

STATE EMPLOYMENT RELATIONS BOARD  
STATE OF OHIO

STATE EMPLOYMENT  
RELATIONS BOARD

2002 OCT -4 A 10:40

IN THE MATTER OF FACT FINDING BETWEEN:

Union Township, Clermont County	)	Case No.:	02-MED-04-0493
Board of Trustees, Ohio Public Employer	)	Hearing:	August 5, 2002 at
	)		Union Township, Ohio
and	)		
	)		<b><u>AMENDED FACT FINDING REPORT</u></b>
Local 3412, International Association	)		
of Fire Fighters, Employee Organization	)	<b>Mitchell B. Goldberg,</b>	
	)	<b>Fact Finder</b>	
	)		

APPEARANCES:

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## **I. INTRODUCTION AND BACKGROUND**

The undersigned, Mitchell B. Goldberg, was appointed by the State Employment Relations Board ("SERB") on June 12, 2002 to serve as Fact Finder for the purpose of issuing a report with recommendations on each of the unresolved issues between the parties in their negotiations for a Collective Bargaining Agreement ("CBA") to succeed the Collective Bargaining Agreement that expired on July 12, 2002. The bargaining unit consists of approximately 35 full-time fire fighters, including EMT, paramedic, and Lieutenant positions. The parties engaged in collective bargaining negotiation sessions on seven occasions throughout May, June, and July of 2002. The parties, prior to the hearing, submitted pre-hearing statements pursuant to §4117-9-05 of the Rules of SERB.

At the beginning of the hearing on August 5, 2002, there were three unresolved issues between the parties; Article 17 (Hours Worked), Article 18 (Wages), and proposed Article 28 (Company Levels). The parties requested the undersigned to engage in mediation for the unresolved issues. Thereafter, the Union's proposal to reduce the hours of work (Article 17) and its proposal for company levels (Article 28) were withdrawn. The remaining unresolved issue is the amount of wages to be paid to the bargaining unit members for the new contract.

All of the agreements reached between the parties relative to the resolution of previously unresolved issues are incorporated into this Fact Finding Report. The parties executed a written agreement to extend the time for the Fact Finder to issue a report until August 29, 2002. Consideration in this Report was given to all of the criteria listed in Rule 4117-9-05(J) of SERB.

## II. UNRESOLVED ISSUE

### ARTICLE 18 – WAGES

The Union is proposing a three-year contract with across-the board-wage increases of six percent, five percent, and five percent, with a \$1,200 medic certification payment built into the base pay for all personnel with a paramedic certification for each year of the contract. The recruit step would still be frozen and the Lieutenant differential would remain at three percent.

The reasons for the Union's proposal are as follows. The wages of the firefighters in Union Township have historically been less than the wages in comparable fire departments such as Anderson Township, Miami Township, Delhi Township, Green Township, and the City of Blue Ash. There is no reasonable basis for this deficiency since Union Township has a population equal to or greater than these other public employers. Union Township has a greater daytime population because of its large retail businesses (Eastgate) and it has a larger geographic area than that of the other departments.

The pay disparity is reflected in lower annual salaries with longer hours of work. This has resulted in a pay differential amounting to \$3.00 to \$5.00 less per hour. This disparity has caused an unreasonable amount of turnover among the personnel in Union Township. In a two year period, the attrition has amounted to the loss of 25 personnel, many of which were in the ranks of more experienced firefighters and paramedics. The present staff of firefighters consists of a majority with only two years experience. Due to the present understaffed, under-experienced department, the citizens of Union Township are receiving less qualified personnel, and an inordinate amount of resources are being spent for extra training and certification expenses because of the high employee turnover. It is now necessary to close the gap in pay between Union Township and the other departments to correct these problems.

The Township has the ability to make these adjustments. Between 1998 and 2000, the General Fund increased by 38% and was approaching \$4,000,000. The safety forces are supported by a separate fund, but the General Fund has been used to support improvements for the fire department. The Township intends to raise further revenue for this special fire-district fund. If the levy passes, considerable monies will be available to pay the increases proposed by the Union, to add additional fire personnel, and to make capital improvements. The Union believes that if it does not receive the requested pay increases for this contract, the administration will use the added funds for capital improvements and new recruits instead of addressing the pay disparity between Union Township firefighters and the other comparable departments. This will result in the exacerbation of the problems the pay disparity has caused, including high employee turnover, wasted expenses for training and certification, and an inexperienced firefighting staff.

The Township believes that the pay increases should be more in line with those negotiated in the comparable fire departments. Any increases should take into consideration the increase in the consumer price index, which has been minimal. Any increases should be paid from the separate fire department fund established for this purpose. It is imprudent and unnecessary to extract money from the General Fund for the purpose of paying wage and benefit increases to the fire department staff.

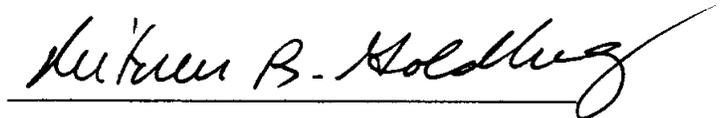
The 2001 fire department receipts were \$3,674,673 and the expenses were \$3,798,250. It is essential to separately fund the police and fire departments in order for the Township to obtain a strong Moody's Bond Rating for the Township. A strong bond rating will enable the Township to proceed with its future development plans to accommodate the substantial increases in business and development for the expanding population.

The disparity between Union Township firefighters and the firefighters of other comparable departments identified by the Union, is somewhat misleading. Union firefighters receive considerably more overtime because of their extra work hours. The overtime hours from February, 2002 through July 19, 2002 consisted of 6,315 voluntary hours and 1,088 mandatory hours. As a result, one employee earned over \$70,000 in 2001, two employees earned over \$60,000, and eight employees earned over \$50,000. These wages are comparable to those of firefighters in other districts. Accordingly, the Township believes that its proposal of five percent, four percent, and three percent is reasonable.

**Recommendation:**

After reviewing all of the economic and financial information presented by the parties, and considering the arguments made by the representatives, the following recommendation is in order:

A three-year contract with across-the-board increases of six percent for year one, five percent for year two, and five percent for year three for all unit members except Lieutenants. Lieutenants shall receive pay increases of seven percent for year one, five percent for year two, and five percent for year three. In addition, each employee with a paramedic certification shall receive \$500 for each year of the contract which will be inserted into their base compensation each year.



Mitchell B. Goldberg, Appointed Fact Finder

Dated: October 2, 2002