

Before Louis V. Imundo, Jr., Fact Finder

In the matter of fact finding between

The Hamilton County Sheriff

and

The Fraternal Order Of Police,

Ohio Labor Council, Inc.

SERB Case No. 2010-MED-07-0875

This matter was heard before Louis V. Imundo, Jr., Fact Finder, in Cincinnati, Ohio on December 21, 2010.

## **1.0 Introduction**

### **1.1 Appearing For The Sheriff**

- Brett A. Geary, Regional Manager, Clemans Nelson & Associates, Inc.
- Christian Sigman, Assistant County Administrator
- Kim Serra, Sr. Human Resources Manager
- Edwin H. Boldt, Esq. Sheriff's Counsel

### **1.2 Appearing For The Union**

- Paul L. Cox, Chief Counsel
- Tara Crawford, Paralegal
- David Stanley, Staff Representative
- Daniel P. Reid, Group Unit Chairman & Patrol Lieutenant
- Donald E. Maher, Court Services
- Steve Sabers, Patrol Corporal
- Rick Paquette, Patrol Officer
- Anthony Bonno, Patrol Officer
- Ken Lawless, Patrolman
- Tim Maddy, Patrol Officer

## **2.0 Unresolved Issue**

### **Article 20 – Wages and Compensation**

The Parties had previously agreed to a wage re-opener for 2011 effective the first pay period in 2011. The bargaining unit has about 250 members, all of whom are regular,

full time employees of the Sheriff's Department. The job classifications in the unit are: Court Service Officer, Patrol Clerk, Patrol Officer, Patrol Corporal, Court Service Corporal, Range Officer, and Evidence Technician. Most of the members are Patrol Officers. Any wage increase will be applied to approximately 30 Enforcement Supervisors.

### **3.0 Findings & Recommendations**

The Union proposed a six percent (6.0) wage increase for all bargaining unit employees effective the first full pay period in January 2011. The Sheriff's Office proposed no wage increase.

The record establishes that bargaining unit employees have not received a wage increase since 2008. The record also establishes that since 2008 approximately 20 bargaining unit employees have been laid off. The Sheriff's Office has, since 2008, laid off over 150 employees, most of the layoffs having resulted from the closing of the Queensgate Correctional Facility.

In the Fact Finder's opinion, Mr. Cox and Mr. Geary could not have better prepared for the Hearing. With the assistance provided by their respective support teams, both provided the Fact Finder with a voluminous amount of data to support their respective positions. At the Hearing, both advocates made very persuasive arguments to support their respective positions. In addition to Mr. Geary, the Sheriff's Office relied on the testimony of the County's Mr. Sigman. Mr. Sigman, who is no stranger to fact finding hearings, testified at length about the County's current and projected finances and the County's financial condition.

In the Fact Finder's opinion, much to County management's credit, over the past few years, they have acted in a prudent, fiscally conservative manner to keep the County financially solvent and protect its bond rating.

Much has been said and written, and much remains to be said and written about the causes and effects of the near collapse of the American financial system, which, if it had occurred, would have plunged the country into a depression that would have been worse, socially and economically, than what happened in the 1930s.

The County's 2011 budget, which was prepared in the fourth quarter of 2010, was based on predictions about the changes in revenue streams from the many sources from which the County obtains its operating funds. These revenue streams are affected either entirely, or in large part by the economic health of the country, the state, and the County.

As the late economist John Maynard Keynes is quoted as having said: "When the facts change, I change my mind. What do you do sir?" In the Fact Finder's opinion, the facts have changed since County management developed the recommended 2011 budget.

First, the risk of a double dip recession, which was loudly prophesized by self proclaimed experts, who never saw a television camera or microphone they did not like were wrong, very wrong. The decisive actions by the Federal Reserve on many fronts, which are on-going, virtually eliminated the risk of a double dip recession. The anecdotal and empirical evidence clearly shows that the nation's economy is improving far faster than most people realize. The improving economy, which will trigger increases in consumer and business spending, will generate more monies for the County. Unemployment will start to go down, albeit slowly. Housing prices will go up and real estate sales will increase. As the economy improves businesses will not only start hiring again, they will also increase their spending on all of the things they need to function and remain competitive.

The increase in revenue for the County will be slow at first and then accelerate month over month. The increase in the tax and fee revenue flows to the County will, in 2011, be somewhat offset by the State's reducing the monies it gives to counties. This will change for the better as the State's economy improves.

Deflation, which was occurring in some sectors of the economy, always results in an economic death spiral, or what is commonly referred to as a race to the bottom. The Federal Reserve recognized this fact and has done a number of things most of which are designed to bring about some inflation. The result will be that the cost of living will go up for everyone. In fact, the process has already begun.

With the backdrop of all of the aforementioned, the Fact Finder will now address the issue placed before him.

The Board of Commissioners, County management, the Sheriff and his team were compelled to make very difficult decisions, which adversely affected employees at all levels. In the past few years bargaining unit employees have lost economic ground. Although inflation as measured by various indexes has been low, the fact that bargaining unit employees have not received a wage increase in the past two years means that, in all likelihood, their standard of living has decreased. Given the economic and financial situation that existed such was inevitable. However, going forward there is no need for this to continue.

In their September 29, 2010 "Resolution Setting The Board Of County Commissioners' 2011 Budge Policy Goals" the Commissioners adopted the following:

“Employee Wages and Benefits”

“Hamilton County shall work to re-establish equitable and adequate levels of compensation and benefits for county employees in 2011 and address long-delayed adjustments in wages and benefits for increases in the cost of living and inflation as County revenues permit and the budgets shall further identify objective criteria pertaining to revenues, budget and economic forecasting that shall be adopted to instruct when, to the extent permitted by severe budget constraints, to provide adequate compensation, competitive benefits, a healthy quality of life and peace of mind for employees and their families, and that reflect the increasing cost of living. The budget shall eliminate the need for employee furloughs.”

In the Fact Finder’s opinion, while bargaining unit employees are adequately paid they are not quite as adequately paid as patrol officers are in some of the contiguous and regional counties where the populations are more rural when compared to the County.

In the Fact Finder’s opinion, while there is a cap on bargaining unit employees’ contribution to the cost of their healthcare insurance they have been subjected to higher co-pays and higher deductibles.

The record establishes that the Sheriff’s Office has been providing patrol services to many communities at no cost to those communities. Clearly, considering the County’s need for more revenue it seems proper to the Fact Finder to require those communities to pay their fair share of the costs for the services provided to them by the Sheriff’s Office and if they are unwilling or unable to do so for those services to be significantly reduced or even eliminated. In the Fact Finder’s opinion, it untenable for the Sheriff’s Office to provide free services to communities and then tell the bargaining unit employees who provide many, if not all of those services there is no money to give them a sorely needed raise.

After a thorough review of the Parties’ respective documentary information and data, the presentations of Mr. Geary and Mr. Cox, and Mr. Sigman’s testimony the Fact Finder has concluded that the County can afford to give bargaining unit employees a raise for 2011.

The Fact Finder recommends a 2.9 percent increase for all bargaining unit employees effective starting with the first pay period in 2011. In the Fact Finder's opinion, this modest increase will, for 2011, stop the erosion of their purchasing power and enable them to maintain their current standard of living.

January 20, 2011

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Date

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Louis V. Imundo, Jr.  
Fact Finder