

STATE EMPLOYMENT
RELATIONS BOARD

2005 MAY 12 A 11: 38

**IN THE MATTER OF FACT-FINDING
BETWEEN**

OLMSTED TOWNSHIP)	CASE NO. 04-MED-09-0892
)	
AND)	
)	<u>FINDINGS</u>
)	AND
FRATERNAL ORDER OF POLICE)	<u>RECOMMENDATION</u>
OHIO LABOR COUNCIL, INC.)	

JAMES M. MANCINI, FACT-FINDER

APPEARANCES:

FOR THE FOP

Otto J. Holm, Jr.
Staff Representative FOP/OLC, Inc.

FOR THE TOWNSHIP

William F. Schmitz
Attorney at Law

SUBMISSION

This matter concerns fact-finding proceedings between Olmsted Township (hereinafter referred to as the Employer or Township) and the Fraternal Order of Police, Ohio Labor Council, Inc. (hereinafter referred to as the Union or FOP). The State Employment Relations Board (SERB) duly appointed the undersigned as fact-finder in this matter. A fact-finding hearing was held on April 22, 2005 in Olmsted Township.

The fact-finding proceedings were conducted pursuant to the Ohio Collective Bargaining Law as well as the rules and regulations of SERB. During the fact-finding hearing, this fact-finder attempted mediation of the issue at impasse. The sole issue remaining for this fact-finder's consideration pertains to Wages.

The bargaining unit consists of all full-time dispatchers employed by the Township. There are currently three dispatchers employed in the unit.

This fact-finder in rendering the following findings of fact and recommendations on the issue at impasse has taken into consideration the criteria set forth in Ohio Revised Code Section 4117-14(G)(6)(7). Further, this fact-finder has taken into consideration all reliable evidence presented relevant to the outstanding issue before him.

WAGES

The Union proposes equity adjustments in addition to the general wage increases of 4% in each year of the Agreement. The equity adjustments would amount to an additional \$3.00 per hour in 2005; \$2.00 per hour in 2006; and an additional \$1.50 per hour adjustment in 2007. The FOP also requests that there be a new 10% wage differential established for the Head Dispatcher.

The Township has proposed wage increases of 4% for 2005, 2006 and 2007. The Employer is opposed to any equity pay adjustments for the dispatchers.

The Union argues that its wage proposal is justified because employees in the bargaining unit here are one of the lowest paid dispatch units in any township, small city or local municipality in the state. The FOP submitted SERB wage data in support of its position. The report shows that the average entry level wage for dispatchers in the area is \$29,044 with the average top wage being \$39,220. In comparison, the top wage for an Olmsted Township dispatcher is only \$29,950. The FOP submits that this evidence alone supports its request for a significant equity adjustment for the dispatchers in Olmsted Township.

The Union further maintains that it is entirely appropriate to compare the wages here with those found in neighboring municipalities such as Olmsted Falls, Berea and Middleburgh Heights. Although the Employer is a Township, the Union points out that its population of 12,000 residents makes a comparison to neighboring jurisdictions

appropriate. The Union noted that the Township is one of the fastest growing communities in Cleveland's southwestern suburbs. The financial wellbeing of the Township is evident not only from the new developments going in but also by its ability to fund a new municipal building. The FOP contends that the Township has the ability to finance its entire wage proposal with the equity adjustments included for the dispatchers.

The FOP further argues that a 10% wage differential for the Head Dispatcher needs to be established. Effective on January 11, 2005 Dispatcher Helen Holt, a twenty-seven year employee, was selected as the Head Dispatcher for the Olmsted Township Police Department. As Head Dispatcher, Ms. Holt was assigned additional duties relating to personnel in the Dispatch Department. The FOP submits therefore that because of the new responsibilities given to the Head Dispatcher, it is only appropriate to provide her with an additional 10% wage differential similar to that which the Township gives to its sergeants in the police patrol unit.

The Township contends that a pattern has been established with respect to providing wage increases for its various bargaining unit employees. Olmsted Township recently entered into contracts with all of its other bargaining units setting a pattern increase of 4% for each year of the agreements. There was no showing made in this case by the Union that the pattern set for wage increases should not also be followed with respect to the Dispatcher's Unit. Furthermore, a 4% wage increase is substantially above the norm provided to public sector employees in northeast Ohio.

The Employer acknowledges that wages are higher in neighboring municipalities such as North Olmsted and Olmsted Falls. However, this is not surprising due to the fact that townships in Ohio cannot raise revenue through an income tax. As a result, townships traditionally pay less wages than municipalities.

Moreover, the Employer points out that the dispatchers received substantial equity adjustments over the term of the previous agreement. Pursuant to a fact-finder's recommendation, the Township agreed to provide dispatchers with wage adjustments of 9% for 2002, 2% for 2003, and 1% in 2004. These equity adjustments were in addition to the 4% increases provided in each of those years. As a result, the highest paid Olmsted Township dispatcher in 2004 was paid \$29,950 instead of only \$25,272 which is what they would have received without the equity pay adjustments.

The Township also points out that it could be facing financial problems in the near future due to an expected loss of state revenue. Because the Township does not have the financial ability which a city has to impose an income tax, the loss of state revenue could have a significant impact upon the Township's finances. The Employer notes that in 2006, it will also lose its ability to collect any estate tax revenue.

With respect to the Union's request that a 10% differential be provided to the Head Dispatcher, the Township argues that there simply is no justification for such a pay differential. The Township points out that unlike sergeants in the police department, the Head Dispatcher does not have any supervisory duties over other dispatchers. The Head Dispatcher cannot discipline others and does not set the dispatchers' schedules.

DISCUSSION AND RECOMMENDATION

Based upon a careful review of the evidence and arguments presented by the parties, this fact-finder would recommend an equity pay adjustment to be incorporated into a new compressed wage scale for the Dispatchers Unit. The result would be that under the new wage schedule most of those in the bargaining unit would receive pay increases greater than the 4% proposed by the Township but less than that which the Union requested in the form of equity adjustments. In addition, it is recommended that an additional \$650 premium be paid out each year to the Head Dispatcher.

This fact-finder has determined that pay increases beyond those provided to other Township employees is justified for the Dispatchers Unit. First, it is evident that Olmsted Township dispatcher wages are relatively low. SERB's benchmark report dated March 20, 2005 indicates that the average starting wage for dispatchers in the area is \$29,044 with the top average wage being approximately \$39,220. This would compare to the current Olmsted Township dispatchers entry level wage of \$20,614 and the top wage of \$29,950. The Employer is correct in pointing out that wages for cities are generally higher because they have the ability to raise revenue through an income tax. Olmsted Township cannot levy an income tax and must derive its revenue from property taxes, state and local government taxes, as well as estate taxes. However while a true comparison cannot be made with other local municipalities with respect to employee

wages, it was shown that Olmsted Township dispatcher wages are one of the lowest of any township, small city or municipality in the State of Ohio. Certainly, such evidence must be taken into consideration and supports the finding that an equity pay adjustment over and above the general wage increases granted to other employees in the Township is justified in this case.

There was other evidence produced which show that equity pay adjustments for dispatchers are warranted in the instant matter. For example with the increase in population which has recently occurred in Olmsted Township, the number of 911 calls for emergency services handled by the dispatchers has likewise increased. For 2004, the dispatchers handled approximately 2,281 calls. This would represent approximately twice the number of calls handled by dispatchers in neighboring Olmsted Falls. It should also be noted that Olmsted Falls has two dispatchers on every shift whereas the Township Police Department currently operates with only one dispatcher on duty per shift. Although, it appears that the Olmsted Township dispatchers have a greater workload than their counterparts in neighboring Olmsted Falls, their wages fall well below those which are paid to the dispatchers in that city. Such a significant wage disparity further supports the finding that equity pay adjustments are needed to address the significant disparity in wages for the Olmsted Township dispatchers.

This fact-finder has further determined that there was a compelling reason established for deviating from the wage pattern which had been established in the

Township with respect to other bargaining unit employees. It was shown that Olmsted Township recently entered into contracts with all of its other bargaining units setting a wage pattern increase of 4% each year. It is widely recognized that a heavy burden is placed upon the union which seeks to deviate from an established wage pattern. In the instant matter, this fact-finder finds the Union showed that the wages paid by Olmsted Township to its dispatchers continue to rank among the lowest in the state. It is apparent that the 4% wage increases which the Township has proposed in this case would be insufficient to address the wage disparity which exists here for the Township dispatchers. This is especially so with respect to the starting wage which was shown to be well below that paid to dispatchers in the area. It should be noted that the significantly higher entry-level wage recommended herein will give the Township greater ability to attract and retain new dispatchers. As was the case three years ago, this fact-finder likewise finds that equity adjustments are needed beyond the general wage increases provided to other employees to adequately address the relatively low wages received by the Dispatchers Unit. As a result, this fact-finder has concluded from the record presented that a reasonable basis exists for deviating from the pattern which was set in other negotiations.

This fact-finder further finds that it would be appropriate to provide the Head Dispatcher with the additional premium pay of \$650 per year for handling the various functions required. It was shown in January 2005, Dispatcher Holt was appointed as the Head Dispatcher for the Olmsted Township Police Department. As her appointment

letter indicated, she became responsible for everything involving and relating to the dispatch area including personnel. It should also be noted that Ms. Holt is a long-term employee with the Township who readily agreed to take on the additional responsibilities of Head Dispatcher. The \$650 per year premium which is being recommended here is similar to that which the Township provides to other safety force personnel who assume additional responsibilities.

This fact-finder has further determined that the Township has the ability to finance the recommended wage increases from currently available revenue resources. It was shown that Olmsted Township has become one of the fastest growing communities in Cleveland's southwestern suburbs bumping even such cities as Strongsville and North Royalton from the top home building list. It is apparent that this will result in additional real estate tax revenue for the Township. It is also evident that the Township's ever increasing population and new developments have allowed it to finance a new municipal building. The new revenue from the increase anticipated from the Township's population and residential growth should serve to offset, at least to a certain extent, the anticipated decrease in state revenue. It was also shown that the Township has maintained a relatively healthy General Fund balance in recent years. Therefore from all indications, this fact-finder finds that the Township has the financial ability to provide the dispatchers with the equity pay adjustments which are recommended herein.

RECOMMENDATION

It is the recommendation of this fact-finder that the following Wage Provision for Dispatchers be included in the parties' Agreement:

ARTICLE 29 – WAGES

29.01 Effective January 1, 2005, all employees shall be paid in accordance with the following schedule.

Dispatcher (0-1 years)	\$23,583.20
Dispatcher (1-2 years)	\$26,084.08
Dispatcher (2-3 years)	\$31,148.66

29.02 Effective January 1, 2006, all employees shall be paid in accordance with the following schedule.

Dispatcher (0-1 years)	\$24,526.53
Dispatcher (1-2 years)	\$27,127.44
Dispatcher (2-3 years)	\$32,394.61

29.03 Effective January 1, 2007, all employees shall be paid in accordance with the following schedule.

Dispatcher (0-1 years)	\$25,507.60
Dispatcher (1-2 years)	\$28,212.54
Dispatcher (2-3 years)	\$33,690.00

Head Dispatcher Premium Pay – Employee designated as Head Dispatcher shall be paid an additional \$650 in base wages each year.

CONCLUSION

In conclusion, this fact-finder hereby submits the above referred to recommendation on the outstanding issue presented to him for his consideration.

MAY 10, 2005


JAMES M. MANCINI, FACT-FINDER

JAMES M. MANCINI
ATTORNEY AT LAW - ARBITRATOR
JEFFERSON CENTRE - SUITE 306
5001 MAYFIELD ROAD
LYNDHURST, OHIO 44124
(216) 382-9150 Fax (216) 382-9152

STATE EMPLOYMENT
RELATIONS BOARD
2005 MAY 12 A 11:38

May 10, 2005

Dale A. Zimmer
Administrator, Bureau of Mediation
State Employment Relations Board
65 East State Street, 12th Floor
Columbus, Ohio 43215-4213

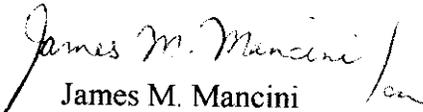
RE: Case No. 04-MED-09-0892
Olmsted Township
-and-
Fraternal Order of Police, Ohio Labor Council, Inc.

Dear Mr. Zimmer:

Enclosed herewith is a copy of my fact-finder's Findings and Recommendation
in the above referred to matter.

Thank you.

Very truly yours,


James M. Mancini

JMM:em
Enclosure