

**STATE OF OHIO**

**STATE EMPLOYMENT RELATIONS BOARD**

**FACT-FINDING REPORT**

**January 30, 2015**

**Case No. 2014-MED-09-1155**

**DELAWARE COUNTY SHERIFF'S OFFICE )**  
**)**  
**and )**  
**)**  
**FRATERNAL ORDER OF POLICE, )**  
**OHIO LABOR COUNCIL, INC. )**

**Appearances**

**For the Employer:**

**Daniel J. Guttman, Esq. Chief  
Spokesperson  
Russell L. Martin, Sheriff  
Margaret K. Reid, Esq.  
Pamela Sonagere, H-R Director  
Patrick Yankie, Chief Deputy**

**For the Union:**

**Mark E. Drum,  
Staff Representative  
Nicholas Karafa,  
Corrections Officer,  
Tyler Harris,  
Corrections Officer  
Troy Stiffler,  
Corrections Officer**

**Richard J. Colvin  
Fact-Finder**

**Hearing Date: December 30, 2014**

## **A. Background**

The State Employment Relations Board appointed the Fact-Finder on November 24, 2014.

The parties engaged in collective bargaining on September 30, 2014, October 9, 2014, October 28, 2014 and November 24, 2014.

The parties requested Mediation and met with the Fact-Finder on December 5, 2014.

The parties met again with the Fact-Finder on December 30, 2014 and the Mediation process was resumed. The parties were then able to come an agreement on all but two (2) of the open issues: Article 25 Health Insurance and Article 26 Wages.

The Mediation process having been completed, a Fact-Finding Hearing was formally opened so that the parties could present their positions on the two (2) remaining issues for a recommended resolution by the Fact-Finder.

Each of the open issues which had been declared by the authorized representatives of the parties as having been resolved were initialed and dated by the authorized representative of each party and such agreements are to become a part of the new labor Agreement entered into jointly by such parties.

## **B. Description of the Bargaining Unit**

This bargaining unit is composed of all full-time Corrections Officers. Excluded are the Jail Administrator, Sergeants and all other employees.

The authorized number of bargaining unit employees: 66

Date of Certification or recognition: February 28, 2011<sup>1</sup>

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<sup>1</sup> The Correction Officers Unit was represented by the OPBA for over 20 years. In 2011, the FOP/ OLC challenged the OPBA and won the representation election. They now represent the 59 full-time Correction Officers at the Delaware County Jail. The current Agreement was effective January 1, 2011 and expired December 31, 2013.

Corrections Officers are: All sworn, but non-OPOTA certified deputies of the Delaware County Sheriff's Office assigned to the jail. They are responsible for maintaining the security of the prisoners within the Delaware County Jail. They perform regular security checks and assure that the prisoners receive their medications and meals. They also prepare the documentation and fingerprint inmates that are booked into the facility. They prepare prisoners for transport to the courts, to and from other jurisdictions, to medical facilities and to State Penal Institutions. Unlike most County jails, the Delaware County Jail also houses a large population of Federal prisoners.

### **C. Article 25 - HEALTH INSURANCE**

**Section 25.1:** The Employer shall maintain a group health benefits plan for the bargaining unit. The plan and its benefits shall be equal to or better than the same plan in effect for the employees of the County generally (Management and Non-management alike).

**Section 25.2:** The Employer may implement reasonable changes on the health benefits plan so long as the changes are implemented for County employees generally and so long as the Employer continues to fund the plan with at least its immediately preceding monthly contribution to the cost of health benefits. The Employer's implemented plan must be reasonable, the Union or the employees may file a grievance to challenge the Employer's compliance with this Article, including the reasonableness standard.

**Section 25.2:** The Employer shall meet and confer with representatives of the Union before implementing any changes.

### **ARTICLE 26 - WAGES**

At issue is the percent of any general wage increases for the years 2015, 2016 and 2017.

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The parties then agreed to a one (1) extension Agreement that expired December 31, 2014.

**OPEN PROPOSALS BY THE DCSO**

**D. Proposal by the Employer to modify Article 25 - Health Insurance:**

**Section 25.1: No change**

**Section 25.2** The Employer may implement reasonable changes on the health benefits plan so long as the changes are implemented for County employees generally ~~and so long as the Employer continues to fund the plan with at least its immediately preceding monthly contribution to the cost of health benefits.~~ The Employer's implemented plan must be reasonable, the Union or the employees may file a grievance to challenge the Employer's compliance with this Article, including the reasonableness standard.

**Section 25.2— is to become Section 25.3**

A **new Section 25.4** is to be added reading: "Each enrolled Bargaining Unit employee shall pay the following percentage of the health benefits plan premiums:

**Beginning January 1, 2015: 10%**  
**Beginning January 1, 2016: 12.5%**  
**Beginning January 1, 2017: 15%"**

**The Employers' Rationale for its Proposal:**

- The DCSO believes for a number of reasons – including escalating costs of insurance, the need to update the employees' premium contributions levels, and the current trends in public employee insurance contribution levels – that the DCSO's insurance proposal should be implemented.
- Currently, Corrections Officers pay far less for health insurance than the average public employee in Ohio.

- For example, in 2014, the average monthly employee premium contribution for public employees with similar health care packages was \$66 for single coverage and \$187 for family coverage. By contrast, the Corrections Officers' monthly employee contribution in 2014 was only \$29.50 for single coverage and \$77.20 for family coverage.
- Accordingly, the DCSO's proposal seeks to bring the Corrections Officers' monthly premium contribution amounts more in line with those of the majority of other public employees in Ohio.
- Under the DCSO's proposal, in 2015, Corrections Officers' would pay \$61.50 per month for single coverage and \$162.00 per month for family coverage. This is roughly equivalent to the average monthly employee premium contribution for public employees in Ohio *last year*. It is likely far less than the average amount Ohio public employees will pay for health insurance in 2015.

**E. Proposal by the DCSO to modify Article 26 - Wages:**

**Section 26.1 The Steps of the salary schedule are defined as follows:**

1. Step (A) applies to new employees during their one-year probationary period.
2. Step (B) applies to employees after completion of the one-year probationary period.
3. Step (C) applies to employees after three years' continuous service as a Corrections Officer.
4. Step (D) applies to employees after five years' continuous service as a Corrections Officer.

**DCSO proposes the following wage increases:**

- 1.8% for the first year of the Agreement (1/15 - 12/15)
- 1.9% for the second year of the Agreement (1/16 - 12/17)
- 2.0% for the third year of the Agreement (1/17 thru 12/17)

## OPEN PROPOSALS BY THE UNION

F. The Union proposes no modifications to **Article 25 - HEALTH INSURANCE**.

G. The Union has made the following proposals to modify **Article 26 - WAGES**

- 7.5% for the first year of the Agreement (1/15 thru 12/15)
- 7.5% for the second year of the Agreement (1/16 thru 12/16)
- 7.5% for the third year of the Agreement (1/17 thru 12/17)

## CRITERIA

H. When making his Report and Recommendations upon the unresolved issue(s) the Fact-Finder has been mindful of and has been guided by the criteria set forth in Ohio Revised Code §4117.14(C)(4)(e) identifying relevant factors as follows:

- (1) Past collectively bargained agreements, if any, between the parties;
- (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, 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) Any stipulation 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 final dispute settlement procedures in the public service or in private employment.

The Fact-Finder has weighed each of the above Criteria as it pertains to the matter before him. It is usually customary to present pages of fiscal data to substantiate or deny the ability of an Employer to pay or to deny wages or benefits proposed. That would be unnecessary in this instance, as the County of Delaware is known as being one of Ohio's best-managed, most prudent, fiscally sound Counties.

The classification of Correction Officer is a generic one with a common core and similar characteristics from County to County. Delaware County, however, is unique: it houses a sizable number of Federal prisoners with whom its Correction Officers must interact.

## **FACT-FINDERS RECOMMENDATIONS AND RATIONALE**

### **I. Issue 1. ARTICLE 25 - HEALTH INSURANCE**

**Recommendation:** The Fact-Finder recommends that the DCSO's proposal be adopted in its entirety. The Fact-Finder, after analyzing the positions of the parties, the testimony and the evidence and the guidelines in the Criteria finds that DCSO's position is the more logical and reasonable on this issue

**Rationale:** The DCSO has proposed that this language be removed from the Agreement "*...and so long as the Employer continues to fund the plan with at least its immediately preceding monthly contribution to the cost of health benefits.*"

#### **The DCSO has argued that:**

1. Delaware County has a single, uniform health benefits plan now for all of its 1,600 employees, including the Corrections Officers.
2. It is not proposing to change that plan.
3. This is the only Agreement in the County with a limitation on the cost and administration of the County-wide health care plan
4. By deleting this language Correction Officers are still protected by the remaining language In this Article which states: "The

Employer may implement reasonable changes in the health benefits plan so long as the changes are implemented for County employees generally.”

5. So, the County cannot make a change to the benefits of the Corrections Officers without making the same change to the benefits for 1,600 other County employees.
6. The County is the agency that bargains for all of the County employees in the Plan. The County needs a strong hand in this endeavor to secure the best Plan it can at the least cost. It has, it submits, done an exemplary job. This benefits all County employees and to a great extent keeps benefits high and employee cost low.
7. Any change the DCSO makes to the Health Care Plan must be reasonable and the bargaining unit has the right to grieve if it were not reasonable.

Proposed contribution rates for members of the bargaining unit for the three years of this Agreement are:

<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>10%</b>	<b>12.5%</b>	<b>15%</b>

Percentage Health Insurance Premiums Contributions for Corrections Officers in these jurisdictions were:<sup>2</sup>

Delaware County	4.5% (2014)
Fairfield County	15% (2011) 15% (2012)
Licking County	are established and re-established annually
Morrow County	15% (2014-2016)
Multi-County (Marion)	15% (2014-2016)
Richland County	\$75 per month single: \$108 per month family (2013)
Ross County	15% (2012)

In summation, the DCSO has argued that it has provided the employees in the bargaining unit with Health Care at under the average cost for many years.

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<sup>2</sup> Dr. Graham established these jurisdictions for comparisons in a 2011 Conciliation

**The Union has argued that:**

DCSO is proposing drastic changes in the language in 25.2 that has been in the Agreement since 1999. DCSO has not identified any rationale for such a change.

The Union's contends its Exhibits show that DCSO is allowed to pass the costs of insurance increases on to the employees. While the insurance costs went up about thirteen percent (13%) the employee's cost went up over two hundred sixty percent (260%).

The Union therefore would propose to maintain the current language in Sections 25.1 through 25.3.<sup>3</sup>

The Union believes, however, that the membership would agree that effective in 2016 and for the remainder of the Agreement, all Corrections Officers shall pay ten (10%) percent of the Health Insurance Premiums.

The Union does agree, however, that the present insurance plan is one that compares favorably with other jurisdictions.

**J. Issue 2. ARTICLE 26 WAGES**

**DCSO has proposed that wages be increased as follows:**

<b>2015</b>	<b>1.8%</b>
<b>2016</b>	<b>1.9%</b>
<b>2017</b>	<b>2.0%</b>

**The Union has proposed that wages be increased as follows:**

<b>2015</b>	<b>7.5%</b>
<b>2016</b>	<b>7.5%</b>
<b>2017</b>	<b>7.5%</b>

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<sup>3</sup> A belief in maintaining what could be perceived, righty or wrongly, as "historically significant existing language" might well be weighed carefully now against what has been universally identified as an imminent danger to financial security: The inability to control rising health care costs.

**Recommendation: The Fact-Finder recommends the following wage increases during the period of this Agreement between the Parties:**

<b>January 1, 2015</b>	<b>3.00%</b>
<b>January 1, 2016</b>	<b>2.50%</b>
<b>January 1, 2017</b>	<b>2.00%</b>

**Rationale:**

The DCSO contends that its wage proposals are “fair and equitable increases” while the Union has presented an “unprecedented demand for exorbitant wage increases”.

Looking at the bargaining history of the parties in their last Agreement, 2011-2014 and referring to O.R.C. 4117.14 (C)(4) (e); O.A.C.4117-09-05(K)(1)-(2) and DCSO Ex. 29, the DCSO contends that wage increases of around 2% is a reasonable increase. The parties have according to the DCSO also historically agreed the Corrections Officers should receive lower wage increases the also Deputies.

	2011	2012	2013	2014
Corrections Officers:	2%	2%	2%	2.375%
Deputies:	2.75%	2.50%	2,25%	2.375%

Reviewing the SERB Clearinghouse Ranking by **Correction Officer Classification** dated October 9, 2014, Union Ex. 18, it shows that Delaware County ranks only 17<sup>th</sup> out of the 20 listed.<sup>4</sup>

**CORRECTIONS/JAILER**

<b>Employer Name</b>	<b>TOP RATE</b>
GEAUGA COUNTY SHERIFF	\$54, 516
WARREN COUNTY SHERIFF	\$51, 293

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<sup>4</sup> This Fact-Finder, after evaluation, has chosen these Counties as being most comparable to Delaware County. The parties have presented previous Fact Findings and Conciliation Cases in their evidentiary exhibits. This provides this Fact-Finder with a valuable resource after these esteemed gentlemen have laid the groundwork.

LORAIN COUNTY SHERIFF	\$51,043
CLERMONT COUNTY SHERIFF	\$48,765
BUTLER COUNTY SHERIFF	\$48,283
LAKE COUNTY SHERIFF	\$46,654
HAMILTON COUNTY	\$46,595
MEDINA COUNTY SHERIFF	\$46,391
MONTGOMERY COUNTY SHERIFF	\$45,843
<b>DELEWARE COUNTY SHERIFF</b>	<b>\$44,408</b>
GREENE COUNTY SHERIFF	\$43.202

The Fact-Finder has done his own research and has obtained the latest **SERB Clearinghouse Wage increase Report, dated January 21, 2015**. This was necessary to clarify a controversial issue and to make sure that each party to this Hearing has the benefit of the best evidence in support their respective positions. Your Fact-Finder will use comparable, relevant, available data he believes is the best and fairest basis for evaluation of each party's respective position.

<b>Employer</b>	<b>Date of Increase</b>	<b>Percent</b>
Clermont County Sheriff	2/16/14	2.50
Geauga County Sheriff	1/1/15	3.00
	1/1/16	3.00
	1/1/16	3.00
Greene County Sheriff	4/5/14	2.00
Lake County Sheriff	4/1/14	2.50
	3/29/15	2.50
	3/27/16	2.50
Montgomery County Sheriff	1/1/14	1.25
	7/1/14	1.25
	1/1/15	1.25
	7/1/15	1.25
	1/1/16	1.25
Warren County Sheriff	1/1/14	3.00
	1/1/15	2.50
	1/1/16	2.50

Upon review, in its Post-Hearing Brief, the Union does firmly state that it does not support the position that Corrections Officers should be paid the same as Deputies.

The Fact-Finder regrets the Union had not moved from its initial bargaining position on wages. This usually presents any Fact-Finder with a dilemma in that he/she must start his or her analysis of the offer from an indefensible position.

Both parties to this Hearing have presented their positions in a most creditable manner and are to be commended.

/s/ Richard J. Colvin  
Fact-Finder

Signed this 30<sup>th</sup> day of January 2015 in the City of Mason, County of Warren and State of Ohio

## CERTIFICATION OF SERVICE

This is to certify that a true and accurate copy of this Fact-Finding Report was forwarded to the parties listed below by Electronic Mail this 30<sup>th</sup> day of January 2015.

State Employment Relations Board:

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/s/ Richard J. Colvin  
Fact-Finder