

**FACT-FINDING REPORT
STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD
November 28, 2004**

STATE EMPLOYMENT
RELATIONS BOARD

2004 DEC -1 A 11: 17

In the Matter of)

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The Wayne County Commissioners)

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And)

04-MED-07-0704

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Ohio Patrolmen's)

Benevolent Association (OPBA))

Dispatchers, Communication Officers)

and Lead Communication Officers)

APPEARANCES

For the Wayne County Board of Commissioners

**Howard D. Heffelfinger,
Clemans, Nelson & Associates, Inc.**

For the Ohio Patrolmen's Benevolent Association

**Matthew B. Baker, Esq
OPBA**

Fact-Finder, Marc A. Winters

BACKGROUND

The Fact-Finding involves the Wayne County Board of Commissioners; (hereafter referred to as the "Employer") and the Ohio Patrolman's Benevolent Association, (hereafter referred to as the "Union"). The Union's bargaining unit is comprised of approximately fourteen (14) full-time Dispatchers, Communication Officers and Lead Communication Officers in accordance with SERB rules. The State Employment Relations Board duly appointed Marc A. Winters as Fact-Finder in this matter.

The Fact-Finding Hearing was conducted on Friday, November 19, 2004, in the Wayne County Justice Center. The Fact-Finding Hearing began around 10:00 A. M. and was adjourned at 11:30 A. M.

At the beginning of the Fact-Finding Hearing mediation was offered and accepted by both parties. Although an Agreement was not reached during the mediation attempt, the difference between the parties on their outstanding issue was decisively narrowed.

The Fact-Finder would like to convey his appreciation not only for the courtesy and cooperation given to the Fact-Finder by both parties, but to each other as well.

The Hearing was conducted in accordance with the Ohio Public Employee Bargaining Statue set forth in rule 4117. Rule 4117-9-05 sets forth the criteria the Fact-Finder is to consider in making recommendations. The criteria are:

1. Past collectively bargained agreements, if any.
2. Comparisons of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, given 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 issue proposed and the effect of the adjustments on the normal standards of public service.
4. The lawful authority of the public employer.
5. Any stipulations of the parties.
6. Such other factors, not confined to those listed above which are normally or traditionally taken into consideration in the determining of issues submitted to mutually agree-upon dispute settlement procedures in the public service or private employment.

It should be pointed out and acknowledged that the both the Union and the Employer were able to amicably resolve all issues between themselves, with the exception of one (1).

The one (1) remaining issue that was considered at the Fact-Finding Hearing on November 19, 2004, is wages.

ISSUE # 1: ARTICLE 27 - WAGES

UNION POSITION:

As narrowed through the mediation session, and as stated as the Union's bottom line, the Union is requesting a 3% increase effective January 1, 2005; a 3% increase effective January 1, 2006; and a 3% increase effective January 1, 2007.

EMPLOYER POSITION:

As narrowed through the mediation session, and as stated as the Employer's bottom line, the Employer is offering a 2-1/2% increase effective January 1, 2005; a 2-1/2% increase effective January 1, 2006; and a 2-1/2% increase effective January 1, 2007.

DISCUSSION:

The Employer has taken the position that they have funded a 2-1/2 % wage increase for 2005, for all County employees, union and non-union. To have to work under a higher wage increase for this bargaining unit would be a hardship. The County will only fund increases of 2-1/2%, regardless of what the actual pay increases are.

There was testimony concerning a prior Fact-Finder's report, for other units within the Sheriff's department, where the Fact-Finder predicted the future economic forecast for Wayne County as being a lot rosier than it actually ended up. That Fact-Finder awarded a higher increase than the Commissioner's had budgeted for. The end result were a loss of personnel in the Sheriff's department. The Employer doesn't want the same scenario to happen this time.

The County also has argued that loss of jobs in the County such as the 1100 jobs lost due to the closure of Rubbermaid has hurt the County's revenue. Even though there was an increase in sales tax, the Employer believes that will be offset by the loss of jobs at Rubbermaid.

The County, on behalf of it's position, argues that even though they have 3.5 million carry over, it cannot be used to fund wage increase due to emergency needs and to handle negative cash flow.

The Union contends that they are behind as far as internal equity falls with the other related bargaining unit within the Sheriff's Department. As to external equity or as compared to other external comparables the Union believes that they fall very short. The Union's exhibit, although acknowledging, that two of the seven comparables do not belong in this exhibit, shows that the County Dispatchers are 9% below the average starting wage rate and 12% behind the average top wage rate.

The Union believes that there is enough of a carryover to fund the increase that they are asking for and that the financial picture for Wayne County is not as flat as the Employer has testified to.

Even though the Commissioners may only want to fund 2-1/2%, they can afford to do more.

FINDING OF FACT:

Internal Equity seem to be close from 1995 through 1998, although this unit is a little behind. However in 1999, 2000 and 2001, the internal equity slides further apart. Whereas 2002, 2003 and 2004, brings more of an equality for those years, the end result is that this bargaining unit is still somewhat behind in internal equity with the other Sheriff's units.

Using the contiguous County comparables, while removing Wood County and Allen County since they are not contiguous, this bargaining unit still remains fourth out of six Counties with respect to the starting wage and top wage. Summit, Stark and Medina Counties remain above this bargaining unit in both categories while Ashland and Holmes fall below. In essence this bargaining unit falls short by several thousand dollars behind the top three.

Looking at the General Fund being up 3% over 2003, due to an increase in the sales tax; and that out of the 3.5 million carryover an average of only \$800,000.00 is usually needed for negative cash flow; and interest rates for investments are starting to climb back up; even with the close of Rubbermaid, this Fact-Finder agrees with the Union that the County's future is not flat. Growth may be slow but it is going to grow.

It is clear to this Fact-Finder that this bargaining unit is still somewhat behind and paid less to those similar jurisdictions that perform like work. It is as equally as clear that the County could have afforded to fund more than 2-1/2% for 2005.

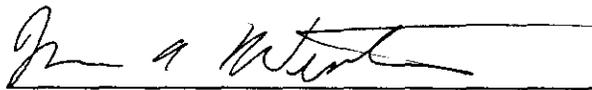
However, even though this Fact-Finder believes this bargaining unit deserves a slightly higher wage increase for 2005, a 2-1/2% wage increase will be recommended for 2005, so not to upset the apple cart and create any potential job loss as was done in the other Sheriff units. This

Fact-Finder must point out although only funded for 2-1/2% for 2005 yet down eight employees, the Sheriff's Deputies and Sergeants are still receiving a 5% increase for the first nine months of 2005.

Based on the testimony given and evidence presented and the internal and external equity discussed above and taking account the County's ability to pay, it is this Fact-Finder's recommendation that this bargaining unit of dispatchers needs to be brought a little closer to their internal and external comparables and should receive a nine (9) percent wage increase over the life of this Agreement.

It is therefore my recommendation that,

Effective January 1, 2005 -	2.5% wage increase
Effective January 1, 2006 -	3.25% wage increase
Effective January 1, 2007 -	3.25% wage increase



MARC A. WINTERS, FACT-FINDER