

December 31, 2012, with the following modifications: (1) Increase each employee's base wage 1.75%. (2) Increase the employee's share of monthly health insurance premiums to \$35 for single coverage and \$70 for family coverage. Both the wage increase and the increase in employee premium contributions will be effective May 1, 2012. To implement these changes, the parties' representatives prepared a contract Addendum with revised language for Sections 20.01 (health insurance) and 21.01 (wages). This Addendum is attached hereto and incorporated herein.

The parties further requested that the Fact-Finder prepare a report adopting their settlement as his recommendation. SERB's Fact-Finding Guidebook provides for this procedure, as follows:

Should the parties reach a settlement agreement with the assistance of the fact finder, the fact finder upon the request of the parties may submit a mediated settlement report that outlines the terms of the settlement. The report is not a fact-finding report and is not subject to the 3/5's voting standards of the statute. If the settlement agreement is rejected, the fact finder should schedule a hearing and issue a final report. Alternatively, if the parties request that the fact finder issue the mediated settlement as the final report and the fact finder agrees to this request, then the report is a fact-finding report subject to the 3/5's voting standards of the statute. (Emphasis supplied.)

Voluntary settlement by the parties is the preferred method of resolving public employee labor disputes. Therefore, so long as the mediated settlement is consistent with statutory criteria, the fact finder, on request, should adopt it as his report and recommendation. The criteria to be considered under the Ohio Collective Bargaining Law are listed in SERB Rule 4117-09-05 as follows:

- (1) Past collective bargaining agreements, if any, between the parties.
- (2) Comparison of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification 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 of the adjustments on the normal standard of public service.

- (4) The lawful authority of the public employer.
- (5) Any stipulations of the parties.
- (6) Such other factors, not confined to those listed above, which are normally or traditionally taken into consideration in determination of issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

“Other factors” noted in the sixth criterion include the desirability of equitable treatment among the various groups of the public employer's employees, especially those with similar job functions.

The parties' settlement agreement clearly comports with these criteria. The wage increase, resulting wage rates, and adjustment in employee premium contributions are generally comparable to those in other area cities. (Criterion #2.) Moreover, they are exactly the same as settlement terms to which most other union-represented employees in the City have already agreed. (Criteria #2 & #6.) At least for the duration of the Agreement, the City can meet the cost of the wage increase, which is partially offset by the premium adjustment. (Criterion #3.)

Therefore, the parties' settlement is incorporated in this report and issued as the Fact Finder's recommendation.

May 31, 2012
Shaker Heights, Ohio

s/John T. Meredith
John T. Meredith, Fact Finder

ADDENDUM

This Agreement is an Addendum to the current contract between the City of Bay Village and the Ohio Patrolmen's Benevolent Association concerning Case No. 11-MED-10-1444 and shall be effective May 1, 2012 and an expiration date of December 31, 2012, as follows:

20.1 All full-time employees may receive hospitalization insurance coverage one hundred percent (100%) paid by the City of Bay Village in its Self-Funded Plan for 2012 effective May 1, 2012. Employee health care contributions shall be \$35.00/single/per month and \$70.00 family/per month, on a pre-tax basis. The Employer reserves the right to change insurers at its renewal, providing the schedule of benefits is comparable to or better than the existing coverage. "Comparable", in this sense, shall mean equivalent to or better than the existing benefit levels. However, the plan document for any medical provider shall be the controlling determination for benefits under the hospital insurance for the employees. (Hospitals and providers are not guaranteed to be maintained with or without a change in insurers.) The City will make available to employees a Section 125 Health Savings Plan.

21.1 Effective May 1, 2012, all employees shall be paid a wage rate in accordance with the following schedule:

<u>Job Title</u>	<u>Wage Rate</u>
Police Officer – (Prob.)	Add 1.75% to current pay
Police Officer – after one (1) year	
Police Officer – after two (2) years	
Police Officer – after three (3) years	

FOR THE O.P.B.A.

FOR THE EMPLOYER
City of Bay Village

Deborah Sutherland

CERTIFICATE OF SERVICE

This is to certify that the foregoing Report was electronically filed with the State Employment Relations Board and electronically served upon the parties by e-mailing it to their representatives, listed below, this 31st day of May, 2012:

S. Randall Weltman
Ohio Patrolmen's Benevolent Association
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Representative of the Union

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Representative of the Employer

s/John T. Meredith
John T. Meredith, Fact Finder