

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD  
FACT-FINDING PROCEEDINGS

REPORT & RECOMMENDATIONS

AS ISSUED

GREGORY JAMES VAN PELT

May 15, 2013

IN THE MATTER OF:

**Central Ohio Youth Center**  
*(Employer)*

*-and-*

**Ohio Patrolmen's Benevolent Association**  
*(Union)*

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) SERB Case No.:  
) 12-MED-10-1085

APPEARANCES:

**On Behalf of the Employer:**

Brian D. Butcher, Esq.  
Account Manager  
Clemans, Nelson & Associates  
485 Metro Place South, Suite 200  
Dublin, Ohio 43017

**On Behalf of the Union:**

Joseph M. Hegedus, Esq.  
OPBA  
92 Northwoods Blvd., Suite B-2  
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### **SUBMISSION**

The Parties in the present negotiation have had an ongoing collective bargaining relationship culminating in an Agreement that became effective on January 1, 2012 and obtains through December 31, 2014. The Parties undertook negotiation of the Annual Cost of Living Allowance provided for in Section 20.1 of the Agreement. The respective positions of the Parties in these negotiations are set forth below. Those negotiations resulted in impasse.

Having reached impasse, the Parties requested that the Fact-finder conduct an evidentiary hearing. Accordingly, a hearing was scheduled for March 19, 2013. The matter was declared closed as of the date of hearing.

### **ISSUES AT IMPASSE**

The Parties identified and presented the following issues as unresolved:

- 1. Article 20 Wages**  
*Section 20.1 Annual Cost of Living Increase*

### **STATUTORY CONSIDERATIONS**

In weighing the positions presented by the Parties, the Fact-finder was guided by the considerations enumerated in OAC 4117-9-05(K), *et seq*, specifically:

- 4117-9-05(K)(1)** Past Collectively bargained agreements, if any, between the parties;
- 4117-9-05(K)(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;
- 4117-9-05(K)(3)** 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;
- 4117-9-05(K)(4)** The lawful authority of the public employer;
- 4117-9-05(K)(5)** Any stipulations of the parties;
- 4117-9-05(K)(6)** Such other factors, not confined to those listed above, which are normally or traditionally taken into consideration in the determination of the issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

### **BACKGROUND**

The Central Ohio Youth Center (Center or Employer), located in Union County, Ohio, is operated jointly by Champaign, Delaware, Madison and Union Counties to house juvenile offenders. Operating expenses of the facility are shared by the four counties based on their respective usage. The Ohio Patrolmen's Benevolent Association (OPBA or Union) represents all Juvenile Detention Officers in the employ of the Center, totaling some ten fulltime and six part-time Officers.

The present matter involves the reopening of negotiations under Section 20.1 of the current collective bargaining agreement (Agreement), providing for annual cost of living increases.

**FINDINGS AND RECOMMENDATIONS**

**Article 20**

**WAGES**

**A. Current Language**

***Section 20.1.** Employees shall receive current wages for 2012. Effective January 1, 2013 and January 1, 2014, the parties agree to re-open Article 20 in accordance with R.C. 4117.*

**B. OPBA's Position**

The Union maintains that bargaining unit members are currently paid between \$12.00 and \$13.00 per hour, an amount the OPBA contends is below the Federal Poverty Guidelines for a family of four. Moreover, the wages of Juvenile Detention Officers have been eroded by approximately 2% over the year February 2012 to February 2013, according to the unseasonally adjusted Consumer Price Index (CPI-U) submitted by the Union.

OPBA members are paid less compared to others performing similar duties, according to the Union, which presents SERB Clearinghouse data indicating average salaries for "Youth Leaders" (a comparable position to OPBA members, according to the Union) in six counties and the state range from an entry-level average of \$22,738 to a top level average of \$27,605. These employees also received wage increases of between zero and three percent between 2009 and 2014.

The OPBA argues that the Center can afford the 3% base wage increases in 2013 and 2014 sought by the Union. According to documents submitted by the Union, the Center appropriated \$1,304,065.00 for salaries in 2013. Those same documents indicate the Employer carried over \$61,464.31 from December of 2012 into January of 2013 and had a cash balance of \$115,403.43 as of February 28<sup>th</sup> of the current year.

On the basis of the Center's financial position, as well as the OPBA members' relative positions, the Union proposes the following language for Section 20.1 of the Agreement:

*Effective January 1, 2013, and January 1, 2014, each bargaining unit member shall receive a three percent (3%) base wage increase.*

**C. Employer's Position**

The Youth Center acknowledges that OPBA members are somewhat under-compensated. However, the Employer argues, the Center is not in a position to grant the increases sought by the Union due to budget cuts and other financial challenges.

Contributions of member-Counties are low, according to the Center. In 2012 one member county threatened withdrawal from the facility due to operating costs. While it acknowledges that the Center has entered a contract with neighboring Franklin County to house juveniles and provide services, the Employer maintains that the agreement has not provided the revenue that was initially anticipated.

Documents provided by the Employer project total operating expenses for 2013 of \$2,532,795.65 as against a projected total revenue of the same amount. These projections provide for out-of-district revenue of \$565,388.

Additionally, the Center presents evidence from the Ohio Juvenile Detention Director's Association (OJDDA) that nearby counties having a similar number of beds pay between \$12.00 and \$13.40 per hour at entry level, and that the average for such facilities in Ohio was \$11.84 per hour. The Center's budget provides \$1,388,347 for salaries, with an additional \$81,000 provided through Title I funds.

According to documents introduced by the Center, employees received various hourly adjustments in 2008; followed by a 2% across-the-board increase in 2009; no adjustment for 2010 and 2012; and a \$650 cost of living adjustment, plus individual merit bonuses in 2011. Effective March 29, 2013, the wage rate for OPBA unit members ranged from \$12.00 per hour to \$13.39. Additionally, the Center submits that a number of bargaining unit members were promoted in 2013, with related pay increases.

Based on what it characterizes as its "financial duress", the Employer proposes a lump-sum payment of \$200 for all full-time and \$100 for part-time employees in 2013 in addition to merit bonuses awarded on an individual basis.

**D. Discussion & Recommendation**

The Center proposes a one-time lump-sum payment of \$200 fulltime/ \$100 part-time bargaining unit members. While prudently husbanding its funds, the Employer presents no evidence that it is unable to fund the increases sought by the OPBA. Moreover, bargaining

unit members are paid at slightly less than the rate of peer detention facilities and have had no wage increases, or cost of living adjustments, in some period of time.

However, the 3% annual increase sought by the Union in each of the two final years of the Agreement is clearly beyond the reasonable capacity of the Center, given its financial outlook.

Section 20.1 specifically provides for an “Annual Cost of Living Increase”. That is, by its title it is clearly intended to adjust the wage rates of bargaining unit members to account for increases in the cost of living vis-à-vis 2012 compensation levels. As presented by the OPBA here, the cost of living, as measured by the CPI-U, increased some 2% in the period February 2012 to 2013.

Given the lack of increases to OPBA unit wage rates in the last several years, and the relative wages as compared to similar jurisdictions, a 2% cost of living adjustment for 2013 is recommended, with the contractual re-opener in 2014 maintained:

**Section 20.1.** *Employees shall receive current wages for 2012. Effective January 1, 2013, each bargaining unit member shall receive a two percent (2%) base wage increase. On January 1, 2014, the parties agree to re-open Article 20 in accordance with R.C. 4117.*

**SUMMARY OF RECOMMENDATIONS**

***Section 20.1. Employees shall receive current wages for 2012. Effective January 1, 2013, each bargaining unit member shall receive a two percent (2%) base wage increase. On January 1, 2014, the parties agree to re-open Article 20 in accordance with R.C. 4117.***

*/s/ Gregory James Van Pelt*

Gregory James Van Pelt

Respectfully submitted this 15<sup>th</sup> day of May, 2013  
At Shaker Heights, Cuyahoga County, Ohio