



BEFORE THE STATE EMPLOYMENT RELATIONS BOARD
FOR THE STATE OF OHIO

FRATERNAL ORDER OF POLICE : CASE NO. 12-MED-10-1115
OHIO LABOR COUNCIL, INC., 12-MED-10-1116
12-MED-10-1117

:

AND

HEARING DATE
MARCH 25, 2013

:

THE CITY OF FAIRBORN, OHIO

REPORT OF FACT FINDER JACK E. McCORMICK

April 1, 2013



Pursuant to an Appointment letter dated October 29, 2012 from the State Employment Relations Board a fact-finding hearing was held at 10:00 am March 25, 2013 at the offices of the Fairborn Ohio Fire Station, 2200 Commerce Center Blvd. Fairborn, Ohio.

Present at the hearing were the following:

For the Employer: Kelly Babcock, Clemans, Nelson and Assoc.

Terry Benninton

Terry Bahar

Deborah McDonnell

For the Employees: Thomas J. Fehr, FOP/OLC

Paul Hicks

Daniel S. Forsman

Lori Aluzua

Karen Kordish

Daniel Hiles

The parties were fully advised by the Fact-Finder of the applicable law as well as the Rules regarding fact-finding. Prior to the hearing mediation was attempted, but was not successful.

Fairborn Ohio is located in Greene County. The Bargaining Units are the Police sergeants, Police Officers, including Detectives and civilian dispatchers. There are approximately 44 bargaining unit employees. The only issue in this fact-finding agreement under consideration is for the years 2011 through December 2013. The current agreement provides that the parties agreed to an insurance reopener for the Insurance Plan Years 2013-2014.



The Union is proposing changes, including a new guaranteed cap on employee contributions at 15% (employees currently pay 21%), a new guaranteed cap on deductibles and to continue a one-time additional contribution by the City to the employees' Health savings Account if the employee participates in the Know Your Numbers wellness program. The City is proposing current language.

BACKGROUND

The negotiating teams have met on January 22, and February 8, 2013.

This city, as well as all Ohio municipalities, has suffered from, not only the economic downturn, but also the severe cuts in the State's Local Government Fund and elimination of the estate tax. As a result all of the bargaining units either gave up their 2010 negotiated raises or took a wage freeze not only for 2010, but from 6/2010 to 3/2012 (21 months).

DISCUSSION

The City does not argue inability to pay the Union's proposals. Rather they point to the issue of "parity", or disparity. It asserts that the current benefit plan for this bargaining unit is the same as all other bargaining units, as well as non-union City employees. The Union asserts that while that may be true this unit pays higher employee contributions than average cities of their size as well as nearby Dayton as documented in the SERB 2012 Insurance report.

Notwithstanding the issue of costs, there are other factors which must be considered by a fact-finder in deciding economic issues such as this. Among those considerations is SERB Rule 4117-9-05 (K) (2) which requires the "Comparison of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and doing comparable work, giving consideration to factors peculiar to the area and classification involved"

The Union correctly points out that they contribute more for health insurance than other departments in their region. However, there remains the issue of parity **within the City of Fairborn**. The Union's proposals would create a significant disparity between



all other union and no-union employees of Fairborn. The Union may argue that the duties of Fairborn Police Officers are sufficiently “peculiar to the [their] area and [their] classification” (see above). However, this Fact-finder cannot find that this unit is so “peculiar” that it would justify such an extreme disparity as it would be created in the City if the Union’s proposals were adopted.

FINDING OF FACT

There are not sufficient facts to adopt the Union’s health care proposals. There are sufficient facts to retain current contract language.

April 1, 2013

/s/ Jack E. McCormick

Fact-finder, State Employment Relations Board



FACT FINDER'S FEE STATEMENT

Scheduling and review prehearing statements -	2.0hr	-	\$237.50
Travel and conduct hearing -	4.0hr	-	\$475.00
Study and write report -	4.0	-	\$475.00
Mileage 124 miles @\$\$.50 -			<u>\$ 62.00</u>
Total -			- \$1,249.50

Union's portion - \$624.75

County's portion - \$624.75

/s/ Jack E. McCormick
500 City Park Ave.
Columbus, OH 43215-5707
Tax ID 31-1410950

W-9 will follow under separate cover



CERTIFICATE OF SERVICE

The foregoing report was served upon the following by email pdf format on the 1st day of April 2013:

Thomas J. Fehr
Staff Representative FOP/OLC

Kelly E. Babcock
Account Manager
Clemans, Nelson & Associates, Inc.

Donald M. Collins, General Counsel
State Employment Relations Board

/s/ Jack E. McCormick
Fact-Finder, State Employment Relations Board

