

STATE EMPLOYMENT
RELATIONS BOARD

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

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| In the matter of | * | 03-MED-10-1053 |
| | * | 03-MED-10-1054 |
| Fact-finding between: | * | 03-MED-10-1055 |
| | * | 03-MED-10-1056 |
| | * | |
| Ashland County Sheriff | * | Fact-finder |
| | * | Martin R. Fitts |
| and | * | |
| | * | |
| Ohio Patrolmen's Benevolent Association | * | February 27, 2004 |
| | * | |
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REPORT AND RECOMMENDATIONS OF THE FACT-FINDER

APPEARANCES

For the Ashland County Sheriff (the Employer):

James Budzik, Attorney
E. Wayne Risner, Sheriff
Barb Queer, County Business Administrator
Philip Leibolt, Ashland County Auditor

For the O.P.B.A. (the Union):

Joe Hegedus, Labor Counsel
Jason Slarb, Local Representative
Cassie Dobson, Local Representative
Sue Kelley, Local Representative

PRELIMINARY COMMENTS

There are four bargaining units included in this report. The Sergeants & Lieutenants unit consists of approximately 5 full-time employees. The Communications Officers unit consists of approximately 14 full-time employees. The Road Deputies & Detectives unit consists of approximately 13 full-time employees. The Corrections Officer unit consists of approximately 31 full-time employees. The State Employment Relations Board appointed the undersigned as Fact-finder in this dispute on December 1, 2003. The parties reached a tentative agreement, which was ratified by the Union but rejected by the Ashland County Commissioners. The fact-finding hearing was held on February 17, 2004 at the Ashland County Sheriff's Office. Both parties attended the hearing, presented written positions, and elaborated upon their respective positions. There was one issue at impasse: Wages. No further mediation was attempted at the hearing, and 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 to the Fact-finder at the February 17, 2004 hearing.

ISSUES AND RECOMMENDATIONS

Issue: Wages

Positions of the Parties

The Employer proposes an across-the-board wage increase of 3% the first year, 3% the second year, and 3% the third year.

The union proposes an across-the-board wage increase of 4% the first year, 4% the second year, and 4% the third year.

Discussion

The tentative agreement originally reached between the Employer and the Union had called for a 4% increase in the first year, a 3% increase in the second year, and a 3% increase in the third year. The Sheriff characterized this as a fair agreement. However, from the testimony of both parties at the hearing it was clear that the Ashland County Commissioners rejected it based upon the 4% increase in the first year.

The Union presented some compelling evidence that the employees in these four bargaining units are paid at the lower end of the scale compared to neighboring, comparable counties. The Sheriff testified that he found the original tentative agreement to be fair, no doubt in part because he is aware of those same comparables. Certainly neither the wage increases provided in the rejected tentative agreement, nor the wage increases proposed by the Union will significantly change the ranking of this bargaining unit. However, some consideration must be given to this argument of the Union.

The Ashland County Commissioners had allowed for a 3% increase in wages as part of their overall appropriation to the Sheriff, a higher percentage wage increase than other general fund county employees are slated to receive in 2004. Personnel costs are by far the largest line item in the Sheriff's budget. The Employer presented testimony that the wages and fringe benefit costs for the Sheriff's Office represent 26.4% of Ashland County's entire general fund budget, a very significant amount to be sure. The County Commissioners are rightfully concerned for the health of the County's overall budget. It is noted, however, that the statutory authority rests with the Sheriff to determine in what manner he will spend the appropriation to his office.

The Sheriff found the original tentative agreement to be fair. He is the elected official who must deal with the fiscal effects of meeting such an agreement. However, the Fact-finder is cognizant of the County Commission's oversight role of the Sheriff's overall budget, and is sympathetic to its concerns over providing a significantly large increase to

these bargaining units that other county general fund employees have received. With that in mind, the original tentative agreement called for a total of 10% in increases over the three years of the agreement. By moving 0.5% from the wage increase in the first year, and putting it in the second year, the financial effect is minimal on the individual employees in the first year, and makes them whole in the second year. This appears to the Fact-finder to be a reasonable compromise between the interests of the bargaining unit employees, the Sheriff, and the County Commissioners. It is very close to the rejected tentative agreement, yet is also very close to the 3% wage increase allowed for in the County Commissioners' 2004 appropriation for the Sheriff's Office and the Employer's final position at the hearing.

Findings and Recommendation

Therefore, the Fact-finder recommends an across the board wage increase of 3.5% in the first year, an additional 3.5% across the board wage increase in the second year, and an additional 3.0 % across the board wage increase in the third year.

Additional recommendations of the Fact-finder

It is clear that through serious and thoughtful bargaining the parties have resolved numerous issues. The Fact-finder recommends all of the agreements previously reached by the parties as well.



Martin R. Fitts
Fact-finder
February 27, 2004