

**FACT FINDING REPORT
STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD
December 11, 2002**

STATE EMPLOYMENT
RELATIONS BOARD

2002 DEC 12 A 10: 27

In the Matter of: :
:
HAMILTON FIRE FIGHTERS, IAFF : **CASE NO. 02-MED-11-1184**
LOCAL 20 :
:
and :
:
CITY OF HAMILTON :

APPEARANCES

For the Union,
William E. Quinn, Jr., President
James Beachan, Vice President
David A. Holzberger, Secretary Treasurer

For the City of Hamilton,
Paul R. Berninger, Wood and Lamping LLP
Mark Brandenburger, Esq., Deputy City Manager
Hillary G. Miller, Director of Law

Fact Finder: Howard Tolley, Jr.

Introduction

The parties engaged in bargaining pursuant to a reopener provision set forth in Article XII section C. of their collective bargaining agreement effective January 1 2002 through December 31, 2004. Section C provides for negotiation for the purpose of a general wage adjustment to be effective on January 1, 2003. The Bargaining Unit currently includes 103 sworn members of the Hamilton, Ohio Fire Department in the classification/rank of Captain and below.

In negotiations prior to fact-finding, the parties were unable to agree on a wage adjustment for 2003, and they scheduled a December 10 hearing with the SERB Fact Finder at the Hamilton Fire Department Headquarters. The parties exchanged and submitted pre-hearing position statements that summarized their wage proposals, and they prepared supporting documents for presentation at the hearing to address the criteria established by the Ohio Public Employees Bargaining Statute in Rule 4117-9-05:

- 1) Past collectively bargained agreements, 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 actors, 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.”

Issue: Compensation for 2003, Article XII, Section C.

Union Position:

The Union sought the following contract language:

“Effective with the start of the 8:00 a.m. shift of duty on January 1, 2003 a general wage alignment of five and one half percent (5.5%) be applied to all bargaining unit class rates. Effective with the start of the 8:00 a.m. shift of duty on January 1, 2003, commencing immediately after the aforementioned wage alignment, a three percent (3%) general wage adjustment increase shall be applied to all bargaining unit class rates.”

City Position:

The city proposed a three percent (3%) wage increase for 2003.

Meditation:

Prior to convening a hearing on the record to consider the supporting documents and to hear testimony by the City Finance Director, the Fact Finder mediated negotiations that began at 10:45 a.m. and continued until 2 p.m. Those expanded negotiations involved proposals and counter-proposals involving wage increases for both 2003 and 2004 as an alternative to the wage reopener for 2004 under Article XII, Section D. The parties reached a settlement that includes wage increases for both 2003 and 2004, until the expiration of the current agreement. The parties then agreed on the record that the Fact Finder incorporate their mediated settlement into this Fact-Finding Report.

Discussion:

The Fact Finder conducted a preliminary review of the conflicting documentary evidence and competing position statements prepared by the union and the employer that offered pay comparisons with other public employees in the region and that addressed the city's ability to pay. Since the Fact Finder did not hear formal presentations, question the parties, or take witness testimony, this report will not make findings of fact beyond concluding that the mediated wage settlement by the parties was mutually acceptable.

Suggested Language:**Article XII, Section C.**

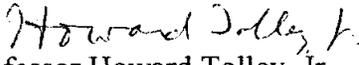
"Effective with the start of the 8:00 a.m. shift of duty on January 1, 2003 a three percent (3%) general wage adjustment increase shall be applied to all bargaining unit class rates. Effective with the start of the 8:00 a.m. shift of duty on July 1, 2003, a two percent (2%) general wage adjustment increase shall be applied to all bargaining unit class rates."

Article XII, Section D.

"Effective with the start of the 8:00 a.m. shift of duty on January 1, 2004 a three percent (3%) general wage adjustment increase shall be applied to all bargaining unit class rates. Effective with the start of the 8:00 a.m. shift of duty on July 1, 2004, a one and one half percent (1.5%) general wage adjustment increase shall be applied to all bargaining unit class rates."

Conclusion:

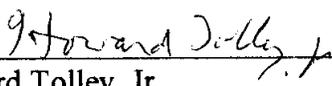
If the parties find any error in this report needing correction, a conference call should be arranged to discuss the concern, and a request may be filed with SERB for authorization to adjust the report [O.A.C Rule 4117-9-05(L)]. The Fact Finder appreciates the professional approach by all individuals involved in the process and their exemplary conduct.


Professor Howard Tolley, Jr.
University of Cincinnati
December 11, 2002



CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the above and foregoing Fact Finding Report has been served upon William E. Quinn Jr., President Hamilton Fire Fighters, IAFF, Local 20 538 Main Street, Suite B Hamilton, Ohio 45013 and Paul R. Berninger, Wood & Lamping LLP, 600 Vine Street, Suite 2500, Cincinnati, Ohio 45202,, on this 11th day of December, 2002.



Howard Tolley, Jr.