

2010 APR 19 A 11:46

STATE OF OHIO STATE EMPLOYMENT RELATIONS BOARD

**RE: ALLEN COUNTY SHERIFF'S OFFICE (Employer)
and
FRATERNAL ORDER OF POLICE
OHIO LABOR COUNCIL, INC. (Union)
CASE NOS.: 09-MED-08-0822
09-MED-09-0921**

FACT-FINDING REPORT OF THOMAS R. SKULINA, FACT-FINDER

HEARING

A Fact-Finding Hearing was concluded on April 6, 2010 in the offices of the Allen County Sheriff.

Two units were represented. The one unit "The Gold Unit" consisted of full-time Sergeants and Lieutenants (approximately 22). The other unit was the "Support Unit" consisted of full-time Records, Cooks and Mechanics (approximately 12).

By agreement, there were two issues on the table. Wages applied to both units and the finding is to be the same for each unit. Gold Article 18.1 and Support Article 18.1.

A second issue involves "Premium Pay" Section 21.2 for the Gold Unit only.

DISCUSSIONS

Evidence was produced by both sides. It showed that the county had an unemployment rate of 12.2% which is higher than the statewide average. Revenue statistics verified that sales ten dollars are less in 2007 and 2008.

The union is also the exclusive representative for the "Blue Unit" which consists of Deputies and Correction Officers. Their Collective Bargaining Agreement ("CBA") expired on December 31, 2010. This present negotiation is for a new year CBA expiring on December 31, 2010.

Then all contracts between the Sheriff's Office and three units shall be negotiated at the same time.

The union has proposed a zero percent wage increase from December 15, 2009 to December 14, 2010. It proposed an offset to a requested three percent wage increase by scheduling two hours of unpaid leave during the month of December, 2010. This would effectively net a zero percent wage increase for 2010.

The premium pay issue does involve some cost, however, the Gold Unit is essentially acquiescing to a zero percentage wage increase for the year.

Though arguments could be made that once the three percent begins, i.e., after voluntary days off during December, then the union might attempt to get another three percent in the first year of the new CBA or six percent.

Though there are many possible avenues of potential settlement in 2011, there will still be the serious issues of the economy and the comparison factors that S.E.R.B. considers.

In comparison, it is clear that in looking at eight other counties, most of them had a higher tax rate, i.e., 6.75% for one county and 7% for five counties. Thus, the wage situation for both units were accordingly diminished.

Allen County Sergeants annual rate is below the average for these counties.

RECOMMENDATION AND FACT-FINDING

WAGES ARTICLE 18 – SECTION 18.1 – GOLD UNIT

Section 18.1 shall remain the same until the December 14, 2010 expiration date, except: the employees shall receive a three percent base rate increase the first pay period in December, 2010.

Each employee shall schedule two hours as unpaid time off during the month of December, 2010.

WAGES – ARTICLE 18 – SECTION 18.1 – SUPPORT UNIT

Section 18.1 shall remain the same until the December 14, 2010 expiration date, except: the employees shall receive a three percent base rate increase the first pay period in December, 2010.

Each employee shall schedule two hours as unpaid time off during the month of December, 2010.

HOLIDAYS – ARTICLE 21 – GOLD UNIT

SECTION 21.2 – RATES OF PAY – GOLD UNIT

Shall be changed as follows:

SECTION 21.2 – RATES OF PAY – GOLD UNIT

Employees that are on a day off when a holiday occurs shall receive a regular day's pay. Additionally, employees that are required to work on a holiday shall be paid their time and one-half (1 ½) rate of pay for each hour worked on the holiday in addition to the regular day's pay.

FINAL REMARKS

This is a unit of supervisory officers and the need to keep them in a proper relationship to the person they supervise is necessary. The setting in the future of a three percent pay raise is not such an expense to the County Sheriff's Office. It does not mean that three percent would be an automatic extra for the next CBA.

The modest cost for holidays is not a major expense. There was no showing that a large member of officers would be needed.


THOMAS R. SKULINA
FACT-FINDER

Dated: April 15, 2010

THOMAS R. SKULINA
ATTORNEY AND COUNSELOR AT LAW

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April 15, 2010

State Employment Relations Board
65 East State Street
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ATTN: J. RUSSELL KEITH
GENERAL COUNSEL & ASSISTANT EXECUTIVE DIRECTOR ✓

**RE: STATE EMPLOYMENT RELATIONS BOARD
(FACT-FINDING)**

**ALLEN COUNTY SHERIFF'S OFFICE (Employer)
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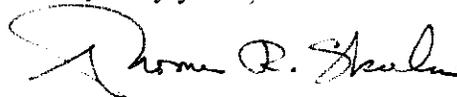
**CASE NOS.: 09-MED-08-0822
09-MED-08-0921**

Dear Mr. Keith:

Enclosed herein, please find a Fact-Finding Report, in regard to the above-captioned matter.

Thank for your courtesy and cooperation herein.

Very truly yours,



Thomas R. Skulina

TRS/cad
Enclosure

cc: Benjamin S. Albrecht, Esquire w/copy Enclosure
Ross Rader, FOP w/copy Enclosure