

STATE EMPLOYMENT RELATIONS BOARD
FACT FINDER'S REPORT AND RECOMMENDATION

IN THE MATTER OF:

LICKING COUNTY SHERIFF

AND

TEAMSTERS LOCAL UNION NO. 637

Case Numbers:

2013-MED-10-1328, Sergeants

2013-MED-10-1329, Deputy Sheriffs

2013-MED-10-1330, Full Time Nurses (LPN and RN)

Before Fact Finder: Thomas J. Nowel

April 29, 2014

PRESENTED TO:

Susan D. Jansen
Doll, Jansen, Ford & Rakay
111 W. First Street, Suite 1100
Dayton, Ohio 45402-1100
sjansen@dflawfirm.com

Benjamin S. Albrecht
Fishel Hass Kim Albrecht, LLP
400 South Fifth Street, Suite 200
Columbus, Ohio 43215
balbrecht@fishelhass.com

Donald M. Collins, General Counsel
State Employment Relations Board
65 East State Street, 12th Floor
Columbus, Ohio 43215
med@serb.oh.us

INTRODUCTION

Thomas J. Nowel was appointed to serve as Fact Finder in the cases listed on the cover page by the State Employment Relations Board on February 19, 2014.

Hearing was conducted on April 11, 2014 at the offices of the Licking County Sheriff.

The Union, Teamsters Local Union 637, represents five separate bargaining units at the Licking County Sheriff Department as follows, all deputy sheriffs sworn in accordance with Ohio Revised Code; all full time sworn personnel in the rank of sergeant; all full time nurses in the classifications of LPN and RN and social worker (LSW); all clerks, clerk typists, cooks, custodians and maintenance personnel; and all radio dispatchers and communications employees. The parties engaged in multi-unit negotiations regarding a wage re-opener for the year 2014. At the conclusion of collective bargaining negotiations, the Union submitted the offer of the Employer to each of the bargaining units. Two of the bargaining units voted to accept the offer, the clerical unit (2013-MED-10-1326) and the dispatcher unit (2013-MED-10-1327). Three bargaining units rejected the offer of the Employer and proceeded to fact finding. These units include full time sergeants (2013-MED-10-1328), all deputy sheriffs (2013-MED-10-1329) and full time nurses and social worker (2013-MED-10-1330). There is a separate collective bargaining agreement for each of the bargaining units with an effective date of January 1, 2012 through December 31, 2014. Article 21 in each of the Agreements is entitled "Wages and Miscellaneous," and Section 21.2 incorporates negotiated wage increases for employees in the bargaining units. This section states the following. "The parties agree to re-open Article 21, Wages, for the purpose of negotiating wages for 2013 and 2014." The

parties agreed to a 2% wage increase for 2013, and all bargaining units accepted the outcome of negotiations. As stated above, the three bargaining units comprised of deputies, sergeants and nurses rejected the offer of the Employer for 2014 wages, and the parties were at impasse.

The parties submitted pre-hearing statements in a timely manner. In addition, the parties had agreed to waive provisions of Ohio Revised Code Section 4117.14 (G) (11). Hearing at fact finding proceeded on April 11, 2014.

There are approximately fifteen employees in the Sergeants' bargaining unit; approximately one hundred deputy sheriffs; and approximately six employees in the nurses' unit.

Those participating at hearing for the Employer included the following:

Benjamin S. Albrecht, Attorney for the Employer
Randy Thorp, Licking County Sheriff
Tom Brown, Captain

Those participating at hearing for the Union included the following:

Susan D. Jansen, Attorney for the Union
Gregory E. Ritterbeck, Local 637 Representative
John Sheriff, President Local 637
Sergeant Daniel L. Loper, Sr., Steward
Brad Thomas, Deputy
Brittany Fravel, LPN
Gus Moore, Deputy
Dan German, Deputy

BACKGROUND

In analyzing the positions of the parties regarding the wage re-opener, the Fact Finder is guided by the principles which are outlined in ORC Section 4117.14 (G) (7) (a-f).

1. The past collectively bargained agreement between the parties.
2. Comparison of the issues submitted to fact finding relative to the employees in the bargaining unit involved 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 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.
4. The lawful authority of the public employer.
5. The stipulations of the parties.
6. Other factors, not confined to those listed above, which are normally or traditionally taken into consideration in determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact finding, or other impasse resolution procedures in the public service or in private employment.

DISCUSSION AND RECOMMENDATION

As stated previously, the parties had engaged in multi-unit bargaining, and two of the units ratified the Employer's offer regarding the 2014 wage re-opener. Three bargaining units rejected the offer leaving the parties at impasse. The Union's proposal at fact finding is as follows.

Deputy Sheriff bargaining unit: 3.5% wage increase effective January 1, 2014.

Full time nurses bargaining unit: 3.5% wage increase effective January 1, 2014.

Sergeants bargaining unit: 3.75% wage increase effective January 1, 2014.

The Employer's proposal at fact finding is as follows.

2% wage increase effective January 1, 2014 for all members of the three bargaining units.

UNION POSITION: The Union states that its proposal for members of the three bargaining units is most appropriate if employees are to receive a comparable ranking with sheriff department employees in comparable counties. The Union's survey of certain comparable counties indicates that the wages of employees in the three bargaining units are in the lower tier and below the average. The Union argues that, when the sergeants' bargaining unit is compared to counties of similar characteristics, employees are even further behind their peers than members of the other two bargaining units. The greater increase for sergeants is therefore justified. The Union states further that non-bargaining unit employees of the Sheriff's Office received a 3% increase effective January 1, 2014. The Union argues that its proposals for the 2014 wage re-opener are reasonable and affordable and requests that the Fact Finder incorporate them in the Recommendation and Report.

EMPLOYER POSITION: The Employer states that its proposal of a 2% wage increase for all employees in each of the three bargaining units is reasonable and consistent

with internal comparables. In addition, its proposal is consistent with wage increases which were negotiated during the first two years of the current collective bargaining agreement. The Employer argues that a 2% wage increase is greater than the statewide average for county employees and law enforcement. The Employer states further that its proposal is supported by the financial condition of the county and Sheriff's Office, and current wages of bargaining unit employees are generally higher than their peers in nearby counties. The Employer argues that the wages of Licking County deputies and sergeants are greater than the regional and statewide average. The Employer concludes by stating its proposal is supported by current economic and demographic information and wage trends in the County. The Employer urges the Fact Finder to recommend its proposal for the 2014 wage re-openers.

RECOMMENDATION: Both parties presented persuasive arguments in support of their respective positions. The Union illustrated that, based on previous reports and awards of neutrals and a continued inequity, a small wage adjustment for sergeants, beyond the across the board increase for employees in the other bargaining units, is justified. The Sheriff is limited by his office's budget as provided by the Board of County Commissioners. Based upon budgetary considerations, the following recommendation for the 2014 wage re-openers is submitted with the understanding that percentage wage increases are not retroactive to January 1, 2014.

Deputy Sheriff bargaining unit: 3% wage increase effective April 19, 2014.

Full time nurses bargaining unit: 3% wage increase effective April 19, 2014.

Sergeants bargaining unit: 3% wage increase effective April 19, 2014. An additional .50% wage increase effective September 6, 2014.

The recommended modifications to the collective bargaining agreements are as follows.

Deputy Sheriffs

Section 21.2 Wage Scales. Employees shall be paid at the rates set forth in the wage scales in the Appendix attached to this Agreement which reflects a two percent (2%) wage increase effective January 1, 2012. The parties agree to re-open Article 21, Wages, for the purpose of negotiating wages for 2013 and 2014. Pursuant to the 2013 wage re-opener, the parties negotiated a two percent (2%) wage increase effective January 1, 2013. Effective April 19, 2014, employees in the bargaining unit shall receive a three percent (3%) wage increase added to the 2013 wage rate.

Full Time Nurses

Section 21.2 Wage Scales. Employees shall be paid at the rates set forth in the wage scales in the Appendix attached to this Agreement which reflects a two percent (2%) wage increase effective January 1, 2012. The parties agree to re-open Article 21, Wages, for the purpose of negotiating wages for 2013 and 2014. Pursuant to the 2013 wage re-opener, the parties negotiated a two percent (2%) wage increase effective January 1, 2013. Effective April 19, 2014, employees in the bargaining unit shall receive a three percent (3%) wage increase added to the 2013 wage rate.

Sergeants

Section 21.2 Wage Scales. Employees shall be paid at the rates set forth in the wage scales in the Appendix attached to this Agreement which reflects a two percent (2%) wage increase effective January 1, 2012. The parties agree to re-open Article 21, Wages, for the purpose of negotiating wages for 2013 and 2014. Pursuant to the 2013 wage re-opener, the parties negotiated a two percent (2%) wage increase effective January 1, 2013. Effective April 19, 2014, employees in the bargaining unit shall receive a three percent (3%) wage increase added to the 2013 wage rate. Effective September 6, 2014, employees in the bargaining unit shall receive a one-half percent (.50%) wage increase added to the April 19, 2014, 2014 wage rate.

CONCLUSION

The Fact Finder has reviewed the pre-hearing statements and all facts and information presented by the parties related to the 2014 wage re-openers of each collective bargaining agreement. In addition, the Fact Finder has given consideration to the positions and arguments presented by the parties and to the criteria enumerated in Ohio Revised Code Section 4117.14 (G) (7) (a-f).

Respectfully submitted and issued at Cleveland, Ohio this 29th Day of April 2014.

A handwritten signature in black ink that reads "Thomas J. Nowel". The signature is written in a cursive style and is positioned above a horizontal line.

Thomas J. Nowel
Fact Finder

CERTIFICATE OF SERVICE

I hereby certify that, on this 29th Day of April, 2014, a copy of the foregoing Report and Recommendation of the Fact Finder was served by electronic mail upon Susan D. Jansen (Doll, Jansen, Ford & Rakay), representing Teamsters Local Union 637; Benjamin S. Albrecht (Fishel Hass Kim Albrecht, LLP), representing the Licking County Sheriff; and Donald M. Collins, General Counsel, State Employment Relations Board.

A handwritten signature in cursive script that reads "Thomas J. Nowel". The signature is written in black ink on a white background.

Thomas J. Nowel
Fact Finder