

STATE EMPLOYMENT  
RELATIONS BOARD

2002 NOV 29 A 10: 37

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In the Matter of Factfinding \*  
Between \*  
FOP-OLC \*  
and \*  
Stark County Sheriff's Office \*  
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SERB Case Nos.:  
02-MED-04-0433, 0434  
Before: Harry Graham

APPEARANCES: For FOP-OLC:

Rick Grochowski  
Staff Representative  
FOP-OLC  
807 Falls Ave.  
Cuyahoga Falls, OH. 44221

For Stark County Sheriff's Office:

Vivianne Whalen  
Stark County Sheriff's Office  
4500 Atlantic Blvd. NE  
Canton, OH. 44705-4374

INTRODUCTION: Pursuant to the procedures of the Ohio State Employment Relations Board a mediation session was held with the parties on September 4, 2002 with Harry Graham. That session yielded absolutely no results. Neither party modified its position in the slightest at that session. On November 18, 2002 a factfinding hearing was held before Harry Graham. Prior to commencement of the hearing mediation was attempted again. The Union altered its position. The Employer withdrew some items it had on the table at the start of the day. This was done at the urging of the neutral. Failing mediation, a

hearing was held. At that hearing the parties were provided complete opportunity to present evidence and testimony. The record in this dispute was closed at the conclusion of oral argument in Canton, OH. on November 18, 2002.

**ISSUES:** There are two issues before the Factfinder. These are:

1. Wage increase
2. Duration of the Agreement.

**POSITION OF THE UNION:** The union proposes there be a wage increase of three percent on January 1, 2004 and another three percent increase on January 1, 2005. It also proposes there be a \$500.00 lump sum payment made to members of the bargaining units involved in this proceeding in 2003. That payment is contingent upon passage of a tax levy in Stark County. The state of County finances is discussed further below. As part of its wage proposal the Union points out that the various job classifications involved in this proceeding are subject to yearly step increases. It urges that the step increases found in the Agreement remain unaltered but for the general increase in the scale if its wage increase for 2004 and 2005 is recommended.

The Union is well aware of the uncertainty involving the tax levy referenced above. In fact, a levy was on the November, 2002 ballot. It failed. Expectations are that the levy will be on the Spring, 2003 ballot. Should it fail again

the Union urges a reopener on wages only for 2004 and 2005. No other changes are proposed by the Union.

In support of its proposal the Union points out that Deputies are represented by a different union, COPS. The COPS and the Sheriff agreed upon a wage package covering 2003. It calls for Deputies to receive a three percent increase. The Union is mindful of the poor financial position of the County as shown by its wage proposal. It is willing to forego a 2003 wage increase. Only if the tax increase passes in the Spring of 2003 will its members receive a wage increase and that in a lump sum payment. Such a payment is not factored into the wage base. Given the present poor financial position of the County but the unknowable result of the tax increase proposal the Union asserts its position is reasonable.

Negotiations for the forthcoming Agreement have been protracted. The Union has no desire to be at the bargaining table again shortly after conclusion of this Agreement. Hence, it proposes a traditional three year contract term as noted above.

**POSITION OF THE EMPLOYER:** At Factfinding the County proposed a three-year Agreement. It seeks a zero percent increase in the first year, followed by two three-percent increases. This proposal is contingent upon passage of a tax levy in the Spring, 2003 election. The current Agreement contains step

increases for the various job classifications. As the County relates history, these were to be a one-time adjustments. Wages were low and the steps were instituted to bring them up to comparable positions elsewhere. That has occurred, hence, the steps are no longer justified according to the Employer.

The County is broke. In the November, 2002 a levy was on the ballot in Stark County. It was defeated. Now the County is looking at cutting the budget of the Sheriff's Department about fifteen percent. There is no assurance a levy will pass in the Spring of 2003, hence the contingent nature of the proposal from the Employer.

**DISCUSSION:** This Factfinder accepts the position of the Employer that is broke. Data in the volume submitted to the Factfinder indicates that beyond susceptibility of doubt. Absent passage of the tax levy in the Spring of 2003 hard times will arrive at the Stark County Sheriff Office.

The Union has accommodated itself to the fiscal reality facing the Employer. It has accepted a zero percent wage increase for 2003. The problem is in the forthcoming years as both parties acknowledge. The unknown is the revenue situation of the Employer. If the tax passes monies will start to arrive in County coffers in the Fall of 2003. That delay does not mean that employees should forego a wage increase for 2003. If the County has income, no matter how

belatedly, employees should receive a wage increase. It is recommended that if the tax increase is enacted members of the bargaining unit receive a one-time lump sum payment of \$500.00 by December 31, 2003. That payment should not be included in the wage base. Further, if the tax passes employees should receive a three percent wage increase in 2004 and 2005. Should the tax increase proposal fail it is recommended that the parties return to the bargaining table on wages only for 2004 and 2005.

Examination of SERB benchmark data submitted by the Employer indicates that the wages of the various job classifications are generally comparable with pay made in other jurisdictions. It is recommended that the step increases found in the present Agreement be abandoned when all employees reach top-step.

It is also recommended that the parties adopt a three-year agreement with a wage reopener on wages only as set forth above. Finally, all Tentative Agreements of the parties are recommended to the parties as part of this report.

**SUMMARY OF AWARD:** Three year agreement. No increase in the wage base in 2003. If the Spring, 2003 tax levy passes make a \$500.00 lump sum payment to bargaining unit members for 2003. If the tax levy passes, increase wages three percent (3.0%) in 2004 and 2005. Continue step increases until all

bargaining unit members are on top step. If the tax increase fails, reopen on wages only for 2004 and 2005.

Signed and dated this 26<sup>th</sup> day of November, 2002 at Solon, OH.

  
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Harry Graham  
Factfinder