

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of:)
) **2013-MED-07-0823**
City of Youngstown)
) **FACT FINDING REPORT**
) **AND RECOMMENDATIONS**
and)
)
Youngstown Professional Firefighters)
Association, IAFF Local 312)

APPEARANCES

For the Union:

Dennis Haines, Attorney, Green Haines Sgambati Co., L.P.A.
David Cook, IAFF Local #312 President
Chris Weaver, IAFF Local #312 Secretary
Destry Rush, IAFF Local #312 Treasurer
John Casey, IAFF Local #312 Vice-President

For the Employer:

Michael Esposito, Shareholder/Employer Advocate, Clemans Nelson
Kevin Shebesta, Senior Consultant, Clemans Nelson
Anthony Farris, City of Youngstown, Law Director
Rebecca Gerson, City of Youngstown, First Assistant Law Director
Kyle Miasek, City of Youngstown, Deputy Director of Finance
Chief John O'Neill, Jr., City of Youngstown, Fire Chief

Fact Finder: Dennis M. Byrne

Background

This fact finding involves the members of Youngstown Fire Department represented by the Youngstown Professional Firefighters Association, IAFF Local 312 (IAFF) and the City of Youngstown (Employer). The sole issue on the table was the IAFF's request for a lump sum payment.

The parties' current collective bargaining agreement extends until August 2014 and this matter covers only the reopener for the final year of the Agreement.

The IAFF's proposal on the above issue sought a one-time lump sum payment of \$1,485.00 per member. This proposal was linked to the amount that the City had been paying annually as part of an early-retirement incentive program that ended last year. The City opposed the IAFF's proposal.

The City's economic condition, which is in dispute by the parties, is the overarching factor affecting these negotiations. As outlined by the City this is a factor in all on-going negotiations with other City unions, in addition to negotiations scheduled to open in 2014. The City currently has nine (9) bargaining units, the majority of which will be negotiating new contracts in 2014.

A fact finding hearing was held on December 16, 2008. Mediation commenced at approximately 10:00 a.m. The formal hearing commenced at 1:00 p.m.

The Ohio public bargaining statute sets forth the criteria the Fact-Finder is to consider in making recommendations in Rule 4117-9-05. The criteria are:

- (1) Past collectively bargained agreements, if any.
- (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, and the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standards 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 private employment.

The Fact Finder's award incorporates all of the above criteria and prior tentative agreements between the parties.

Position of the City

The most significant problem facing the parties is the City's current economic situation. Like many cities in the rust belt, the City of Youngstown is on shaky foundation. Since the late 1970s, when the steel mill industry experienced significant job loss, the City has experienced substantial losses of both jobs and residents. Unfortunately, Youngstown continues to experience both a decline in population and jobs. Since 1960, the City has lost 60% of its population, or approximately 100,000 residents. From 2000 to 2010 alone, the City lost approximately 15,000 residents. The U.S. Census Bureau estimates a further loss of 1,400 residents in the past three (3) calendar years. Additionally, figures provided by the City estimate a loss of over 7,000 jobs for the period between 2002 and 2010. Not surprisingly an environment of declining jobs and population results in lower revenue. As a result, the City's projections for the next five (5) years estimate that expenditures will outpace revenue. In sum, the City argues that it cannot afford further personnel costs in the short term.

Furthermore, the City also notes that it has one of the highest tax rates in the state at 2.75%, and that many of its residents live at or below the poverty level. The City argues that, given the conditions outlined above, it cannot expect much of an increase in revenue, if any, in the short term.

Finally, the City's representatives argue that it has an established pattern of bargaining that should be recognized. All City employees, both bargaining and non-bargaining, have had wage freezes since 2011, and currently there have been no City employees that have received a wage increase in 2013, or are scheduled to receive a wage increase in 2014. A recent fact finding award by Donald Jaffe during the negotiations between the City and the International Brotherhood of Teamsters upheld this pattern. Mr. Jaffe recommended no wage increases for the IBT unit in 2013 or 2014, and a wage reopener in 2015.

Position of the Union

The IAFF membership believes that its membership is underpaid. It argues that its members have gone about five (5) years without a wage increase, and they deserve increased compensation. In an effort to avoid compounding monies, the IAFF was willing to accept a one-time bonus of \$1,485.

Discussion and Award

In light of the City's financial position, and the pattern of bargaining the Fact Finder has determined is entitled to deference, the Fact Finder does not believe that at this time any form of lump sum bonus payment is advisable. The Fact Finder notes that the IAFF members will be able to address wages and compensation again at the end of 2014 (when their contract is being fully negotiated) at or about the same time as several other City bargaining units

Issue: Article 16, Wages and Salary

Union Position: The Union seeks a \$1,485 lump sum bonus.

City Position: The City rejects the IAFF's proposal based on its current financial position and the pattern outlined above.

Recommendation: The Fact Finder recommends the City's position.

Signed this 6th day of January 2014, at Munroe Falls, Ohio.

Dennis M. Byrne, Fact Finder