

\*MER

STATE EMPLOYMENT  
RELATIONS BOARD

2001 DEC 17 A 11: 06

IN THE MATTER OF FACT-FINDING PROCEEDING

BETWEEN

COLUMBIANA COUNTY SHERIFF  
and  
FRATERNAL ORDER OF POLICE /  
OHIO LABOR COUNCIL INCORPORATED

(Case Nos: 01-MED-09-0727  
( 01-MED-09-0728 ✓  
( 01-MED-09-0729  
(  
(Hearing Date: December 7, 2001  
(  
(Findings and Recommendations:  
( December 14, 2001  
(

Representing the Sheriff:

John Barkan, Jr.  
Labor Relations Consultant

Representing the Union:

Hugh C. Bennett  
Staff Representative

William J. Miller, Jr.  
Fact Finder

## **SUBMISSION**

This matter concerns fact-finding proceedings between the Columbiana County Sheriff (hereafter referred to as the "Sheriff") and the Fraternal Order of Police, Ohio Labor Council Inc. (hereafter referred to as the "Union"). The State Employment Relations Board (SERB) duly appointed Williams J. Miller, Jr. as Fact Finder in this matter. The parties agreed to extend the submission of this report until December 14, 2001.

The Fact Finding proceedings were conducted pursuant to the Ohio Collective Bargaining Law, and the rules and regulations of the State Employment Relations Board, as amended. Consideration was given to criteria listed in Rule 4117-9-05 (J) of the State Employment Relations Board. The Sheriff and Union previously engaged in the collective bargaining process before the appointment of a Fact Finder. This Fact Finder had discussions with the parties prior to December 7, 2001. On December 7, 2001 mediation was attempted concerning the only unresolved issue, namely wages, but such mediation was unsuccessful. Consequently fact-finding occurred on December 7, 2001.

## **UNION POSITION**

It is the position of the Union that the base wage of all members of the bargaining unit be increased four and one half percent (4 ½ %) for the year 2002. The Union requests that this increase take effect on January 1, 2002. It is also the position of the Union that the rank differential between Sergeant and Lieutenant and Sergeant and Senior Deputy be increased from the present seven percent (7%) to eight percent (8%). The Union would also note that there was a wage reopener for the year 2003.

The Union believes that the comparables which are in effect clearly establish that the wage increases proposed by the Union are appropriate. The Union believes that the bargaining unit employees are not paid appropriately and it therefore contends that its proposal is proper under these specific circumstances.

## **SHERIFF POSITION**

It is the position of the Sheriff that wages should be increased by three percent (3%). The Sheriff also pointed out that there shall be a wage reopener to negotiate wages for the year 2003 and such wage reopener shall be conducted under the provisions of ORC 4117 and shall commence no later than October 1, 2002. With respect to rank differential, the Sheriff proposes that such rank differential be seven percent (7%) for the

duration of the Agreement. It is contended by the Sheriff that a sales tax, which had been in effect, was partially offset by a reduction in other taxes which were removed as a condition of the passage of the sales tax. As a result, it is the position of the Sheriff that the estimated revenue to be generated has not reached the anticipated amount. It is contended by the Sheriff that this has been compounded with a slow economy. It is the position of the Sheriff that a conservative fiscal approach must be taken because the Sheriff is also projecting to increase his force and he could only do so with a sound wage offer. Consequently, the Sheriff contends that his proposal is appropriate in this circumstance.

### **FINDINGS AND RECOMMENDATIONS**

I have carefully considered the detailed arguments and contentions of the parties. Upon reviewing the information which has been submitted, it becomes readily apparent that the bargaining units at issue do in fact have low wages when compared with other similarly situated bargaining units. Although the Union makes a strong case for their proposal with the wage comparison data, the Employer urges caution in granting the proposal of the Union. The Employer suggests that the slow economy, the loss of sales tax revenue, and the necessity to fund a 1997 grievance and arbitration award have reduced the ability of the Sheriff to provide increases in wages for members of the bargaining unit.

Data shows that funding for a Sheriff's Office, as a percentage of a County's General Fund, has averaged around 32%. Historically, the percentage in Columbiana County averages around 25%. Taken over the period of time since this mature labor agreement has been in place, the under funding of the Sheriff's Office, as compared to the average, has created a wide gap in the wage comparisons. No one Fact-finder and/or Conciliator can correct long-term differentials. Rather, increases should be granted to bring the figures more in line.

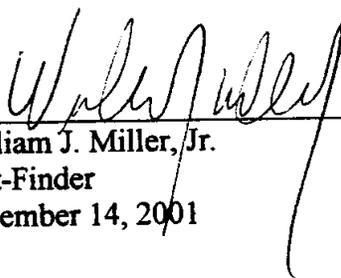
Notwithstanding the foregoing analysis related to funding sources and wages which are provided, it is also evident that the Sheriff has plans for increasing the size of his force. However, this can only be done with a fiscally sound wage offer. Consequently in light of the foregoing, I would propose the following recommendation:

### **RECOMMENDATION**

I would propose that there be a three and one half percent (3 ½ %) across the board wage increase, effective January 1, 2002. Additionally, I would recommend that there be an increase in the rank differential of one percent (1%) between the rank of Lieutenant and Sergeant and Sergeant and Senior Deputy. Finally, there should be a reopener for wages conducted under the provisions of ORC 4117 which shall commence no later than October 1, 2002.

**CONCLUSION**

In conclusion this Fact-Finder submits his findings and recommendations as set forth herein.



---

William J. Miller, Jr.  
Fact-Finder  
December 14, 2001