



STATE EMPLOYMENT
RELATIONS BOARD

Factfinding Report and Recommendations

2006 DEC 14 A 11: 33

in the matter of Factfinding between

Franklin County Sheriff's Office, Employer

and

Fraternal Order of Police – Ohio Labor Council No. 9

SERB Case No. 06-MED-02-0175

Marcus Hart Sandver, PhD

Factfinder

Hearing Date: November 17, 2006
Recommendation Issued: December 8, 2006

Representing the Employer:

Mr. Robert D. Weisman
Mr. Aaron L. Granger
Attorneys at Law
Schottenstein, Zox and Dunn
250 West Street
Suite 700
Columbus, Ohio 43215

Representing the Union:

Mr. Frank L. Arnold, Staff Representative
Fraternal Order of Police/Ohio Labor Council
222 E. Town Street
Columbus, Ohio 43215

I. Background

This case arises from the negotiation of a labor agreement for a newly created bargaining unit. Thus this represents a new agreement for a unit of non-law enforcement professional employees within the Franklin County Sheriff's Office. The unit was certified on October 27, 2005. The parties met for the purposes of negotiation on April 3, April 20, May 2, June 29, July 11, August 21 and September 14, 2006. Many issues were resolved in negotiations but some others were not. The unresolved issues are:

1. Article 5 – Due Deduction
2. Article 15 – Assignments and Transfers
3. Article 18 – Wages
4. Article 19 – Standard Work Week, Overtime and Compensatory Time
5. Article 31 – Uniforms
6. Article 34 - Duration

To help the parties resolve the dispute, the State Employment Relations Board of Ohio provided the parties with the names of qualified Factfinders. Through mutual agreement of the parties, Marcus Hart Sandver was chosen as the Factfinder. The date for the factfinding was mutually agreed as November 17, 2006.

II. The Hearing

The hearing was convened at 10:00 AM in the conference room of the County Administrator at 410 S. High Street, Columbus, Ohio. In attendance at the hearing for the County were:

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|----|--------------------|---|
| 1. | Eureka Hampton | Assistant H.R. Director |
| 2. | Robert Weisman | Attorney |
| 3. | Patrick Garrity | Director of Management Services, F.C.S.D. |
| 4. | Jamie M. Gillispie | Health Service Administrator, F.C.S.D. |

5. Aaron Granger Attorney
6. David Masterson Director of Finance, F.C.S.D.
7. Christy Russell Assistant Director, Office of Management and Budget, Franklin County Board of Commissioners

In attendance at the hearing for the FOP/OLC were:

1. Frank Arnold Staff Representative
2. Kathryn Harrans Law Staff Representative
3. Christina Whitt LPN FCC II Staff Representative
4. Lannette Davis Social Worker
5. Neamiah Chambers Chaplain

Each side introduced exhibits in a timely manner to the factfinder before the case began. The Employer Exhibit was marked Employers Exhibit # 1. The FOP Exhibit was marked FOP Exhibit # 1.

III. The Issues.

1. Article 5 – Dues Deduction.

A. FOP Position.

The FOP Position on this issue is that all other bargaining unit employees of the Franklin County Sheriff's Department pay a monthly fair share fee. In fact the members of this unit when they were previously included in a clerical unit at the Franklin County Sheriff's Department paid the fair share fee.

B. The F.C.S.D. Position.

The County feels it has a short history with this unit and would like to wait until some time in the future to include the fair share fee.

C. Discussion.

The fair share fee is a well accepted principle of labor management relations in public employment in Ohio. For the Franklin County Sheriff's Department, the fair share fee has been accepted for the deputies for at least twenty years. It is hard to see what will be gained by postponing the fair share fee for this unit.

D. Recommendation.

The fair share fee language proposed for Article 5 (Section 8) be included in the agreement.

2. Article 15 – Assignments and Transfers.

A. FOP Position.

The FOP proposal calls for an annual bidding process in November that would include all nurses who work a 24 hour 7 day week type of schedule to bid for a different shift. In addition, the FOP proposal would require an immediate vote to determine who among the group wants to work an eight hour schedule and who wants to work a twelve hour schedule.

B. The F.C.S.D. Position

The Sheriff's Department position is that shifts are set by the employer according to perceived staffing needs. Changes of shifts would be a management prerogative. If a staff position becomes available

through a vacancy, then Sections 5, 6, and 7 deals with how these assignments should be filled.

C. Discussion.

Staffing a 24 hour operation seven days a week is one of the biggest operational difficulties an administrator can face. While I clearly understand how the staff would love to have the opportunity to change their staff assignment every year through a preference vote, I could see what an enormous additional complexity this would hold for the administration. I don't see how the "shift switching" annually would serve the needs of the persons being served nor add to the increased operational efficiency of the organization.

D. Recommendation.

The Language in Article 15 of the employer proposal is recommended.

3. Article 18 – Wages.

A. FOP Position.

The FOP proposal would provide for a \$0.35 per hour increase retroactive to January 9, 2006 plus a 2 percent per hour productivity increase also retroactive to January 9, 2006. The FOP proposes a shift differential of \$0.70 per hour in 2006, \$0.80 per hour in 2007, and \$0.90 per hour in 2008. The FOP proposal provides for a service credit of \$375 for five years of continuous service. The FOP proposal would provide for a \$75 per year increase for each additional year of service up to 14 years,

and then for a \$100 per year service credit after 15 years of service. The FOP proposal also provides that if there is no registered nurse at either FCC I or at FCCC II, that the most senior practical nurse shall be designated the charge nurse and shall receive \$5.00 per hour increase for every hour worked in that capacity.

B. The F.C.S.D. Position

The Employer is proposing a 1 percent increase per year retroactive to January 9, 2006 and a 0.25 percent market adjustment to be added as well. The employer proposes a \$0.65 per hour shift differential. The employer proposes a \$375 service credit for five years of service and an additional \$65 per year added each after that. The county does not have a proposal for charge nurse designation.

C. Discussion.

In looking over the two positions, I can see some merit in both of these and think they can be combined to provide equitable compensation to the employees. I would recommend a two percent across the board increase retroactive to January 9, 2006 and a one percent market adjustment added to this retroactive to January 9, 2006 as well. Increases of 2 percent across the board and one percent merit would be received in 2007 and 2008. The shift differential would rise to \$0.65 per hour for all years of the agreement. The service credit would increase to \$375 after five years and the \$75 for each additional year.

I am persuaded by the F.C.S.D. agreement that the duties of an LPN are different than those of a RN and if the duties of the most senior LPN don't change when there is not an RN in the facility, it is difficult to justify this increase for a designated charge nurse.

D. Recommendation.

Wages

1% across the board plus 2% merit increase to begin January 9, 2006.

1% across the board plus 2% merit increase to be paid January 9, 2007.

1% across the board plus 2% merit increase to be paid January 9, 2008.

Shift Differential

\$0.65 per hour worked where the majority of hours worked are after 3:00

p.m. and prior to 7:00 a.m.

Service Credit

\$375 for five years of continuous service

\$75 for each additional year.

4. Article 19 – Standard Workweek, Overtime and Compensatory Time.

A. FOP Position.

The FOP position would be to raise the accumulation of compensatory time to 160 hours in Section 3. The FOP position also establishes a provision for court pay for health care professionals.

B. The F.C.S.D. Position

The position of the Sheriff's Department is that 120 hours is what is allowed to be accumulated in "comp time" banks for other civilian

employees. There is no reason to treat the 2 civilian units differently. In addition, health care professionals from the correctional facility do not appear in court therefore there is no need for court pay for them.

C. Discussion.

I find the Sheriff's position very persuasive on this issue.

D. Recommendation.

The Sheriff's proposed language is recommended here.

5. Article 31 – Uniforms.

A. FOP Position.

The Chaplain and the Social Worker are professionals and shouldn't have to wear a uniform in the jail.

B. The F.C.S.D. Position

Social Workers and Chaplains are to wear uniforms by regulations.

C. Discussion.

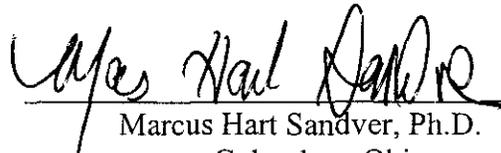
Business attire and religious attire add creditability to the social worker and chaplains. I see no benefit from requiring them to wear uniforms

D. Recommendation.

Social Workers and Chaplains should no longer be required to wear uniforms.

IV. Certification.

This Factfinding Report and Recommendation was developed by me based on testimony and evidence presented to me at a factfinding hearing I conducted on November 17, 2006.



Marcus Hart Sandver, Ph.D.
Columbus, Ohio
December 7, 2006

V. Proof of Service.

This Factfinding Report and Recommendation was hand delivered by Marcus Hart Sandver to Robert Weisman of Schottenstein, Zox and Dunn and to Frank Arnold of the Fraternal Order of Police on December 8, 2006.



Marcus Hart Sandver, Ph.D.
Factfinder