

FINDINGS OF FACT

Both parties submitted, in a timely fashion, position statements. Going into the fact finding hearing, the parties agreed that there existed only (1) issue and that issue was wages.

The Union proposed the following wage scale:

	<u>July 1, 2001</u>	<u>July 2, 2001</u>	<u>July 2, 2003</u>
Starting step	\$12.31	\$12.89	\$13.51
After 1 year step	\$13.54	\$14.19	\$14.86
After 2 year step	\$14.77	\$15.47	\$16.21
3 rd year regular base step	\$15.60	\$16.34	\$17.12

The City proposed the following wage scale:

Starting step	\$12.28	\$12.83	\$13.41
After 1 year step	\$13.51	\$14.12	\$14.76
After 2 year step	\$14.73	\$15.39	\$16.08
3 rd year regular base step	\$15.56	\$16.26	\$16.99

The Union proposed an increase in present wages of 4.75% per year of the contract. The City's proposed an increase in present wages of 4.5% for each year of the contract. For the entire wage package, the Union demands 14.25% over a period of three (3) years and the City counter offered with the wage increase of 13.5% for three (3) years.

The Union presented, in its case in chief, four (4) exhibits. In exhibit number 1 were comparables of wages of jurisdictions close to the City. The Union exhibit number 1 also included cities with large populations. In Union exhibit 1, Cortland ranks towards the bottom. Union exhibit number 2 is comparables of nearby cities. Union exhibit 2 shows that most of these cities have wages higher than the City of Cortland. The Union argues that these comparables show that the wage rate of the police officers are at the bottom of the scale.

In Union exhibit 3 the Union argues that the City Council gave a 13% increase to a clerk receptionist. In Union exhibit number 4, it shows the workers in other bargaining units were given increases in wages. The Union argues that the other internal workers are getting increases higher than are the police. The Union contends that via comparables, this bargaining unit is at the bottom end of the scale both with external and internal comparables.

In response to the increase in wages of the clerk receptionist, testimony was introduced that there were eight (8) years before there was any increase in wage for that particular position.

Regarding Union exhibit 2, the City argues that Cortland is not at the low end of wages because the percentage increase is second highest. The City further argues that because the City of Cortland funds its police department only with a police levy, only those type of funding cities and townships should be used for comparison.

The finance director testified regarding the funding. She indicated that the Police Department is funded only through a police levy. Although the City is permitted under Ohio law to fund the police department with monies from the general fund, this City choose to fund the police department only with police levy funds.

Because how the monies are processed through the county, the city needs a "carry over" of funds to carry the funding of the police department from December 31st to March of the following year. Under both proposals, the City's and the Union's, there will be a surplus to carry the funding of the police department from December 31st through March of the following year. The surplus under the City's proposal would be \$166,820. The finance director estimates that it will cost \$165,000 to fund the police department while waiting for Trumbull County to process the City's tax dollars. Under the Union's proposal the carry over would be \$165,651.51.

1st year City's Proposal

1st year Union's Proposal

Surplus	\$166,820	\$165,651
Funding costs	<u>\$165,000</u>	<u>\$165,000</u>
Balance	\$ 1,820	\$ 651

The proposals are apart: \$1,820.00
 - 651.00
 \$1,169.00

The finance director introduced city exhibit number 3 showing comparables of certain benefits. The comparables were limited to Weathersfield, Bazetta, Niles and Howland. The City argues that although the wage rate may have been lower for the bargaining unit employees, the other benefits received by this bargaining unit were better in the City of Cortland than in the other jurisdictions that were compared.

The reason for only using four (4) comparables was the size of the communities, the location of the communities and the funding of the police department. On cross examination the finance director admitted that she did not have the contracts that would show these actual benefits and only got the information via the telephone. In other words, the information has not been substantiated and is hearsay.

On cross examination of the finance director, the Union brought up benefits regarding bullet proof vests. It was indicated by the union that the other jurisdictions provide bullet proof vests but the City of Cortland does not. It was shown through the testimony of one of the police officers that the bullet proof vest has a price tag of \$800.00 plus a carrier of \$120.00 with a life expectancy of approximately five (5) years.

The city has had a history of having to delay on capital improvement projects because of using general fund money for payroll. A few years ago the city was required to advance certain monies from the general fund for the payment of services and general improvement projects had to be on hold. Therefore, the city argues that any expenditure that puts a drain on the general fund may stop capital improvements.

The finance director further had testified on re-cross examination that the last time a levy was put on the ballot, the first time it failed and the second time it passed.

The finance director further testified there was currently a cash balance of over \$600,000.00 in the general fund.

The next witness that testified was the President of Council and acting Mayor. Testimony was attempted to be elicited from this witness on the hiring of the clerk's secretary, however, the undersigned finds that she did not have sufficient knowledge to testify about this subject.

The witness also testified that the members of Council "thought" they agreed to a contract of 13.25%. She further testified that Council's position was that they would reluctantly agree to 13.5 % increase.

The President of Council echoed the philosophy of the city council and administration regarding funding of the police department. There is no income tax in the City of Cortland. The rationale is that if the city services are funded by an income tax, the services are tied to unemployment. If unemployment goes up funding will go down. This witness opines that Cortland is financially secure because of the way it is funded without an income tax.

On cross examination it was brought out that there was no law prohibiting the city officials from Cortland from using the general fund for payment of and for municipal services. As was stated earlier, there is approximately \$600,000.00 in the city general fund.

DISCUSSION

It is fiscally responsible for the city council to attempt to contain costs through the way police department is funded. The undersigned is also aware of the problems that the city had in the past regarding capital improvements when it had to go into the general fund to pay for services. The undersigned believes that the this disciplined approach will permit using the general fund monies in the most serious of matter. The payment of law enforcement is a serious matter.

The undersigned is impressed with the external comparables of the other police departments. If one reviews the rate of pay, the City of Cortland ranks at the low end of those communities close by in Trumbull County, Ohio. (See Union exhibit 1) The undersigned is further sensitive regarding the benefits received by these police officers but after careful review of what benefits are actually received verses the amount of pay, these officers are entitled to an increase. Inability to pay has not been an issue in this case and the city does not attempt to raise it as an issue except from their "self imposed inability to pay".

The undersigned recommends that a 14% pay increase take place over a three (3) year period of time with 4.5% in the first year, 4.5% in the second year and 5% in the third year. Even with this approach, (4.5, 4.5, 5) the City will have funds in the first year without going into the general fund. The time span will permit City officials time to pay for this deserved increase.

RECOMMENDATION

It is the recommendation that the following sections of Article 30 of the collective bargaining agreement read as follows:

COMPENSATION

Section 1: Effective July 1, 2001, all bargaining unit members shall be compensated, under a step program as follows: (includes a 4.5% general wage increase)

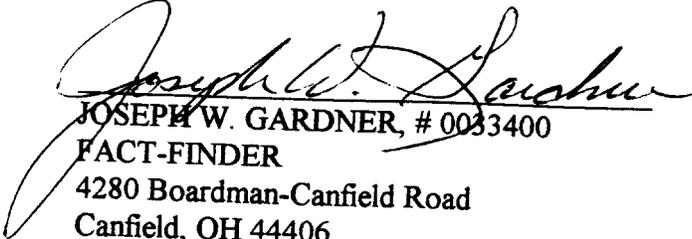
	<u>July 1, 2001</u>
Starting step	\$12.28
After 1 year step	\$13.51
After 2 year step	\$14.73
3 rd year regular base step	\$15.56

Section 2: Effective July 1, 2002, all bargaining unit members shall be compensated, under a step program as follows: (includes a 4.5% general wage increase)

	<u>July 1, 2002</u>
Starting step	\$12.83
After 1 year step	\$14.12
After 2 year step	\$15.39
3 rd year regular base step	\$16.26

Section 3: Effective July 1, 2003, all bargaining unit members shall be compensated, under a step program as follows: (includes 5% general wage increase)

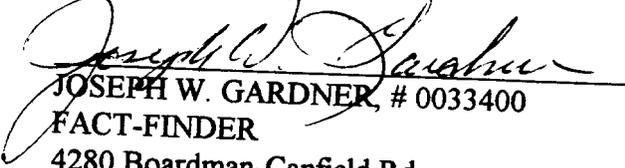
	<u>July 1, 2003</u>
Starting step	\$13.47
After 1 year step	\$14.82
After 2 year step	\$16.15
3 rd year regular base step	\$17.70


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CERTIFICATION

A copy of the foregoing Fact-Finding Report was forwarded to **PATRICK K. WILSON, LAW DIRECTOR FOR THE CITY OF CORTLAND**, 108 Main Avenue, SW, Suite 500, P.O. Box 1510, Warren, OH 44482; and **JEFFREY D. PERRY, BUSINESS AGENT**, Ohio Patrolmen's Benevolent Association, 10 Beech Street, Berea, OH 44017, via Overnight, Certified Mail on the 29th AUGUST, 2001.

A copy of the foregoing Fact-Finding Report was forwarded to: **DALE A. ZIMMER, ADMINISTRATOR**, Bureau of Mediation, SERB, 65 East State Street, 12th Floor, Columbus, OH 43215-4213, via regular U.S. Mail on the 29th day of AUGUST, 2001.


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