

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the matter of: :
:
Fraternal Order of Police/Ohio Labor : **Case Nos. 2015-MED-12-1291 and**
Council and Fairfield Township, Butler : **2015-MED-12-1292**
County :

FACT-FINDING REPORT AND RECOMMENDATION

The undersigned, Steven L. Ball, appointed as State Employee Relations Board Fact-Finder, makes the following report:

I. HEARING

The Fact-finding was heard at the offices of Schroeder, Maundrell, Barbieri & Powers, Mason, Ohio on April 26, 2016 at 10:00 a.m. The Union was represented by Mark Scranton, Staff Representative, F.O.P. Ohio Labor Council, and the Township was represented by Lawrence E. Barbieri, Attorney at Law.

II. CRITERIA

Consideration was given to the criteria listed in §4117.14 O.R.C. and Rule 4117.9-05(K) of the State Employee Relations Board, 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 stipulations of the parties; and

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 dispute settlement procedures in the public service or in private employment.

III. ISSUES AND RECOMMENDATIONS

The parties submitted one issue to the fact-finder, the reopener on wages for both units (Article 6 for both Patrol Officers and Sergeants). Reopeners on vacation leave were withdrawn prior to hearing. The professional representatives submitted exceptionally detailed and organized position statements and documentary submissions, which expedited hearing.

Findings of Fact

In the three year collective bargaining agreements, effective April 1, 2015, the parties agreed upon no increase in wages, but permitted the reopening of the wage issue by either party, “no earlier than 120 days prior and no later than 90 calendar days prior to April 1, 2016, for 2016 and 2017 wages increase...” The Union timely reopened Article 6 of the agreements relating to wages. The Union agreed to no wage increase for 2015, without recourse to reopening.

The reopener was agreed to in the context of a pending Safety Service Levy to be voted upon in November 2015. It passed, after defeat of a prior attempt the previous spring. Prior to the levy, the extent of the Township’s use of its general fund monies to support the police and fire departments resulted in a threat to its bond rating. The parties agree that the levy’s intent, among other things, was to remedy that threat and to permit the hiring of additional staff lost due to attrition. Since the passage of that levy, the police staff has not been increased, pending resolution of the wage issue. Prior to fact-finding the Township offered no increase for 2016, and a 1% increase for 2017. The union requested pay increases of 4% for 2016 and 2017, commencing retroactive to April 1, 2016.

Union Position

The Union offered wages in nine subdivisions in Butler County law enforcement communities to support its argument for increased wages for the police. The Fairfield Township 2015 police officer's starting salary was \$46,342.40, with a top wage of \$64,242.00. The starting salaries for Fairfield Township sergeants in 2015 was \$70,699.20 with a top wage of \$73,944.00. For 2016, the union's Butler County comparables revealed average salaries for the top pay for police officers to exceed that of Fairfield Twp. by approximately \$2,000, and average top pay for sergeants to exceed that of Fairfield Township by approximately \$3,000. The union did not provide averages for pay at the starting comparable salaries for 2016, but the range was from approximately \$5,000 less than Fairfield Twp. to \$14,000 more. Twelve comparable townships provided by the Union, but not limited to Butler County, show an average patrolman starting salary for 2016 of \$53,082 and an average top pay of \$68,268.36, and average sergeant starting pay of \$72,043.43 and top average sergeant pay of \$78,719.95. 2017 averages are \$54,226.78 to \$71,302.99 for patrolmen and \$77,140.64 to \$82,309.53 for sergeants.

The Union states that its proposed 4% raises would cost the Township \$43,797.64 in 2016 and \$59,092.02 in 2017. The new levy raises \$1.6 million per year to be divided between the fire and police departments. The Union quotes Township estimates of a \$4,908,155.26 general fund "carryover" for the 2016 to 2017 years. The Union also notes that the units agreed to pay 5% of the health insurance premiums during the term of the agreement, resulting in a net loss of wages in the current compensation structure from that of the previous three year agreement.

Township Position

The Township urges a number of comparable salaries from municipalities in the area, showing current (2016) average patrolman salaries (including Fairfield Twp.) of \$62,584.85 and \$71,959.72 for sergeants, contending that those averages are lower than those for Fairfield Twp. patrolmen and sergeants by approximately \$2,000 each.

The Township argues that it has not provided raises to anyone in 2016, and contends that it has not been able to replace some employees due to attrition or to make capital improvements because of its fiscal condition. It points out that the Consumer Price Index for the last twelve months reflects an increase in the cost of living of only .9%. Before passage of the levy, the General Fund supplemented the police levy by the sum of \$400,000 per annum.

These bargaining units are the only union-represented employees in the Township. The fire department appears to employ mostly part time employees, which in numbers of employees far exceeds the police department. There is agreement that the Police Department is not fully staffed. The Department is down at least one employee since the failure of the spring levy.

The parties shared a number of comparables: the cities of Fairfield, Hamilton and Oxford; and the townships of Delhi, Pierce, and Hamilton. The fact finder concludes the agreed comparable Townships should serve as the best standard for wages, as they most approximate the population of Fairfield Township, and share a common form of government. The Union provided starting and top salaries for 2016 and 2017 for those comparables. For 2016, those Townships have starting and top salaries as follows:

	Patrolmen
Delhi	\$52,270 - \$67,600
Pierce	\$51,584 - \$68,600
Hamilton	\$44,200 - \$61,817

Sergeant

Delhi	\$77,064
Pierce	\$72,571 - \$76,336
Hamilton	\$65,526 - \$69,235

For 2017, the shared Township comparables are as follows:

Patrolmen

Delhi	\$52,790 - \$67,600
Pierce	\$53,123 - \$71,780
Hamilton	Not provided

The Township provided 2016 wages¹ for those comparables, as follows:

Patrolmen

Delhi	\$67,600
Pierce	\$69,680
Hamilton	\$63,995

Sergeants

Delhi	\$77,064
Pierce	\$76,336
Hamilton	\$69,235

When you compare Fairfield Township's salary range of \$46,342.40 - \$64,242 for patrolmen, and \$70,699.20 - \$73,944 for sergeants, to those comparables, it appears that for 2016, if the current Fairfield Township wages were to remain unchanged, the wages would somewhat lag behind the comparables, and the wages would lag even more so for 2017.

The Union estimates the cost to the Township for the union's proposed rate hike of 4%/year at \$43,797.64 in 2016 and \$59,092.02 in 2017, or a total of \$102,889.66 over the next two years. The Township estimates a \$53,933 increase at 4% for the first year and an increase of \$26,967.30 at a 2% increase. Based upon the Township's fiscal condition, the fact finder can only conclude that the Township has the ability to pay higher wages. The fact finder believes

¹ The factfinder assumes these are average wages.

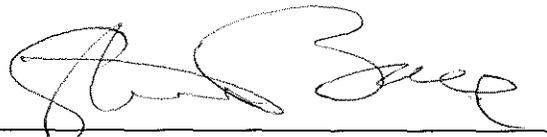
that a 2.5% increase for both the patrolmen and the sergeants would be fair, and would maintain salaries commensurate with the local township peers. That would cost the Township approximately \$33,709 (based upon its estimates) and approximately \$34,551 in the second year. Based upon the union's calculations, the increase at 2.5% would be \$27,373 in 2016 and \$36,932 in 2017. The second year estimates may be skewed because the calculated increases are apparently from April 1, 2016 in both calculations. The fact finder proposes commencing the 2.5% 2016 increase on July 1, 2016 and the 2017 increase on January 1, 2017.

These increases are not only commensurate with the comparables shared by both parties presentations, but also is justified by the increase in costs to the officers for their health insurance and their decision in the last agreement to foreclose any increase for the April 1, 2015 – April 1, 2016 period.

Recommendation

Existing Paragraph B in Article 6 for both agreements shall be deleted and the following substituted:

“Effective the closest pay period (before or after) to July 1, 2016, rates of pay for all bargaining unit employees will increase by 2.5%; and effective the closest pay period (before or after) January 1, 2017, the rates of pay shall again increase by an additional 2.5% on the then existing pay.”



Steven L. Ball, Fact-Finder
May 10, 2016

CERTIFICATE OF MAILING

I hereby certify that a copy of the Fact-Finding Report was sent via e-mail to: Mark A. Scranton, Staff Representative, Fraternal Order of Police Ohio Labor Council, Inc., markscrantonfopolci@yahoo.com, Lawrence E. Barbieri, Attorney at Law, lbarbieri@smbplaw.com; and to Donald M. Collins, General Counsel, SERB, med@serb.state.oh.us, on this 10th day of May, 2016.

A handwritten signature in black ink, appearing to read "Steven L. Ball", written over a horizontal line.

Steven L. Ball, Fact-Finder