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STATE EMPLOYMENT
RELATIONS BOARD

2010 OCT 25 AM 9:41

**PURSUANT TO O.R.C. 4117.14(C)
UNDER THE AUSPICES OF THE
STATE EMPLOYMENT RELATIONS BOARD**

IN THE MATTER BETWEEN)	
)	
THE FRATERNAL ORDER OF POLICE))	
OHIO LABOR COUNCIL, INC.)	FACTFINDER'S REPORT
)	
and)	SERB CASE NOS.
)	10-MED-06-0800
OTTAWA COUNTY SHERIFF'S)	10-MED-06-0801
OFFICE)	

This Factfinding arises pursuant to Ohio Revised Code Section 4117.14(C). The Parties, the Fraternal Order of Police, Ohio Labor Council, Inc. ("the Union") and the Ottawa County Sheriff's Office ("the County"), selected Susan Grody Ruben to serve as sole, impartial Factfinder, whose Recommendations are issued below.

Hearing was held October 20, 2010 in Port Clinton, Ohio. The Parties were afforded full opportunity for the presentation of positions and evidence. Pre-hearing submissions were received from both Parties.

APPEARANCES:

for the Union:

Jackie Wegman, Staff Representative, Fraternal Order of Police, Ohio Labor Council, Inc., 4854 Waterbury Lane, Maumee, OH 43537.

for the County:

Edward S. Kim, Esq., Downes Fishel Hass Kim LLP, 400 S. Fifth Street, Suite 200, Columbus, OH 43215.

FACTFINDER'S RECOMMENDATIONS

Statutory Criteria

In reaching Recommendations on the open issues, the Factfinder has reviewed the Parties' pre-hearing submissions and the record presented in the context of the statutory criteria found in Ohio Revised Code Section 4117.14(G)(7):

- a) Past collectively bargained agreements ... between the parties;**
- b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved 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 interests and welfare of the public, 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; and**
- f) Such other factors, not confined to those listed ... which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-**

finding, or other impasse resolution procedures in the public service or in private employment.

Bargaining Units

There are two bargaining units. There are approximately 8 employees in the Sergeants' bargaining unit, and approximately 22 employees in the Correction Officers' bargaining unit. The employees in both bargaining units are employed with the Ottawa County Sheriff's Office. There is one collective bargaining agreement for the two bargaining units.

Incorporated Articles

The Factfinder hereby incorporates into her Recommendations the current language of the unchanged articles.

Unresolved Issues

1. Article 20.7 – Active Pay Status

County's Proposal

The County proposes status quo. The Union's proposal would cause an increase in compensation.

Union's Proposal

The Union proposes adding paid sick leave time to active pay status, counting as time worked for purposes of calculating overtime.

Factfinder's Recommendation

The Factfinder recommends adding paid sick leave time to active pay status, counting it as time worked for purposes of calculating overtime. Other unionized employees in the Sheriff's Office enjoy this benefit; there is no compelling reason to deny this benefit to these bargaining units.

2. **Article 25 – Wages**

County's Proposal

The County proposes a 1-year wage freeze.

Union's Proposal

The Union proposes 3%, 3%, 4%. These increases are necessary to maintain the members' standard of living.

Factfinder's Recommendation

The County is in a transition period economically. It is awaiting data on collection levels of the recently-instituted increased ¼% sales tax. It also is awaiting State action on local government funding levels. Additionally, the economy at large is in great flux. Given the instability of these three highly significant economic indicators, it is appropriate to institute a 1-year wage freeze.¹ This will permit the Parties to reexamine wages in the context of stabilized economic data a year from now. Such a wage freeze at this time is the norm in many collective bargaining agreements throughout the State.

To protect the internal comparability of the wages of the members of these 2 bargaining units, it also is appropriate to institute a “me-too” clause regarding the 1-year wage freeze. I.e., if any other bargaining unit in the Sheriff's Office receives from the County any type of increased economic benefit during the 1-year contract extension period, this benefit would be extended to the Sergeants and Correction Officers bargaining units.²

¹ The Factfinder notes this freeze applies to wages only. The 5% health insurance premium employee contribution will result in a higher employee contribution due to higher premiums. This increase in employee contributions, however, can be substantially offset, and even eliminated entirely, by making paid sick leave active paid status for purposes of calculating overtime.

² This “me-too” clause would not be triggered by an economic benefit conferred by a Conciliator.

3. **Article 29.3(B) – Sick Leave**

County's Proposal

The County proposes status quo.

Union's Proposal

The Union proposes expanding the definition of immediate family for sick leave purposes to include step-parent, step-children, guardian, mother-in-law, father-in-law, daughter-in-law, son-in-law, sibling, grandparent, and grandchildren. Such an expansion would better reflect modern society.

Factfinder's Recommendation

The Factfinder recommends expanding the definition of immediate family for sick leave purposes to include legal guardian and step-children. This reflects today's blended families and does not unnecessarily expand the reach of sick leave.

4. **Article 35 – Holidays**

County's Proposal

The County proposes status quo.

Union's Proposal

The Union proposes adding Christmas Eve Day and New Year's Eve Day as covered holidays.

Factfinder's Recommendation

The Factfinder recommends status quo. There is no compelling reason at this time to expand the number of covered holidays.

5. **Article 38 – Pager Pay**

County's Proposal

The County proposes status quo.

Union's Proposal

The Union proposes replacing the current \$.05/hour to a flat rate of \$25.00/week for those employees required to carry a pager 24/7.

Factfinder's Recommendation

Though a fixed weekly pager payment makes sense conceptually, the Factfinder recommends status quo at this time. This matter can be revisited next year.

6. **Article 47 – Duration of Agreement**

County's Proposal

The County proposes a 1-year contract.

Union's Proposal

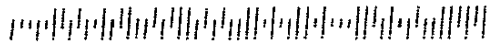
The Union proposes a 3-year contract.

Factfinder's Recommendation

As stated above with regard to wages, these are very uncertain economic times for the County as well as the State. It makes sense to enter into a 1-year contract now, and reassess the economic data a year from now, at which time the Parties can enter into a regular 3-year contract.

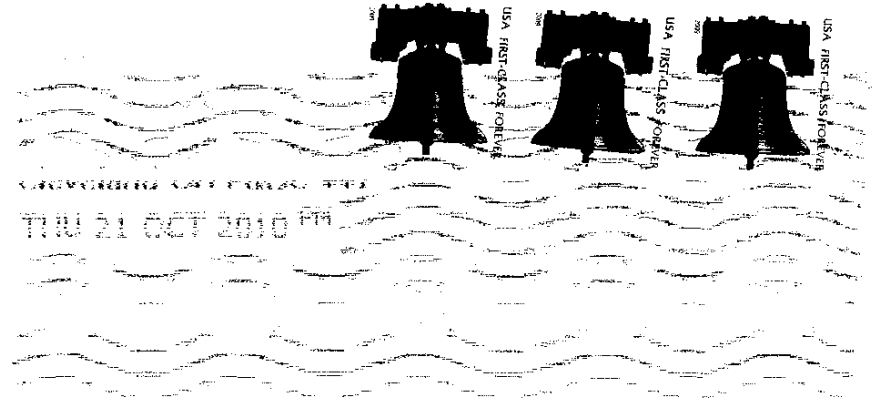
DATED: **October 21, 2010**


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