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STATE EMPLOYMENT
RELATIONS BOARD

2011 SEP 16 P 2:18

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

IN THE MATTER BETWEEN)	
)	
STARK COUNTY BOARD OF)	
COMMISSIONERS)	FACTFINDER'S REPORT
)	
and)	SERB CASE NO.
)	10-MED-10-1573
FRATERNAL ORDER OF POLICE/)	
OHIO LABOR COUNCIL, INC.)	
STARK COUNTY 911 OPERATORS)	

This Factfinding arises pursuant to Ohio Revised Code Section 4117.14(C). The Parties, Stark County Board of Commissioners ("the County") and Fraternal Order of Police/Ohio Labor Council, Inc., representing the Stark County 911 Operators ("the Union"), selected Susan Grody Ruben to serve as sole, impartial Factfinder, whose Recommendations are issued below.

Hearing was held August 24, 2011 in Canton, Ohio. The Parties were represented by advocates and were afforded full opportunity for the presentation of positions and evidence. Pre-hearing submissions were received from both Parties.

APPEARANCES:

for the County:

**Leslie Iams Kuntz, Esq., Krugliak, Wilkins,
Griffiths & Dougherty Co., L.P.A., 4775 Munson
St., NW, Canton, OH 44735.**

for the Union:

**Chuck Choate, Senior Staff Representative,
FOP/OLC, Inc., 2721 Manchester Road, Akron, OH
44319.**

FACTFINDER'S RECOMMENDATIONS

Statutory Criteria

In reaching Recommendations on the open issues, the Factfinder has reviewed the parties' pre-hearing submissions, and the evidence and positions presented at the Factfinding Hearing. The Factfinder has analyzed this information 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 Unit

There is one bargaining unit consisting of approximately 17 individuals. These individuals are employed in the following categories:

40-hour employees = 9 (3 per shift)

32-hour employees = 3 (1 per shift)

16-hour employees = 3 (1 per shift)

On-call employees = 2 (as needed)

Incorporated Articles

The Factfinder hereby incorporates into her Recommendations the following articles, with the changes, if any, agreed to by the Parties at the Factfinding Hearing:

Article 8 – Union Representation/Rights Leave

Article 10 – Bulletin Board

Article 21 – Personnel Files

Article 25 – Grievance Procedure

Article 31 – Personal Emergencies

Article 39 – Procedures for Workplace Drug Testing

Issue

1. Article 19 -- Vacation

Union Proposal

The Union proposes a change in vacation accrual, both in the number of years in each service category and the amount of time each service category earns. Additionally, the Union proposes that employees who work 16 hours per week and on-call employees be added categories of employees who accrue vacation.

County Proposal

The County proposes status quo.

Factfinder's Recommendation

Based on the fact that most other County employees employed by the Commissioners (both unionized and non-unionized) earn vacation at the current rates, and that generally in the labor market, employees who work two days per week and on-call employees do not earn paid vacation, the Factfinder recommends status quo.

2. Article 20 – Holidays

Union Proposal

The Union proposes 32-hour employees, 16-hour employees, and on-call employees be paid 8 hours straight-time and 4 hours at time-and-one-half when working a holiday.

County Proposal

The County proposes employees who wish to use time off with pay to attend religious services provide “at least three days advance notice.”

Factfinder’s Recommendation

Based on the pay practices of the other County employees employed by the Commissioners, as well as the fact Article 20 already provides employees who work a holiday receive time-and-one-half for hours worked, the Factfinder recommends status quo regarding holiday pay.

Based on the fact it is not onerous for an employee to determine three days in advance of a religious holiday that he or she wishes time off to attend religious services, and that such advance notice is important for scheduling purposes, the Factfinder recommends the second sentence of Article 20, Section 4 be amended to read:

However, employees may take a reasonable amount of time off with pay to attend bona fide religious services with at least three (3) days advance notice.

3. Article 26 – Hours of Work and Overtime

Union Proposal

The Union proposes adding a new Section 5:

There shall be at all times three (3) 911 Operators on duty on every shift. Bargaining Unit Members shall be entitled to one (1) hour of paid break time away from work per shift. Bargaining Unit Members may, at their option, mutually switch shifts between and among 911 Operators as long as no overtime is incurred. Said shift change will be notified to the Employer in writing and be delivered in advance of the beginning of the switched shift as is possible.

County Proposal

The County proposes amending Article 26, Section 3(a) to reflect what it contends is current practice regarding which employees are eligible to be called for overtime opportunities. Specifically, the County would add the categories of 16-hour and 32-hour employees to the category of on-call employees.

Factfinder's Recommendation

Based on the fact the 911 Operators have been moved to the office next to the County Sheriff's Office Dispatch Center, making it possible for those dispatchers to be available as back-ups to the 911 Operators, the Factfinder recommends not having a staffing minimum of three 911 Operators per shift.

Based on the fact the overtime eligibility of 16-hour and 32-hour employees is currently the subject of a grievance, the Factfinder recommends no change to the language of Article 26, Section 3(a) at this time.

Based on the fact the 911 Operators perform safety-related and emergency-related duties, the Factfinder recommends not adding a mandatory 1-hour break away from work per shift.

Based on the fact the County is responsible for providing 911 services, the Factfinder recommends employees who wish to switch a shift be permitted to make that request to the County. The Factfinder further recommends the contract reflect managerial approval of requested shift switches "shall not be unreasonably denied."

4. **Article 27 – Medical Insurance**

Union Proposal

The Union proposes status quo.

County Proposal

The County proposes the current employee health insurance premium contribution be increased from 5% with a cap, to 10% with no cap.

Factfinder's Recommendation

Based on the fact other County bargaining units are agreeing to increases in employee health insurance premium contribution increases, the Factfinder recommends this bargaining unit pay a modest increase to 6% with no cap.

5. **Article 36 – Longevity Pay**

Union Proposal

The Union proposes increases to the amount of longevity pay.

County Proposal

The County proposes status quo.

Factfinder's Recommendation

Based on the current economic strain facing this County and the rest of the State, the Factfinder recommends status quo.

6. Article 37 – Personal Leave

Union Proposal

The Union proposes increasing personal leave days and extending personal leave days to the category of 16-hour employees.

County Proposal

The County proposes status quo.

Factfinder's Recommendation

The Factfinder recommends status quo on the basis there is no compelling reason to change the number of personal leave days at this time, nor to extend this benefit to employees who work 2 days per week.

7. Article 40 – Duration

Union Proposal

The Union proposes the contract duration be until June 30, 2012.

County Proposal

The County proposes the contract duration be until January 31, 2012.

Factfinder's Recommendation

Based on the fact it already is September 2011, the Factfinder recommends the contract duration be until March 31, 2012.

DATED: September 13, 2011

Susan Grody Ruben
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Factfinder



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ARBITRATOR AND MEDIATOR

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