

FACT-FINDER'S REPORT AND RECOMMENDATIONS

Ohio SERB: 02-MED-10-1039

Ohio Patrolmen's Benevolent Association (Sergeants)
-and-
City of St. Marys

INTRODUCTION

On November 29, 2002, Lawrence I. Donnelly was appointed as Fact-Finder by Dale A. Zimmer, Administrator of the Bureau of Mediation of Ohio SERB, for case #02-MED-10-1039. This case involves the City of St. Marys, Ohio and the Ohio Patrolmen's Benevolent Association. Representing the City was Pete B. Lowe, Vice-President with Clemans, Nelson & Associates, Inc.; also present during the proceedings on behalf of the City were Mike Weadock, Director of Public Service and Safety, as well as Sue Backs, Personnel Officer. Representing the Association was Joseph M. Hegedus, Attorney with Climaco, Lefkowitz, Peca, Wilcox, and Garofoli Co., LPA; also present during the proceedings on behalf of the Association were Sgt. Greg Foxhoven and Sgt. Dave Thornberry, Committeemen. The bargaining unit consists of five (5) members, all sergeants; this unit was certified on April 8, 1999. In this case the Parties were involved with renegotiation and renewal of a Labor-Management Agreement, effective January 1, 2000 through December 31, 2002. The City is an Ohio statutory City with a population of approximately 8400 residents. The sergeants in the unit are responsible for law enforcement and citizen protection within the City as well as general direction and supervision of other police officers.

After his appointment, the Fact-Finder contacted the representatives of the Parties. He was informed that the Parties had several issues unresolved. They had met on

October 29, November 13, and November 19, 2002 without reaching resolution on all issues. They also met on December 2, 2002 with a Federal Mediator without agreement. After his discussion with the representatives the Fact-Finder set up a Fact-Finding hearing for January 14, 2003 in the City Building. As directed by ORC4117.14, (C), (3), (a), the Parties submitted their pre-hearing reports to the Fact-Finder before the scheduled hearing as well as a copy of their prior Agreement. This enabled the Fact-Finder to become familiar with the unresolved issues and the positions of the Parties on these issues.

HEARING AND FACTUAL BACKGROUND

The hearing was begun a bit late because of snow delays of the Fact-Finder. As a first matter of business, the Fact-Finder determined that the Parties waived any desire for oaths by witnesses. Also, he determined that the Parties were satisfied to conduct proceedings in private. The Fact-Finder notified the Parties that his notes would serve as a record, backed up by a tape recording. He then reviewed with the Parties his understanding of the Unresolved Issues, as gained from their pre-hearing reports. He found seven issues.

Article 16, Vacations (these differences were resolved by the Parties before the hearing; so the Article no longer contained unresolved issues).

Article 17, Overtime Pay (one Section contained unresolved issues).

Article 18, Longevity (one Section contained unresolved issues).

Article 19, Health Insurance (one Section contained unresolved issues).

Article 24, Sick Leave (several Sections contained unresolved issues).

Article 39, Wages (the schedule in one Section remained an unresolved issue).

Article 40, Duration (the Parties signed off on this before the hearing began; so this Article no longer contained unresolved issues).

After this review, the Fact-Finder asked if the Parties would like to try mediation, in line with ORC4117.14, (C), (4), (f). After some separate deliberations by the two Parties, they expressed a willingness to try mediation once more. The Fact-Finder accordingly went off the record; some four hours later, they tentatively accepted the following set of proposals.

Article 17 – Overtime Pay
Maintain current language.

Article 18 – Longevity
Maintain current language.

Article 19 – Health Insurance
Maintain current language
except increase caps in
Section 19.4 as follows:

	<u>FAMILY</u>	<u>SINGLE</u>
Feb. 1, 2003	\$5,000	\$2,250
Jan. 1, 2004	\$5,000	\$2,250
Jan. 1, 2005	\$5,200	\$2,450

Article 24 – Sick Leave
Maintain patrol officers language
from proposals and Section 24.10,
but adopt employer’s language
about handling occasions in a
calendar year.

Article 39 – Wages
Increase the current scale in Section
39.1 as follows:
Jan. 6, 2003 3.5%
Jan. 5, 2004 3.0%
Jan. 4, 2005 3.5%

The Fact-Finder, thus, recommends these five sets of proposals to the Parties for resolution of their unresolved issues. He recommends that they add these provisions to

all the provisions which they had earlier tentatively agreed to in their negotiations. The Fact-Finder hastens to add that the above package of proposals is in harmony with the criteria listed in ORC4117.14, (G), (7). In particular, it is based upon their prior agreement (a), it is compatible with conditions within other bargaining units in the City (b), it reflects the welfare of the public and is financially and administratively feasible, (c), it meshes with the lawful authority of the City (d), and, finally and most notably, it reflects stipulations by the Parties (e). The Fact-Finder emphasizes that this package evolved from proceedings wherein the committees of each Party were present and active participants.

FACT-FINDER RECOMMENDATIONS

In view of the above, the Fact-Finder submits his recommendations on the five remaining issues, to be included with all the tentative Agreements of the Parties in their negotiation, and to become their new Agreement.

Issue 1: Article 17 – Overtime Pay
 The Fact-Finder recommends that the Parties retain their current language.

Issue 2: Article 18 – Longevity
 The Fact-Finder recommends that the Parties retain their current language.

Issue 3: Article 19 – Health Insurance
 The Fact-Finder recommends that the Parties retain their current language except for the caps in Section 19.4, which are to become:

	<u>FAMILY</u>	<u>SINGLE</u>
February 1, 2003	\$5,000	\$2,250
January 1, 2004	\$5,000	\$2,250
January 1, 2005	\$5,200	\$2,450

Issue 4: Article 24 - Sick Leave

The Fact-Finder recommends that the Parties use the language proposed by the Union as well as Section 24.10 but on a calendar year basis except for any employee who reaches the fifth (5th) occasion in a calendar year shall thereafter be subject to a rolling twelve (12) month period until the number of occasions is again reduced to four (4) in a rolling twelve (12) month period.

Issue 5: Article 39 - Wages

The Fact-Finder recommends that the Parties increase the scale of wages in the five steps in Section 39.1 as follows:

January 6, 2003	3.5%
January 5, 2004	3.0%
January 4, 2005	3.5%

In closing, the Fact-Finder commends the Representatives and the Committee Members for their professionalism in representing the interests of their respective constituencies. The above package of proposals avails the Parties of the opportunity to continue their harmonious working relationship for the interests of the residents of the City of St. Marys. The Fact-Finder is sending a copy of his report to each representative by overnight mail.

Dated: *January 23, 2003*
January 23, 2003

Signed *Lawrence I. Donnelly*
Lawrence I. Donnelly