

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

STATE EMPLOYMENT
RELATIONS BOARD

2002 JAN -4 A 11: 02

In the Matter of Fact Finding	*	
Between	*	FINDINGS
	*	AND
OHIO PATROLMEN'S BENEVOLENT	*	RECOMMENDATIONS
ASSOCIATION	*	
	*	SERB No. 01-MED-05-0547,
	*	01-MED-05-0548, 01-MED-05-549
	*	01-MED-05-0550
and	*	
	*	Anna DuVal Smith
ASHLAND COUNTY SHERIFF	*	Fact Finder
	*	

Appearances

For the Ohio Patrolmen's Benevolent Association:

Joseph M. Hegedus, Esq.
Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., LPA
175 South Third Street, Ste. 820
Columbus, Ohio 43215

For the Ashland County Sheriff:

James H. Budzik, Esq.
Johnson & Angelo
1700 North Point Tower
1001 Lakeside Avenue
Cleveland, Ohio 44114

I. SUBMISSION

This case concerns full-time employees of the Ashland County Sheriff formerly represented by the Fraternal Order of Police, Ohio Labor Council, whose last contract expired on December 31, 2000. In March of 2001, the Ohio Patrolmen's Benevolent Association (OPBA) won representation for four bargaining units now consisting of approximately eight (8) sergeants and lieutenants, 12-14 road patrol deputies, 29-32 corrections officers, and 15 communications officers (dispatchers). Bargaining for initial contracts commenced, but without resolution of all differences between the parties. On July 16, 2001, the undersigned was appointed fact finder pursuant to O.R.C. 4117.14(C)(3). Continuing negotiations ultimately produced a tentative agreement on all issues for the command unit (01-MED-05-0550). Tentative agreements on many issues of the other units were also achieved. These agreements are incorporated into the Fact Finder's recommendations as if written at length. Unresolved issues remaining, a fact-finding hearing was scheduled for 10:00 a.m. on November 26, 2001, at the Sheriff's Office in the Justice Center in Ashland. Pre-hearing statements were timely filed. Prior to convening the hearing, the Fact Finder met with the parties' representatives in an attempt to mediate the remaining unresolved issues. Tentative agreement was reached on ten of the outstanding issues. By agreement of the parties and with the consent of Fact Finder after considering these agreements as a package and giving all due consideration to the statutory criteria set forth at O.R.C. 4117.14(C)(4)(e), the Fact-Finder recommends the ten mediated agreements summarized below as fair to all parties. There remained one issue dividing the parties, Rates of Pay. A hearing was therefore convened at 12:15 p.m. on November 26, 2001. Presenting the case for the OPBA was Joseph M. Hegedus, Esq. of Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L.P.A. Presenting the case for the Sheriff was James A. Budzik, Esq. of Johnson & Angelo. Both parties were afforded a complete opportunity to call and examine witnesses if they so desired, to present written evidence, and to argue their respective positions. A number of documents were entered into evidence: Joint Ex. 1, OPBA Ex. 1-6 and Sheriff Ex. 1-7. The oral

hearing concluded at 12:45 p.m. on November 26, 2001, whereupon the record was closed, Fact Finder's Report of Findings and Recommendations to follow on January 2, 2002.

In rendering these Findings and Recommendations, the Fact-Finder has given full consideration to all reliable information relevant to the issues and to all criteria specified in §4117.14(C)(4)(e) and Rule 4117-9-05 (J) and (K) O.A.C., to wit:

- (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) 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 the public service or in private employment.

II. MEDIATED ITEMS RECOMMENDED BY THE FACT FINDER

Article XI - Sick Leave

Section 11.09. Increase maximum conversion at retirement by 40 hours (from 360 to 400 hours)

Article XIII - Holidays

Section 13.08. Current language but delete requirement for 10-day notice per the Employer's proposal.

Article XIX - Shift Differential

Section 19.01. Increase by 5¢/hour to 45¢/hour (4 p.m. - midnight) and 55¢/hour (midnight - 8:00 a.m.).

Article XX - Uniform Allowance

Section 20.01. Increase non-probationary Corrections Officers and Enforcement Officers (Road Deputies) allowances by \$25 per year to \$730/\$755/\$780. Communications Officers not to be required to wear a uniform, but to be given a reasonable dress code per the OPBA's proposal.

Article XXI - Insurance

Section 21.02. Current language (100% employer paid premiums)

Section 21.03. Effective January 1, 2002, increase deductibles to a maximum of \$250 (single), \$500 (family).

Article XXII - Longevity

Current language.

Article XXIII - Rates of Pay

Sections 23.01, .02, 03.

See "Impasse Item" below.

Section 23.04. Current language.

Section 23.05. \$500 annual detective's stipend and continue practice of paying second shift differential rate for all hours worked.

Section 23.06. Delete.

Section 23.07. Delete.

Article XXIX - Educational and Other Pays

Current language, except Section 29.04.

Section 29.04. Replace "deputy" with "employee": "Any employee who has been designated by the Sheriff as shift commander in charge of the jail, in the absence of his supervisors, shall receive [insert same hourly differential as Fact Finder recommends for the Corporals] per hour for all hours worked in such capacity.

Article XXXIV - Substance Testing and Assistance

Section 34.01. Add random testing per the Employer's proposal.

Memorandum of Understanding

Continue, but add Field Training Officers (FTOs), 3 total members, to list of special teams.

III. IMPASSE ITEM

Article XXIII - Rates of Pay, Sections 23.01, 23.02, and 23.03

Position of the OPBA

The OPBA seeks a revised wage structure and wage increases retroactive to January 1, 2001, which it estimates yields percentage increases of 8-15% (at the top) in the first year and 6% per year in each year thereafter. The specific proposal is attached as Appendix A, but is summarized as follows:

Classification	2001	2002	2003
Communications Officers	15%	6%	6%
Deputy Sheriffs	8%	6%	6%
Correction Officers	14%	6%	6%

For corporals, it seeks a differential of 7% above the highest paid deputy sheriff occupying the next lowest rank.

The OPBA argues that increases of this magnitude are justified because the Sheriff's employees are poorly paid compared to employees of sheriffs in surrounding counties. It submits data to show that starting pay for Ashland's communications officers of \$18,546 is 29 percent below the average of \$23,892 in fourteen jurisdictions in the region.¹ Top pay is even worse at 39 percent below the average. A high first year percentage increase for communications officers is needed to bring them up to standard. Similarly, correction officers' top pay of \$26,637 is lower than the \$30,605 average in the region. The OPBA submits that paying correction officers the same as road deputies would address the correction officers' relatively poor compensation compared to their neighbors. For the road deputies, the OPBA seeks 8 percent at the top in the first year, for an annual wage of \$32,859 in the first year. The present top wage of \$30,236 is over \$4,000 less than the average of thirteen neighboring county sheriff deputies. For this reason it seeks an 8 percent increase in the first year, followed by two successive years of 6 percent.

Position of the Sheriff

The Sheriff offers a 2½% across-the-board wage increase upon execution of the Agreement and 2½% increases effective January 1, 2002, and 2003. The Sheriff argues first that it has an extremely limited ability to pay due in part to the recent dispatch consolidation with the City of Ashland. Sheriff expenditures were \$2.7 million in 2000. The budget for 2001 is 37

¹Ashland County Sheriff, Erie County Sheriff, Geauga County Sheriff, Huron County Sheriff, Lorain County Commissioners and Sheriff, Medina County Sheriff, Portage County Sheriff, Richland County Commissioners, Start County Commissioners and Sheriff, Summit County Sheriff, Tuscarawas County Commissioners and Sheriff.

percent higher at \$3.7 million. The OPBA's expensive addition of steps, pay increases and rank differentials would result in layoffs, especially at the rank of sergeant and lieutenant. Moreover, such increases are not warranted by the comparables, which show deputies and correction officers are in the middle of the pack of surrounding counties.² It concedes dispatchers are lower paid than other departments, but submits it lacks the financial wherewithal to achieve parity here. It contends its offer is not out of line with average increases state and region-wide, and should therefore be recommended.

IV. FINDINGS AND RECOMMENDATIONS

Discussion

There is no question that the Ashland Sheriff's dispatchers are underpaid. They are dead last amongst the Sheriff's comparison group of 10 counties, and second from the bottom of the OPBA's group of 14, standing ahead only of the Stark County operation. This inequity needs to be addressed, but the OPBA's proposal is overly ambitious and unrealistic given other demands on the County's resources and current economic times. The Fact Finder's recommendation, which is set forth below, is to gradually improve the dispatchers' relative wage position over the three years of the Agreement.

Correction officers, too, are seeking an equity adjustment—to achieve parity with the road deputies—but bring no argument or facts to support this demand. In fact, in every sheriff's department in the region, correction officers are paid several thousand dollars a year less than deputies. Moreover, Section 23.04 provides a mechanism for correction officers to better themselves financially by increasing their training. Having no reason to alter this pattern, I must recommend the historic wage relationship. Available dollars are better spent preserving the entire bargaining unit's wage position vis-à-vis its neighbors.

²For deputies, the Sheriff uses Richland, Morrow, Lorain, Knox, Huron, Holmes, Crawford, Coshocton, Wayne and Medina counties.

Data from surrounding counties show Ashland Sheriff deputies and correction officers are below average in pay but not dead last, no matter whose comparison counties are used. With wage settlements running 3-4% statewide in 2000, Ashland runs the risk of falling further behind and facing difficulty attracting and retaining the officers it needs to provide safety and correction services in the county. On the other hand, the OPBA's request of 8%-6%-6% (after eliminating equalization of deputies and correction officers in the first year) places too great a burden on the financial resources of the county. The Fact Finder accordingly recommends wage increases of 3%/4%/4%, which are in line with state and regional patterns, and an additional 40¢ on the corporals' differential. She further recommends retroactivity to January 1, 2001.

Recommendation

<u>Classification</u>	<u>January 1, 2001</u>	<u>January 1, 2002</u>	<u>January 1, 2003</u>
Dispatchers			
Probationary	\$19,468.03	\$20,626.35	\$21,846.61
III	\$20,264.22	\$21,454.39	\$22,707.76
II	\$21,092.34	\$22,315.63	\$23,603.47
I	\$21,956.51	\$23,299.97	\$24,580.37
Officer-in-Charge	30¢ above current wage rate	30¢ above current wage rate	30¢ above current wage rate
Correction Officers	+3%	+4%	+4%
Deputies	+3%	+4%	+4%
Corporals	70¢ above current wage rate	70¢ above current wage rate	70¢ above current wage rate

Respectfully submitted,

Anna DuVal Smith
 Anna DuVal Smith, Ph.D.
 Fact Finder

Cuyahoga County, Ohio
 January 2, 2002

APPENDIX A
OPBA WAGE PROPOSALS

ARTICLE XXIII
RATES OF PAY

Section 23.01. All employees shall receive wages in accordance with the following pay schedules:

COMMUNICATIONS OFFICER: Effective January 1, 2001:

Probationary	1 years	2 years	3 years	4 years	5 years
\$19,310.00	19,898.57	20,813.50	21,938.18	23,035.09	24,186.84

Effective January 1, 2002:

Probationary	1 years	2 years	3 years	4 years	5 years
\$20,478.14	21,092.49	22,147.11	23,254.47	24,417.20	25,638.00

Effective January 1, 2003:

Probationary	1 years	2 years	3 years	4 years	5 years
\$21,706.83	22,358.64	23,475.94	24,649.74	25,882.23	27,176.33

DEPUTY SHERIFFS AND CORRECTION OFFICERS:

Effective January 1, 2001:

Probationary	1 years	2 years	3 years	4 years	5 years
\$28,344.38	29,194.71	30,070.55	30,972.67	31,901.85	32,858.90

Effective January 1, 2002:

Probationary	1 years	2 years	3 years	4 years	5 years
\$30,045.04	30,946.39	31,874.78	32,831.03	33,815.96	34,830.43

Effective January 1, 2003:

Probationary	1 years	2 years	3 years	4 years	5 years
\$31,847.74	32,803.18	33,787.27	34,800.89	35,844.92	36,920.26

Effective January 1, 2001, Corporals shall be paid a regular rate of pay, which is 7% higher than the regular rate of pay paid to the highest paid Deputy Sheriff occupying the next lowest rank. Sergeants shall be paid a regular rate of pay that is 7% higher than the regular rate of a Corporal and Lieutenants shall be paid a regular rate of pay that is 14% above the regular rate that is paid to Sergeants.

CERTIFICATE OF SERVICE

I certify that on the 2nd day of January 2002, I served the foregoing Report of Fact Finder upon each of the parties to this matter by express mailing a copy to them at their respective addresses as shown below:

Ohio Patrolmen's Benevolent Association
c/o Joseph M. Hegedus, Esq.
Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., LPA
175 South Third Street, Ste. 820
Columbus, Ohio 43215

Ashland County Sheriff
c/o James H. Budzik, Esq.
Johnson & Angelo
1700 North Point Tower
1001 Lakeside Avenue
Cleveland, Ohio 44114

I further certify that on the 2nd day of January 2002, I submitted this Report by mailing it to the State Employment Relations Board, 65 East State Street, Columbus, Ohio 43215-5213.


Anna DuVal Smith, Ph.D.
Fact Finder