

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

IN THE MATER OF FACT FINDING BETWEEN:

The Ohio Patrolmen's	:	Case Nos. 13-MED-09-0999
Benevolent Association	:	13-MED-09-1000
	:	13-MED-09-1001
Employee Organization	:	
	:	
and	:	Date of Hearing: January 23, 2014
	:	Date of Report: January 31, 2014
City of Perrysburg	:	
	:	Sherrie J. Passmore, Fact Finder
Employer	:	

FACT FINDER'S REPORT AND RECOMMENDATION

APPEARANCES:

For Employee Organization

Michelle Sullivan, Esq.
Jeff Studer, Animal Control Officer
Robert Wagner, Communications Officer
Sgt. Pat McGuire
Ptl. Eric C. Trubaugh
Detective Richard Cartwright

For Employer

David Smigelski, Esq.
Bridget Kabat, City Administrator

INTRODUCTION

Case Background

This case is a fact-finding proceeding between the City of Perrysburgh (City or Employer) and three bargaining units represented by Ohio Patrolmen's Benevolent Association (OPBA or Union). On November 7, 2013, the State Employment Relations Board (SERB) appointed Sherrie J. Passmore as the Fact Finder.

By agreement of the parties, a fact-finding hearing was held on January 23, 2014, 10:30 A.M., at the City of Perrysburgh Municipal Building located at 201 W Indiana Ave, Perrysburg, OH 43551. Both parties submitted the required pre-hearing statements in a timely manner. At the hearing, the Employer was represented by David Smigelski, Esq., of Spengler Nathanson P.L.L. Representing the Union was Michelle Sullivan, Esq., of Allotta Farley Co., L.P.A.

The only issue in this fact-finding is wages for 2014, pursuant to wage re-openers. The parties are entering the final year of three-year contracts that were negotiated in 2012. Those contracts included wage increases of 1.75% in 2012, 1.75% in 2013, and made the wage increase for the final year of the contracts subject to wage re-openers. The parties engaged in negotiations pursuant to the wage re-openers, but did not reach a tentative agreement and proceeded to fact-finding.

On the day of the fact-finding hearing, the Fact Finder encouraged the parties to attempt to mediate prior to the evidentiary hearing. The parties agreed to

mediation and with the assistance of the Fact Finder reached a mediated settlement. The parties requested that the Fact Finder issue the mediated settlement as the final report, thereby making it subject to the 3/5's voting standards of the statute. The Fact Finder agreed to this request. The parties agreed that the Fact Finder would issue her report by January 31, 2014.

Description of the Employer

Perrysburg is a city in Wood County, Ohio, along the Maumee River. The population was 20,623 as of the 2010 census. It is a suburb of Toledo.

Description of the Bargaining Units

The three bargaining units represented by OPBA consist of: 1) all full-time and regular-part time Patrol Officers, comprised of approximately 25 members; 2) all full time and regular part time Communications Officers, Records Clerks, and Animal Control Officers, comprised of approximately 10 members; and 3) all full-time Sergeants, comprised of approximately 6 members.

DISCUSSION

Wages for 2014 are the only issue in this fact-finding. On the day of the fact-finding hearing, the parties mediated a wage increase of 2.75% for 2014, subject to a 3/5's vote. In reaching this mediated settlement, the parties presented their positions and relevant information. Consideration was given to the fact-finding criteria set forth in Ohio Revised Code 4117.14(G)(7)(a) to (f). The mediated settlement is consistent with those criteria. A brief summary of the statutory criteria

and the positions of the parties going into fact-finding are provided below, followed by a recommendation that reflects the mediated settlement of the parties.

Fact-finding Criteria

- Past collectively bargained agreements between the parties;
- Comparison of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employers doing comparable work, giving consideration to factors peculiar to the area and the classification involved;
- Interests 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;
- Lawful authority of the public employer;
- Stipulations of the parties; and,
- Such other factors, not limited to those above, which are normally or traditionally taken into consideration.

Position of the Employer

The City proposes a wage increase of 1.75% for the patrol unit, 1.75% for the dispatchers' unit, and 1.5% for the sergeants' unit. The City argues its proposal is reasonable based upon the continuing economic challenges facing the Northwest Ohio region, comparable wage rates, comparable work, past collectively bargained agreements, and the City's ability to pay. From the

City's perspective, the proposed increase would provide the three units with very competitive wages while also providing the City with the financial security to effectively manage its budget and personnel in a bleak and unpredictable economic climate.

The City states it historically has adopted the philosophy that the benefits and compensation packages offered to its employees should be reasonable in light of those of their respective peers performing comparable work in similarly situated local communities. The City contends that its proposed increase would place the wage rates for the patrol unit, dispatchers' unit, and sergeants' unit above the mean wage rate in nearly every starting wage and top wage category for those three units in Lucas County and Wood County. In addition to wages, the City points out that its healthcare benefits compare favorably to those of similarly situated jurisdictions.

The City also notes that its proposal correlates with the Consumer Price Index for All Urban Consumers, which increased approximately 1.5% before seasonal adjustment in the "all items index" from January 2013 through December 2013.

Position of the Union

The OPBA proposes a 4.75 percent increase effective the first pay period in March 2014 for all three bargaining units. The Union argues a 4.75 percent increase is necessary to help all bargaining unit members gain

important ground in earning a wage that is competitive with their counterparts in similarly situated communities.

The Union asserts that the City has expressed a philosophy of paying its employees an above average wage when compared to employees doing similar work in comparable communities. However, the Union contends that the City has not applied this philosophy to its unionized police department employees and that the majority of those employees earn wages that lag behind wages earned by other comparable employees in the greater Toledo area.

The Union points out that the parties have largely enjoyed a bargaining relationship that has been cooperative in nature. For example, the Union worked with the City to contain its overtime costs by negotiating in 2012 to eliminate roll call overtime. From the Union's perspective, providing general wage increases that will help the police department employees improve their standing relative to comparable employees is consistent with that cooperative relationship.

The Union argues that the City's healthy financial position enables it to afford the percentage wage increase the Union seeks for the bargaining unit members.

Recommendation

Finding that the mediated settlement is consistent with the statutory fact-finding criteria, the settlement is incorporated into the recommendation below.

Recommendation: The Fact Finder recommends a 2.75% wage increase effective the first pay period in March of 2014 for all three bargaining units.

Respectfully submitted,



Sherrie J. Passmore
Fact Finder

January 31, 2014

CERTIFICATE OF SERVICE

This Fact Finding Report was served by email on January 31, 2014 to:

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State Employment Relations Board



Sherrie J. Passmore

Fact Finder