

STATE EMPLOYMENT RELATIONS BOARD
STATE EMPLOYMENT RELATIONS BOARD

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IN THE MATTER OF :
FACT-FINDING BETWEEN :
 :
THE FRATERNAL ORDER OF POLICE, : CASE NO: 02-MED-07-0642
OHIO LABOR COUNCIL, INC. :
UNIT B (DEPUTY SHERIFFS) :
 :
AND :
 :
THE DARKE COUNTY, OHIO : FACT-FINDING REPORT
SHERIFF'S OFFICE :
 :
 :

HEARING

Hearing Date: December 19, 2002
Report Issued: January 6, 2003
Hearing Location: Darke County General Health District Office
300 Garst Ave., Greenville, Ohio

County Representative: Mr. Timothy Werdmann, Account Manager
Clemans, Nelson & Associates, Inc.
411 W. Loveland Ave., Suite 101
Loveland, Ohio 45140

Other County Participants: Mr. William Grice, Chief Deputy, Darke County
Sheriff's Office
Mr. Robert Downing, Darke County Commissioner
Mr. Terry Haworth, Darke County Commissioner
Mr. Michael Rhoades, Darke County Commissioner

Unit B Representative: Mr. Thomas J. Fehr, Staff Representative
Fraternal Order of Police, Ohio Labor Council, Inc.
5752 Cheviot Road, Suite D
Cincinnati, Ohio 45247

Other Unit B Participants: Mr. Tony Royer, Deputy Sheriff
Ms. Kim Knick, Dispatcher
Mr. Robert Bryson, Corrections Officer/Deputy
Sheriff

Fact-finder: William M. Slonaker, Sr., JD, MBA, SPHR

APPOINTMENT

This Fact-finder was appointed by letter dated September 20, 2002, from the Ohio State Employment Relations Board. Pursuant to the appointment, this Fact-finder was bound to conduct a Fact-finding Hearing and to serve on the Parties and SERB his written report and recommendations on the unresolved issues. Subsequent to the appointment, the Parties agreed to an extension such that the Fact-finder was to serve the Parties with a written Fact-finding Report no later than January 10, 2003. Accordingly, the Fact-finder scheduled and conducted the Fact-finding Hearing as above noted. The Parties waived the provisions of 4117.14(G)(11) in regard to all matters of compensation or with cost implications which may be awarded by a conciliator in accordance with Chapter 4117 O.R.C. and agreed that the conciliator may award wage increases or other matters with cost implications to be retroactive to October 21, 2002.

BACKGROUND

The Employer is Darke County, Ohio, Sheriff's Office ("County") and the Bargaining Representative is the Fraternal Order of Police, Ohio Labor Council, Inc., Unit B (Deputy Sheriffs) ("Unit B"). Unit B represents individuals employed full-time by the County as Deputy Sheriffs in the classifications of Corrections Officer, Corrections Officer/Corporal, Patrol Officer, Dispatcher, Assistant Communications Coordinator, and Cook. Unit B includes approximately 55 employees. Unit B was certified as the exclusive Bargaining Representative by SERB on February 18, 1993 (92-REP-09-0200) as subsequently amended. The Parties' most recent Agreement was effective October 21, 1999, and expired on October 20, 2002. The Parties negotiated six times between September 10 and October 18, 2002. There was no mediation prior to the Fact-finding Hearing.

The County is located in Western Ohio, along the Ohio/Indiana border, and somewhat to the South. It is bordered to the North by Mercer and Auglaize Counties; to the East by Shelby and Miami Counties; and, to the South by Preble and Montgomery Counties. The County Seat is Greenville, Ohio. Darke County's population includes approximately 53,309 persons, and is predominately rural.

PRIOR NEGOTIATION/MEDIATION

Prior Negotiation/Mediation: Negotiations between the Parties occurred during six separate meetings before the Fact-finding Hearing. No mediation was conducted prior to the Fact-finding Hearing.

Issues Resolved by the Parties' Prior Agreement: Agreement was reached regarding the following Articles of the Parties' most recent Agreement:

Article	Title	Date Signed
1	FOP/OLC Recognition	(not supplied)
2	Dues Deduction and Fair Share Fee	10/18/02
8	Grievance Procedure	09/17/02
9	Discipline	09/17/02
15	Bidding and Vacancies	10/18/02
19	Hours of Work and Overtime	10/18/02
21	Health & Life Insurance	10/18/02
23	Holidays	10/02/02
24	Vacations	10/02/02
25	Sick Leave	10/18/02
27	Equipment and Uniforms	10/18/02
28	Education and Training	10/18/02
30	Paid Leaves of Absence	09/17/02
31	Unpaid Leaves of Absence	09/17/02
32	Severance Pay	10/18/02
36	Duration	10/18/02

Issue Resolved by the Parties' Agreement During Fact-finding: Agreement was reached regarding the following:

- 22 Wages
 Regarding the Assistant Communications Coordinator, the Parties agreed to a rank differential of 5% above the top Dispatcher rate of pay for each year of the new Agreement.

Mediation During the Fact Finding: Several mediation sessions were conducted during the Fact-finding Hearing. The mediation efforts were not successful.

Issue Remaining at Impasse: The following issue was identified by the Parties in their Pre-hearing Position Statements as unresolved:

ISSUE

ISSUE 1: UNIT B'S ECONOMIC PROPOSAL -- ARTICLE 22 -- WAGES

Patrol Officer to receive wage increases of 6% the first year, 5% the second year, and 4% the third year of the Agreement. [p. ??]

Corrections Officer to receive a wage increase of 4.5% for each year of the Agreement. [p. ??]

Corrections Officer/Corporal to receive a rank differential between the top-step Corrections Officer rate of pay and that of a Corporal of 6% the first year, 8% the second year, and 10% the third year of the Agreement. [p. ??]

Dispatcher to receive wage increases of 6% the first year, and 5% the second and third years of the Agreement. [p. ??]

Cook to receive wage increases of 4.5% each year of the Agreement. [p. ??]

Patrol Officer assigned as Detective to receive a \$1.00 per hour stipend added to their base rate of pay. [p. ??]

OPOTA Certified Peace Officers assigned to Corrections to receive a \$.75 per hour stipend added to their base rate of pay. [p. ??]

ISSUE 1: COUNTY'S ECONOMIC PROPOSAL -- ARTICLE 22 -- WAGES

Across-the-board wage increases of 2% for each classification for each year of the Agreement, with no new stipends.

STIPULATIONS

1. That only the remaining issue before this Fact-finder is in dispute.
2. That all contractual and SERB procedures/time frames preceding the Fact-finding Hearing have been met. Therefore, this matter is properly in Fact-finding.

CRITERIA

Pursuant to Rule 4117-9-05(J) State Employment Relations Board, the Findings of Fact and Recommendations presented in this Report are based on reliable information relevant to the

issues before the Fact-finder. In making recommendations, Fact-finders shall take into consideration the following:

1. Past collectively bargained agreements, if any between the parties;
2. Comparison of 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, and 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. Any stipulations of the parties; and,
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.

ISSUES AND RECOMMENDATIONS

ISSUE 1: THE PARTIES' ECONOMIC PROPOSALS -- ARTICLE 22 -- WAGES

INTRODUCTION

The Fact-finder believes that it will be more convenient, and hopefully more understandable, to initially address each classification separately for the following reasons. First, Unit B represents six classifications: Patrol Officer; Corrections Officer/Corporal; Corrections Officer; Assistant Communications Coordinator; Dispatcher; and, Cook. Additionally, Unit B is seeking stipends for two assignments: for Patrol Officers assigned as a Detective; and, for OPOTA Certified Peace Officers assigned to Corrections. Second, wage issues are typically the most difficult for Fact-Finding, often requiring different analyses for each classification. Third, while the County has submitted a Fact-Finding proposal for across-the-board wage increases, Unit B's Fact-finding proposal includes different wage increases for each classification, with supporting data for each. Thus, while the overriding issue is wages, there are actually seven different wage issues.

PATROL OFFICERS

Unit B's Position Regarding Patrol Officers: Unit B proposes the following wage increases:

Patrol Officers to receive wage increases of 6% the first year, 5% the second year, and 4% the third year of the Agreement.

This proposal represents an average wage increase of 5% per year. It would result in top-step (per hour) wages for Patrol Officers as follows: \$16.83 (1st year) \$17.67 (2nd year) and \$18.38 (3rd year). Unit B computed the approximate cost of this proposal (Patrol Officers only) to be \$37,544 (1st year); \$70,741 (2nd year); and, \$98,800 (3rd year) for a total cost of \$207,085. Unit B noted that this cost is high because it computed it as though all 19 Patrol Officers are at the top-step in pay, and all are not.

Unit B identified 7 Contracts negotiated by the Unit's Representative during 2001 and 2002, as follows:

Blue Ash (01 thru 03)	12.25%
Clermont County (01 thru 04)	16.1%*
Green Township (02 thru 04)	14.0%
Miami Township (02 thru 04)	16.0%
Lebanon (02 thru 04)	12.0%
West Carrollton (02 thru 04)	12.0%
Milford (02 thru 05)	15.5%
(+plus rank differentials)	

These contracts (all for three years) equate to an average annual wage increase of 4.7%.

Unit B presented data from SERB's *Quarterly* (Vol. 17, First Quarter 2002) reporting the following wage increases for "Police:"

1999	4.25%
2000	3.95%
2001	3.90%

for an average annual increase for these years of 4.0%.

Unit B submitted its negotiation notes dated 10/18/02 reflecting a counter-proposal from the County's Representative which would have given the Patrol Officers wage increases of 4% the first year, 5% the second year, and 6% the third year of the Agreement. This proposal, which averaged 5% per year, was overwhelmingly accepted by Unit B's ratification vote held on 10/28/02; but, which was subsequently rejected by the County. This proposal would result in top-step (per hour) wages for Patrol Officers as follows: \$16.52 (1st year); \$17.35 (2nd year); and, \$18.39 (3rd year). Unit B computed the approximate cost of this proposal (Patrol Officers only) to be \$25,293 (1st year) \$58,094 (2nd year) and \$99,195 (3rd year) for a total cost of \$182,582. Unit B noted that this cost is high because it computed it as though all 19 Patrol Officers are at the top-step in pay, and all are not.

Unit B submitted its comparable wages for Patrol Officers as follows:

2002	\$17.94	Average of Preble, Auglaize, Shelby, Miami, Champaign, Clark, Montgomery, Butler, Greene, and Warren Counties; and, City of Greenville.
2003	\$19.56	Average for Preble, Shelby, Champaign, Clark, Butler, and Warren Counties; and, City of Greenville.
2004	\$20.33	Average of Preble and Warren Counties; and, City of Greenville.

(Unit B's Representative explained that the comparable Counties varied by year due to missing SERB data.)

Unit B presented data from a SERB "Benchmark Report," dated November 12, 2002, reporting Deputies for 79 County Sheriffs' Departments in Ohio. The Report computes an average annual wage of \$34,831, which equates to an average hourly wage of \$16.75. Further, from the "Benchmark Report," Unit B identified the following Counties as comparables:

\$18.34	Auglaize -- adjoining, pop. 46,611
\$20.57	Butler -- one County removed, pop. 332,807
\$14.41	Champaign -- one County removed, pop. 38,890
\$21.08	Clark -- one County removed, pop. 144,742
\$22.65	Greene -- one County removed, pop. 147,886
\$19.83	Miami -- adjoining, pop. 98,868
\$24.16	Montgomery -- adjoining, pop. 559,062
<u>\$21.69</u>	Warren -- one County removed, pop. 158,383
<u>\$20.34</u>	Average hourly wage

(Note: Preble, Mercer, and Shelby Counties [adjoining] and Logan [one removed] not included in "Benchmark Report.")

The Report identifies Darke County (population 53,309) as follows: \$15.88. Comparing the average hourly wage for these Counties to the Report's wage for Darke County, indicates that Darke County currently is 21.9% below Unit B's comparables.

Unit B furnished copies of portions of Contracts from near-by jurisdictions showing top-step wages for Sheriff Deputies (Police for the one City) as follows:

2002	\$16.59	Preble
	\$18.94	Shelby
	\$21.69	Warren
	\$14.41	Champaign
	\$21.08	Clark
	<u>\$18.89</u>	City of Greenville
	<u>\$18.60</u>	Average hourly wage
2003	\$17.09	Preble
	\$19.51	Shelby
	\$22.65	Warren
	\$14.98	Champaign
	\$21.82	Clark
	<u>\$19.46</u>	City of Greenville
	<u>\$19.25</u>	Average hourly wage

2004	\$17.69	Preble
	\$20.10	Shelby
	\$23.65	Warren
	<u>\$20.04</u>	City of Greenville
	<u>\$20.37</u>	Average hourly wage

By way of comparison, Unit B's Fact-finding proposal provides top-step pay for the County's Patrol Officers of \$16.83 (1st year starting 10/21/02); \$17.67 (2nd year starting 10/21/03); and, \$18.38 (3rd year starting 10/21/04). Using these Unit B comparables, even after the increases provided for in Unit B's Fact-Finding proposal for Patrol Officers, the County's Deputies would still be 9.5% below for the first year; 8.2% below for the second year; and, 9.8% below for the third year.

County's Position Regarding Patrol Officers: The County proposes the following wage increases:

Patrol Officers to receive wage increases of 2% the first year, 2% the second year, and 2% the third year of the Agreement.

This proposal represents an average wage increase of 2% per year. It would result in top-step (per hour) wages for Patrol Officers as follows: \$16.20 (1st year) \$16.52 (2nd year) and \$16.85 (3rd year).

The County offered the following Ohio Counties as comparables based on Population; 1999 Average Income Based on Personal Income Tax Returns; 2000 County Permissive Sales Tax Collections; and, 2000 Real Property Taxes Charged.

COUNTY	NO. COUNTIES REMOVED	GEOGRAPHIC REGION
Washington	6	S East, borders WV, pop. 63,251
Lawrence	6	S Central, borders WV & KY, pop. 62,319
Athens	5	S East, borders WV, pop. 62,223
Sandusky	4	N Central, borders L Erie, pop. 61,792
Huron	4	N Central, pop. 59,487
Seneca	3	N Central, pop. 58,683
Knox	4	Central, pop. 54,500
Pickaway	3	Central, pop. 52,727
Ashland	6	N Central, pop. 52,523
Shelby	Adjoining	Pop. 47,910
Crawford	3	N Central, pop. 46,966
Auglaize	Adjoining	Pop. 46,611
Preble	Adjoining	Pop. 42,337
Fulton	4	N West, borders MI, pop. 42,084

Darke County ranks as follows among these County comparables (note: denominator includes Darke County):

8/15	Population
11/15	1999 Average Income Based on Personal Income Tax Returns
10/15	2000 County Permissive Sales Tax Collections
10/15	2000 Real Property Taxes Charged

The County presented data (source SERB Clearinghouse) for all of the comparable Counties (excepting Ashland) showing Minimum and Maximum Deputy Sheriff annual wages. Darke County ranks as follows:

MINIMUM (ENTRY-LEVEL) ANNUAL WAGE	
\$26,796	Average (of the 13 comparables, excludes Ashland and Darke)
<u>25,293</u>	Darke County (rank: 13/14)
<u>\$ 1,503</u>	Negative variance from the average, equating to 5.6% below the average

MAXIMUM (TOP-STEP) ANNUAL WAGE	
\$33,780	Average (of the 13 comparables, excludes Ashland and Darke)
<u>33,030</u>	Darke County (rank: 8/14)
<u>\$ 750</u>	Negative variance from the average, equating to 2.2% below the average

The County presented data (source SERB Clearinghouse) for all of its comparable Counties (excepting Lawrence and Pickaway) showing that with only one exception (Auglaize) top-step wages for County Deputy Sheriffs are lower than the top-step wages for Police employed by each of the County Seat Cities. The average difference for the 12 comparable Counties and their County Seats is \$5,271, which equates to 13.47% of the average Municipal Police top-step annual wages. For Darke County purposes, the implications are as follows:

\$39,291	Top-step for Greenville City Police
<u>-5,293</u>	Less 13.47% average difference between City Police and County Deputies
\$33,998	"Should be" top-step annual wage for Darke County Deputies
<u>-33,030</u>	Actual Darke County Deputy top-step annual wage
<u>968</u>	Negative variance from "should be" to actual, equating to 2.8% below

Finally, for the County's presentation regarding Consumer Price Index ("CPI") increases and its data on total cost projections (for *all* Bargaining Unit Members) under both the County's and Unit B's Fact-Finding proposal, see section below captioned "Employer's Ability To Pay [p. 30]."

Fact-finder's Analysis Regarding Patrol Officers: Choosing comparables is a difficult task. Generally, Employers and Bargaining Units never agree on comparables. The Fact-finder acknowledges the benefits of choosing comparables by geographic area. After all, comparables geographically located in relatively close proximity to the subject jurisdiction typically best

represent the market area in which the subject jurisdiction must compete for new employees and to retain current ones. Further, it is the market area which most affects the prices at which Bargaining Unit Members must shop for food, cars, houses, and other necessities of life. However, the Fact-finder also acknowledges the benefits of choosing comparables based on population size, which in turn affects a jurisdiction's tax and other revenue producing capabilities, regardless of proximity to the subject jurisdiction.

For these reasons, the Fact-finder prefers to consider comparables that incorporate the benefits of both proximity and similar size. Each offers a unique perspective. Using two Benchmark Reports (dated 12/17/02) furnished to the Fact-finder by SERB, the following include both types of comparables, and include many Counties referenced by Unit B and by the County. Note: the Fact-finder has added Preble County to the lists due to its close proximity (adjoining) and its comparable size. All of the following average wages are top-step for Sheriff's Deputies (Darke County's "Patrol Officers") with most having effective dates in late 2002 or early 2003.

COMPARABLES BASED ON GEOGRAPHIC PROXIMITY

\$18.34	Auglaize	adjoining
14.41	Champaign	one County removed
21.81	Clark	one County removed
22.65	Greene	one County removed
20.62	Miami	adjoining
24.88	Montgomery	adjoining
16.59	Preble	adjoining
<u>19.51</u>	Shelby	adjoining
<u>\$19.85</u>	Average Based on Geographic Proximity	

COMPARABLES BASED ON SIMILAR SIZE

(Note: Population Darke County = 53,309)

\$16.19	Ashland	pop. 52,523, 5 Counties removed
18.34	Auglaize	pop. 46,611, adjoining
14.95	Crawford	pop. 46,966, 3 Counties removed
16.83	Huron	pop. 59,487, 4 Counties removed
15.76	Knox	pop. 54,500, 4 Counties removed
17.70	Pickaway	pop. 52,727, 3 Counties removed
16.59	Preble	pop. 42,337, adjoining
16.05	Seneca	pop. 58,683, 3 Counties removed
<u>19.51</u>	Shelby	pop. 47,910, adjoining
<u>\$16.88</u>	Average Based on Similar Size	

\$18.37 Average Based on Both Sets of Comparables

As of the end (10/20/02) of the most recent Agreement, the top-step hourly wage for the County's Patrol Officers was \$15.88. Under Unit B's proposal, starting the first year of the new

Agreement (10/21/02) the wage rate would be \$16.83. Under the County's proposal, the wage rate would be \$16.20. Under both proposals, the first-year resulting wage would not only be less than the comparables based on geographic proximity (\$19.85) but also would be less than the average based on similar size (\$16.88). Clearly, Unit B's proposal (6% for the first year) comes closest to raising the County's Patrol Officers to the minimum comparable level, *i.e.*, \$16.88, being the average based on similar size.

A first-year increase of 6% is also justified on other grounds. Based on the County's data, the Patrol Officers are 2.8% below a "should be" wage as compared to Greenville (the County seat) Police officers (see above "County's Proposal Regarding Patrol Officers"). Additionally, based on the County's CPI data (see below "Employer's Ability To Pay [p. 30]") the average rate of increase for the past 4 years has been 2.3%. Thus, 5.1% of Unit B's 6% first-year proposal is justified just to help bring Patrol Officers' wages current (with a minimum comparable level) as of the start of 2003.

The second and third years of a new Agreement present somewhat different considerations. Unit B identified 7 Contracts (all for three years) negotiated by the Unit's Representative during 2001 and 2002, which resulted in average annual wage increases of 4.7%. Overwhelmingly, the financial community does not see inflation as becoming a major problem in the foreseeable future. There is even some discussion of deflation. The Fact-finder is of the opinion that employers should conservatively anticipate an annual rate of at least 2% for the next two years. The County's proposal for a 2% wage increase in the second and third years of a new Agreement would cover this rate. However, it appears that for the past three years, the Patrol Officers' wages overall have been under those required to at least keep them competitive with Counties of similar size -- let alone bring them in closer alignment with the wages paid by Counties in close geographic proximity.

The County's proposal for 2% increases during the second and third years of a new Agreement would likely just maintain the status quo established by a 6% increase in the first year. However, in order for the County's Patrol Officers not to fall further behind comparables (both geographic proximity and size) additional increases are justified. Note that if the County were to raise the Patrol Officers to the average of the two sets of comparables (\$18.37) a first-year increase of 16% would be required. If such an increase was granted, then 2% increases for the second and third years would be justified to maintain what would be a competitive wage for the Officers. This hypothetical scenario would require a total of 20% over the three-year Agreement. Such an increase would, in effect, constitute an "equity adjustment." While the Fact-finder is not recommending such a one-time "equity adjustment," it would be unconscionable to recommend only a 2% increase for the second and third years, and thereby allow an equity difference to be deferred totally for two more years. Thus, minimally, 4% increases for both the second and third years are justified.

Summary of Fact-finder's Recommendations Regarding Patrol Officers: The Fact-finder recommends that the wages of the County's Patrol Officers be increased by 6% for the first year (effective 10/21/02); 4% for the second year (effective 10/21/03); and, 4% for the third year

(effective 10/21/04).

CORRECTIONS OFFICER

Unit B's Position Regarding Corrections Officers: Unit B proposes the following wage increases:

Corrections Officers to receive wage increases of 4.5% for each of the three years of the Agreement.

This proposal represents an average wage increase of 4.5% per year. It would result in top-step (per hour) wages for Corrections Officers as follows: \$14.63 (1st year); \$15.29 (2nd year); and, \$15.98 (3rd year). Unit B computed the approximate cost of this proposal (Corrections Officers only) to be \$27,992 (includes overtime) (1st year); \$56,347 (2nd year); and, \$86,486 (3rd year) for a total cost of \$170,830. Unit B noted that this cost is high because it computed it as though all 21 Corrections Officers are at the top-step in pay, and all are not.

Unit B submitted its negotiation notes dated 10/18/02 reflecting a counter-proposal from the County's Representative which would have given the Corrections Officers wage increases of 3% for each of the three years of the Agreement. This proposal was overwhelmingly accepted by Unit B's ratification vote held on 10/28/02; but, was subsequently rejected by the County. This proposal would result in top-step (per hour) wages for Corrections Officers as follows: \$14.42 (1st year); \$14.85 (2nd year); and, \$15.30 (3rd year). Unit B computed the approximate cost of this proposal (Corrections Officers only) to be: \$18,663 (includes overtime) (1st year); \$37,128 (2nd year); and, \$56,784 (3rd year) for a total cost of \$112,575. Unit B noted that this cost is high because it computed it as though all 21 Corrections Officers are at the top-step in pay, which all are not.

Unit B submitted its comparable wages for Corrections Officer as follows:

2002	\$15.00	(Average of Preble, Shelby, Miami, Butler, and Warren Counties)
2003	\$15.27	(Average of Preble, Shelby, Miami, Montgomery, Butler, and Warren Counties)
2004	\$16.71	(Average of Preble, Auglaize, and Warren Counties)

(Unit B's Representative explained that the comparable Counties varied by year due to missing SERB data.)

Unit B presented data from a SERB "Benchmark Report," dated November 12, 2002, reporting Corrections Officer/Jailer for 60 County Sheriffs' Departments in Ohio. The Report computes an average annual wage of \$30,086, which equates to an average hourly wage of \$14.46. Further, from the "Benchmark Report," Unit B identified the following Counties as comparables:

\$17.64	Auglaize -- adjoining, pop. 46,611
\$16.60	Butler -- one County removed, pop. 332,807
\$13.97	Montgomery -- adjoining, pop. 559,062
\$14.53	Shelby -- adjoining, pop. 47,910
<u>\$16.57</u>	Warren -- one County removed, pop. 158,383
<u>\$15.86</u>	Average hourly wage

(Note: Preble, Mercer, and Miami Counties [adjoining] and Logan, Champaign, Clark, and Greene, [one removed] not included in "Benchmark Report.")

The Report identifies Darke County (population 53,309) as follows: \$14.00. Comparing the average hourly wage for these Counties to the Report's wage for Darke County, indicates that Darke County currently is 11.7% below Unit B's comparables.

Unit B furnished copies of portions of Contracts from near-by jurisdictions showing top-step wages for Corrections Officers as follows:

2002	\$16.57	Warren
	\$14.11	Shelby
	\$13.51	Preble
	<u>\$13.80</u>	Miami
	<u>\$14.50</u>	Average
2003	\$17.32	Warren
	\$14.53	Shelby
	\$13.91	Preble
	<u>\$14.35</u>	Miami
	<u>\$15.03</u>	Average
2004	\$18.10	Warren
	\$14.97	Shelby
	<u>\$14.40</u>	Preble
	<u>\$15.82</u>	Average

By way of comparison, Unit B's Fact-finding proposal provides top-step pay for the County's Corrections Officers of \$14.63 (1st year starting 10/21/02); \$15.29 (2nd year starting 10/21/03); and, \$15.98 (3rd year starting 10/21/04). Using these Unit B comparables, and after the increases provided for in Unit B's Fact-finding proposal for Corrections Officer, the County's Corrections Officers would be 0.8% above for the first year; 1.7% above for the second year; and, 1.0% above for the third year.

County's Position Regarding Corrections Officer: The County proposes the following wage increases:

Corrections Officer to receive wage increases of 2% the first year, 2% the second year, and 2% the third year of the Agreement.

This proposal represents an average wage increase of 2% per year. It would result in top-step (per hour) wages for Corrections Officer as follows: \$14.28 (1st year); \$14.57 (2nd year); and, \$14.86 (3rd year).

The County offered the following Ohio Counties as comparables based on Population; 1999 Average Income Based on Personal Income Tax Returns; 2000 County Permissive Sales Tax Collections; and, 2000 Real Property Taxes Charged.

COUNTY	NO. COUNTIES REMOVED	GEOGRAPHIC REGION
Washington	6	S East, borders WV
Lawrence	6	S Central, borders WV & KY
Athens	5	S East, borders WV
Sandusky	4	N Central, borders Lake Erie
Huron	4	N Central
Seneca	3	N Central
Pickaway	3	Central
Ashland	6	N Central
Shelby	Adjoining	
Auglaize	Adjoining	
Preble	Adjoining	

Darke County ranks as follows among these County comparables (note: denominator includes Darke County):

7/12	Population
9/12	1999 Average Income Based on Personal Income Tax Returns
9/12	2000 County Permissive Sales Tax Collections
8/12	2000 Real Property Taxes Charged

The County presented data (source SERB Clearinghouse) for all of the comparable Counties showing the Minimum and Maximum Corrections Officer/Jailer annual wages. Darke County ranks as follows:

MINIMUM (ENTRY-LEVEL) ANNUAL WAGE	
\$22,727	Average (of the 11 comparables, excludes Darke)
<u>22,339</u>	Darke County (rank: 6/12 -- at 50%)
<u>\$ 388</u>	Negative variance from the average, equating to 1.7% below the average

MAXIMUM (TOP-STEP) ANNUAL WAGE	
\$28,431	Average (of the 11 comparables (excludes Darke)
<u>29,120</u>	Darke County (rank: 6/12 -- at 50%)
<u>\$ 689</u>	Positive variance from the average, equating to 2.4% above the average

Finally, for the County's presentation regarding CPI increases and its data on total cost projections (for *all* Bargaining Unit Members) under both the County's and Unit B's Fact-finding proposal, see section below captioned "Employer's Ability To Pay [p. 30]."

Fact-finder's Analysis Regarding Corrections Officer: For the same reasons as discussed above under "Fact-finder's Analysis Regarding Patrol Officers," the Fact-finder referenced two Benchmark Reports (dated 12/17/02) furnished to the Fact-finder by SERB, to develop comparable Counties. The following include both types of comparables, and include many Counties referenced by Unit B and by the County. Note: the Fact-finder has added Preble County to the lists, due to its close proximity (adjoining) and its comparable size. All of the following average wages are top-step for Corrections Officer, with most having effective dates in mid to late 2002 or early 2003.

COMPARABLES BASED ON GEOGRAPHIC PROXIMITY		
\$17.64	Auglaize	adjoining
22.65	Greene	one County removed
14.35	Miami	adjoining
13.97	Montgomery	adjoining
13.51	Preble	adjoining
<u>14.53</u>	Shelby	adjoining
<u>\$16.11</u>	Average Based on Geographic Proximity	

COMPARABLES BASED ON SIMILAR SIZE

(Note: Population Darke County = 53,309)

\$14.27	Ashland	pop. 52,523
17.64	Auglaize	pop. 46,611
15.06	Huron	pop. 59,487
13.59	Pickaway	pop. 52,727
13.51	Preble	pop. 42,337
14.21	Seneca	pop. 58,683
<u>14.53</u>	Shelby	pop. 47,910
<u>\$14.69</u>	Average Based on Similar Size	

\$15.40 Average Based on Both Sets of Comparables

As of the end (10/20/02) of the most recent Agreement, the top-step hourly wage for the County's Corrections Officers was \$14.00. Under Unit B's proposal, starting the first year of the new Agreement (10/21/02) the wage rate would be \$14.63. Under the County's proposal, the wage rate would be \$14.28. Under both proposals, the first-year resulting wage would not only be less than the comparables based on geographic proximity (\$16.11) but also would be less than the average based on similar size (\$14.69). Clearly, Unit B's proposal (4.5% for the first year) comes closest to raising the County's Corrections Officers to the minimum comparable level, *i.e.*, \$14.69, being the average based on similar size.

Based on the County's CPI data the average rate of increase for the past 4 years has been 2.3%. Thus, 2.3% of Unit B's 4.5% first-year proposal is itself justified to help bring Corrections Officers' wages current as of the start of 2003.

The second and third years of a new Agreement present somewhat different considerations. The financial community overwhelmingly does not see inflation as becoming a major problem in the foreseeable future. There is even some discussion of deflation. The Fact-finder is of the opinion that employers should conservatively anticipate an annual rate of at least 2% for the next two years. The County's proposal for a 2% wage increase in the second and third years of a new Agreement would cover this rate. However, it appears that for the past three years, the Corrections Officers' wages overall have been under those required to at least keep them competitive to those paid by Counties of similar size -- let alone bring them in closer alignment with the wages paid by Counties in close geographic proximity.

The County's proposal for 2% increases during the second and third years of a new Agreement would likely just maintain the minimal status quo established by a 4.5% increase the first year. However, in order for the County's Corrections Officers not to fall further behind comparables (both geographic proximity and size) some additional increases are justified. Thus, minimally, 3% increases for both the second and third years are justified.

Summary of Fact-finder's Recommendations Regarding Corrections Officer: The Fact-finder recommends that the wages of the County's Corrections Officers be increased by 4.5%

for the first year (effective 10/21/02); 3% for the second year (effective 10/21/03); and, 3% for the third year (effective 10/21/04).

DISPATCHERS

Unit B's Position Regarding Dispatchers: Unit B proposes the following wage increases:

Dispatchers to receive wage increases of 6% the first year, 5% the second year, and 5% the third year of the Agreement.

This proposal represents an average wage increase of 5.33% per year. It would result in top-step (per hour) wages for Dispatchers as follows: \$13.50 (1st year); \$14.18 (2nd year); and, \$14.89 (3rd year). Unit B computed the approximate cost (including overtime) of this proposal (Dispatchers only) to be: \$13,476 (1st year); \$25,534 (2nd year); and, \$38,127 (3rd year) for a total cost of \$77,137. Unit B noted that this cost is high because it computed it as though all 8 Dispatchers are at the top-step in pay, and all are not.

Unit B submitted its negotiation notes dated 10/18/02 reflecting a counter-proposal from the County's Representative which would have given the Dispatchers wage increases of 6% for the first year (effective 10/21/02); 5% the second year (effective 10/21/03); and, 4% the third year (effective 10/21/04) of the Agreement. This proposal was overwhelmingly accepted by Unit B's ratification vote held on 10/28/02; but, was subsequently rejected by the County. This proposal would result in top-step (per hour) wages for Dispatchers as follows: \$13.50 (1st year); \$14.18 (2nd year); and, \$14.75 (3rd year). Unit B computed the approximate cost (including overtime) of this proposal (Dispatchers only) to be: \$17,476 (1st year); \$25,534 (2nd year); and, \$35,645 (3rd year) for a total cost of \$74,655. Unit B noted that this cost is high because it computed it as though all 8 Corrections Officers are at the top-step in pay, which all are not.

Unit B submitted its Comparable Wages for Dispatcher as follows:

2002	\$15.00	Average of Preble, Auglaize, Shelby, Clark, and Butler Counties; and Cities of Greenville and Eaton
2003	\$15.83	Average of Preble, Shelby, Clark, and Butler Counties, and Cities of Greenville and Eaton
2004	\$15.19	Average of Preble County and City of Eaton

(Unit B's Representative explained that the comparable Counties varied by year due to missing SERB data.)

Unit B presented data from a SERB "Benchmark Report," dated November 12, 2002, reporting Dispatchers for 58 County Sheriffs' Departments in Ohio. The Report computes an average annual wage of \$28,105, which equates to an average hourly wage of \$13.51. Further, from

the "Benchmark Report," Unit B identified the following Counties as comparables:

\$13.49	Auglaize -- adjoining, pop. 46,611
\$16.74	Butler -- one County removed, pop. 332,807
<u>\$15.89</u>	Clark -- one County removed, pop. 144,742
<u>\$15.37</u>	Average hourly wage

(Note: Preble, Mercer, Miami, Montgomery, and Shelby Counties [adjoining] and Logan, Champaign, Greene, and Warren, [one removed] not included in "Benchmark Report.")

The Report identifies Darke County (population 53,309) as follows: \$12.74. Comparing the average hourly wage for these Counties to the Report's wage for Darke County, indicates that Darke County currently is 17.1% below Unit B's comparables.

Unit B furnished copies of portions of Contracts from near-by jurisdictions showing top-step wages for Dispatcher as follows:

2002	\$15.54	City of Greenville
	\$15.89	Clark
	\$14.91	Shelby
	<u>\$13.51</u>	Preble
	<u>\$14.96</u>	Average
2003	\$16.00	City of Greenville
	\$15.58	City of Eaton
	\$16.44	Clark
	\$15.36	Shelby
	<u>\$13.91</u>	Preble
	<u>\$15.46</u>	Average
2004	\$15.97	Eaton City
	\$15.82	Shelby
	<u>\$14.40</u>	Preble
	<u>\$15.40</u>	Average

By way of comparison, Unit B's Fact-Finding proposal provides top-step pay for the County's Dispatchers of \$13.50 (1st year starting 10/21/02); \$14.18 (2nd year starting 10/21/03); and, \$14.89 (3rd year starting 10/21/04). Using these Unit B comparables, and after the increases provided for in Unit B's Fact-Finding proposal for Dispatchers, the Dispatchers would be 9.8% below for the first year; 8.3% below for the second year; and, 3.3% below for the third year.

County's Position Regarding Dispatchers: The County proposes the following wage increases:

Dispatchers to receive wage increases of 2% the first year, 2% the second year, and 2% the third year of the Agreement.

This proposal represents an average wage increase of 2% per year. It would result in top-step (per hour) wages for Dispatchers as follows: \$12.99 (1st year); \$13.25 (2nd year); and, \$13.52 (3rd year).

The County offered the following Ohio Counties as comparables based on Population; 1999 Average Income Based on Personal Income Tax Returns; 2000 County Permissive Sales Tax Collections; and, 2000 Real Property Taxes Charged.

COUNTY	NO. COUNTIES REMOVED	GEOGRAPHIC REGION
Sandusky	4	N Central, borders Lake Erie
Huron	4	N Central
Seneca	3	N Central
Pickaway	3	Central
Ashland	6	N Central
Shelby	Adjoining	
Auglaize	Adjoining	
Crawford	3	N Central
Preble	Adjoining	

Darke County ranks as follows among these County comparables (note: denominator includes Darke County):

4/10	Population
8/10	1999 Average Income Based on Personal Income Tax Returns
7/10	2000 County Permissive Sales Tax Collections
6/10	2000 Real Property Taxes Charged

The County presented data (source SERB Clearinghouse) for all of the comparable Counties showing the Minimum and Maximum Dispatchers/Communications annual wages. Darke County ranks as follows:

MINIMUM (ENTRY-LEVEL) ANNUAL WAGE	
\$22,144	Average (of the 9 comparables, excludes Darke)
<u>19,656</u>	Darke County (rank: 9/10)
<u>\$ 2,488</u>	Negative variance from the average, equating to 11.2% below the average

MAXIMUM (TOP-STEP) ANNUAL WAGE	
\$26,863	Average (of the 9 comparables (excludes Darke)
<u>26,499</u>	Darke County (rank: 7/10)
<u>\$ 364</u>	Negative variance from the average, equating to 1.4% below the average

Finally, for the County's presentation regarding CPI increases and its data on total cost projections (for *all* Bargaining Unit Members) under both the County's and Unit B's Fact-

Finding proposal, see section below captioned "Employer's Ability to Pay [p. 30]."

Fact-finder's Analysis Regarding Dispatchers: For the same reasons as discussed above under "Fact-finder's Analysis Regarding Patrol Officers," the Fact-finder referenced two Benchmark Reports (dated 12/17/02) furnished to the Fact-finder by SERB, to develop comparable Counties. The following include both types of comparables, and include many Counties referenced by Unit B and by the County. Note: the Fact-finder has added Preble County to the lists, due to its close proximity (adjoining) and its comparable size. All of the following average wages are top-step for Dispatchers, with most having effective dates in mid to late 2001 or early 2002.

COMPARABLES BASED ON GEOGRAPHIC PROXIMITY

\$13.49	Auglaize	adjoining
16.44	Clark	one County removed from Darke
13.51	Preble	adjoining
<u>13.36</u>	Shelby	adjoining
<u>\$14.20</u>	Average Based on Geographic Proximity	

COMPARABLES BASED ON SIMILAR SIZE

(Note: Population Darke County = 53,309)

\$11.20	Ashland	pop. 52,523
13.49	Auglaize	pop. 46,611
13.36	Crawford	pop. 46,966
12.61	Huron	pop. 59,487
13.93	Pickaway	pop. 52,727
13.51	Preble	pop. 42,337
12.59	Seneca	pop. 58,683
<u>15.36</u>	Shelby	pop. 47,910
<u>\$13.26</u>	Average Based on Similar Size	

\$13.73 Average Based on Both Sets of Comparables

As of the end (10/20/02) of the most recent Agreement, the top-step hourly wage for the County's Dispatchers was \$12.74. Under Unit B's proposal, starting the first year of the new Agreement (10/21/02) the wage rate would be \$13.50. Under the County's proposal, the wage rate would be \$12.99. While under Unit B's proposal, the first-year resulting wage would be less than the comparables based on geographic proximity (\$14.20) it would exceed the average based on similar size (\$13.26). Under the County's proposal, the first-year resulting wage would be less than both comparables. To raise the first year's wage to the lesser of the two comparable averages (\$13.26) a 4% wage increase would be necessary.

Based on the County's CPI data, the average rate of increase for the past 4 years has been 2.3%. Thus, 2.3% of a 4% first-year increase is itself justified to help bring Dispatchers' wages current as of the start of 2003. The additional 1.7% is also justified in order to minimally move the Dispatchers' wages toward the average based on comparables of similar size.

The second and third years of a new Agreement present somewhat different considerations. The financial community overwhelmingly does not see inflation as becoming a major problem in the foreseeable future. There is even some discussion of deflation. The Fact-finder is of the opinion that employers should conservatively anticipate an annual rate of at least 2% for the next two years. The County's proposal for a 2% wage increase in the second and third years of a new Agreement would cover this rate. However, it further appears that conservatism requires an additional hedge to accomplish two goals. First, to at least keep the Dispatchers' wages competitive to those paid by Counties of similar size. Second, to make some minimal progress toward raising the Dispatchers' second and third year wages in the direction of wages paid by Counties in close geographic proximity. Thus, minimally, 4% increases for both the second and third years are justified.

Summary of Fact-finder's Recommendations Regarding Dispatcher: The Fact-finder recommends that the wages of the County's Dispatchers be increased by 4% for the first year (effective 10/21/02); 4% for the second year (effective 10/21/03); and, 4% for the third year (effective 10/21/04).

CORRECTIONS OFFICER/CORPORAL

Unit B's Position Regarding Corrections Officer/Corporal: Unit B proposes the following wage increases:

Corrections Officer/Corporal to receive a rank differential between the top-step Corrections Officer rate of pay and that of a Corporal, such rank differential to be set at 6% the first year, 8% the second year, and 10% the third year of the Agreement.

As of the end of the most recent Agreement (10/20/02) Corrections Officer/Corporal were receiving a differential of 2.8% above the top-step Corrections Officer wage. The average wage increase for this classification will ultimately depend on new top-step wages for the Corrections Officer classification. Using Unit B's proposal for Corrections Officer to receive 4.5% wage increases for each of the three years of a new Agreement, then, Corrections Officer/Corporal would receive a net increase of 7.7% ($4.5\% + 6\% - 2.8\%$) for the first year; 6.5% ($4.5\% + 8\% - 6\%$) for the second year; and, 6.5% ($4.5\% + 10\% - 8\%$) for the third year of the Agreement, or an average wage increase of 6.9% per year. Again, using Unit B's proposal regarding the Corrections Officer, its proposal for the Corrections Officer/Corporal would result in top-step (per hour) wages as follows: \$15.51 (1st year); \$16.51 (2nd year); and, \$17.58 (3rd year). Unit B computed the approximate cost of this proposal (Corrections Officer/Corporal only) to be: \$9,480 (includes overtime) (1st year); \$17,638 (2nd year); and, \$26,541 (3rd year) for a total cost of \$53,659.

Unit B submitted its negotiation notes dated 10/18/02 reflecting a counter proposal from the County's Representative which would have given the Corrections Officer/Corporal rank differentials of 5% for the first year (effective 10/21/02); 6% the second year (effective

10/21/03); and, 7.5% the third year (effective 10/21/04) of the Agreement. This proposal was overwhelming accepted by Unit B's ratification vote held on 10/28/02; but, was subsequently rejected by the County. This proposal would result in top-step (per hour) wages for Corrections Officer/Corporal as follows: \$15.14 (1st year); \$15.74 (2nd year); and, \$16.45 (3rd year). Unit B computed the approximate cost of this proposal (Corrections Officer/Corporal only) to be: \$6,348 (includes overtime) (1st year); \$11,232 (2nd year); and, \$17,139 (3rd year) for a total cost of \$34,719.

Unit B presented data from a SERB "Benchmark Report," dated November 12, 2002, reporting Corrections Sergeants for 23 County Sheriffs' Departments in Ohio. (Note: while the Report also lists "Corporals," Unit B suggested that the "Corrections Sergeant" more closely aligned with the County's Corrections Officer/Corporal.) The Report computes an average annual wage of \$35,127, which equates to an average hourly wage of \$16.89. Further, from the "Benchmark Report," Unit B identified the following Counties as comparables:

\$18.70	Auglaize -- adjoining, pop. 46,611
\$20.79	Butler -- one County removed, pop. 332,807
\$17.89	Warren -- one County removed, pop. 158,383
<u>\$25.39</u>	Greene -- one County removed, pop. 147,886
<u>\$20.69</u>	Average hourly wage

(Note: Preble, Mercer, Miami, Montgomery, and Shelby Counties [adjoining] and Logan, Champaign, and Clark [one removed] not included in "Benchmark Report.")

The Report identifies Darke County (population 53,309) (under the "Corporal" classification) as follows: \$14.39. Comparing the average hourly wage for these Counties to the Report's wage for Darke County, indicates that Darke County currently is 30.5% below Unit B's comparables.

Unit B furnished copies of portions of Contracts from near-by jurisdictions showing top-step wages for Corrections Officer as follows:

2002	\$17.89	Warren
	\$14.21	Miami
	<u>\$15.41</u>	Preble
	<u>\$15.84</u>	Average
2003	\$18.70	Warren
	\$14.78	Miami
	<u>\$15.86</u>	Preble
	<u>\$16.45</u>	Average
2004	\$19.54	Warren
	<u>\$16.39</u>	Preble
	<u>\$17.97</u>	Average

By way of comparison, Unit B's Fact-Finding proposal provides top-step pay for the County's Corrections Officer/Corporal of \$15.51 (1st year starting 10/21/02); \$16.51 (2nd year starting 10/21/03); and, \$17.58 (3rd year starting 10/21/04). Using these Unit B comparables, and after the increases provided for in Unit B's Fact-Finding proposal for Corrections Officer/Corporal, the County Corrections Officer/Corporal would be 2.1% below for the first year; 0.4% above for the second year; and, 2.2% below for the third year.

County's Position Regarding Corrections Officer/Corporal: The County proposes no change to the current rank differential.

The no change proposal would result in top-step (per hour) wages for Corrections Officer/Corporal as follows: \$14.68 (1st year); \$14.97 (2nd year); and, \$15.27 (3rd year). In effect, Corrections Officers/Corporal would receive the same increase (2% across-the-board) as the County is proposing for Corrections Officers, as the Corporal's base is the same as the top-step Corrections Officer.

The County did not offer comparables for Corrections Officer/Corporal.

For the County's presentation regarding CPI and its data on total cost projections (for *all* Bargaining Unit Members) under both the County's and Unit B's Fact-Finding proposal, see section below captioned "Employer's Ability To Pay [p. 30]."

Fact-finder's Analysis Regarding Corrections Officer/Corporal: For the same reasons as discussed above under "Fact-finder's Analysis Regarding Patrol Officers," the Fact-finder used Unit B's Benchmark Report (dated 11/12/02) generated by SERB, to develop comparable Counties. The following include both types of comparables, and include some Counties referenced by Unit B. All of the following average wages are top-step for Corrections Sergeant, with most having effective dates in late 1999, early 2000, or early 2002.

COMPARABLES BASED ON GEOGRAPHIC PROXIMITY

\$18.70	Auglaize	adjoining
<u>25.39</u>	Greene	one County removed from Darke
<u>\$22.05</u>	Average Based on Geographic Proximity	

COMPARABLES BASED ON SIMILAR SIZE

(Note: Population Darke County = 53,309)

\$18.70	Auglaize	pop. 46,611
16.07	Huron	pop. 59,487
18.72	Pickaway	pop. 52,727
<u>16.05</u>	Seneca	pop. 58,683
<u>\$17.38</u>	Average Based on Similar Size	

\$19.72 Average Based on Both Sets of Comparables

As of the end (10/20/02) of the most recent Agreement, the hourly wage for the County's Corrections Officer/Corporal was \$14.39. Under Unit B's proposal, starting the first year of the new Agreement (10/21/02) the wage rate would be \$15.51. Under the County's proposal, the wage rate would be \$14.68. The similar size average is most appropriate in this analysis due to the very limited size (2) of the geographic proximity comparables. Clearly, Unit B's proposal comes closest to the average based on similar size. To raise the current first year's wage (\$14.39) to the average based on similar size (\$17.39) an increase of 17.3% would be required. This clearly is not possible or reasonable.

Unit B's proposal to increase the Corporal rank differential to 6% for the first year (from the current 2.8% differential) for a net increase of 3.2% is clearly more reasonable and justified than is the County's proposal for no change. At least, the additional 3.2% will make some contribution toward moving the Corporals to the minimum average (\$17.39) of comparables of similar size.

As for the second and third years of the new Agreement, it appears that conservatism requires some continuing hedge toward moving the Corporals closer to a minimum average. Considering that increasing the differential to 6% the first year is itself a substantial increase, the same differential should be continued for the second and third years of the new Agreement.

Summary of Fact-finder's Recommendations Regarding Corrections Officer/Corporal: The Fact-finder recommends a rank differential for the County's Corrections Officer/Corporal of 6% above the top-step Corrections Officer wage for the first year (effective 10/21/02); 6% above the top-step Corrections Officer wage for the second year (effective 10/21/03); and, 6% above the top-step Corrections Officer for the third year (effective 10/21/04).

COOK

Unit B's Position Regarding Cook: Unit B proposes the following wage increases:

Cook to receive wage increases of 4.5% for each of the three years of the Agreement.

As of the end of the most recent Agreement (10/20/02) Cooks were receiving \$11.28. This

proposal represents an average wage increase of 4.5% per year. It would result in top-step (per hour) wages for Cooks as follows: \$11.79 (1st year); \$12.32 (2nd year); and, \$12.87 (3rd year). Unit B computed the approximate cost (including overtime) of this proposal (Cooks only) to be \$3,423 (1st year) \$6,976 (2nd year) and \$10,667 (3rd year) for a total cost of \$21,066. All Cooks are at the top-step in pay.

Unit B submitted its negotiation notes dated 10/18/02 reflecting a counter proposal from the County's Representative which would have given the Cooks wage increases of 3% for each of the three years of the new Agreement. This proposal was overwhelmingly accepted by Unit B's ratification vote held on 10/28/02; but, was subsequently rejected by the County. This proposal would result in top-step (per hour) wages for Cooks as follows: \$11.62 (1st year); \$11.97 (2nd year); and, \$12.33 (3rd year). Unit B computed the approximate cost of this proposal (Cooks only) to be: \$2,281 (1st year); \$4,630 (2nd year); and, \$7,045 (3rd year) for a total cost of \$13,956.

Unit B presented data from a SERB "Benchmark Report," dated November 12, 2002, reporting Cooks for 26 County Sheriffs' Departments in Ohio. The Report computes an average annual wage of \$22,140, which equates to an average hourly wage of \$10.64. Further, from the "Benchmark Report," Unit B identified the following Counties as comparables:

\$13.52	Greene -- one County removed, pop. 147,886
<u>\$ 9.70</u>	Miami -- adjoining, pop. 98,868
<u>\$11.61</u>	Average hourly wage

(Note: Auglaize, Preble, Mercer, Montgomery, and Shelby Counties [adjoining] and Logan, Champaign, Butler, Warren, and Clark [one removed] not included in "Benchmark Report.")

The Report identifies Darke County (population 53,309) as follows: \$11.28. Comparing the average hourly wage for these Counties to the Report's wage for Darke County, indicates that Darke County currently is 2.9% below Unit B's comparables.

Unit B furnished a copy of portions of a Contract from a near-by jurisdiction showing top-step wages for Cooks as follows:

2002	<u>\$10.66</u>	Miami
2003	<u>\$11.09</u>	Miami

By way of comparison, Unit B's Fact-finding proposal provides top-step pay for the County's Cooks of \$11.79 (1st year starting 10/21/02); \$12.32 (2nd year starting 10/21/03); and, \$12.87 (3rd year starting 10/21/04). Using these Unit B comparables, and after the increases provided for in Unit B's Fact-finding proposal for Cook, the County Cook would be 10.6% above for the first year; and, 11.1% above for the second year.

County's Position Regarding Cook: The County proposes the following wage increases:

Cook to receive wage increases of 2% the first year, 2% the second year, and 2% the third year of the Agreement.

This proposal represents an average wage increase of 2% per year. It would result in top-step (per hour) wages for Cook as follows: \$11.51 (1st year); \$11.74 (2nd year); and, \$11.97 (3rd year).

The County did not offer comparables for Cook.

For the County's presentation regarding CPI increases and its data on total cost projections (for *all* Bargaining Unit Members) under both the County's and Unit B's Fact-finding proposal, see section below captioned "Employer's Ability To Pay [p. 30]."

Fact-finder's Analysis Regarding Cook: For the same reasons as discussed above under "Fact-finder's Analysis Regarding Patrol Officers," the Fact-finder used Unit B's Benchmark Report (dated 11/12/02) generated by SERB, to develop comparable Counties. The following include both types of comparables, and include some Counties referenced by Unit B. All of the following average wages are top-step for Cook, with most having effective dates in late 2001, early 2002, or early 2003.

COMPARABLES BASED ON GEOGRAPHIC PROXIMITY

\$13.52	Greene	one County removed from Darke
<u>9.70</u>	Miami	adjoining
<u>\$11.61</u>	Average Based on Geographic Proximity	

COMPARABLES BASED ON SIMILAR SIZE

(Note: Population Darke County = 53,309)

<u>\$11.11</u>	Seneca	pop. 58,683
<u>\$11.11</u>	Average Based on Geographic Proximity	
<u>\$11.36</u>	Average Based on Both Sets of Comparables	

As of the end (10/20/02) of the most recent Agreement, the hourly wage for the County's Cooks was \$11.28. Under Unit B's proposal, starting the first year of the new Agreement (10/21/02) the wage rate would be \$11.79. Under the County's proposal, the wage rate would be \$11.51. Neither average (proximity or size) is helpful due to the small number of components.

It appears most appropriate to compute an average for Miami (\$9.70) and Seneca (\$11.11) Counties, resulting in an average wage rate of \$10.41. Clearly, the County's proposal (\$11.51) comes closest to the average of \$10.41.

Based on the County's CPI data, the average rate of increase for the past 4 years has been 2.3%.

The financial community overwhelmingly does not see inflation as becoming a major problem in the foreseeable future. There is even some discussion of deflation. The Fact-finder is of the opinion that employers should conservatively anticipate an annual rate of at least 2% for the next two years. The County's proposal for a 2% wage increase in the second and third years of the new Agreement would cover this rate. Finally, since the County's Cooks already receive a slightly higher than average wage, there is no need for additional increases during the second and third years of the new Agreement.

Summary of Fact-finder's Recommendations Regarding Cook: The Fact-finder recommends that the wages of the County's Cooks be increased by 2% for the first year (effective 10/21/02); 2% for the second year (effective 10/21/03); and, 2% for the third year (effective 10/21/04).

DETECTIVE

Unit B's Position Regarding Detective: Unit B proposes the following wage increase:

Patrol Officers assigned as Detective to receive a stipend of \$1.00 per hour, to be added to their base rate of pay, such stipend to continue for each of the three years of the new Agreement.

As of the end of the most recent Agreement (10/20/02) Patrol Officers received no additional pay for serving as Detectives. Unit B's proposal for a stipend represents an average wage increase of between 5.9% and 5.4% per year, *i.e.*, \$1.00 added to the top-step Patrol Officer steps. Using Unit B's proposal for wage increases for Patrol Officers, the stipend would result in top-step (per hour) wages for Patrol Officers (performing Detective duties) as follows: \$17.83 (1st year); \$18.67 (2nd year); and, \$19.38 (3rd year). Unit B computed the approximate cost of this proposal (Detectives only) to be \$4,160 (1st year) \$4,160 (2nd year) and \$4,160 (3rd year) for a total cost of \$12,480.

Unit B submitted its negotiation notes dated 10/18/02 reflecting a counter proposal from the County's Representative which would have given Patrol Officers (while in that [Detective] assignment) a \$1.00 per hour stipend above their base rate of pay. This proposal was overwhelmingly accepted by Unit B's ratification vote held on 10/28/02; but, was subsequently rejected by the County. This proposal would result in top-step (per hour) wages for Patrol Officers assigned full-time as Detective as follows: \$17.83 (1st year); \$18.67 (2nd year); and, \$19.38 (3rd year). Unit B computed the approximate cost of this proposal to be: \$4,160 (1st year); \$4,160 (2nd year); and, \$4,160 (3rd year) for a total cost of \$12,480.

Unit B presented data from a SERB "Benchmark Report," dated November 12, 2002, reporting Detectives for 12 County Sheriffs' Departments in Ohio. The Report computes an average annual wage of \$38,690, which equates to an average hourly wage of \$18.60. Further, from the "Benchmark Report," Unit B identified the following Counties as comparables:

\$23.08	Butler -- one County removed, pop. 332,807
\$21.08	Clark -- one County removed, pop. 144,742
\$24.00	Greene -- one County removed, pop. 147,886
<u>\$21.69</u>	Warren -- one County removed, pop. 158,383
<u>\$22.46</u>	Average hourly wage

(Note: Auglaize, Preble, Mercer, Miami, Montgomery, and Shelby Counties [adjoining] and Logan and Champaign, [one removed] not included in "Benchmark Report.")

The Report does not include Darke County (population 53,309). Currently, a top-step Patrol Officer serving as Detective receives \$15.88. Comparing the average hourly wage for these Counties to Darke County, indicates that Darke County currently is 29.3% below Unit B's comparables.

Unit B furnished a copy of portions of a Contract from a near-by jurisdiction showing top-step wages for Detective as follows: Preble County -- \$.50 stipend per hour when assigned to investigation. This results in Preble County Detective top-step wages as follows:

2002	<u>\$17.09</u>	Preble
2003	<u>\$17.59</u>	Preble
2004	<u>\$18.19</u>	Preble

By way of comparison, Unit B's Fact-finding proposal provides top-step pay for the County's Patrol Officers serving as Detectives of \$17.83 (1st year starting 10/21/02); \$18.67 (2nd year starting 10/21/03); and, \$19.38 (3rd year starting 10/21/04). Using the Unit B comparable, and after the stipend provided for in Unit B's Fact-Finding proposal for Detective, the County's Patrol Officers serving as Detectives would be 4.3% above for the first year; 6.1% above for the second year; and, 6.5% above for the third year.

County's Position Regarding Detective: The County has no proposal for a stipend for Patrol Officers serving as Detective.

The County did not offer comparables for Detective.

For the County's presentation regarding CPI increases and its data on total cost projections (for *all* Bargaining Unit Members) under both the County's and Unit B's Fact-finding proposal, see section below captioned "Employer's Ability To Pay [p. 30]."

Fact-finder's Analysis Regarding Detective: The only reasonable comparable is Unit B's information for Preble County (\$.50 per hour stipend). Preble is adjoining, with a population of 42,337 (Darke County 53,309). The Fact-finder believes that the County should pay a stipend for the additional knowledge, skills, and abilities required of its Officers serving as Detective. It is difficult to understand how a stipend of \$.50 per hour would significantly satisfy

Officers for acquiring; maintaining, and improving the KSA's required of competent Detectives. Therefore, the Fact-finder recommends that the County pay a stipend of \$1.00 per hour for Patrol Officers assigned Detective duties.

Summary of Fact-finder's Recommendations Regarding Detective: The Fact-finder recommends that a stipend of \$1.00 per hour for Patrol Officers while serving in the assignment as Detective (effective 10/21/02) for each of the three years of the Agreement.

OPOTA CERTIFIED PEACE OFFICERS ASSIGNED TO CORRECTIONS

Unit B's Position Regarding OPOTA Certified Peace Officers Assigned to Corrections: Unit B proposes the following wage increase:

OPOTA Certified Peace Officers Assigned to Corrections to receive a stipend of \$.75 per hour, to be added to their base rate of pay, such stipend to continue for each of the three years of the new Agreement.

Unit B did not submit any documentation, nor did it make any material presentation in support of this proposal.

County's Position Regarding OPOTA Certified Peace Officers Assigned to Corrections: The County has no proposal for increased pay for Certified Peace Officers Assigned to Corrections.

Fact-finder's Analysis and Recommendation Regarding OPOTA Certified Peace Officers Assigned to Corrections: There having been no documentation or presentation for the need or advisability of this portion of Unit B's Fact-finding Proposal, the Fact-finder recommends that no stipend be paid.

EMPLOYER'S ABILITY TO PAY

Unit B's Position Regarding County's Ability to Pay: Unit B objected to the County's argument presented during the Fact-finding Hearing concerning its lack of ability to pay for more than its proposal for 2% across-the-board increases for each of the three years of the new Agreement. Unit B said that during the Parties' prior negotiations (September 10, 17, 25, October 2, 10, and 18, 2002) which included exchanges of wage related proposals, the County did not raise an inability to pay more than its Fact-finding proposal of 2%. Unit B said that this (the Hearing) was the first time the County had raised financial concerns related to its ability to pay.

Unit B submitted two schedules (by Unit B classification) showing its computations of the following:

TOTAL WAGE INCREASE
OVER CURRENT

UNIT B FACT-FINDING PROPOSAL

(02-03)	\$119,731
(03-04)	206,636
(04-05)	<u>291,363</u>
TOTAL INCREASE (02-05)	<u>\$617,730</u>

UNIT B TENTATIVE AGREEMENT PROPOSAL

(02-03)	\$72,034
(03-04)	144,177
(04-05)	<u>224,709</u>
TOTAL INCREASE (02-05)	<u>\$440,920</u>

Unit B submitted a copy of a Greenville newspaper article (*Daily Advocate*, February 2002, pp. 1-2) with specific sections highlighted as follows:

* * * *

Veteran Commissioner Terry Haworth opened the session by outlining the budgetary process and the county's financial position.

Haworth said despite the national recession and local business closings, the county financial condition remains stable.

He said last year's general fund budget was \$12.46 million, compared to 2002's \$12.7 million. Despite considerable expense involved with the construction of the new animal shelter, the county retained a healthy carryover, Haworth noted.

"We had not quite \$2 million carryover," Haworth told the group. "This is the first year it's ever been below \$2 million."

According to Haworth, the county has been able to maintain the carryover due to conservative fiscal practices and increases in sales-tax revenues, which increased about \$220,000 to \$230,000. He said sales tax revenues last year totalled nearly \$4.5 million.

"Sales-tax receipts have been up about 5-7 percent annually," Haworth elaborated. "But, we never budget the increase. We try to be conservative. That's how we've always

been able to stay sound financially."

* * * *

The completion of this project [Wagner Avenue Government Complex] will provide easier access for people utilizing the various government services housed there, as well as provide revenue for the county in the future, Downing noted. He said the title office, Ohio Highway Patrol, the license branch and Edison College already are paying rent on a square-footage basis.

Haworth added the commissioners hoped by issuing bonds for the project's cost, they will be able to reduce interest rates.

"We're looking at generating \$40,000 to \$50,000 a year more than what it takes to retire this (debt)," Haworth said. "No general fund money is going into that project. It was designed that way when the previous commission board bought it."

* * * *

Unit B submitted a copy of a news article (*Dayton Daily News*, December 18, 2002) reporting that the Darke County Jail had received a State grant (\$701,860) for expansion of its jail. The article reports that only four Ohio Counties had received a grant. The article notes that, "In choosing counties to receive grant money, the state considered which counties had the resources to complete the project and staff the new building, any planning already completed and which counties already owned a building site."

Unit B submitted copies of information contained at <http://darkecounty.com/homepage.htm>. The information included a partial list of industries and businesses located in the County (http://darkecounty.com/current_industry.htm) (retrieved 11/13/02). The information "Darke County Business News" (<http://darkecounty.com/news.htm>) (retrieved 11/13/02) reporting on 13 relocations, expansions, openings, and other positive business news. Among those reports, is the following:

Greenville - One of America's Top 100 Small Towns
March, 2002 - Greenville Ohio was again rated among America's Top 100 Small Towns for Corporate Facilities by *Site Selection* magazine, the official publication of the International Development Research Council (IDRC). Greenville has garnered this honor for three consecutive years, 2000, 2001 and 2002.

* * * *

"I am very excited to see that we are benchmarking among the top small towns in the country," said Jim Hill, Darke County Development Director. "Greenville has benefitted from new company investment and continued expansion of our existing industrial base,"

said Hill. "Our local and state officials work hard to create an environment that is conducive to business development."

* * * *

Unit B noted that fortunately the CPI has been low as it is to everyone's advantage. Notwithstanding the low CPI for recent years, Unit B's Representative added that the contract negotiations in which he has been involved for the past few years have averaged increases in excess of 4.5% per annum pay increases. Darke County has been experiencing an economic downturn, as have all other Ohio Counties. However, the County's General Fund currently has a "savings account" component. While everyone prefers to add to their savings accounts, sometimes it is not possible. Regardless, the County has the money to fund Unit B's entire Fact-finding proposal, requiring just a little over \$200,000 per year.

Unit B noted that the Tentative Agreement that was initially overwhelming ratified by Unit B members would have required just over \$150,000 per year. During the negotiations leading to the Tentative Agreement (that was rejected by the County) Unit B was never told that there was a financial problem with funding the Tentative Agreement. Unit B said that it was only during the Fact-finding Hearing that the County claimed an inability to fund the Tentative Agreement, or presumably anything more than the 2% across-the-board in the County's Fact-finding proposal. Unit B believes that the County does have the money.

County's Position Regarding Ability to Pay: The County said that it has recently encountered financial difficulties that dictate that the County exercise fiscal restraint in granting wage increases for Unit B employees. It said that County revenues are lower than anticipated for 2002, with no guarantee that the economy will rebound.

The County asserted that its wages are competitive when compared to similarly sized Counties with similar revenues. It noted that recently there have been relatively modest increases in the CPI. Thus, the County said that its wage offer to Unit B members will keep their wages competitive while maintaining the fiscal restraint required by current economic conditions.

As discussed above in "County's Position Regarding Patrol Officer," the County offered the following Ohio Counties as comparables based on Population; 1999 Average Income Based on Personal Income Tax Returns; 2000 County Permissive Sales Tax Collections; and, 2000 Real Property Taxes Charged.

COUNTY	NO. COUNTIES REMOVED	GEOGRAPHIC REGION
Washington	6	S East, borders WV, pop. 63,251
Lawrence	6	S Central, borders WV & KY, pop. 62,319
Athens	5	S East, borders WV, pop. 62,223
Sandusky	4	N Central, borders L Erie, pop. 61,792
Huron	4	N Central, pop. 59,487
Seneca	3	N Central, pop. 58,683
Knox	4	Central, pop. 54,500
Pickaway	3	Central, pop. 52,727
Ashland	6	N Central, pop. 52,523
Shelby	Adjoining	Pop. 47,910
Crawford	3	N Central, pop. 46,966
Auglaize	Adjoining	Pop. 46,611
Preble	Adjoining	Pop. 42,337
Fulton	4	N West, borders MI, pop. 42,084

Darke County ranks as follows among these County comparables (note: denominator includes Darke County):

8/15	Population
11/15	1999 Average Income Based on Personal Income Tax Returns
10/15	2000 County Permissive Sales Tax Collections
10/15	2000 Real Property Taxes Charged

The County presented data from the U.S. Department of Labor showing rates of increase to the CPI as follows:

U.S. city average	
2.2%	1999
3.4%	2000
2.8%	2001
<u>1.5%</u>	2002 (annualized based on first 11 months)
<u>2.5%</u>	Average for past 4 years

Midwest urban	
2.1%	1999
3.4%	2000
2.7%	2001
<u>1.1%</u>	2002 (annualized based on first 11 months)
<u>2.3%</u>	Average for past 4 years

The County presented its "Darke County General Fund History" commencing with 1983. The most recent four years showed the following [rounded to nearest dollar]:

DARKE COUNTY GENERAL FUND HISTORY

	1999	2000	2001	2002	2003 (EST)
Balance, Jan. 1	2,387,894	2,294,931	2,182,012	1,908,341	1,302,788
Encumbered Jan. 1	148,111	124,210	108,611	104,447	150,000
Total Receipts	9,629,336	10,604,571	11,200,136	11,040,000	10,900,000
Bal. & Receipts	12,165,341	13,023,712	13,490,759	13,052,788	12,352,788
Expenses	9,746,199	10,733,089	11,477,971	11,600,000	12,352,788
Balance Dec. 31	2,419,142	2,290,623	2,012,788	1,452,788	
Encumb. Dec. 31	124,210	108,611	104,447	150,000	

Major Receipts of General Fund

Inside Millage	1,997,382	2,545,743	2,360,668	2,361,515	2,550,000
Sales Tax	3,956,546	4,240,880	4,472,407	4,200,000	4,000,000
Interest	717,728	827,329	914,251	582,000	275,000
Local Gov	786,849	828,678	827,289	790,000	700,000
Subtotals	7,458,505	8,442,630	8,574,615	7,933,515	7,525,000

The County submitted three lists (identifying wage data for each Unit B member) showing its computations of the following:

	TOTAL WAGES	TOTAL WAGES & BENEFITS
CURRENTLY (01-02)	\$1,652,885	1,914,407
UNIT B FACT-FINDING PROPOSAL (per County's computation)		
(02-03)	1,767,813	2,047,539
(03-04)	1,905,058	2,206,436
(04-05)	2,028,896	2,349,675
TOTAL INCREASE (02-05)	743,112	860,429
COUNTY FACT-FINDING PROPOSAL (per County's computation)		
(02-03)	1,685,959	1,952,715
(03-04)	1,765,425	2,044,691
(04-05)	1,836,036	2,126,381
TOTAL INCREASE (02-05)	328,765	380,566

The County noted that even though no official decision has been made (no Resolution has been passed) informally, all the discussion seems to lead to the County not granting any other County employees a pay raise for the coming year. The County said that while revenues have been decreasing (see General Fund History above), rising expenses have been even more significant (see General Fund History above), continuing to consume the County's carryover. It said that overall, the U.S. economy is not good, layoffs are increasing, companies are closing, and the County is currently going through a rough time. The County said that it must cut expenses and balance appropriations for next year.

The County said that the question is not whether Unit B's proposal will consume all of the carryover funds, because it will likely not, and it will not bankrupt the County. Rather the question is whether pay raises for more than the County's proposal is a wise financial move for the County. The County is accountable to the public, the Commissioners owe fiscal responsibility to the public. Revenues recently have been decreasing, while expenses have been rising. The County's Fact-finding proposal includes an increase from "new" money that the County will have to devote to its Sheriff's Department Unit B members.

The Tentative Agreement referred to by Unit B was taken to the Commissioners in good faith, they considered it in good faith, and ultimately made the decision they had to make in good faith. The County said that it did not disagree that Unit B members deserve a pay raise in the overall range of 4%. The County initially believed that 4% was reasonable and fair. However, in October 2002, after reviewing the County's financial situation and the worsening economy, the County decided that it could not afford such a pay raise, thus rejecting the Tentative Agreement.

Finally, by way of explanation, the County noted that rents received from the Wagner Avenue Government Complex cannot be transferred into the General Fund. Additionally, regarding the February 2002, *Daily Advocate* article, the national and local economies have changed substantially since the date of the article. For example, the County pointed out that sales tax receipts were strong in February, and continued so until the past three months. The County will receive approximately \$115,000 less this year, as compared to last year's sales tax receipts. The County is projecting another drop in sales tax receipts for 2003 of about \$150,000. Further, the County's 2001 carryover into 2002, was nearly \$2,000,000, However, this year's carryover into 2003 will likely only be about \$1,400,000.

Fact-finder's Analysis of County's Ability to Pay: The County is justified to be concerned about its financial future due to current economic conditions. However, recent economic news suggests that the U.S. economy will recover.

A modest economic recovery should take firmer root in 2003, led by businesses expected to pour their recuperating profits into investment after two years of cost-cutting. That is the widely held view among 55 economists who participated in The Wall Street Journal's 2003 economic forecasting survey. * * * * [T]he consensus among the 55

forecasters in the Journal survey is that the economy will gradually build momentum throughout the year as companies replenish depleted inventories and invest more heavily in new equipment (The Wall Street Journal, 1/2/03, p. A-1).

A resilient economic expansion may be in the making, starting in the same place that the slump began: corporate boardrooms. The U.S. economy of 2002 may be remembered for its resemblance to the economy of 1992: stuck in a rut, depressed about its prospects, damned by Democrats -- yet poised for an impressive takeoff. A business spending bust drove the economy into recession in March 2001 and has hobbled the recovery ever since. But now, the pieces required for a rebound are falling into place: Profits are recovering. Balance sheets are stronger. Investor panic is subsiding. And perhaps most important, businesses are finding it harder to keep postponing new investment (The Wall Street Journal, 1/3/03, p. A-1).

Considering the economic conditions of the past two years, the County appears to be financially sound. There was no discussion whatsoever of any foreseeable deficit-level situation. True, the County's carryover has been decreasing, but it appears that there is sufficient carryover (approximately \$1,300,000) going into 2003 to fund more than the County's Fact-finding proposal of 2% across-the-board increase for Unit B members. As of the date of the Fact-finding Hearing (December 19, 2002) the County had not officially decided not to grant pay raises to its other employees.

It will be most appropriate to compare the Fact-finder's recommendations for increases for each classification to those contained in the Parties respective Fact-finding proposals and to the Tentative Agreement.

UNIT B

Classif.	Fact-Finding Proposal	Tentative Agreement*	Fact-finder's Recommendations
Pat. Off.	6% / 5% / 4%	4% / 5% / 6%	6% / 4% / 4%
Cor. Off.	4.5% / 4.5% / 4.5%	3% / 3% / 3%	4.5% / 3% / 3%
Disp.	6% / 5% / 5%	6% / 5% / 4%	4% / 4% / 4%
Cor. O./C**	6% / 8% / 10%	5% / 6% / 7.5%	6% / 6% / 6%
Cook	4.5% / 4.5% / 4.5%	3% / 3% / 3%	2% / 2% / 2%
Detective	\$1 stipend above base	\$1 stipend above base	\$1 stipend above base
OPOTA Cer.	\$.75 stipend above base	None	None

* Ratified by Unit B, rejected by County

**Differential above top-step Corrections Officer rate

COUNTY

Classif.	Fact-Finding Proposal	Tentative Agreement*	Fact-finder's Recommendations
Pat. Off.	2% / 2% / 2%	4% / 5% / 6%	6% / 4% / 4%
Cor. Off.	2% / 2% / 2%	3% / 3% / 3%	4.5% / 3% / 3%
Disp.	2% / 2% / 2%	6% / 5% / 4%	4% / 4% / 4%
Cor. O./C**	0% / 0% / 0%	5% / 6% / 7.5%	6% / 6% / 6%
Cook	2% / 2% / 2%	3% / 3% / 3%	2% / 2% / 2%
Detective	None	\$1 stipend above base	\$1 stipend above base
OPOTA Cer.	None	None	None

* Ratified by Unit B, rejected by County

**Differential above top-step Corrections Officer rate

The following summaries of estimated additional wage costs are presented to help place the various proposals into perspective:

UNIT B (Unit B's computations of additional wage cost for Fact-Finding Proposal and for Tentative Agreement; and, Fact-finder's computation of additional wage cost for Fact-finder's Recommendations. Note: additional related wage costs not included.)

Year	Fact-Finding Proposal	Tentative Agreement*	Fact-finder's Recommendations
1st	\$119,731	\$72,034	\$87,716
2nd	206,636	144,177	144,100
3rd	291,363	224,709	202,945
Totals	\$617,730	\$440,920	\$434,761

COUNTY (Fact-finder's estimate of additional wage cost for County's Fact-finding Proposal; Unit B's computation of additional wage cost for Tentative Agreement; and, Fact-finder's computation of additional wage cost for Fact-finder's Recommendations. Note: additional related wage costs not included.)

Year	Fact-Finding Proposal	Tentative Agreement*	Fact-finder's Recommendations
1st	\$35,000	\$72,034	\$87,716
2nd	70,000	144,177	144,100
3rd	105,000	224,709	202,945
Totals	\$210,000	\$440,920	\$434,761

Even allowing for added wage related costs, *e.g.*, pension, *etc.* (about 16%) the County has sufficient funds to pay the increased costs. As noted above, the County did not disagree that Unit B members deserve a pay raise in the overall range of 4%. The Fact-finder's recommendations are not outside the bounds of that "range."

The County's data show that it is carrying over into 2003, about \$1.3 million. The Fact-finder's recommendations will add wages of about \$88,000 (plus benefits) for 2002/2003. True, January 2004, and January 2005 are unknowns. However, based on recent County financial performance and its conservative, responsible approach to fiscal management, it is more likely than not that the County will have the funds necessary for the recommended increases for 2003/2004 and for 2004/2005. The Fact-finder fully understands and appreciates the County's hesitation to commit additional funds in light of the current risky economic environment. However, the Fact-finder suggests that sound, conservative, responsible management sometimes requires decision makers to take calculated financial risks. During the past few years, the public has faced not only increased economic uncertainty, but also increased safety/security uncertainties. The County's safety forces (Unit B members) take increased risks every time they report for duty.

SUMMARY OF FACT-FINDER'S RECOMMENDATIONS

Patrol Officer: The Fact-finder recommends that the wages of the County's Patrol Officers be increased by 6% for the first year (effective 10/21/02); 4% for the second year (effective 10/21/03); and, 4% for the third year (effective 10/21/04).

Corrections Officer: The Fact-finder recommends that the wages of the County's Corrections Officers be increased by 4.5% for the first year (effective 10/21/02); 3% for the second year (effective 10/21/03); and, 3% for the third year (effective 10/21/04).

Dispatcher: The Fact-finder recommends that the wages of the County's Dispatchers be increased by 4% for the first year (effective 10/21/02); 4% for the second year (effective 10/21/03); and, 4% for the third year (effective 10/21/04).

Corrections Officer/Corporal: The Fact-finder recommends a rank differential for the County's Corrections Officer/Corporal of 6% above the top-step Corrections Officer wage for the first year (effective 10/21/02); 6% above the top-step Corrections Officer wage for the second year (effective 10/21/03); and, 6% above the top-step Corrections Officer for the third year (effective 10/21/04).

Cook: The Fact-finder recommends that the wages of the County's Cooks be increased by 2% for the first year (effective 10/21/02); 2% for the second year (effective 10/21/03); and, 2% for the third year (effective 10/21/04).

Detective: The Fact-finder recommends that a stipend of \$1.00 per hour for Patrol Officers while serving in the assignment as Detective (effective 10/21/02) for each year of the Agreement.

OPOTA Certified Peace Officers Assigned to Corrections: The Fact-finder recommends that no stipend be paid.

Note: the Fact-finder, in preparing this Report and making his Recommendations, considered the oral presentations made at the Fact-finding Hearing and supporting documentation submitted by the Parties, even though not referenced in this Report.

THE FOREGOING RECOMMENDATIONS ARE RESPECTFULLY SUBMITTED to the Parties as a proposed settlement for their interest dispute concerning the terms and conditions of their collective bargaining contract.

Fact-finder



William M. Slonaker, Sr., JD, MBA, SPHR