
In the Matter of Factfinding

Between

Before: Harry Graham

Ohio Patrolmen's Benevolent
Association

SERB Case No. 14-MED-10-1394

And

Holmes County (OH) Sheriff

APPEARANCES: For OPBA:

Joseph M. Hegedus, Esq.
OPBA
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Columbus, OH. 43235

For Holmes County Sheriff:

Leslie Iams Kuntz, Esq.
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INTRODUCTION: Pursuant to the procedures of the Ohio State Employment Relations Board a hearing was held in this matter before Harry Graham. At that hearing the parties were provided complete opportunity to present testimony and evidence. The record in this matter was closed at the conclusion of oral argument in Holmesville, OH. on February 3, 2015.

ISSUE: There is one issue in this proceeding. That issue is wages.

ISSUE 1, ARTICLE 29, WAGES

POSITION OF THE UNION: The Union proposes there be a three and one-half percent (3.5%) wage increase for all members of the bargaining unit. That increase should be

retroactive to the pay period that includes January 1, 2015. Another such wage increase should be made in the pay period including January 1, 2016. Further, the Union proposes there be made an additional three and one-half percent (3.5%) wage increase for each step of the Road Patrol Wage Schedule.

No controversy exists concerning the ability of the County to meet the proposed wage increase. Thus, Union Exhibit 1, page 3, contains “Management’s Discussion and Analysis for the Year Ended December 31, 2013.” It shows that General Fund experienced an increase of 1.72% from 2012 while expenditures from the Fund increased by 1.31%. Revenue from the Sales Tax increased to \$5,848,521 in 2014 from \$5,481,161 in 2013.¹ An independent evaluation of the fiscal position of the County conducted by Moody’s assigned a rating of A1 to a debt issue in August, 2012.² In fact, the reserve account currently maintained by the County exceeds the level recommended by the Government Finance Officers Association. The local newspaper, The Daily Record, reported on January 23, 2015 that the County Commissioners approved a 2015 General Fund budget approximating \$12.5 million, up from \$11.2 million in 2014. This includes a carry-over of \$4.04 million.³

Comparison data supports the proposal of the Union as well it asserts.

Examination of contiguous counties shows the following:

Table 1

County	Top Pay Rate
Ashland	\$45,045.00
Coshocton	\$41,932.80
Knox	\$45,219.20

¹ Union Ex. 3, no page number.

² Union Ex. 5, page 1

³ Union Ex. 7, page 1

Tuscarawas	\$40,560.00
Wayne	\$47,112.00
Average	\$43,973.80
Holmes	\$38,792.00
Holmes as a percent of Average	86.6%

The data in Table 1 show that the County is not competitive with its counterparts in the region the Union insists.

The Union represents Deputies in Ashland County, one of the counties contiguous to Holmes. In 2014 the Union and the County went to Factfinding before Factfinder Michael King.⁴ The Factfinder determined that the most comparable counties to Ashland were Holmes, Huron and Knox.⁵ Factfinder King was concerned with the interrelationship between wages and health insurance costs borne by employees. He found that while the wage increases in Ashland County had been reasonable, they had been substantially eroded by increases in health insurance expenses employees incurred. Thus, he recommended an “extraordinary wage adjustment” of 4.5% in 2014, 4.0% in 2015 and 3.0% in 2016.⁶ As the Union sees it, wages in Ashland County are well above those in Holmes County. The Factfinder in Ashland County found a sizeable wage increase was justified. Given the differential between Deputies in Holmes County and their counterparts in the area, particularly those in Ashland County, the Union urges its proposal be recommended in its entirety.

POSITION OF THE EMPLOYER: The Sheriff proposes that there be two three percent (3.0%) wage increases, one for 2015 the other for 2016. The Employer points out that this proposed increase is the same as that provided other employees of the Sheriff’s Office. Similarly, other County employees have received the same wage increase.

⁴ SERB Case No. 2013-MED-10-1238 etc.

⁵ P. 9

⁶ P.11

The history of negotiations in Holmes County supports its position according to the Sheriff. Employees of the Sheriff's Office have consistently received the same wage increases as other represented employees in the County. No reason exists to deviate from that practice now the Sheriff asserts. In fact, the Employer and the bargaining unit including Correction Officers and Communications Officers have recently concluded negotiations. The outcome was a three percent (3.0%) wage increase for 2015 and 2016. Given that development and the fact that Deputies, Correction Officers and Communication Officers have always received the same wage increases no greater increase should be provided to the Deputies the Sheriff contends.

Despite the Great Recession, only in 2010 have employees of the Sheriff experienced a wage freeze. Following that there occurred a .50 increase in 2011 and three percent (3.0%) increases in 2012, 2013 and 2014. These were well above the rate of inflation and followed many years of three percent (3.0%) wage increases from 2001 to 2010.

Further, comparison of employees of the Holmes County Sheriff with their counterparts elsewhere in the State shows that through 2013 wage increases were under two percent (2.0%) for law enforcement personnel. This was the case for both County Sheriff's and municipal police. No doubt exists but that employees of the Sheriff received an increase well above the statewide average for 2013. Deputies in Holmes County also received wage increases above those being received throughout the State during the 2004 – 2013 decade.⁷ Given this situation there is no justification for the additional wage increase sought by the Union in this proceeding the Sheriff insists.

⁷ Er. Ex. 5

DISCUSSION: The data shows without susceptibility of doubt that Deputies in Holmes County are paid substantially less than their counterparts in the region. Union Exhibit 9 is revealing in that it shows Holmes County Deputies to earn about 87% of their counterparts in contiguous counties at the top step. That is tempered by the fact that Holmes County is also the least populous county of those in the area. Ashland County is the closest to Holmes with respect to population. Deputies pay in Ashland County is well above that in Holmes. Further, there is no question that the County has the ability to pay the wage increase proposed by the Union. Its finances are extraordinarily sound. It has a very large carryover balance relative to the General Fund. Were the external comparisons and ability to pay the sole concerns no question exists but that the proposal of the Union or some variant thereof would be recommended. Those are not the sole concerns. The history of negotiations in the Sheriff's Office must be considered as well. Identical increases have been accorded Deputies and members of the Corrections and Communications Officers bargaining unit for many, many years. That unit has concluded the current round of negotiations. It settled on three percent (3.0%). Were the Deputies to secure a greater wage increase through Factfinding and/or Conciliation (interest arbitration) no stretch of imagination is required to believe substantial upset would occur among their colleagues in the Sheriff's Office. This is best avoided. Further, the County gave a three percent (3.0%) increase to other employees. There is a pattern in County service. Should the Deputies secure an increase greater than the pattern it would foster the negotiating concept known as whipsawing where each unit attempts to outdo others. That is not a desirable situation.

A wage increase awarded or recommended by a neutral should respect the existing structure of compensation within the enterprise. This is particularly the case when one or more groups have settled. The basis for this concept is that the parties have accepted such a relationship in the past. In this situation it is the relationship between the Deputies on the one hand and the Corrections and Communications Officers on the other that guides the outcome. The recommendation of a larger increase for Deputies than that agreed upon by the Corrections and Communications Officers is inequitable given the long history of identical increases provided both groups.

History provides further support for the proposal of the Employer. Since 2001 annual three percent (3.0%) wage increases have been the norm with scant exception. There was a wage freeze in 2010 and a .50 increase in 2011. In sum the increase over the period approximates forty percent (40%). Data from the Bureau of Labor Statistics shows inflation over January, 2001 – December, 2014 period approximates 34+%. Thus, Holmes County Deputies have kept up with inflation and then some over the period. Prognostication is a notoriously unreliable activity. That said, the three percent (3.0%) increases offered by the Employer protect against any reasonable expected inflation over the term of the Agreement.

RECOMMENDATION: The proposal of the Employer is recommended in its entirety. It is recommended that there be made a three percent (3.0%) wage increase for 2015 and 2016 for members of this bargaining unit. All tentative agreements are incorporated into this report by reference and recommended to the parties.

Signed and dated this 23rd day of February, 2015 at Solon, OH.

Harry Graham /S/
Harry Graham
Factfinder