

Factfinding Report and Recommendations
EMPLOYMENT
RELATIONS BOARD

in the matter of Factfinding between

2009 MAR 23 AM 10:14

The City of Crestline (Ohio)

and

I.A.F.F. Local 3900

SERB Case No.: 08-MED-10-1282

Marcus Hart Sandver, PhD

Factfinder

Hearing Date: February 27, 2009
Report Issued: March 20, 2009

Representing the City:

Mr. Harry M. Welsh, Attorney at Law
Renwick, Welsh and Burton
9 North Mulberry Street
Mansfield, Ohio 44902

Representing the Union:

Mr. Roy Hollenbacher
First Vice President
Ohio Association of Professional Firefighters
Local 3900
150 St. Andrews Blvd.
Lima, Ohio 45804

I. Introduction.

This case arises out of a collective bargaining dispute between the City of Crestline (the Employer) and the members of Firefighters Local 3900 (the Union). The current CBA was negotiated in 2008 and Article 33 Section 33.4 of the agreement provides for negotiations to reopen over Article 14 (Wages), Article 16 (EMS Incentive) and Article 19 (Uniform Allowance) in 2009. The parties attempted to negotiate these issues in late 2008 but were unsuccessful. The parties mutually chose Marcus Hart Sandver to act as the Factfinder to the dispute from a list provided by S.E.R.B. February 27, 2009 was chosen as the date for the Factfinding Hearing.

The bargaining unit has been certified since 2001 and the first agreement was negotiated between the parties in 2002. The bargaining unit consists of all Firefighters and EMS Personnel (three) of the Crestline Fire Department. Excluded from the bargaining unit are the Fire Chief and the Assistant Fire Chief.

The process for Factfinding for Public Safety forces in Ohio is governed by O.R.C. 4117.14 and associated administrative rules promulgated by the Ohio State Employment Relations Board. The criteria for a Factfinders recommendation are found in O.R.C. 4117.14(g)(7)(a) to (f). These factors include:

1. Past collective bargaining agreements.
2. Comparability with other public and private sector employers.
3. The ability of the Employer to finance the recommendations.
4. The legal authority of the Employer.
5. The stipulations of the parties.
6. Any other factors normally taken into consideration in such matters.

The prehearing statements from both parties were submitted in a timely manner.

II. The Hearing

The hearing was convened at 10:00AM in the lower level conference room of the Crestline Public Library on February 27, 2009. In attendance at the hearing were:

For the City:

1. Mr. Harry Welsh Attorney, Acting City Law Director
2. Ms. Kelly Kurtzman City Auditor
3. Mr. Tyson Quail City Safety-Service Director

For the Union:

1. Mr. Roy Hollenbacher District Vice President – OAPFF
2. Mr. Douglas Manring Firefighter/Paramedic – President
Local 3900

The parties were asked to introduce exhibits into the record. The current CBA was introduced and marked as Joint Exhibit # 1. The City moved that it's prehearing statement be marked as City Exhibit # 1 and that a series of financial records dealing with the City's financial condition for a number of years be introduced as City Exhibits # 1a-6. There was no objection by the Union to these exhibits. The Union moved that it's prehearing statement be marked as Union Exhibit #1 and that a multi-tabbed notebook containing supporting documentation be marked as Union Exhibit # 2. There was no objection by the City to the admission of these exhibits into the evidentiary record.

The parties were invited to make opening statements. In his opening, Mr. Hollenbacher pointed out to the Factfinder that the current CBA (Joint Exhibit # 1) provided for no increase in wages (Article 14) for 2008 and provided for a reopener in

2009. Mr. Hollenbacher expressed his opinion that it was not fair for the City to be offering no increases in 2009 and 2010 as this would result in no increase in wages for the members of the bargaining unit over a 3 year period.

Mr. Welsh began his opening by pointing out to the Factfinder that the City of Crestline was in a very precarious financial position. Mr. Welsh asked the Factfinder to note that the present CBA does provide for longevity increases and step increases so actually the earnings of the firefighters will increase in 2009 and 2010 over the 2008 levels.

III. The Issues.

A. Issue One – Article 14, Wages.

1. Union Position.

The Union position on this issue is to propose an across the board increase in the wage schedule of 5 percent in 2009 and 5 percent in 2010. In support of its position, the Union Representative asked the Factfinder to look behind tab 3 of its Exhibit # 2.

The information behind tab 3 contains comparability data for Bucyrus, Galion, Shelby, Delphos, Napoleon, First Consolidated Fire District (Crawford, Morrow, and Marion Counties) and Springfield Township (Richland County). The data (calculated by the I.A.F.F.) show that for Firefighters in Crestline with various amounts of seniority (from 1 year to 20 years), the earnings of Crestline Firefighters lag the average

earnings of Firefighters in the other comparison cities and fire districts from 21 to 27 percent.

2. City Position.

The City position on this issue is to provide no increases in the wage schedule (Article 14) for 2009 and 2010. In support of its position, the City representative called upon Ms. Kelly Kurtzman (City Auditor) to testify.

Ms. Kurtzman testified that she had been the City Auditor for 4 years. Ms. Kurtzman testified that the City had a population of 5,080 as of the 2000 census. Ms. Kurtzman directed the Factfinder's attention to City Exhibit # 1A, the General Fund Budget for 2008 dated January 26, 2009. Next, the witness identified City Exhibit # 2 as the general fund appropriations for the police and fire departments for 2009. The witness identified City Exhibit # 3 as the revenues for 2008. City Exhibit # 4 was identified as the accounting data for the City expenses of 2008. City Exhibit # 5 was identified as the data for the W-2 wages for 2008 for the City Firefighters. City Exhibit # 6 was identified as the Ohio Department of Job and Family Services press release for February 27, 2009 identifying the Ohio unemployment rate for January 2009 as 8.8 percent.

On cross examination, Mr. Hollenbacher asked Ms. Kurtzman about the City income tax. Ms. Kurtzman testified that $\frac{1}{2}$ of one percent of the 2 percent City income tax is earmarked for police and fire services.

3. Discussion.

The administrators of the City of Crestline, Ohio are worried about their budget for 2009. Most public administrators that I've interacted with in Factfinding and Conciliation cases in the past year are. In looking over the budget figures in City Exhibits # 1a-4, it seems to me like the City of Crestline is in relatively good shape for 2009; almost certainly there will be a surplus to carry over in 2010.

I notice in City Exhibit # 5 that the Captains and the Chief received a 2 percent raise in 2008, although no raises in 2006 or 2007. The firefighters got a 2 percent raise in 2006 and 2007, but a zero increase in 2008. The comparability data submitted by the Union show the Crestline firefighters lag in wages behind the cities and fire districts of similar size in the proximate geographic area. With these data in mind, I am recommending a 2 percent increase in wages for the firefighters in 2009 and 2010.

4. Recommendation.

That the wage schedule in the CBA (Joint Exhibit # 1) be increased by 2 percent effective January 1, 2009 and 2 percent effective January 1, 2010.

B. Issue Two – Article 16, EMS Incentive.

1. Union Position.

The Union position on this issue is that the EMS-Paramedic Incentive be raised from 40 cents per hour to one dollar per hour.

Presently all three of the Crestline Firefighters are EMS-Paramedic certified. In support of its position, the Union cites data in Union Exhibit #2 tab 5.

2. City Position.

The City position on this issue is to continue the present incentive rate of 40 cents per hour. The City representative pointed out that the Union's proposed increase of 60 cents per hour would cost the City \$1,560 per Firefighter per year. The City representative shared his view that this increase is simply one more type of wage raise that would go to all the firefighters, due to the fact that all are EMS-Paramedics at the present time.

3. Discussion.

The City does have a pretty good argument on this point. Due to the fact that all the firefighters are EMS-Paramedics at the present time, it is hard to call the EMS-Paramedic wage an incentive. I notice from the comparable wage data that the cities of Bucyrus and Shelby don't have an EMS wage at all. The Union proposal of one dollar an hour would put Crestline above all the comparison cities on EMS-Paramedic wages except the City of Delphos. It is hard on the basis of the data to justify a 130 percent increase in the EMS-Paramedic wage in the City of Crestline.

4. Recommendation.

That Article 16 of the agreement (EMS-Incentive) remains unchanged.

C. Issue Three – Article 19, Uniform Allowance.

1. Union Position.

The Union position on this issue is to raise the uniform allowance from \$550 per year in 2008 to \$650 per year in 2009 and \$750 per year in 2010 for full time firefighters and from \$250 to \$500 per year for probationary personnel. In support of its position, the Union cites data from 7 comparison cities and fire districts; two have a higher uniform allowance than Crestline (Bucyrus and Galion) three have a lower uniform allowance (Shelby, Napoleon and Springfield Township) and one is equal to Crestline, Delphos.

2. City Position.

That there be no change to this section of the agreement. The City representative pointed out that the City does not require receipts for the payment of the uniform allowance and thus the uniform allowance is another type of pay raise for the firefighters.

3. Discussion.

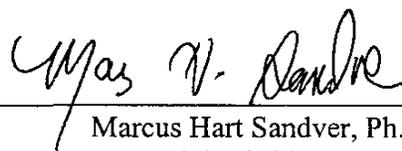
The data don't seem to support the Union position on the uniform allowance. I am persuaded by the City argument that without receipts, the uniform allowance becomes a type of pay raise for the firefighters but labeled as something else. With the present financial concerns of the City, I would find it difficult to recommend any changes in Article 19.

4. Recommendation.

That the language of Article 19 (Uniform Allowance) remain unchanged.

IV. Certification.

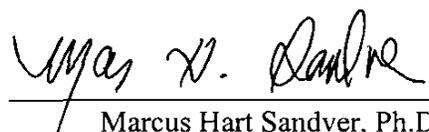
This Factfinding Report and Recommendations based on evidence and testimony presented to me at a Factfinding Hearing I conducted in Crestline, Ohio on February 27, 2009.



Marcus Hart Sandver, Ph.D.
March 20, 2009
Columbus, Ohio

V. Certificate of Service.

This Factfinding Report and Recommendations was mailed by regular U.S. Mail to Mr. Harry Welsh at 9 North Mulberry Street, Mansfield, Ohio; to Mr. Roy Hollenbacher at 150 St. Andrews Blvd., Lima, Ohio and to Mr. Edward Taylor at 65 E. State Street, Columbus, Ohio on March 20, 2009.



Marcus Hart Sandver, Ph.D.
Factfinder
March 20, 2009

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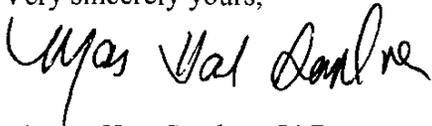
March 20, 2009

Mr. Edward Taylor
Administrator, Bureau of Mediation
S.E.R.B.
65 E. State Street
Columbus, Ohio 43215

Dear Mr. Taylor:

Enclosed you will find my Factfinding Report and Recommendations involving the City of Crestline and IAFF Local 3900. I have also enclosed an invoice for my services.

Very sincerely yours,



Marcus Hart Sandver, PhD
Factfinder

Enclosure