

STATE EMPLOYMENT
RELATIONS BOARD
2004 JUN -9 A 10: 28

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the matter of	*	03-MED-09-0975
	*	
Fact-finding between:	*	
	*	
Allen County Sheriff	*	Fact-finder
	*	Martin R. Fitts
and	*	
	*	
I.U.P.A. Local 150	*	June 7, 2004
	*	
	*	

REPORT AND RECOMMENDATIONS OF THE FACT-FINDER

APPEARANCES

For the Allen County Sheriff (the Employer):

Darrell Hughes, Attorney
Jonathan J. Downes, Attorney
Dan Beck, Sheriff
Greg Sneary, County Commissioner
Sam Bassitt, County Commissioner
Dan Reiff, County Commissioner
Becky Saine, County Business Administrator
Philip Leibolt, Ashland County Auditor
Gene King, Major
Steve Hoverman, Captain
Judy Ellison, Fiscal Manager, ACSO

For I.U.P.A. (the Union):

William A. Dunn, Business Agent
Bryan McKinney, Local President
Stan Merkle, Local Vice President
Bob Tomasi, Secretary Treasurer
Cindy Hobbs, Union Representative
Charles Boorne, Union Representative

PRELIMINARY COMMENTS

The bargaining unit consists of all Corrections Officers, Corrections Corporals, Dispatchers and Deputy Sheriffs employed by the Allen County Sheriff's Office. There are approximately 100 employees in the bargaining unit. The State Employment Relations Board appointed the undersigned as Fact-finder in this dispute on April 13, 2004. The fact-finding hearing was held on May 20, 2004 at the offices of the Allen County Sheriff in Lima, Ohio. Both parties attended the hearing, presented written positions, and elaborated upon their respective positions. There was one issue at impasse: a wage re-opener for wages to be paid to bargaining unit employees from January 1, 2004 to December 31, 2004. Thus one issue was submitted for Fact-finding.

In rendering the recommendations in this Fact-finding Report, the Fact-finder has given full consideration to all testimony and exhibits presented by the parties. In compliance with Ohio Revised Code, Section 4117.14 (G) (7) and Ohio Administrative Code Rule 4117-9-05 (J), the Fact-Finder considered the following criteria in making the findings and recommendations contained in this Report:

1. Past collectively bargained agreements, if any, 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 factors, 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.

All references by the Fact-finder in this report to the Employer's proposal and the Union's proposal are references to their respective final proposals as presented in writing to the Fact-finder at the May 20, 2004 hearing.

ISSUES AND RECOMMENDATIONS

Issue: Wages

Positions of the Parties

The Employer proposes that the Appendix A of the collective bargaining agreement be amended to reflect an across-the-board 2.28% wage increase for all bargaining unit employees effective January 1, 2004.

The union proposes that the Appendix A of the collective bargaining agreement be amended to reflect an across-the-board 4.0% wage increase for all bargaining unit employees effective January 1, 2004.

Discussion

The Employer cited a number of factors in support of its proposal. Primary among them is that many costs have been rising, including the cost of housing prisoners and utility costs. Overall, the County is concerned about the rising costs in the face of flat revenue. While Allen County is a center of retail activity, planned developments in nearby counties may take away some of that business. The trend in sales tax revenue has generally been upward except for 2001, however, despite the County projecting a slight decrease in 2004.

There was much discussion as to the effect of a delay in settling the current contract, which resulted in six additional months of no wage increase for these bargaining unit employees. However, much of the delay can be attributed to the change in union representation and a paperwork filing snafu on the part of the Union. Certainly it is regrettable that this occurred, but these circumstances were not the fault of the Employer and this does not warrant consideration when determining the appropriate wage increase at this time.

A change in the County's health insurance plan resulted in lower costs and added benefits to the employees. The Employer cited this additional money in the pockets of the employees as a reason for the Fact-finder to recommend the Employer's proposal for a 2.28% wage increase. However, the Union correctly noted that the Employer, too, benefited from lower costs, and that this freed up additional money for a wage increase. It also is noted that these employees still contribute a significant amount to their health care premiums.

The parties both presented comparables in support of their respective positions. As usual, there was a difference of opinion as to which comparables should be considered by the Fact-finder. The difference between the Employer's proposed 2.28% wage increase and the Union's proposed 4% increase is 1.72%. Regardless of the outside counties and other comparables utilized, the difference in the two wage proposals will not have a significant affect on the ranking of the employees in the Allen County Sheriff's Office compared to the others.

Given the above, the best comparables thus become those internal to Allen County. The Employer noted that non-union employees in the county received a 2.28% wage increase for 2004, the same as proposed for this bargaining unit. Employees in the Allen County Human Services Department received a 2.5% wage increase for 2004, while Child Support Enforcement Agency employees and Allen County Engineer employees received a 3% wage increase. The employees in the Support Unit in the Sheriff's Office (support employees represented by the FOP/OLC) received a 3% wage increase in 2004, as did employees in the Sheriff's Office Gold Unit (command officers represented by FOP/OLC).

In consideration of all the factors, there is simply no justification for the Union's proposal of a 4% wage increase. Certainly the Employer is facing higher operating costs and possibly flat revenue. Interestingly enough, however, the one cost that is generally cited as a reason for lower wage increases is the cost of health care, which actually went down for the Employer as well as the employees this year.

The best indicator of a fair wage increase is the internal comparables of the Allen County Sheriff's Support Unit and Gold Unit, which both received 3% wage increases in 2004. This bargaining unit represents the employees who serve at the front line, so to speak, of the Sheriff's Office, and are entitled to similar consideration with regard to a wage increase as the other two bargaining units. A 3% wage increase maintains parity with the other two bargaining units in the Sheriff's Office, yet is only 0.72% greater than the Employer's proposal and will not cost the Employer a significantly higher amount than its own proposal.

Findings and Recommendation

The Fact-finder recommends that Appendix A of the collective bargaining agreement be amended to reflect an across the board wage increase of 3.0% effective January 1, 2004. Therefore the following amendment should be added to Appendix A, Wage Rates of the agreement:

<u>January 1, 2004 (3% Increase)</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>
<i>Dispatcher</i>	\$11.71	\$12.21	\$12.69	\$13.19
<i>Corrections Officer</i>	\$13.19	\$13.71	\$14.28	\$14.84
<i>Corrections Corporal</i>	\$15.42	\$16.02	\$16.67	\$17.35
<i>Deputy Sheriff</i>	\$15.81	\$16.45	\$17.10	\$17.78



Martin R. Fitts
Fact-finder
June 7, 2004