

STATE EMPLOYMENT
RELATIONS BOARD
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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

CITY OF AVON LAKE, OHIO

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* Case No. 05-MED-09-0942 (3&4)
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FRATERNAL ORDER OF POLICE
OHIO LABOR COUNCIL, INC.

FACT-FINDING REPORT AND RECOMMENDATION

Dennis E. Minni, Esq.
Fact Finder
Suite 104
14761 Pearl Road
Strongsville, OH 44136

FACT-FINDING CRITERIA

In the determination of the facts contained herein, the Fact-Finder considered the applicable criteria required by Ohio Rev. Code Section 4117.14(C)(4)(e), as listed in 4117.14(G)(7)(a)-(f), and Ohio Admin. Code Section 4117-9-05(K)(1)-(6). These criteria are enumerated in Ohio Admin. Code Section 4117-9-05(K), as follows:

- (1) Past collectively bargained agreements, if any, between the parties;
- (2) Comparison 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, giving consideration to factors peculiar to the area and classification involved;
- (3) The interest 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;
- (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 determination of issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

BACKGROUND INFORMATION

This matter came on for hearing on May 30, 2006 after about a dozen several bargaining sessions were conducted commencing in the latter part of 2005. The undersigned was mutually selected and signed-off on as Fact-Finder for this process of interest arbitration.

The City was represented by Michael Loughman, Esq. Assisting attorney Loughman were Ms. Tracy Aquila, Human Resources Director and Joseph G. Newlin, Finance Director.

FOP/OLC, Inc. Staff Representative Hugh Bennett presented for the Union. He was assisted by Ofc. Reed Reikowski, the unit's President, Detectives Tim Sleicher and Victoria Rightnour, while Patty Schroer represented the interests of the Dispatcher unit.

The City of Avon Lake conducts its traditional municipal operations for its citizenry with regard to the law enforcement function in three (3) bargaining units. There are twenty (20) patrolmen and detectives, nine (9) sergeants and lieutenants and the third unit is comprised of four (4) dispatchers. Avon Lake, Ohio shall hereafter be referred to as the "Employer", the "City" or "Management".

The Employee Organization, hereafter referred to as the "FOP" or the "Union", is a deemed certified bargaining unit by the Ohio SERB. Thus, this is not a first labor agreement for these parties.

Since the economic pressures facing most public sector entities are no less present in Avon Lake at this point in time, it comes as no surprise that what remained unresolved were Wages and Health Insurance, the most often open issues in interest arbitration.

The parties timely filed pre-hearing statements and cooperated with the undersigned at the hearing. The representatives stated their positions as detailed in the pre-hearing submissions which augment this record.

POSITION OF THE UNION

The Union has set forth a wage demand calling for four (4%) per cent increases in each of the next three (3) successive years commencing from January 1, 2006. Further, a one thousand (\$1000.00) increase to the Dispatcher base rate for members of that unit who perform Records duties is proposed for 2006.

The FOP stated that there is no indication of an inability to pay these increases so that an unwillingness to pay must encompass the city's posture on the open economic items. The Union feels its demands would bring it into line with the various comparable communities it presented herein.

Regarding the Health Insurance article, the FOP/OLC is agreeable to some of the plan changes proposed by management, but not all of them. Basically, the FOP only wants "Plan A" and would accept the proposed changes in deductibles, office visits, co-pay premiums and prescription drug plan coverages.

POSITION OF THE EMPLOYER

Management's response on wages is also for three (3) successive yearly wage raises but at a one and a half (1.5%) per cent wage increment in 2006, two percent (2%) in 2007 and two percent (2%) again in 2008. Further, the Sheriff seeks a wage re-opener in 2008.

The City opposes the \$1000.00 base adjustment for Dispatchers performing Records duties in 2006.

Regarding the Employer's three (3) health insurance proposals, maximum employee contribution in 2006 would be \$1200.00; \$1320.00 in 2007 and \$1440.00 for calendar year 2008.

RECOMMENDATION ON WAGES

I feel that the Union presented cogent evidence relative to

the area's comparable departments' wage rates. If the recent State average of 2.79% is approximated and weighing that against the Employer's front-end loaded below average offers I recommend three percent (3%) across the board increases for both years 2006 and 2007 and two and three-quarters percent (2.75%) for 2008.

I see this as a measure which keeps Avon Lake abreast of the economy and more importantly, its comparable communities.

However, I am not persuaded that the demand for a Dispatcher base rate \$1000.00 increase is reasonable and do not recommend it. Nor do I recommend the Detective base pay "bonus" as proposed by the Union.

RECOMMENDATION ON HEALTH INSURANCE BONUS

The Union said that they want the same "Plan A". They're not interested in having different levels.

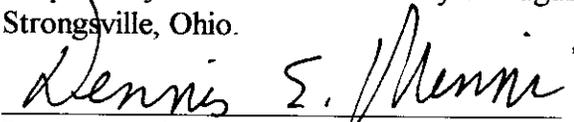
As I reviewed the respective proposals it seemed cogent to stay with one plan. Further, the FOP's desired limits would be \$925, \$945 and then \$ 975 in the last year. This Plan A would equally share any monthly premium increases with the employee "cap" to be \$720, \$760 and \$780 respectively.

I do not recommend the City's proposal due to the complexity it presents. I feel the Union has consented to cost-cutting measures desired by the City and together the parties can be creatively cooperative in managing health insurance costs.

I note that the city has not reached similar health care provisions such as it seeks herein with other bargaining units. Therefore I recommend the FOP position on health insurance.

Further, all tentatively agreed to terms shall be incorporated into this Report and Recommendation.

Respectfully submitted this 11th day of August, 2006 at
Strongsville, Ohio.


Dennis E. Minni, Fact-Finder