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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF FACT-FINDING BETWEEN:

Montgomery County Sheriff)	
)	Case No: 2015-MED-12-1297
and)	
)	Fact-Finder: Colman R. Lalka
Fraternal Order of Police/Ohio Labor)	
Council, Inc.)	

HEARING

Date of Hearing: July 27, 2016
Location of Hearing: Dayton, Montgomery County, Ohio

ATTENDANCE AT HEARING

For the Montgomery County Sheriff:
Julie Droessler, Personnel Director
Kathy Duibley, Confidential Secretary
Beth Lainhart, Confidential Secretary

For the FOP, Ohio Labor Council, Inc.:
Mark Scranton, Staff Representative
Linda Shutts, Deputy
Gerald Barnes, Deputy
Tony R. Ball, Deputy
Johnathan Miller, Deputy
Brian Crowe, Deputy
Patrick O'Connell, Deputy

CRITERIA

After giving thorough consideration to the evidence and argument of the parties, the criteria used by the Fact-Finder in resolving the disputed issue were those set forth in Rules 4117-9-05(J) and (K) of the State Employment Relations Board, to wit:

4117-9-05(J). The fact-finding panel, in making findings of fact, shall take into consideration all reliable information relevant to the issues before the fact-finding panel.
4117-9-05(K). The fact finding panel, in making recommendations, shall take

into consideration the following factors pursuant to division (C)(4)(e) of section 4117.14 of the Revised Code:

4117-9-05(K)(1). Past collectively bargained agreements, if any, between the parties;

4117-9-05(K)(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;

4117-9-05(K)(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;

4117-9-05(K)(4). The lawful authority of the public employer;

4117-9-05(K)(5). Any stipulations of the parties;

4117-9-05(K)(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.

BACKGROUND

Montgomery County Sheriff recognizes the Fraternal Order of Police, Ohio Labor Council, Inc. as the bargaining representative for certain employees of the Sheriff Department. The Bargaining Unit is duly certified by the State Employment Relations Board and has a Labor Agreement in effect that expires on December 31, 2016.

The within matter involves a reopener as provided in Article 30, Insurance; specifically, those sections dealing with Health Care. Formal bargaining between the parties has been ongoing. When impasse was reached, the parties requested the Fact-Finder convene a hearing, attain relevant facts, and prepare a report and recommendations in keeping with ORC 4117 and related Rules and Regulations adopted by SERB. The hearing was convened on the date and at the location indicated above. At that time the parties were provided the opportunity to present evidence and argument in such a manner that would allow the Fact-Finder to render a report and make recommendations on the issue at impasse.

Article 30 provides for employee enrollment in the County's Health Care Plan, which covers all County employees, not only those in the Sheriff Department. The County Sheriff emphasizes that it does not have control over the plan, which control rests with the Board of Commissioners.

The Plan runs from July 1 of each year through June 30, and, pursuant to Article 30, Section 30.2, providing for a reopener regarding employee contributions to the Plan, the parties met in negotiating sessions on March 11 and May 12, 2016. The Union emphasizes that a

waiver of ORC 4117.14(G)(11) has not been executed, and points out that, should the Fact-Finder's recommendations be rejected, a Conciliator's award may not take effect prior to the start of the new fiscal year after the Conciliator's final offer settlement award. The new fiscal year commences January 1, 2017.

RECOMMENDATIONS

Both parties are in agreement regarding ORC 4117.14(G)(11) and the effective date of a Conciliator's award. The Fact-Finder takes that provision into account in issuing the below recommendations, as well as the above noted SERB Rules 4117-9-05(J) and (K). Special emphasis is placed on the internal comparables of all County employees being on the same plan with the same contributions.

The Fact-Finder recommends:

ARTICLE 30 INSURANCE

SECTION 30.1 - ELIGIBILITY AND COVERAGE

All full-time employees will be entitled to participate in the County's group health program, in accordance with the plans.

- A. Employees may elect to contribute to a Health Savings Account or Flexible Spending Account, either the healthcare account or the dependent account or both by redirecting a portion of their pre-tax income. Such salary redirection will be subject to all provisions of I.R.S. Chapter 125.
- B. Employees, whose spouse also works for the County and is eligible for medical benefits under the County's plan, are not eligible to obtain double coverage under the plan. Both employee and spouse can select Employee only, or one can select Employee plus one or Family Coverage with the other declining. In all cases any employee covered under any County health plan, either as an employee or a dependent, will not be eligible to receive the monthly waiver.
- C. Employees who are laid off may purchase the County's health benefits covered in this Agreement for two (2) years after date of lay-off. Arrangements for payment will be made between the employee and the County Benefits Department prior to the effective date of lay-off.
- D. No new enrollment is permitted into the Buy-Up plan. Once an employee opts out of the Buy –Up Plan, they will not be permitted to re-enroll into the Buy-Up Plan.

SECTION 30.2 – PREMIUMS

- A. Current employee contributions for health coverage will continue through the insurance plan year concluding on June 30, 2017.
- B. Effective July 1, 2016 through December 16, 2016 at 11:59 PM (the last pay period for the 2016 fiscal year), the employee will contribute to the plans as follows:

Coverage Level	Monthly Payroll Deduction	
	Buy-Up Plan	County
Employee only	\$185.00	\$30.00
Employee + Child(ren)	\$255.00	\$35.00
Employee + Spouse	\$255.00	\$35.00
Family	\$315.00	\$45.00

- A. Effective December 17, 2016 (the first pay period for fiscal year 2017), the employee will contribute to the plans as follows:

Coverage Level	Monthly Payroll Deduction		
	Buy-Up Plan	County	Advantage Plan
Employee only	\$195.00	\$40.00	\$25.00
Employee + Child(ren)	\$255.00	\$45.00	\$30.00
Employee + Spouse	\$270.00	\$55.00	\$35.00
Family	\$330.00	\$65.00	\$45.00

- B. Employees may participate in the County’s wellness incentive program, if offered, to reduce monthly contributions in the Buy-up Plan or to increase contributions to the Health Savings Account for participants in the County Plan.
- C. In no event will bargaining unit employees contribute more towards their benefits than any other county employee during the 2016-2017 benefit plan year. Likewise, should the County offer a waiver of contribution during the plan year, the benefit will be offered to employees covered by this agreement.

SECTION 30.3 – WAIVER

- A. The County will contribute the following amounts to employees eligible for the waiver who choose to waive medical coverage:

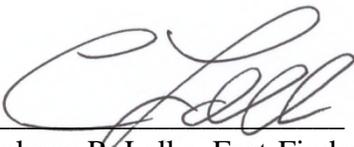
	Monthly Contribution	Annual Contribution
Employee Only:	\$ 57.50	\$ 690.00
Employee + Child(ren):	\$ 90.00	\$1,080.00
Employee + Spouse:	\$100.00	\$1,200.00
Family:	\$120.00	\$1,440.00

- B. Eligible employees may waive their right to participate in either the single or family coverage. If an employee waives this benefit, the employee may not revoke the waiver until the next open enrollment period or for exceptions specified by Montgomery County. Employees who waive participation in the group health programs will be paid monthly for such waivers.
- C. Any employee covered under any County Healthcare Plan, either as an employee or dependent, will not be eligible to receive the monthly waiver.

SECTION 30.4 - LIFE INSURANCE

The Employer will provide fifty thousand dollars (\$50,000) of group term life insurance to all full-time employees in accordance with the terms of the plan or plans offered by the County. The Employer will pay the entire cost for the Group Term Plan life insurance. Additionally, the Employer may provide optional supplemental term insurance that employees may choose to purchase and have the cost thereof deducted from their normal wages, through payroll deduction.

Respectfully submitted,



Colman R. Lalka, Fact-Finder

Dated: August 9, 2016
 Madison, Lake County, Ohio