

RECEIVED WED, APRIL 16, 2014-SERB

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

)
In the Matter of)
Fact-Finding Between:)
)
)
FRANKLIN COUNTY SHERIFF'S OFFICE) 2012-MED-09-0998
) (Patrol Communications)
)
-AND-) 2014-MED-04-0662
) (Communications Supervisors)
FRATERNAL ORDER OF POLICE,)
OHIO LABOR COUNCIL, INC.)

FACT-FINDING REPORT
and
RECOMMENDATIONS

Date of Issuance: April 16, 2014

Dennis E. Minni, NAA
Fact-Finder

APPEARANCES

For the Union:

- | | |
|---------------------|-------------------------------------|
| 1. Andrea H. Johan, | Staff Representative, FOP/OLC, Inc. |
| 2. Kim M. Rawls, | FOP/OLC President, Unit 2 |
| 3. Tonya M. Sapp, | FOP/OLC, Inc. Paralegal Assistant |

For the Employer:

- | | |
|----------------------------|---|
| 1. Robert D. Weisman, Esq. | Ice Miller, LLP Labor Counsel |
| 2. David Campbell, Esq., | Ice Miller, LLP Labor Counsel |
| 3. Robert Young, | Franklin County Commissioners HR Dir. |
| 4. Lindsay Racey, | Franklin County Sheriff HR Dir. |
| 5. Gil Jones, | Chief Deputy Patrol Unit |
| 6. Zak Talerek, | Franklin Co. Comm's. Dep. Dir. OMB |
| 7. David Masterson, | Franklin Co. Comm's. Adm. Services Dir. |

I. BACKGROUND INFORMATION

This matter came on for hearing on September 24, 2013, before the undersigned, appointed as fact-finder pursuant to Ohio Revised Code Section 4117.14, and the Ohio Administrative Code.

The hearing was conducted between the Franklin County Sheriff's Office ("Employer"), and the Fraternal Order of Police, Ohio Labor Council ("Union"), at 410 South High Street, Columbus, Ohio. The Union is the sole and exclusive bargaining representative for all Patrol Communications Technicians and a second unit of all Patrol Communications Supervisors of the Franklin County Sheriff's Office and excluding any /all other employees of the Franklin County Sheriff's Office.

The bargaining units are comprised of approximately 6 employees in the supervisory unit and 20 employees in the communications technician unit. This latter unit was certified by the SERB in 1997 so the parties have had a fairly mature collective bargaining relationship. There have been five (5) bargaining sessions with the last one being mediation.

As of the fact-finding hearing, the parties have reached tentative agreement on thirty-one (31) issues leaving Article 18, WAGES and Article 43 DURATION subject to this Report And Recommendations.

The fact-finder incorporates by reference into this Report and Recommendations all tentative agreements between the parties relative to the current negotiations, and any provision of the current collective bargaining agreement not otherwise modified during negotiations and the fact-finding process.

At hearing the parties engaged in mutual discussions over the remaining disputed proposals from both sides. . Both sides had an opportunity to present witness testimony and/or cross-examine same as well as documentary evidence.

II. FACT-FINDING CRITERIA

In the determination of the facts and recommendations contained herein in the absence of settlement reached by the parties, the fact-finder has considered the applicable criteria required by Ohio Rev. Code Section 4117.14(C)(4)(e), as listed in 4117.14(G)(7)(a)-(f), and Ohio Admin. Code Section 4117-9-05(K)(1)-(6). These fact-finding criteria are enumerated in Ohio Admin. Code Section 4117-9-05(K), as follows:

- (1) Past collectively bargained 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 the determination of issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

III. FINAL RECOMMENDATIONS

ARTICLE 18 **WAGES**

In light of the following recommendation to move to a step system of compensation for both units, Section 18.4, titled Length Of Service Lump Sum Payment, shall be abolished.

WAGES will be structured as follows:

For the 2013 calendar year both units will receive a 0% wage raise;

Commencing with the first pay period in January, 2014 the wage steps proposed by the FOP/OLC, Inc. shall be implemented for Unit 1 (Communication Technicians);

Commencing with the first pay period in January, 2014, the wage steps proposed by the FOP/OLC Inc. shall be implemented for Unit 2 (Supervisors) who have completed the probationary requirements of this CBA and the FCSO. Non-probationary Supervisors shall thus receive an hourly wage raise to \$23.95 per hour;

Commencing with the first pay period in January, 2015, both units (Unit #1 and Unit #2) shall receive a wage rate increment of one and one-quarter per cent (1.25%) across the board.

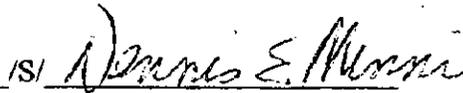
All wage raises *supra* are to be retroactive to January 1, 2013.

ARTICLE 34: DURATION

This Agreement shall be effective from January 1, 2013 and ending at the conclusion of the pay period that includes January 1, 2016. If either party desires to amend or modify this agreement, that party shall give written notice of such intent no earlier than one hundred twenty (120) calendar days prior to nor later than ninety (90) days prior to the expiration date of this agreement. Such notice shall be by certified mail with return receipt of the notice of intent unless extended by mutual agreement.

CERTIFICATE OF SERVICE

Originals of this Fact-finding Report and Recommendations were served on Andrea Johan, Staff Representative, Fraternal Order of Police, Ohio Labor Council, Inc. (ajohan@fopohio.org); Robert Weisman, Esq. Ice Miller LLP, Attorney for Employer, (robert.weisman@icemiller.com); and upon Donald Collins, General Counsel & Administrator, Bureau of Mediation, State Employment Relations Board, 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213 (donald.collins@serb.state.oh.us), each by electronic mail this 16th day of April, 2014.



Dennis E. Minni, NAA Fact-finder