

**STATE EMPLOYMENT RELATIONS BOARD**

**FACT FINDER'S REPORT  
AND  
RECOMMENDATION**

IN THE MATTER OF:

CITY OF OXFORD

AND

FRATERNAL ORDER OF POLICE, LODGE NO. 38

Case No. 2016-MED-12-1396  
Patrol Officers

Before Fact Finder: Thomas J. Nowel, NAA  
July 14, 2017

PRESENTED TO:

Daniel E. Haughey, Esq.  
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## INTRODUCTION

Thomas J. Nowel was appointed to serve as Fact Finder in the case as captioned on the cover page by the State Employment Relations Board on April 3, 2017 in accordance with Ohio Revised Code Section 4117.14 (C) (3). Hearing in the matter was held on June 22, 2017 at Oxford City Hall.

The fact finding case involves a bargaining unit of approximately sixteen Patrol Officers. The parties have engaged in a number of bargaining sessions and have resolved all issues with the exception of wages. The parties agreed to the issuance of the Report and Recommendation on July 14, 2017.

Those participating at hearing for the Employer included the following:

Stephen M. McHugh, Law Director  
Doug Elliott, City Manager  
John Jones, Police Chief  
Candi Fyffe, Human Resources Director

Those participating for the Union included the following:

Daniel E. Haughey, Attorney for the Union  
Matt Blauvelt, Police Officer  
Peter F. Durkin, Police Officer

## BACKGROUND

In analyzing the positions of the parties regarding the issue at impasse and then developing a recommendation, the Fact Finder is guided by the principles which are outlined in Ohio Revised Code Section 4117.14 (G) (7) (a-f) as follows.

1. Past collectively bargained agreements, if any, between the parties.

2. Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved 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 interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, the effect of the adjustments on the normal standard of public service.
4. The lawful authority of the public employer.
5. The stipulations of the parties.
6. Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact finding, or other impasse resolution procedures in the public service or private employment.

#### ANALYSIS AND RECOMMENDATION

During the course of negotiations, the parties were successful in resolving all issues with the exception of wages. The Employer had previously concluded negotiations with the bargaining unit representing Sergeants and Lieutenants (supervisors). The parties agreed to wage increases in the supervisory unit of 4% effective January 1, 2017; 2.5% effective January 1, 2018; and 2.5% effective January 1, 2019. This bargaining unit is also represented by FOP Lodge No. 38. Employees in the Patrol Officer bargaining unit rejected the same wage offer proposing instead a financial package which would close the salary gap between Patrol Officers and Sergeants. The gap currently is in the range of 18%, and the goal of the Union is to move the gap to 15%. The Union states that the gap between Sergeants and Lieutenants is currently 15%, and the gap between patrol and supervisors in many regional Police Departments is in the

15% range, and the salary gap between patrol and supervision at the Miami University Police Department, located in Oxford, is slightly more than 7%. The Union argues further that the Patrol Officers bargaining unit agreed to a wage freeze in 2011 while a conciliator awarded a 2% increase that year for the supervisors' unit which has further exasperated the wage gap.

The Employer states that its wage proposal is generous and in line with the supervisors' bargaining unit and non-union employees. In addition, the Employer has proposed no increase for employees in health insurance costs during the term of the new Agreement. This may be a significant cost factor for the Employer over the term of the new Agreement. In addition, the new Agreement will include improvements in the tuition fund, on call pay and other adjustments. The Employer argues that its wage proposal and wage schedule compare favorably regionally and state-wide based on information gathered from the State Employment Relations Board.

**PROPOSAL OF THE UNION:** The ultimate goal of the Union is to move the gap between Sergeants and Patrol to 15%. In order to move in this direction, the Union suggested a number of options, including a significant increase in shift differential. The basic proposal of the Union before the Fact Finder is a wage package which includes a 4% wage increase effective January 1, 2017; 4% wage increase effective January 1, 2018; 4% wage increase effective January 1, 2019.

**PROPOSAL OF THE EMPLOYER:** The Employer proposes the same wage package which was negotiated and approved by the bargaining unit representing Sergeants and Lieutenants. 4% effective January 1, 2017; 2.5% effective January 1, 2018; 2.5% effective January 1, 2019.

**RECOMMENDATION:** Both parties make compelling arguments regarding their wage proposals. The Employer argues the importance of internal comparables which fact finders find to be

critical factors. The Union argues the inequity which was created when it agreed to a wage freeze in 2011 while the supervisors bargaining unit was awarded a 2% increase in conciliation. The gap between Patrol Officers and supervisors was impacted and continues to be so. It is important to note that the gap between Sergeants and Lieutenants is 15%. Nevertheless, the Employer is unwilling, at this time, to establish a 15% gap in the Patrol Officers collective bargaining agreement. The Union proposed three 4% wage increases, during the term of the new Agreement, as a way to close the gap. This approach makes sense and would allow the parties to again consider the gap between Patrol Officers and Sergeants during the next negotiations. Wage increases at this level will bring Patrol Officer wages closer to the 15% gap. Based on discussions between the parties and Fact Finder, the recommendation for wages during the term of the new Agreement is as follows.

4% wage increase effective (and retroactive) January 1, 2017.

3% wage increase effective January 1, 2018.

3% wage increase effective January 1, 2019.

Appendix A of the Agreement would read as follows consistent with the recommendation.

Appendix A Wage Schedule

ALL PATROL OFFICERS WITH 36 MONTHS SERVICE IN POSITION

Patrol Officer wages will increase as follows: 4% effective January 1, 2017; 3% effective January 1, 2018; and 3% effective January 1, 2019.

<u>Contract Year</u>	<u>Salary</u>
January 1, 2017 to December 31, 2017	\$66,955
January 1, 2018 to December 31, 2018	\$68,964
January 1, 2019 to December 31, 2019	\$71,033

All remaining provisions of Appendix A remain unchanged from the 2014 collective bargaining agreement.

#### CONCLUSION

The Fact Finder has reviewed the pre-hearing statements and all other facts presented by the parties in addition to the criteria enumerated in Ohio Revised Code Section 4117.14 (G) (7) (a-f). In addition to the wage recommendation contained in this Report and Recommendation, all tentative agreements reached by the parties during negotiations are incorporated herein.

Respectfully submitted and issued at Cleveland, Ohio this 14<sup>th</sup> Day of July 2017.

A handwritten signature in black ink that reads "Thomas J. Nowel". The signature is written in a cursive style and is positioned above a horizontal line.

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Thomas J. Nowel, NAA  
Fact Finder

Fri, 07/14/2017 09:01:01 AM SERB

CERTIFICATE OF SERVICE

I hereby certify that, on this 14<sup>th</sup> Day of July 2017, a copy of the foregoing Report and Recommendation of the Fact Finder was served by electronic mail upon Daniel E. Haughey, Esq., representing the Fraternal Order of Police, Lodge No. 38; Stephen M. McHugh, Esq., representing the City of Oxford; and Donald M. Collins, Esq. General Counsel, State Employment Relations Board.

A handwritten signature in cursive script that reads "Thomas J. Nowel". The signature is written in black ink on a white background.

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Thomas J. Nowel, NAA  
Fact Finder