

FACTFINDING REPORT

STATE EMPLOYMENT
RELATIONS BOARD

STATE OF OHIO

2009 MAR -2 P 2: 19

STATE EMPLOYMENT RELATIONS BOARD

February 27, 2009

In the Matter of:

Cuyahoga County Sheriff's Department)	
)	Case No. 08-MED-10-1061
and)	Correction Officers
)	
Ohio Patrolmen's Benevolent Association)	

APPEARANCES

For the Department:

Christopher J. Russ, Employee Relations Administrator
 Mary O'Toole, Employee Relations Specialist
 Karyn L. Neiman, Budget & Fiscal Management Analyst
 Kenneth Kochevar, Director of Corrections
 John J. Summers, Lieutenant

For the Union:

Michael John Hostler, OPBA Attorney
 Frank Costanzo, Director
 Terry A. Neff, Director
 Victor R. Hester, Director
 Brendan Moran, Director

Factfinder:

Nels E. Nelson

BACKGROUND

The instant case involves the Cuyahoga County Sheriff's Department and the Ohio Patrolmen's Benevolent Association. The department operates the Cuyahoga County Correction Center. The union represents approximately 565 correction officers employed by the department.

In the fall of 2008 the parties attempted to negotiate wages for 2009 pursuant to a wage re-opener included in the 2006-2008 collective bargaining agreement. When they were unable to reach agreement, the union invoked the factfinding procedure contained in Chapter 4117 of the Ohio Revised Code.

The Factfinder was notified of his appointment on December 24, 2008. The hearing was held on February 9, 2009. At that time the Factfinder attempted to mediate the dispute but when it became clear that the parties could not agree, this report was written. The parties concur that it was unnecessary for the Factfinder to prepare the usual factfinding report with a detailed review of their positions or an analysis of the evidence they presented. Instead, they requested the Factfinder to present a very brief rationale for his recommendation based on his extensive discussions with them.

The recommendations of the Factfinder are based upon the criteria set forth in Section 4117-9-05(k) of the Ohio Administrative Rules. They are:

- (a) Past collectively bargained agreements, if any, between the parties;
- (b) 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;
- (c) The interest and welfare of the public, and 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;
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agreed upon dispute procedures in the public service or in private employment.

DISCUSSION

An important consideration for the Factfinder is the bargaining unit's wages compared to correction officers in other counties. The evidence indicates that wages in Cuyahoga County are somewhat lower than in a number of other counties in northeast Ohio and beyond. While the working conditions are no doubt difficult in every county, a correction officer's job in Cuyahoga County is certainly demanding.

The Factfinder believes that it is particularly significant that the bargaining unit experienced a wage freeze in 2008. The freeze was the result of the department's argument that it faced very severe financial restraints. Recommending a second wage freeze would appear to be rather harsh.

The other major consideration is the current economic situation. The United States and Cuyahoga County face a deepening recession where most economists do not believe that a recovery will begin before the fall of 2009 and predict that even after the turnaround starts, unemployment will continue to rise. The result will be a continuing decline in income tax collections.

Based on these factors as well as the other statutory criteria, the Factfinder recommends that the current wage schedule be maintained except for the addition of a seventh step to the schedule effective January 1, 2009. This will allow a significant

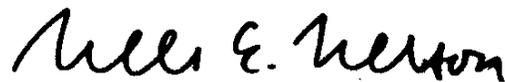
number of correction officers who are not entitled to a wage step increase and who would otherwise receive no wage increase for two years to get a 2% increase. At the same time, the addition of a seventh step will help the department retain the most experienced correction officers and to recruit new ones with the promise of higher wages based on service. Despite the challenging financial situation, the Factfinder is confident that the department will be able to pay the costs associated with this change.

RECOMMENDATION

The Factfinder recommends the following contract language:

Effective January 1, 2009, the wage schedule shall be as follows:

New Hire	\$12.35/hour
After 1 Year	\$13.62/hour
After 2 Years	\$14.88/hour
After 3 Years	\$16.15/hour
After 4 Years	\$17.41/hour
After 5 Years	\$18.68/hour
After 6 Years	\$19.05/hour



Nels E. Nelson
Factfinder

February 27, 2009
Russell Township
Geauga County, Ohio