

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

2003 AUG -8 A 10: 37

IN THE MATTER OF FACT-FINDING BETWEEN:

Mentor-on-the-Lake, Ohio)	
)	Case Nos: 02-MED-10-1120
and)	02-MED-10-1121
)	
OPBA Sergeants (1120))	Fact-Finder: Colman R. Lalka
OPBA Patrol Officers (1121))	

HEARING

Date of Hearing: August 4, 2003

Location of Hearing: Mentor-on-the-Lake, Ohio

ATTENDANCE AT HEARING

For the City:

Tom Grabarczyk, Consultant
Kip Molenaar, Administrative Director

For the Association:

Jeff Perry, OPBA Business Agent
John Forsythe, Patrol Officers Representative
Glenn R. Bailey, Sergeants Representative

CRITERIA

The criteria used by the Fact-Finder in mediating disputed issues were those set forth in Rules 4117-9-05(J) and (K) of the State Employment Relations Board, to wit:

4117-9-05(J). The fact-finding panel, in making findings of fact, shall take into consideration all reliable information relevant to the issues before the fact-finding panel.

4117-9-05(K). The fact finding panel, in making recommendations, shall take into consideration the following factors pursuant to division (C)(4)(e) of section 4117.14 of the Revised Code:

4117-9-05(K)(1). Past collectively bargained agreements, if any, between the parties;

4117-9-05(K)(2). Comparison of the 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;

4117-9-05(K)(3). The interests and welfare of the public, 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;

4117-9-05(K)(4). The lawful authority of the public employer;

4117-9-05(K)(5). Any stipulations of the parties,

4117-9-05(K)(6). Such other factors, not confined to those listed above, which are normally or traditionally taken into consideration in the determination of the issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

BACKGROUND

Mentor-on-the-Lake, Ohio has recognized the Ohio Patrolmen's Benevolent Association as the bargaining representative for certain employees of the City. Two Bargaining Units are involved in the within proceedings, 1) OPBA Sergeants and 2) OPBA Patrol Officers. Both Bargaining Units are duly certified by the State Employment Relations Board and each has a Labor Agreement with the City bearing effective dates of January 1, 2000 to December 31, 2002. Each Agreement provides for termination after the expiration date of December 31, 2002 upon seventy-two hours advance written notice. None of the Parties exercised the option of terminating either Agreement, electing instead to keep each Agreement in force and effect pending ongoing negotiations.

When impasse was reached, the Parties requested the Fact-Finder convene a hearing, attain relevant facts, and prepare a report and recommendation in keeping with ORC 4117 and related Rules and Regulations adopted by SERB. The hearing was convened on the date and at the place indicated above.

MEDIATION

Prior to the commencement of the fact-finding hearing, mediation was requested by the Parties. The Fact-Finder acted as mediator with thirteen unresolved issues being negotiated, to wit: wages, vacation, uniform allowance, training degree allowance, grievance language, overtime, fitness for duty, drug testing, holiday overtime for Christmas and Thanksgiving, range pay, comp time, hospitalization, and longevity. The unresolved issues were common to both Bargaining Units, and tentative agreement was reached on all thirteen issues. No issues remain at impasse.

RECOMMENDATION

It is recommended that the above identified thirteen issues of Tentative Agreement be incorporated into the Parties' successor Agreements.

A handwritten signature in black ink, appearing to read 'Colman R. Lalka', written in a cursive style.

Colman R. Lalka, Fact-Finder

Dated: August 6, 2003
Madison, Lake County, Ohio

Colman R. Lalka
Arbitrator - Attorney at Law
Practice Limited to Labor Arbitration/Mediation

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August 6, 2003

Tom Grabarczyk
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Dale A. Zimmer
State Employment Relations Board
65 East State Street
Columbus, OH 43215-4213

Jeff Perry
OPBA Business Agent
10147 Royalton Rd., Suite J
North Royalton, OH 44133

In Re: Mentor-on-the-Lake and OPBA
SERB Case Nos: 02-MED-10-1120
02-MED-10-1121

Dear Sirs:

Enclosed herewith for each of you please find one copy of the Fact-Finder's Report and Recommendations in the captioned matter, and to Messrs. Grabarczyk and Perry two copies each of an invoice for services rendered. An IRS Form W-9 is also enclosed for the City.

Please review the invoice, provide any necessary approvals, and forward same to the appropriate officer for processing and payment.

Thank you for your kind cooperation in this, and throughout these proceedings. It was a pleasure to work with you and I look forward to our next occasion to do so. Until then, I remain...

Very truly yours,



Colman R. Lalka

Enclosures: Report and Recommendations
Invoice
IRS Form W-9 (to Mr. Grabarczyk only)



R. Lalka
I - Attorney at Law
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