

**STATE EMPLOYMENT RELATIONS BOARD
State of Ohio**

In the matter of Fact Finding between:

FRANKLIN COUNTY SHERIFF,)	Case No. 2014-MED-04-0618
)	
Public Employer,)	Date of Appointment:
)	April 24, 2014
and)	
)	Hearing: June 4, 2014
FRATERNAL ORDER OF POLICE,)	at Columbus, Ohio
CAPITAL CITY LODGE, NO. 9,)	
)	Date of Report:
Employee Organization.)	June 18, 2014

FACT FINDING REPORT

Before Mitchell B. Goldberg, Appointed Fact Finder

Appearances:

For the Lodge:

Russell E. Carnahan,	Attorney
Todd Tallman,	Chairman
James Wilson,	Grievance Chairman

For the Employer:

Robert Weisman,	Counsel
David Campbell,	Counsel
Lindsay Rasey,	Human Resources Director, Sheriff's Office
David Masterson,	Director- Administrative Services
Geoff Stobart,	Chief Deputy

Introduction and Background.

The parties negotiated a collective bargaining agreement (“CBA”) covering the term from January 1, 2013 through December 31, 2015. The Lodge represents two bargaining units. One unit consists of all full-time sworn uniformed deputies of the Sheriff’s Office who are of the rank of Corporal and above. There are approximately 85 “supervisory” deputies in the ranks of corporal, sergeant, lieutenant, and Captain. The Captain rank was not filled until 2013. The parties have yet to negotiate a wage rate/rank differential as between the rank of lieutenant and that of Captain. There presently exists wage rate differentials between the other ranks as follows: The lower rank and corporal – 9%; corporal and sergeant – 9%; and sergeant and lieutenant- 12%. The parties are at impasse over the rate/rank differential to be determined between lieutenants and captains.

PAGE 2

There presently are 5 captains, 2 of which have held the rank since late 2013. The 3 others were promoted to captain on May 30, 2014. The assignments were made pursuant to a staffing study that was prepared by a consultant for the County Commissioners and the Sheriff's Office. The parties have agreed that any wage increase recommended herein will be retroactive to January 1, 2014 for the 2 captains who were in the rank on that date. They agreed that an additional line will be added to Article 14. Pay Plan, Section D. Rank Differential identified as "Lieutenant-Captain." They further agreed that any wage rates established by the newly adopted rank differential will be reflected in the wage tables set forth in Section 14.1, paragraphs B. and C.

The parties timely submitted their respective pre-hearing statements and final offers or positions on the unresolved issue in accordance with SERB rules and guidelines. A hearing was held at the Sheriff's office on June 4, 2014. The parties submitted their positions, proposals and evidence through their comprehensive pre-hearing statements. The Lodge proposes that the differential between lieutenants and captains be at 12%; the Sheriff proposes a differential of 9%.

The following recommendation incorporates all existing terms, articles and provisions in the above mentioned CBA. The recommendation is made in accordance with the existing statutory factors and standards incorporated in Chapter 4117 of the Revised Code and in SERB Rules and Guidelines. They are: (A) past collectively bargained agreements between the parties; (B) consideration of issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved; (C) 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; (D) the lawful authority of the public employer; (E) the stipulations of the parties; (F) and such other factors, not confined to those listed in this section, which are normally, or traditionally taken into consideration in the 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.

II Summary of Evidence.

III

IV The Sheriff's office is the second largest law enforcement agency in Franklin County, below that of the City of Columbus. There are 680 deputies and supervisors. The Lodge contends that the County's budget is sound and its financial condition is healthy. This issue involves only 5 employees. There is no issue regarding the County's ability to pay the Lodge's proposal. Accordingly, the focus should be upon the level of a captain's responsibilities compared with other police agencies. One captain in this department is in charge of all correctional facilities professional services. Another captain is in charge of all court services and security for all facilities and buildings. All captains are part of the "command staff." They report to the ranks of Major and Chief Deputy. The comprehensive duties and responsibilities are summarized in a submitted Lodge exhibit.

In terms of comparable pay ranges, the Lodge contends that the best comparison is between a Sheriff captain and a commander for the Columbus Division of Police. The differential between the commander and the next lower rank of lieutenant is 18%. The Sheriff captains effectively have the same duties and level of responsibility as CPD commanders. The Lodge believes its proposal of 12% is reasonable and well with in the pay market range for the provision of similar services. If 12% is

adopted, captains in 2014 will earn \$117, 598, which still will be \$6,000 lower than CPD commanders who essentially perform the same services.

PAGE 3

The County Commissioners believe that its general fund revenue has been managed in a fiscally responsible manner based upon the financial challenges that have taken place since 2007 and the economic recession. The general fund revenue has declined substantially due to reductions from both state and federal funding. The Sheriff's office accounts for over 30% of the County's general fund revenue. More than 90% of the Sheriff's 2013 budget revenue was from the general fund. Accordingly, the Sheriff's office must be highly sensitive to general fund revenue changes. It has maintained its staffing, avoided layoffs, and provided efficient necessary services by operating in a fiscally responsible manner. These fiscally prudent policies have permitted the County to maintain its "AAA" bond rating.

The Sheriff is also concerned about the compression issue and its effects upon existing pay rates. There must be a differential that does not unreasonably encroach upon the existing pay rate for a Major, a rank that is outside the bargaining unit. Accordingly, the Sheriff proposes a captain's salary of \$110,052.80 retroactive to the first full pay period in January 2014. The salary would increase to \$113,360.00 effective the first full pay period in January 2015. This would avoid the compression issue affecting the Major's salary. It would not object to a percentage wage differential between lieutenants and captains so long as it would not adversely affect the existing pay difference between the rank of captain and that of major.

RECOMMENDATION:

I recommend that a 9% pay rate differential be implemented for 2014 retroactive to the first full pay period in January 2014. There shall be an increase in the captain's pay differential between lieutenants and captains to 10.5% effective on the first full pay period in January 2015. The differential shall be increased to 12% effective in the last pay period of 2015.

Date of Report: June 18,2014

/s/ _____
Mitchell B. Goldberg
SERB Appointed Fact Finder

CERTIFICATE OF SERVICE

This Report was issued and served upon SERB and the parties by electronic mail on the 18th day of June, 2014:

SERB: MED@serb.state.oh.us
Russell E. Carnahan: rcarnahan@hcands.com
Robert Weisman: Robert.weisman@icemiller.com

/s/ _____
Mitchell B. Goldberg

