

**STATE OF OHIO**  
**BEFORE THE STATE EMPLOYMENT RELATIONS BOARD**

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RELATIONS BOARD

2010 JUN 10 A 10:04

**FACT FINDING PROCEEDING**

**Case No. 09-MED-09-0986 and 09-MED-09-0987**

**Fraternal Order of Police, Ohio Labor Council, Inc.,**

**and**

**The Adams County Sheriff's Office**

**REPORT AND RECOMMENDATIONS OF THE FACT FINDER**

**Daniel N. Kosanovich**

**ISSUED: June 7, 2010**

**Appearances:**

**Mark A. Scranton, Staff Representative**  
**FOP, OLC, Inc.**  
**5752 Cheviot Road, Suite D**  
**Cincinnati, OH 45247**  
**(For the Union)**

**Sheriff Kimmy Rogers**  
**Adams County Sheriff**  
**110 W. Main Street**  
**West Union, OH 45693**  
**(For the Employer)**

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**REPORT AND RECOMMENDATIONS**

**I. Background**

The parties to this dispute have a collective bargaining relationship that dates back to 1985 when both units were certified by the State Employment Relations Board. The description of the bargaining unit is as follows:

Deputy-Investigator, Deputy Patrol Officer, Deputy Jailer, Deputy Dispatcher, and all full-time employees not sworn in accordance with R.C. 311.04 including, the Dispatcher and one (1) Cook. There are approximately twenty-one (21) employees in the combined bargaining units.

The parties began negotiations in 2009 and met at least five (5) times since. All but two (2) issues were resolved in negotiations (or unopened as described by the parties). This Report will deal with the two (2) open issues, Insurance and Wages.

Prior to the fact finding hearing the Union presented its pre-hearing statement addressing both open issues, as well as submitting supporting documentation and evidence. The Sheriff's Office did not submit a pre-hearing statement. In addition, both parties agreed to an additional extension until June 7 for the issuance of the Fact-Finder's Report and Recommendations.

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## **II. Criteria**

In compliance with Ohio Revised Code, Section 4117.14(G)(7), and the Ohio Administrative Code, Section 4117-95-05(J), the Fact-Finder considered the following criteria in making the recommendations contained in this Report:

- 1) Past collectively bargained agreements between the parties;
- 2) Comparison of unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employers in comparable work, given consideration to factors peculiar to that area or in the classifications 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 on the normal standards of public service;
- 4) The lawful authority of the public employer;
- 5) Stipulations of the parties; and,
- 6) Such factors as not confined to those above which are normally and traditionally taken into consideration.

## **III. Findings and Recommendations**

### **Insurance (Article 35)**

#### ***FOP, OLC, Inc.'s Position***

It is the position of the FOP, OLC, Inc. that the Fact-Finder is compelled to accept the Union's proposal and maintain the current contract language in Article 35 which deals with insurance. It is significant to note at this point that the Union is proposing that the

language in Article 35, Section 35.5-Medical Insurance be adopted. This provision obligates the Employer to pay 88% toward the monthly premium of a single and family participant for hospitalization, dental, vision, and life insurance. Therefore, the employees are obligated to pay 12% toward the monthly premium of a single or family member participant. However, the proposal provides that the Employer will pay no less for the bargaining unit health insurance premium than the Employer pays for other county general fund employee's health insurance premiums. This language appears in the current Collective Bargaining Agreement between the parties. The evidence indicates that Adam's County does not contribute health insurance premiums for general fund employees in excess of 10% monthly.

With respect to the internal comparables, it is of particular significance that the FOP, Ohio Labor Council, Inc. also represents a Sergeant's unit. The Sergeant's unit has completed the task of negotiations and agreed to the Union's proposal with regard to Article 35-Insurance. In other words, the Union and the Sheriff's Office agreed to maintain the status quo as it relates to health care and health care premiums.

The evidence submitted with respect to the comparables supports the Union's position. Thus, the Fact-Finder is urged to adopt the Union's proposal.

*Adam's County Sheriff's Position* – No pre-hearing statement was filed in accordance with the statute and administrative regulations.

### **RECOMMENDATION**

It is the recommendation of the Fact-Finder that the Union's proposal with regard to insurance, and more particularly insurance premium contribution, shall be adopted. Said proposal is both reasonable and compelling. The Union is not proposing an increased cost to the Employer for maintaining health care coverage. Although the premiums may

increase, the Union's proposal indicates that both parties accept their portion of the obligation associated with a premium increase.

The most persuasive piece of evidence found in the record is the tentative agreement reached between The Adams County Sheriff's Office and the Sergeant's bargaining unit. The tentative agreement is identical to the Union's proposal for these two bargaining units.

Thus, it is the recommendation of the undersigned, that the Union's proposal be adopted. Furthermore, it is the recommendation of the undersigned that the Union's proposal be incorporated into the "unopened" provisions.

### *Wages*

#### *FOP, OLC, Inc.'s Position*

It is the position of the FOP, Ohio Labor Council, Inc. that the Fact-Finder should award or recommend a wage increase of \$0.50 per hour across the board. The Union's proposal would raise the rates of pay for all bargaining unit members by \$0.50 per hour effective January 1, 2010. In addition, the proposal would raise the rates of pay for all bargaining unit members by 50¢ per hour effective January 1, 2011. The language regarding longevity pay, the payout schedule with for longevity pay, and the wage rates of various classifications of employees are set forth in the Union's supporting documentation submitted along with its proposal.

The external comparables demonstrate that the Adam's County Sheriff's employees, with the adoption of the proposed increases, do not stand to gain significant ground on other comparable units in the region. In other words, the adoption of the Union's position will result in simply maintaining their wage posture.

The Union also asserts that the Employer had nearly \$1,000,000.00 in excess or “unencumbered reserves” at the end of last year. Therefore, the Employer has the wherewithal to finance the Union’s proposal. The record shows that the wage increase proposed in one year with roll-ups anticipated will cost approximately \$26,000.00. The Union is urging the Fact-Finder to adopt its position.

*Adam’s County Sheriff’s Position* – The Sheriff’s Office did not submit a pre-hearing statement.

### **RECOMMENDATION**

It is the recommendation of the Fact-Finder that the Union’s proposal be adopted and that the wages be increased \$0.50 per hour for each employee in the bargaining unit effective January 1, 2010. In addition, it is recommended that the wages be increased for all classifications in the bargaining units by \$0.50 per hour effective January 1, 2011.

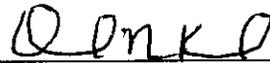
The comparables demonstrate that the Adams County Sheriff’s Office Safety Force employees, e.g. Deputy Jailer, Corrections Officer, Dispatcher, et al are among the lowest paid employees in the region. Granting a \$0.50 per hour increase effective January 1, 2010 only serves to allow these employees to keep pace with their regional colleagues.

Moreover, the total cost in 2010 for the wage increase proposed including estimated roll-ups is \$26,450.00. In 2011, the estimated cost is \$26,000.00. Given the fact that the County had excess general funds, which are sometimes referred to as unencumbered reserves, of close to \$1,000,000.00, it stands to reason that the Sheriff’s Office can financially support the Union’s proposal as well as administer it.

Therefore, it is the recommendation of the undersigned that the Union’s proposal be adopted and incorporated into the Collective Bargaining Agreement along with all of the unopened provisions.

#### **IV. Certification**

The Fact-Finding Report and Recommendations are based upon the evidence and testimony presented to me as at a fact-finding hearing conducted on May 24, 2010. The Recommendations contained herein are developed in conformity with the criteria for a fact-finding found in Ohio Revised Code 4717(7)(a-f) and in the associated administration of rules developed by SERB. All tentative agreements reached by the parties prior to the fact-finding hearing on May 24, 2010 are incorporated herein by reference as if fully rewritten.



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Daniel N. Kosanovich  
Fact-Finder

#### **V. Proof of Service**

This fact-finding report was mailed on June 7, 2010 via USPS to Sheriff Kimmy Rogers, Adams County Sheriff, 110 W. Main Street, West Union, OH 45693, and Mark A. Scranton, Staff Representative, FOP, OLC, Inc., 5752 Cheviot Road, Suite D, Cincinnati, OH 45247 and J. Russell Keith, General Counsel and Assistant Director, SERB, 65 E. State Street, 12<sup>th</sup> Floor, Columbus, OH 43215-4213. In addition, a copy of the fact-finding report was sent via electronic mail on June 7, 2010 to Sheriff Kimmy Rogers at kimmy.rogers57@yahoo.com and Mark Scranton at markscranton.fopolci@yahoo.com.



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Daniel N. Kosanovich  
Fact-Finder  
June 7, 2010