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STATE OF OHIO

BEFORE THE STATE EMPLOYMENT RELATIONS BOARD

FACT-FINDING PROCEEDING

Case No. 12-MED-09-0872 and 12-MED-09-0873

REPORT AND RECOMMENDATION OF THE FACT FINDER

Daniel N. Kosanovich

ISSUED: December 3, 2012

Appearances:

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REPORT AND RECOMMENDATION

I. Background

The bargaining in this case is presented as multi-unit negotiations. The employees are represented by the Ohio Patrolmen's Benevolent Association (OPBA). The focal point of negotiations is a wage reopener which applies to the compensation of the classifications of Road Patrol, Corrections Officers, Radio Dispatchers, Clerical Specialists, Records Management, Corporals, Sergeants, and Lieutenants. There are a total of eighty-nine (89) full-time employees in the non-command bargaining unit. The command bargaining unit contains a total of eighteen (18) full-time employees which is comprised of Corporals, Sergeants, and Lieutenants.

Wood County is located in northwestern Ohio. Wood County is described by the Union as "financially healthy", a fact not denied by the Employer. The population of the county is 126,355 according to the 2010 census. The residents of the county have a median household income of $53,298 and a per capita income of $26,671. The median household income compares favorably to the national average of $51,914. Contiguous counties, it has been demonstrated, have a median household income of $49,354.

As noted above, the present negotiations involve the application of an agreement on a wage reopener for the last year of the contract which expires on December 31, 2014. The parties have met on one occasion -- November 1, 2012-- and were unable to resolve the issue. Given the choices available and time constraints facing the Union, the matter was submitted to fact-finding.

The undersigned was appointed to be the fact-finder in this matter on November 6, 2012. A hearing was scheduled and the fact-finding conducted on November 20, 2012.

II. Criteria

In compliance with Ohio Revised Code, Section 4117.14(G)(7) and Ohio Administrative Code, Section 4117-95-05(J), the fact-finder considered the following criteria in making the recommendations contained in this Report:

1) Past collectively bargained agreements between the parties;

2) Comparison of unresolved issues relative to the employees in the bargaining units with those issues related to other public and private employers in comparable work, giving consideration to factors peculiar to the area and classifications 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 on the normal standards of public service;

4) The lawful authority of the public employer;

5) Stipulations of the parties; and,

6) Such factors as not confined to those above which are normally and traditionally taken into account.

III. Findings and Recommendation

Wages (Reopener Pursuant to Collective Bargaining Agreement

Union's Position:

The Union's position is to realize a 5% pay increase across the board for bargaining members effective January 1, 2013. The underpinnings supporting the Union's demand in bargaining are: 1. the existence of a financially healthy county with the ability to finance the proposal; 2. a strong revenue stream notwithstanding the very low sales tax which produces much of the revenue for the county; 3. significant unencumbered fund balances; and 4. the fairness of equity in providing such an increase.

Employer's Position:

From the outset of the appointment of the undersigned to serve as fact-finder the Employer has advanced the argument that because the County Commissioners have been unable to complete crafting a county wide budget, there is no basis upon which to build a wage increase with the bargaining units in question. By default, the Employer must offer 0% wage increase for the wage reopener.

It must be noted that the Sheriff also has expressed his dismay with the bargaining process leaping from one bargaining session to fact-finding proceeding when the County Commissioners have not finished the budget exercise. No true bargaining has taken place.

RECOMMENDATION

The tension between the parties in negotiating over the wage reopener really stems from the County Commissioner's inability or refusal to complete the county wide expenditure budget in a manner that would allow for meaningful collective bargaining. The evidence suggests that the County has been fiscally conservative over the past several years and should be applauded for their restraint. In addition, as the Union describes the County is financially healthy. Wood County maintains a very low sales tax which provides a revenue stream sufficient to support the county's growth. Moreover, the revenue stream has produced an unencumbered fund balance that far exceeds the 6% - 10% established by bond agencies. Stated differently, the county appears to have the funds necessary to finance the proposal for a wage increase under the reopener issue. The 2010 census suggests that the median household income of Wood County compares favorably, and perhaps exceeds, the national average.

All things considered and for the reasons advanced by the Union, the undersigned recommends the adoption of the Union's position for a wage increase. However, any

wage increase must be reasonable under the circumstances and the parties have to resist the temptation to overspend in economically appealing times.

With respect to the Sheriff's position, it is noted that the Sheriff is in a difficult position because the expenditure process/budget has not been completed. The fact-finder must meet his obligation to apply the processes outlined in the statute to produce a result. Given all of the factors discussed in this Report and Recommendation, it is the undersigned's view that the City can afford to fund the Union's proposal at a reduced rate. Therefore, I recommend that the bargaining unit members receive a 3% across the board wage increase effective January 1, 2013.

IV. Certification

The fact-finding Report and Recommendation is based on the evidence, testimony and arguments presented to me at a fact-finding hearing conducted on November 20, 2012. The recommendation contained herein are developed in conformity with the criteria for a fact-finding found in Ohio Revised Code 4717(7)(a-f) and the associated administrative rules developed by SERB. Agreements reached by the parties prior to the fact-finding hearing on November 20, 2012 are incorporated herein by reference as if fully re-written.

Daniel N. Kosanovich 12/3/12
Daniel N. Kosanovich
Fact-Finder

V. Proof of Service

This fact-finding report was mailed via USPS to Jonathan Winter and Michelle T. Sullivan, Allotta, Farley & Widman Co. LPA, 2222 Centennial Road, Toledo, OH 43617 and email msullivan@afwlaw.com; and Steven Spirn, 29900 St. Andrews Road,

Perrysburg, OH 43551 and emailed to stevens333@aol.com and to Donald M. Collins, General Counsel, State Employment Relations Board, 65 E. State Street, 12th Floor, Columbus OH 43215-4213.

Daniel N. Kosanovich 12-3-12

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