

STATE EMPLOYMENT
RELATIONS BOARD

2011 AUG 26 P 3: 03

**IN THE MATTER OF FACT-FINDING
BETWEEN**

CITY OF ELYRIA)	CASE NO. 10-MED-02-0143
)	
AND)	
)	
)	<u>FINDINGS</u>
)	AND
FRATERNAL ORDER OF POLICE)	<u>RECOMMENDATIONS</u>
OHIO LABOR COUNCIL, INC.)	

JAMES M. MANCINI, FACT-FINDER

APPEARANCES:

FOR THE FOP

Lucy DiNardo

FOR THE CITY

Robin L. Bell

SUBMISSION

This matter concerns fact-finding proceedings between the City of Elyria and the Fraternal Order of Police, Ohio Labor Council, Inc. The State Employment Relations Board (SERB) duly appointed the undersigned as fact-finder in this matter. A fact-finding hearing was held on December 16, 2010 in Elyria, Ohio. At the conclusion of the hearing, the parties requested that this fact-finder delay the issuance of his report until after receipt of another fact-finder's report regarding the fire fighter's bargaining unit. That fact-finder's report has only recently been issued and a copy was sent to the undersigned to be made part of the record in the instant proceeding.

The fact-finding proceedings were conducted pursuant to the Ohio Collective Bargaining Law as well as the rules and regulations of SERB. During the fact-finding hearing, this fact-finder attempted mediation of the issues at impasse. The issues remaining for this fact-finder's consideration pertain to Wages and Longevity.

The bargaining unit is comprised of all Full-Time Dispatchers. There are approximately nine employees in the bargaining unit at the present time.

This fact-finder in rendering the following findings of fact and recommendations on the issues at impasse has taken into consideration the criteria set forth in Ohio Revised Code Section 4117.14(C)(4)(e).

1. WAGES

The Union proposes wage increases of 4% retroactive to July 2010, and a 3.5% wage increase effective July 2011. The City proposes that wages be frozen for the duration of the Agreement. The parties have signed the Duration Article for the Agreement to expire on July 31, 2012.

The Union contends that its wage proposal of 4% and 3.5% increases over the two year term of the Contract is warranted for several reasons. First, the wage rate for the Dispatchers' Unit is relatively low compared to dispatcher wages in comparable cities. The most comparable cities according to the Union are Lakewood and Mentor. The top rate with longevity payment for the dispatchers in Lakewood is \$42,608. In Mentor, that top rate is \$45,525. The Union notes that with its proposed 4% wage increase for 2010, the comparable top rate for a bargaining unit member here would be \$43,295 or below the average for Lakewood and Mentor. Moreover even with the 3.5% pay increase proposed by the Union for 2011, the dispatcher wages in Elyria would still be less than the average salary for dispatchers in Lakewood and Mentor.

The Union also argues that the duties required of the bargaining unit have increased significantly. They now perform more record keeping functions than in the past. They are responsible for controlling the doors at the station. The dispatchers are also being required to put in an excessive amount of overtime.

The City contends that it simply does not have the ability to fund any wage increase over the two year term of the Contract. Like many cities in the State of Ohio,

Elyria has suffered a drastic reduction in revenue over the last two years. It is anticipated that the City's finances will only worsen given the State's cutback in funds to local municipalities. The economic condition of the City of Elyria warrants the freeze in wages which it has proposed.

The City also cites comparables to support its position. The City cites various municipalities with comparable populations as well as median household income. This comparison shows that dispatchers with twenty years of service in Elyria basically are paid in the mid range of the other municipalities. As a result, comparables indicate that a wage increase at this time is not warranted especially given the economic downturn which has resulted in a significant revenue shortfall for the City.

ANALYSIS - After carefully reviewing the evidence present, this fact-finder recommends a 1% wage increase retroactive to the first pay period in July 2010, with an additional 1.5% wage increase in July, 2011. While this fact-finder finds some merit to the FOP's argument that the Dispatchers' Unit is deserving of a greater wage increase, considerable weight must be given to the current financial difficulties facing the City of Elyria. When the various factors are taken into consideration, this fact-finder finds that it would be reasonable to provide the bargaining unit with a modest pay increase which the City can afford.

It was established that the City is currently experiencing serious financial difficulties. The City like many others in the State of Ohio has suffered a drastic reduction in revenue over the last two years. The City's General Fund unencumbered

balance declined significantly to \$571,509 at the end of 2009. There have been previous layoffs in the City of police, fire fighters, and others as a result of the City's financial difficulties. This fact-finder also recognizes that due to an anticipated reduction in state funding, there could be further shortfalls in revenue experienced by the City.

However, this fact-finder has determined that at least modest 1% and 1.5% pay increases for the bargaining unit is warranted. This bargaining unit did not receive any general wage increase for 2009. The only pay increase since that time has been the 1% per year longevity increase provided to the bargaining unit. It was estimated that the cost of a 1% base rate increase for this bargaining unit would be approximately \$3,122. It is evident that the City has the ability to fund the pay increases recommended herein.

RECOMMENDATION

It is the recommendation of this fact-finder that there be a one percent (1%) wage increase retroactive to July 2010, and an additional one and one-half percent (1.5%) increase in July 2011 as more fully set forth below:

WAGES

July 2010 - One percent (1%) increase.

July 2011 - One and one-half percent (1.5%) increase.

2. LONGEVITY

The Employer proposes that longevity be frozen at the current rate being paid to each of the employees for the duration of the Agreement. The Union proposes that the current Longevity Provision remain in effect with no change. That current provision provides that a 1% additional wage increase shall be given at the beginning of the employee's second year. The 1% increments continue each year until they reach the maximum amount of 20%. Thereafter the benefit remains at 20% as long as the employee remains on the City payroll in a full-time capacity.

The City argues that due to its financial difficulties, the longevity pay benefit should be frozen at current levels for the duration of the Agreement. The City again cites the revenue shortfall which it has experienced resulting in a significant drop in its General Fund unencumbered balance for year end 2009. The current Longevity Provision provides for a significant pay increase in each year for the bargaining unit. The City cites the current amount which a twenty year dispatcher receives of \$6,938. The average longevity paid to dispatchers in comparable jurisdictions for a twenty year employee is only \$1,287. Considering these various factors, it is only reasonable that longevity be frozen at the current rate being paid to each of the employees for the two year term of the Agreement.

The FOP argues that there is no justification for freezing the current longevity payment for bargaining unit employees. The Union points out that in 2009, the bargaining unit did not receive any general wage increase. The only increase which it

received was the 1% longevity pay increase. While the Union acknowledges that the City is currently experiencing financial difficulties, it certainly has the ability to fund the current longevity provision for the bargaining unit. If the longevity payments were frozen as proposed by the Employer, then the total compensation received by bargaining unit members would fall well behind those paid to dispatchers in comparable jurisdictions.

ANALYSIS - This fact-finder does not recommend the Employer's proposal that longevity benefits for each bargaining unit member be frozen at the rates in effect as of December 31, 2010. This fact-finder also does not recommend the other part of the Employer's proposal which was that any employee hired after July 7, 2010 is not to receive any longevity benefit. In effect, this fact-finder would recommend the FOP's proposal that the current Longevity Benefit Provision be retained without any change for the duration of the new Contract.

This fact-finder once again must state that he recognizes the financial difficulties which the City currently is experiencing. However, the City did acknowledge that its year-end General Fund balance did increase at the end of 2010 to approximately one million dollars. At least as of the date of the hearing held in this matter, there appeared to be an upward trend in revenue receipts for the City. There is every indication that the City has the ability to fund the current longevity payments provided to the Dispatchers' Unit. There simply was an insufficient basis established for freezing the longevity benefits for each bargaining unit member at the rates in effect as of December 31, 2010.

RECOMMENDATION

With respect to Longevity, this fact-finder recommends that the current Longevity Pay Provision be retained without any change for the duration of the new Contract.

LONGEVITY BENEFITS

Maintain current provision, no change.

CONCLUSION

In conclusion, this fact-finder hereby submits the above referred to recommendations on the outstanding issues presented to him for his consideration.

AUGUST 24, 2011



JAMES M. MANCINI, FACT-FINDER

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August 24, 2011

J. Russell Keith
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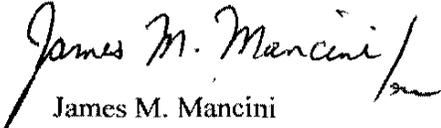
RE: Case No. 10-MED-02-0143
City of Elyria
-and-
FOP/Ohio Labor Council, Inc.
(Issue - Dispatchers)

Dear Mr. Keith:

Please find enclosed herewith a copy of my fact-finder's Report in the above referred to matter.

Thank you.

Very truly yours,


James M. Mancini

STATE EMPLOYMENT
RELATIONS BOARD
2011 AUG 26 P 3:03

JMM:em
Enclosure

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