

STATE EMPLOYMENT RELATIONS BOARD
STATE OF OHIO

2003 OCT 14 A 10:32

In the matter of Fact Finding)	Case No, 03-MED-05-0604
)	
between)	
)	FACT FINDING REPORT
The Fraternal Order of Police,)	
Ohio Labor Council, Inc.,)	
)	Mitchell B. Goldberg, Appointed
)	Fact Finder
Public Employee)	
Organization,)	
)	
and)	
)	Date: October 10, 2003
The Brown County Sheriff's Office,)	
)	
Pubic Employer.)	

APPEARANCES:

For the FOP:

Barry Gray, Staff Representative
Rick Eagan, Deputy Sheriff
Jerry Crawford, Deputy Sheriff

For the Employer:

Robert W. Cross, Consultant

I. INTRODUCTION.

The undersigned, Mitchell B. Goldberg, was appointed as the Fact Finder for this matter on June 18, 2003. A hearing was held on September 12, 2003 in Georgetown, Ohio. The FOP was represented by Barry Gray and the County was represented by Robert W, Cross. The FOP presented evidence through the testimony of witnesses and by submitting documentary exhibits. The Employer submitted evidence through exhibits.

Prior to the hearing, each party submitted Pre-Hearing Statements pursuant to Sec. 4117-9-05 of the Rules of SERB. Included in the Statements was a general description of the bargaining unit. The unit consists of 32 full-time members below the rank of Sergeant, 19 Road Deputies, 13 Correction Officers, 2 Corrections Corporals, 3 Cooks, 4 Court Service Deputies, 1 Court Service Corporal, and 1 Road Corporal. The parties met during one bargaining session over the single issue wage reopener provided in Article 30, Sec. D. The FOP proposed an across the board wage increase of \$1.00 and the Employer countered with a proposal of a zero wage increase for the last year of the contract.

The undersigned attempted to mediate the disputed issue between the parties, but the attempts at arriving at a mediated settlement were unsuccessful. The parties agreed that this Report shall be issued on October 10, 2003. Consideration in this Report was given to all of the criteria listed in Rule 4117-9-05 (J) of SERB.

II. FINDINGS AND RECOMMENDATION.

A. Position of the FOP.

The present wages paid to the Sheriff's department employees are the lowest among comparable neighboring southern Ohio river counties; Adams, Highland, Lawrence, and Scioto. The goal of the FOP is to bring the wage levels at least near the average of these comparable counties. For example, the 2003 rates for top-out Road Deputies among the counties is as follows:

Lawrence County	\$15.24
Scioto County	\$15.21
Adams County	\$14.31
Highland County	\$14.20
Brown County	\$13.66

For 2004, the rates are:

Scioto County	\$15.81
Lawrence County	\$15.69
Highland County	\$14.85
Adams County	\$14.73

The 2003 rates for Corrections Officers are:

Scioto County	\$15.21
Adams County	\$13.78
Highland County	\$12.71
Brown County	\$11.58
Lawrence County	\$11.55

For 2004, the rates are:

Scioto County	\$15.81
Adams County	\$14.19
Highland County	\$13.36
Lawrence County	\$12.00

The Employer changed its bargaining position for the hearing and proposed an across the board increase of 3%. This would bring the Road Deputies rate to \$14.07 and the Corrections Officers rate to \$11.93. The FOP maintains its proposal of a \$1.00 across the board increase bringing the rates to \$14.66 and \$12.58 respectively.

The 2004 average for the four counties for Road Deputies is \$15.27. The Employer's proposal of 3% or \$14.07 would result in a wage level \$1.20 less than the average. This will widen the gap between Brown and the average wage. The FOP proposal narrows the gap from the present 2003 gap of \$1.08 to \$0.61. Likewise, for Corrections Officers, the Employer proposal would widen the gap between the average and Brown from \$1.73 to \$1.91 below the average. The FOP proposal will lessen the gap to \$1.26 below the average.

The Employer does not and cannot claim an inability to pay the proposed increase. The year end Audit Report for 2001 (2002 is not available) shows a total balance of \$17,189,183 and a General Fund balance of \$2,834,569 with \$17,337,514 in retained earnings.

The Brown County 2001 Citizens Financial Report issued by the County Auditor contains further relevant information. Sales tax receipts have increased from

\$1,856,545 in 1997 to \$2,891,663 in 2001, over 56%. 12.93% of the budget is devoted to public safety. The Sheriff's department allocation is \$1,955,000. For 2001 the amount of financial benefits exceeded the amount of financial detriments by \$33,330,025 with an increase of \$1,876,105 over the 2000 figure.

The Profile for Brown County shows a large increase in development, both in industrial-commercial and residential development. Population growth has increased by 21% from 1990 to 2000, and per capita income has increased from \$13,812 in 1990 to \$20,699 in 1999. The civilian labor force has grown from 19,300 in 1997 to 20,000 in 1999. Total employment grew from 18,200 to 18,900 over the same period. Employment in all industries grew from 6,550 in 1995 to 7,399 in 2000. The average weekly earnings for government employees grew from \$413.58 in 1995 to \$520.53 in 2000. Increases are shown in single family and multi-family units and business starts. The unemployment rate, while still higher than the average rate in Ohio counties, has remained fairly constant from 2002 to 2003 (8.3% in Feb. 2002 and 8.7% in March 2003). The comparison to the Profiles for the other comparable counties shows that Brown has the highest population growth and the second highest average weekly earnings, 2% over the average of the five counties.

The increase in population and development has resulted in a greater workload for the Sheriff's department. Reports filed by the public were up 1,413 from 2001 to 2002. Criminal investigations have increased substantially and the jail population increased from 2001 to 2002. Likewise, the number of court papers served increased by 630 over the period.

The above statistics show that Adams pays deputies 5% more than Brown with a smaller population and a high unemployment rate of 11.7%. Lawrence pays deputies 12% more with average weekly earnings 9% less than Brown. Scioto pays deputies 12% more with a comparable unemployment rate. Finally, Highland, with a high population growth rate of 14% pays deputies 4% more than Brown.

The low pay in the Department has produced an unstable, inexperienced workforce with a high turnover rate. Brown has become a training ground for the area. As soon as many officers are trained, they leave for more lucrative pay in surrounding departments. The present roster of Road Deputies has 10 out of 19 members with five or less years of seniority. The seniority of all 13 Corrections Officers dates back to only 1998. Less than a handful of these employees have 10 years or more of seniority.

B. Position of the Employer.

The Employer does not claim an inability to pay. It believes that the wages offered are competitive and that there is no problem finding recruits to apply for employment. It believes that it must meet the demands of further growth by making capital and infrastructure improvements such as the current development of the new garage center. The general fund budget estimate on January 1, 2003 was \$6,363,451 out of the total funds of \$36, 236,851. The County is budgeted to spend \$5,663,141 of the general fund with \$2, 026,697 allocated to the Sheriff, or 32% of the general fund budget. Brown devotes the greatest share of its general fund for the Sheriff than any of the other comparable counties. It, therefore, considers its Sheriff's department to be well staffed and funded.

The County has decided to cut back where appropriate given its limitations. For example, the DARE program has been suspended and not funded. The Employer wants to keep the Sheriff's Department employees in line with the increases paid to other County employees. They received increase of \$.30 - \$.40, or between 2.0% and 2.7% in 2002 and \$.30 for 2003. The Sheriff's Department received a \$.70 increase in 2003. The MR/DD employees only received \$.50 for 2003.

The Employer has made considerable efforts over the years to bring the Sheriff's Department wages in line with other counties. The highest Road Deputy was paid \$9.71 per hour in 1994 and received \$13.66 in 2002. The number of employees has increased by 50% over the last 10 years.

The employees have received better benefits than other counties including a lower contribution for single/family medical coverage. The Employer's proposal is higher than the cost of living increase of 2.2% for the County. Its proposal is in line with the increase received by the Sheriff in Adams County of 3%.

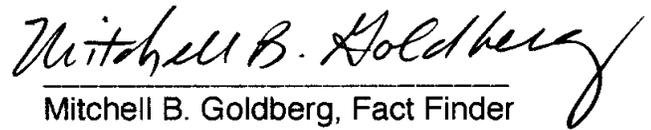
Brown county is still a rural Appalachian area with a high unemployment rate. The largest employer by far is still the government. Pike County, another county with similar economic statistics pays Road Deputies and Corrections Officers substantially less (\$12.40/hr and \$10.30/hr).

C. Recommendation.

Based upon all of the evidence presented, I find that Brown County must prepare itself for future development by obtaining a more experienced workforce in the Sheriff's Department. It should attempt to slow the turnover rate by paying

compensation more in line with its comparable counties. This cannot be accomplished by continuing to pay the Sheriff's Department the same increases as other County employees. The new residents and businesses will expect well trained and experienced safety forces. I, therefore, recommend an across the board increase of \$.65 per hour for the remaining period in the contract.

October 10, 2003



Mitchell B. Goldberg, Fact Finder