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STATE EMPLOYMENT
RELATIONS BOARD

2005 APR 13 A 11:12

PURSUANT TO O.R.C. 4117.14(C)
UNDER THE AUSPICES OF THE
STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER BETWEEN)	
)	
HURON COUNTY)	
SHERIFF'S OFFICE)	FACTFINDER'S REPORT
and)	
FRATERNAL ORDER OF POLICE,)	SERB CASE NO.
OHIO LABOR COUNCIL, INC. -)	04-MED-09-0845
CORRECTIONS SUPERVISORS)	

This Factfinding arises pursuant to Ohio Revised Code Section 4117.14(C). The Parties, Huron County Sheriff's Office ("the County") and Fraternal Order of Police, Ohio Labor Council, Inc. - Corrections Supervisors ("the FOP"), selected Susan Grody Ruben to serve as sole, impartial Factfinder, whose Recommendations are issued below.

Hearing was held March 31, 2005 in Norwalk, Ohio. The parties were afforded full opportunity for the presentation of positions and

evidence. Pre-hearing submissions were received from both parties. The parties requested the Factfinder to deliver her Report on April 8, 2005 by e-mail.

APPEARANCES:

for the County:

**Richard P. Gortz and Jeremy D. Iosue,
Management Consultants, Gortz & Associates,
Inc., 24100 Chagrin Blvd., Suite 260, Beachwood,
OH 44122, rgortz@gortz.com, jiosue@gortz.com.**

for the FOP:

**Dennis Sterling, Staff Representative, Fraternal
Order of Police, Ohio Labor Council, Inc., 222 E.
Town St., Columbus, OH 43215,
dsterling@fopohio.org.**

FACTFINDER'S RECOMMENDATIONS

Tentative Agreements

All articles tentatively agreed to by the Parties are hereby incorporated into this Report.

Statutory Criteria

In reaching Recommendations on the open issue, the Factfinder has reviewed the parties' pre-hearing submissions and the evidence

and positions presented at the Factfinding Hearing. The Factfinder has analyzed this information in the context of the statutory criteria found in Ohio Revised Code Section 4117.14(G)(7):

- a) Past collectively bargained agreement[s] ... between the parties;**
- b) Comparison of the issue[s] submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;**
- c) The interests and welfare of the public, 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;**
- d) The lawful authority of the public employer;**
- e) The stipulations of the parties; and**
- f) Such other factors, not confined to those listed ... which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in**

private employment.

Bargaining Unit

The bargaining unit consists of a 7-person Corrections Supervisors Unit made up of all full-time Corrections Sergeants and Corrections Lieutenants.

Issue

At the end of the Factfinding Hearing, there remained one open issue, Wages, Section 24.2.

Wages

County's Proposal Regarding Wages

The County proposes the following:

Hourly wages for each bargaining unit classification shall be as it was on December 31, 2004. The parties shall reopen negotiations on the subject of wage rates for Contract Year 2006 and 2007 on or about November 1, 2005. Negotiations shall be subject to the provisions of 4117.14 O.R.C..

In other words, the County proposes a wage freeze in Year 1, with a wage reopener for Years 2 and 3. The County presented its proposal against a background of decreasing revenues. Due to the

financial situation of the County, it contends it cannot give a wage increase in Year 1. The County is willing, however, to give a \$1,000 bonus in Year 1. With regard to the 2nd and 3rd years of the Agreement, the County contends it will be more able to assess its financial situation as those years approach.

FOP's Proposal Regarding Wages

The FOP proposes the following:

2005 – 0% wage increase, with \$1,000 bonus

2006 and 2007 – Implement a 10% rank differential effective January 1, 2006; i.e., between corporal and sergeant, and between sergeant and lieutenant.

The FOP's position is that a rank differential system would eliminate the need for a wage reopener. Currently, there is a 7.49% differential between corporal and sergeant, and a 10.76% differential between sergeant and lieutenant. A 10% differential is the appropriate differential, given the different responsibilities assumed by corporals, sergeants, and lieutenants.

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Factfinder's Recommendation Regarding Wages

First, the Factfinder needs to comment on an irregular practice implemented by the Sheriff. Apparently, the Sheriff awards extra-contractual pay raises to certain OPBA bargaining unit members as he deems fit. Such a practice severely undermines collective bargaining relationships, and indeed, is not in compliance with state law. The Sheriff, hired to uphold the law, must do so in all aspects of his position. To comply with state law, there shall be no more extra-contractual raises; employees' actual pay rate and the contractual pay rate must be the same.

Second, taking into account the relevant statutory criteria, the proposals made by the parties, as well as the evidence presented by the parties, the Factfinder recommends the following:

**Section 24.2. Effective January 1, 2005,
hourly wages for each
bargaining unit employee shall
be as follows:**

Corrections Sergeant	\$ 17.65
Corrections Lieutenant	\$ 19.55

Upon ratification of this Agreement, the Employer will pay a one thousand (\$1,000.00)

dollar signing bonus to each employee within 30 calendar days of the ratification, in a separate check.

Effective July 1, 2005, hourly wages for each bargaining unit employee shall be as follows:

Corrections Sergeant 7.50% above Corrections Corporals' actual rate of pay

Corrections Lieutenant 10.75% above Corrections Sergeants' actual rate of pay

Effective July 1, 2006, hourly wages for each bargaining unit employee shall be as follows:

Corrections Sergeant 7.50% above Corrections Corporals' actual rate of pay

Corrections Lieutenant 10.75% above Corrections Sergeants' actual rate of pay

Effective July 1, 2007, hourly wages for each bargaining unit employee shall be as follows:

Corrections Sergeant 7.50% above Corrections Corporals' actual rate of pay

Corrections Lieutenant 10.75% above Corrections Sergeants' actual rate of pay

In the event the corporal position is eliminated during the term of this Agreement, the rank differential between Corrections Officer and Corrections Sergeant shall be the

percentage the Corrections Corporals' actual rate of pay was over the Corrections Officers' actual rate of pay on the date the corporal position was eliminated.

DATED: April 8, 2005


Susan Grody Ruben, Esq.

**Susan Grody Ruben, Esq.
Factfinder**