

**FACT FINDING REPORT  
STATE OF OHIO  
STATE EMPLOYEE RELATIONS BOARD  
January 8, 2016**

<b>IN THE MATTER OF:</b>	)	
<b>Putnam County Sheriff's Office, Ottawa, Ohio</b>	)	
<b>Employer</b>	)	
	)	<b>SERB CASE NO.</b>
<b>-AND-</b>	)	<b>2015-MED-10-1114</b>
	)	
<b>OHIO PATROLMEN'S</b>	)	
<b>BENEVOLENT ASSOCIATION</b>	)	
<b>CORRECTIONS OFFICERS</b>	)	
<b>EMPLOYEE REPRESENTATIVE</b>	)	<b>FACT FINDER –</b>
	)	<b>RICHARD F. NOVAK</b>

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**APPEARANCES**

**For the Union**

Jonathan J. Winters	Attorney for the OPBA
Tim Kramer	Union Representative

**For Sheriff's Office**

Fred Lord	Consultant
Mike Chandler	Sheriff
David Roney	Lieutenant
Laura Huff	Administrative Assistant

## ADMINISTRATION

By correspondence from the State Employee Relations Board, Columbus, Ohio dated November 25, 2015, the undersigned was notified of this appointment to serve as Fact Finder to hear arguments and issue recommendations relative thereto, pursuant to Ohio Administrative Code Rule 4117-9-05 (J), in an effort to facilitate resolution of those issues that remained at impasse between the Parties. The impasse resulted after several attempts of the parties to negotiate the terms related to a successor CBA which expired on 12-31-2015 applicable to the Correction Officers bargaining unit within this Sheriff's Department.

On December 29, 2015, in the Sheriff's Department, the fact finding hearing occurred with the presentation of evidence and supporting arguments by the parties. The Fact Finder conducted a mediation session at the hearing.

All relevant evidence and exhibits of the Parties were thoroughly presented. During the course of the Fact Finding Proceedings, each party was afforded a full and adequate opportunity to present testimonial and/or documentary evidence supportive of positions advanced and cross examine the other party's testimony and evidence. Data obtained from SERB's Research Department by the Fact Finder was also exchanged at the hearing.

In all, extensive exhibits and information regarding the financial condition of Putnam County, the Sheriff's department budget, Wage Survey Data and comparisons of Correction Officers' wages were received in evidence and evaluated by the Fact Finder.

The evidentiary record of the proceedings was subsequently closed at the conclusion of the December 29, 2015 proceeding. There were no Post Hearing Statements submitted. The Parties submitted joint exhibits of the Collective Bargaining Agreement (CBA) and TENTATIVE AGREEMENTS agreed to which are hereby included by reference to this Fact-finders Report.

### **The Issues**

The issues at impasse are: 1 the subject of Base Wage Increases, 2.An Increase in The Uniform Allotment, 3.Shift Supervisors additional compensation, and 4.A Shift Differential.

### **Statutory Criteria**

The Fact Finders award is hereby arrived at after considering all of the evidentiary information presented and arguments of the Parties; and made in Accordance with the statutorily mandated guidelines set forth in Ohio Administrative Code Rule 4117-9-05 (K) which recognizes the following criteria for consideration in the Fact Finding Process:

1. Past Collectively Bargained Arguments, if any, between the Parties;
2. Comparison of unresolved issues relative to the employees in the bargaining unit with those issued 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. Any stipulations 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 the issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

### **THE BARGAINING UNITS DEFINED**

### **AND GENERAL FACT SITUATION**

The Bargaining Unit is: All full time employees in the Putnam County Sheriff's Office in the classification of Corrections Officers.

For the sake of the record and in the interest of not having a 100 plus page Fact Finder's Report the Fact Finder, by reference, includes all of both parties' Exhibits presented at the Fact Finding hearing on December 29, 2015

The Fact Finder in "The Conclusions" sections, of this report will comment on or summarize the salient data of the aforementioned exhibits as factual support of his Findings, so that:

1. The Parties are aware of the data that drove the Findings and,
2. If a conciliator needs information upon which to base his/her findings, this award's Findings are supportable by the Parties Exhibits/Facts and the Fact Finder's rationale.

### **RELEVANT ISSUES PRESENTED TO THE FACT FINDER**

### **AND CONCLUSIONS**

The Employer, in its Position Statement, states: "The employer is dependent upon allocations from the General Fund that is received from the Board of Commissioners ...". The Sheriff's Department is funded through the County's General Fund.

#### **FACTS:**

1. Between 2010 and 2014 the General Fund Revenues have grown by 6% while expenditures have declined by 5% with those trends continuing.

2. The year end 2014 unencumbered balance General Fund was approximately \$2.4 million or 28% of the total General Fund Expenditure of 2014.

3. Prisoner reimbursements for the Sheriff's Department housing prisoners from other jurisdiction are substantial sources (\$200,000 to \$400,000) of annual revenues over the last five years ending in 2015.

4. The 2014 Standards & Poors Rating Service of Putnam County Ohio General Obligation Long-Term and Underlying Rating have been upgraded from A+ to AA-. The agency said: "The outlook is stable" "We view Putnam County's budgetary performance as strong overall". In our opinion Putnam County's budgetary flexibility is very strong".

#### FACT-FINDERS CONCLUSIONS

From the above summarized facts presented by the parties and other data submitted in evidence the Fact-Finder concludes:

PUTNAM COUNTY IS FINANCIALLY STRONG AND FISCAL IMPROVEMENTS ARE OCCURRING. THESE CONDITIONS OFFER BUDGETARY FLEXIBILITY FOR ADDRESSING "REASONABLE" EXPENDITURES IN THE NEXT FISCAL YEARS.

#### **THE UNION'S PROPOSALS**

##### 1. BASE WAGES---INCREASE

- ARTICLE 50, B..... Effective January 1, 2016 all corrections officers "out of step" will receive a 3.5% wage increase. Effective January 1, 2017 all corrections officers "out of step" will receive a 3.5% wage increase. Effective January 1, 2018 all corrections officers "out of step" will receive a 3.5% wage increase. The 3.5% general increase shall apply for all three years for those corrections officers who are "out of steps": and only a

3.5% increase shall apply in year two (2017) and year three (2018) to those correction officers who are ‘within the steps’. In year 2016 corrections officers who are “within the steps” will only receive the respective step increase in accordance the provision of Section C of Article 50 of the CBA.

## THE EMPLOYER’S PROPOSAL

### BASE WAGE --INCREASES

- ARTICLE 50, B. . . . .The base Pay for all corrections officers will be increased as follows: Effective January 1, 2016 one percent (1%) increase: Effective January 1, 2017 one percent (1%) increase: Effective January 1, 2018 one percent (1%) increase.

### THE FACTS CINSIDERED BY THE FACT-FINDER RE: WAGE INCREASE PROPOSALS

1. The 2013-2015 CBA provided wage increases of:

0% in year 2013

2.75% in year 2014

2.25%in year 2015

\$1,000.00 lump sum payment on January 2015

2. The relevant facts summarized on the previous page of this report regarding the Financial Status of Putnam County. Furthermore, there was no evidence presented at the hearing in support of a concessionary successor labor agreement.

3. Recent pay increases granted to non bargaining unit employees that were above the norm to correct for select non competitive pay status.

4.2015 SERB Settlement Data re: wage Increase adjustments for Public Service CBA's resolved by Fact-Finding and Conciliation Hearings. That data DOES NOT support the Base Wage increases in the percentage range sought by the union's proposal

FACT-FINDERS FINDINGS RE: BASE WAGE INCREASE PROPOSALS

BASED UPON THE EVIDENCE SUBMITTED WHICH SUPPORTED THE AFOREMENTIONED SUMMARY OF FACTS CONSIDERED, THE FACT-FINDER FINDS THAT "MORE REASONABLE" WAGE INCREASE ADJUSTMENTS OF:

2.0% EFFECTIVE January 1, 2016;

2.25% EFFECTIVE January 1, 2017;

2.75% EFFECTIVE January 1, 2018

SHOULD BE APPLIED TO THE UNION'S PROPOSAL. ACCORDINGLY ARTICLE 50 BASE WAGES WOULD READ:

"B. .... Effective January 1, 2016 all corrections officers "out of step" will receive a 2.0% wage increase. Effective January 1, 2017 all correction officers "out of step" will receive a 2.25% wage increase. Effective January 1, 2018 all corrections officers "out of step" will receive a 2.75% wage increase. In 2016, the correction officers who are "within the steps" will only receive the applicable step increase, (as revised), in accordance with the provisions of Section C of Article 50 of the CBA. Correction officers who are "within the steps" shall receive the respective wage increase for years 2017 and 2018.

NOTE: It is noteworthy, that the fact-finders adjustment to both parties base wage proposals closes the cost difference to a total of less than \$40,000.00 when

compared to the Sheriff's wage proposal, using the parties' calculation methods. This is a "REASONABLE" expenditure considering the financial finding herein of the County.

#### THE EMPLOYER AND UNIONS PROPOSAL FOR A REVISED PAY

##### METRIX (wage rate steps)

"The parties propose removing the current (12-31-2015) Step One (1) from the pay matrix and making the current (12-31-2015) Step Two(2) the new step Step One (!), effective January 1, 2016. In addition a new Step Five (5) will be established which will be four percent(4%) greater than the current(12-31-15) Step Five rate. The resulting revised new pay matrix will be renumbered 1 through 5 steps and effective January 1, 2016."

##### Factors Presented and Considered

Evidence submitted by OPBA regarding the comparable corrections officers "starting pay" and "top step pay" clearly support adjustments to both ends of the Pay Matrix

##### FACT-FINDER FINDINGS RE: REVISED PAY MATRIX

Accordingly, the fact-finder affirms the employer and union's proposal as set forth above as resolution to this issue and adopts the revisions of the Pay Matrix as a part of this report. The Pay Rates in all revised steps will be adjusted by the respective percentage wage adjustment for 2017 (2.25%) & 2018 (2.75%) awarded in this report.

#### THE UNION'S PROPOSAL FOR AN INCREASE IN THE UNIFORM ALLOTMENT

All full time Correction Officers uniform allotment be increased from \$450.00 to \$650.00 per year.

The employer rejects such increase and proposed the Allotment remain status quo.

## FACTORS CONSIDERED

Testimony at the hearing confirmed that the current allotment of \$450.00 is adequate to meet the need of uniform replacement and maintenance. No event of an inadequate allotment could be cited by the parties. The Sheriff testified that in highly unusual circumstances when uniforms would be destroyed due to work related incidents, flexibility would be applied to provide replacements, notwithstanding available allotment balances..

## FACT-FINDER FINDINGS

There were no substantive examples or rational presented to support consideration to increase the uniform allotment. Accordingly the Status Quo of the \$450.00 allotment as proposed by the employer is sustained and adopted herein in this Report.

## THE UNION PROPOSES;

- 1.An increase in the shift supervisor additional compensation of \$0.50 per hour to \$1.00 per hour worked.
2. Establish a shift differential payment of \$0.75 per hour for all hours worked by correction officers between the hours of 4:00p.m. and 8:00a.m.

The employer rejects these two union proposals for increases and requests the continuation of the Status Quo

## FACTORS CONSIDERED

There was no supporting evidence presented at the hearing to justify the Fact-Finders consideration for supporting an increase in supervisor allowance or the establishment of a shift differential. Persuasive evidence of internal or external

comparisons such as those presented regarding the wage subject were not submitted in evidence..

FACT-FINDERS FINDINGS:

THE STATUS QUO OF THE SUPERVISORS ADDITIONAL COMPENSATION OF \$0.50 per hour worked is affirmed and the current language of the CBA is adopted herein this report.

THE UNIONS PROPOSAL FOR ESTABLISHING A SHIFT DIFFERENTIAL IS REJECTED AS A PART OF THIS REPORT.

AFFIRMING AND ADOPTING THE PARTIES TENTATIVE AGREEMENTS NOTED BELOW AND INCLUDED IN THE FACT-FINDING HEARING BY THE PARTIES'S EXHIBITS ENTERED INTO EVIDENCE ON December 29, 2015:

Article 5: Non-Discrimination	Article8: Severability
Article9: Waiver in Case of Emergency	Article10: Personnel Files
Article: 12 Residency	Article13: Probationary Period
Article: 18 Health and Safety	Article20: Life and Medical Ins.
Article23: Compensatory Leave	Article24: Overtime
Article27: Promotions	Article 32: Discipline
Article: 34 Grievance Procedure	Article39: Sick Leave
Article 44: Disability Separation	Article 49: Duration

The current CBA language, provisions and letters will be carried forward into a successor CBA and modified only by the Fact-Finder's Findings in this report and the Tentative Agreements between the parties as incorporated by reference in this fact-finding report.

REPORT ISSUED IN

RESPECTFULLY SUBMITTED:

GEAUGA COUNTY

S//: Richard F. Novak

OHIO, January 8, 2016

[rfnovak.metalstrategies@yahoo.com](mailto:rfnovak.metalstrategies@yahoo.com)





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