

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of the Fact-Finding Between:

Goshen Township Fire Fighters, IAFF, Local 3932)	
)	
Employee Organization)	
)	
and)	Case No. 2011-MED-11-1636
)	
Goshen Township, Clermont County, Ohio,)	
)	
Employer)	

APPEARANCES:

For the Union:

Brian Broyles, Union Representative

For Goshen Township

Brett A. Geary, Employer Representative
Ray Snyder, Township Administrator
Steve Pegram, Fire Chief

Before Sarah Rudolph Cole, Fact-finder

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Introduction

The International Association of Fire Fighters (“Union” or “IAFF”) represents the bargaining unit at issue in this case. The nine or ten member bargaining unit consists of the Goshen Township Lieutenants, firefighters, and medics (referred to throughout as “firefighters”). On February, 22, 2012, the parties met to discuss a wage reopener for calendar year 2012. Mediation proved unsuccessful and the parties proceeded to a fact-finding hearing in the Goshen Township Administration Building in Goshen, Ohio.

Criteria

Ohio Revised Code § 4117.14(G)(7) specifies the criteria the Fact-finder is to consider when making a decision:

- (a) past collectively bargained agreements, if any, 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;
- (f) such other facts, not confined to those listed in this section, 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 proceedings in the public service or private employment.

Findings of Fact

The parties negotiated a three year collective bargaining agreement that expires on December 31, 2012. In that collective bargaining agreement, the parties negotiated wage increases of 2.75% every six months for the first two years of the contract and a wage reopener for the 2012 calendar year. The parties agreed that the primary purpose of the wage increases in 2010 and 2011 was to reduce the disparity between what Goshen police officers and firefighters earn each year.

The Union proposed an increase for the year 2012 so that the remaining gap between police officer wages and firefighter wages would be eliminated. The proposed wage increase for firefighters, and others in the unit, ranged from a 20% to 35% wage increase for each position. The justification offered for this increase was to achieve parity between police officers and those working in the fire department. The Union stated that the Township must place levies on the ballot more frequently in order to raise money to support wages for the firefighting unit. In addition, the Union contended that the Township's division of resources from previous levies, giving the lion's share to the police department, has been unfair to the firefighter unit. Finally, the Union speculated that other Townships are able to hire away Goshen Township firefighters because Goshen firefighters make so much less than firefighters in neighboring Townships.

The Township proposed a 0% wage increase. The Township submitted evidence that the general fund budget, which supports the wages of all public safety employees, has decreased and will continue to decrease due to reductions in revenue streams, a fifty-percent cut to the local government fund, a reduction in the tangible personal property tax and the elimination of the estate tax in 2013. The Township stated that it placed a levy to

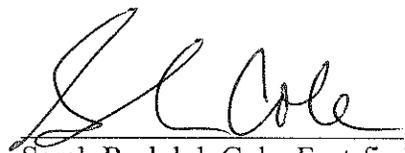
support the firefighters on the ballot in November 2010 but that the voters rejected it. (Township Ex. 5(d)). The Township stated that the levy needed to pass just so the Township could maintain the status quo. The Township submitted evidence that, at the present time, the fire department has a shortfall in the budget of \$172,041 that will have to be made up by taking additional money from the general fund. (Township Ex. 5(k)). The Township does not believe it can continue to take money out of the general fund to support more wage increases without undermining the fiscal integrity of the Township. Without the levy, and in light of the current economic conditions, the Township did not believe it could offer any increase to wages. The Township also stated that it would not be offering increases to any other Township employees, including police officers.

The Township's evidence also included internal and external wage comparisons for Goshen Township employees and other Township and non-Township employees throughout the state of Ohio. In Goshen Township, no other unit enjoyed an increase to wages in 2011. The SERB data, however, demonstrates that the average wage increase for public employees in 2010 ranged from 1.2% in the Cincinnati region to 1.99% for SERB Townships (there is no data for 2011 yet). Given these averages, the wage increase Goshen firefighters received in 2010 (and likely in 2011) was on the high end for wage increases for public employees. At the same time, these increases appear to have had more to do with a desire to improve the firefighters' income status vis-à-vis the Goshen police officers and little to do with the economic situation in Goshen or elsewhere.

Recommendation: The Fact-finder recommends a wage increase of 1.2% for 2012.

Rationale: While the Union's only argument that it deserved irrationally high wage increases for 2012 was that it was attempting to achieve parity with the Goshen Township police department, I nevertheless believe that a small raise for 2012 makes sense in light of the external comparable data and the need to move toward achievement of parity with the police department. Goshen Township is facing extremely difficult economic times and does not intend to give other units or its non-unionized employees any raises in the coming year. At the same time, Goshen Township firefighters are paid much less than their counterparts in the police department and the parties, at least two years ago, made substantial efforts toward eliminating that disparity. Rather than completely abandon the effort, and in light of increases for similarly-situated units throughout Ohio, I find that a more reasonable approach would be to provide a small increase this year with the hope that greater increases might be afforded to the firefighters at a future date.

This concludes the Fact-finder's report and recommendations.



Sarah Rudolph Cole, Fact-finder

Columbus, Ohio
March 8, 2012

CERTIFICATE OF SERVICE

The foregoing document has been served by email to Brian Broyles, bbroyles@goshenfd.com, Brett A. Geary, bgeary@clemansnelson.com, and the State Employment Relations Board, Mary.Laurent@serb.state.oh.us, on the 8th day of March, 2012.



Sarah Rudolph Cole