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STATE OF OHIO STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF FACT-FINDING BETWEEN:

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS
LOCAL 434, IAFF
and
CITY OF PAINESVILLE
CASE NO: 04-MED-01-0051

FACT-FINDING REPORT OF THOMAS R. SKULINA, FACT-FINDER

HEARING

A hearing was conducted on June 11, 2004 at the Painesville City Hall. The Union was represented by Dennis Haines, Esquire of the firm Green, Haines, Szambati, Co., L.P.A. The City's advocate was Robert Baetzel, Human Relations Director. The bargaining unit consists of twenty-five employees. There are four Captains, three Lieutenants and eighteen Firefighters.

ISSUE

Only one issue was on the table. This involved a wage reopener for the third year of the Collective Bargaining Agreement ("CBA") (Article 20 - Compensation Plan).

The Union proposed a wage increase of 5% for the third year of the contract beginning on January 1, 2005.

The City offered a wage increase of 1.75% effective to March 31, 2004.

DISCUSSION

Neither party presented any evidence of comparable wages. Both parties addressed two primary issues. The first is a matter of the financial resources of the City. The second was the history of the bargaining of this issue as well as the recent settlement with the police union.

The City has been utilizing a carry over balance to balance its General Fund. In 2000 there was a carry over balance of \$1,735,804.00. By 2003 this dropped to \$1,249,745.00. The estimated year end carry over for 2004 is down to \$565,852.00. Tax receipts have gone down. In 2002 they amounted to \$15,869,976.93. and dropped in 2003 to \$14,901,527.60.

The Union argued that the City had budgeted sufficient funds to find a 2 1/2% increase for April, 2004 for its employees.

With the exception of the IBEW contract (another fund involved and 3% retroactive raise awarded) all the employees that had bargained to date got a 2% increase retroactive to April 1, 2004. This included the police.

There was no evidence to show that the firefighters should get 1/4% less of a retroactive increase.

The City argued against an April retroactive date.

The CBA in Article 20.07 sets out:

"BI-WEEKLY HOURLY RATES - 04-01-2002"
"BI-WEEKLY HOURLY RATES - 04-01-2003"
"BI-WEEKLY HOURLY RATES - 04-01-2004"
WAGE RE-OPENER

Since the CBA employs the April 1st date for the two years where rates were scheduled, its use of April 1st date for the wage re-opener certainly implies an intent that the 2004 rate would begin on April 1st.

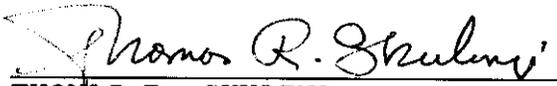
The fact that negotiations broke off and the date passed does not change the April 1st date. If the parties had agreed to the percentage increase in March, 2004, the raises would not have started until April 1st according to the CBA.

In view of the evidence that the City can afford a 2% increase, I shall recommend it accordingly.

In view of the CBA and its specific reference to when rates take effect, I shall recommend that the 2% increase be retroactive to April 1st, 2004.

FINDING

Article 20.07. The BI-WEEKLY HOURLY RATES for the ninety-six hour pay period for grades Firefighters 17, Lieutenants 18 and Captains 20 (STEPS 1, 2, 3, 4, 5, 6) and for the eighty hour pay period for Captain 20 (STEPS 1, 2, 3, 4, 5, 6) shall be increased by 2% retroactive to 04-01-2004.


THOMAS R. SKULINA
Fact-Finder

DATE ISSUED: June 17, 2004

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