

FACTFINDING REPORT

STATE EMPLOYMENT  
RELATIONS BOARD

STATE OF OHIO

2003 MAR -6 A 11: 13

STATE EMPLOYMENT RELATIONS BOARD

March 4, 2003

In the Matter of:

Cuyahoga County Board of Commissioners )  
Department of Central Services )  
Division of Protective Services )  
and )  
Ohio Patrolmen's Benevolent Association )  
Sergeants' Unit )

SERB Case No. 02-MED-09-0933

APPEARANCES

For the County:

Ed Morales, Chief Negotiator  
Tonee Gregg, Assistant Director, Office of Budget & Management  
Jim Downing, Personnel Administrator  
Lieutenant Robert Lohn, Protective Services  
Bart Lenighan, Deputy Director, Central Services  
Albert Bouchahine, Employee Relations Spec., Office of Labor & Employee Relations  
Mark Johnson, Program Officer, Office of Labor & Employee Relations

For the Union:

Jeff Perry, Staff Representative  
Sergeant Thomas A. Bradley, Bargaining Committee  
Sergeant Taharka Ankhenaton, Bargaining Committee  
Sergeant Thomas A. Fovozzo, Bargaining Committee

Factfinder:

Nels E. Nelson

## BACKGROUND

The dispute involves the Cuyahoga County Board of Commissioners, Department of Central Services, Division of Protective Services and the Sergeants' Unit of the Ohio Patrolmen's Benevolent Association. They are negotiating under a reopener to be effective October 1, 2002. When the parties were unable to reach agreement, the Factfinder was appointed and a hearing was scheduled for February 28, 2003.

At the hearing, the deputy director of the county's Office of Budget and Management made a presentation regarding the county's financial position. The evidence clearly established that the county faces a very serious situation that necessitates a substantial reduction in spending. On that basis, the Factfinder engaged in extensive discussions with the parties in an attempt to find a resolution to the dispute. Ultimately, the parties agreed that the Factfinder should issue recommendations for the resolution of the dispute.

The recommendations of the Factfinder are based upon the criteria set forth in Section 4117-9-05(k) of the Ohio Administrative Rules. They are:

- (a) Past collectively bargained agreements, if any, between the parties;
- (b) Comparison of the unresolved issues relative to the employee 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;
- (c) 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;
- (d) The lawful authority of the public employer;
- (e) The stipulations of the parties;

- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agreed upon dispute procedures in the public service or in private employment.

## ISSUES

The parties stipulated that the issues before the Factfinder are health insurance, wages, and the duration of the agreement. They also agreed that the Factfinder should expedite the resolution of the dispute by simply issuing his recommendations.

### 1) Article 31 - Health Insurance - The Factfinder recommends the following

contract language:

Section 4. The current health insurance provisions shall remain in effect for the duration of the contract except that any change in the insurance package for the Service Employees International Union, Local 47 (Custodians' Unit) that is effective in 2004 shall be effective for this unit at the same time.

### 2) Article 33 - Wages - The Factfinder recommends the following contract

language:

Section 1. Effective October 1, 2002, the wage schedule for bargaining unit employees shall be frozen. The wage schedule shall be as follows:

Step 1	\$14.71
Step 2	15.15
Step 3	15.61
Step 4	16.08
Step 5	16.56
Step 6	17.05
Step 7	17.56

Section 2. During the term of this Agreement, an employee shall advance one step on the wage schedule on his or her anniversary of date of hire. Once an employee reaches Step 7 on the wage schedule, on subsequent anniversaries during the term of this Agreement, the employee shall receive a lump sum bonus of seven hundred and fifty dollars (\$750).

Section 3. In the event that the county grants a wage increase to the Service Employees International Union, Local 47 (Custodians' Unit) pursuant to the negotiations for an agreement to be effective January 1, 2003, the same increase shall be granted to employees in this bargaining unit except that it shall be effective October 1, 2002. In the event that the county grants a wage increase to the Service Employees International Union, Local 47 (Custodians' Unit) pursuant to the negotiations for an agreement to be effective January 1, 2004, the same increase shall be granted to employees in this bargaining unit except that it shall be effective October 1, 2003.

3) Article 49 - Duration - The Factfinder recommends the following contract

language:

This Agreement represents the complete understanding between the parties on all issues and shall become effective 12:00 a.m. on October 1, 2001, and remain in full force and effect until 11:59 p.m. on September 30, 2004, and thereafter, from year to year, unless at least one hundred twenty (120) calendar days prior to said expiration, or anniversary thereof, either party gives timely notice to the other of an interest to terminate or a desire to modify or change the Agreement. Within ten (10) days after receipt of said notice, a conference will be arranged to negotiate any proposals.



Nels E. Nelson  
Factfinder

March 4, 2003  
Russell Township  
Geauga County, Ohio



AMOUNT

\$0.60

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U.S. POSTAGE  
PAID  
CHESTERLAND, OH  
43026  
MAR 04 03  
008791-05  
43215

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