STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

ALLEN COUNTY SHERIFF,

Employer,

-and- Case No. 17-MED-10-1252, 1253, 1254

FRATERNAL ORDER OF POLICE,
OHIO LABOR COUNCIL, INC.,

Employee Organization.

FACT-FINDING

Philip H. Sheridan, Jr., Fact-finder

Issued: January 8, 2018

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For The Employer

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STATEMENT OF THE CASE

The parties, the Allen County Sheriff, represented by Benjamin S. Albrecht, Esq., and the bargaining units, the Fraternal Order of Police, Ohio Labor Council, Inc., including the Gold Unit (Supervisor's Unit): sergeants, and lieutenants, approximately 20 total; the Blue Unit (Patrol Unit): deputies, corrections corporals, corrections officers, and dispatchers, approximately 100 total; and the Support Unit: records officers, cooks, head cook, mechanic and mechanic assistant, approximately 13 total, represented by Jackie A. Wegman, Staff Representative, have entered into re-opener negotiations for wages and healthcare for the Blue and Support Units, and healthcare only for the Gold Unit for the remainder of the agreements between the units and the sheriff that expire December 31, 2019.

The parties met and bargained in good faith with two meetings between the parties. The parties could not reach an agreement on the re-opener issues. The remaining articles of the agreements are not at issue.

Pursuant to R.C. §4117.14 and Admin. R. 4117-9-05, the State Employment Relations Board appointed Philip H. Sheridan, Jr., 915 South High Street, Columbus, Ohio, as fact-finder.

The parties agreed to a fact-finding hearing on December 18, 2017, and the meeting was convened at 10:30 a.m. at the Allen County Sheriff's office. In addition to the representative, Sheriff Matt Treglia, Lt. Todd J. Mohler, and Dan Sabol, Esq., appeared at the hearing on behalf of the Sheriff. In addition to their representative, Lieutenant Gary Hook, Deputies Donavin Geiger and Bruce Clayton, Corrections Officers Jeremy Bott, and

Lee Shafer, Dispatcher Teresa Pulfer and Support Unit member Barbara Conrad appeared on behalf of the bargaining unit. The parties and the fact-finder discussed the procedure to be followed by the parties.

After a discussion of mediation the parties agreed that the remaining issues were not amenable to additional mediation. The parties submitted the matter upon testimony, statements, documents, and arguments presented to the fact-finder.

In accordance with the provisions of R.C. Chapter 4117, the parties provided me with a copy of the current contract, the articles that are unchanged, the unresolved articles, and each party's proposal on the unresolved issues.

In issuing this fact-finding report, I have given consideration to the provisions of R.C. Chapter 4117 and, in particular, the criteria contained within Admin. R. 4117-9-05(I).

THE POSITION OF THE PARTIES AND RECOMMENDATIONS

Article 19, Wages

The Sheriff's Position: The Sheriff proposes no wage increase for 2018 and a re-opener effective around October 1, 2018 for wages effective January 1, 2019. He argues that the current staffing is less than he would like, and trending down, his personnel costs are an increasing majority of his annual budget, currently over 83% of his budget is employment costs, the County Commissioners are providing general fund revenues to him for his operation that are at $20,000 less than the funding received by him from the Commissioners in 2017, and only $500,000 more than the Sheriff's budget in 2009. Expenses have remained static through the Sheriff's efforts to control spending, juggle the funds he has available, and live within the budget allocated to him. The commissioners have reduced funding to all county agencies because of the decreases in revenues experienced by Allen County. The Sheriff has no control over the Commissioners' decision not to increase the County sales tax rate. The County will also experience a net loss of about $900,000 because of the announced loss of Medicaid provider sales tax. The County's unencumbered fund balance could dip below the recommended minimum of a total of two months' regular general fund operating expenditures.

The bargaining units' Positions: The bargaining units propose a 3% increase of base pay across the board for the Dispatchers and the Support Unit members, effective January 1, 2018, and an additional 3% raise effective January 1, 2019. They point to comparables showing that bargaining unit members have not kept up with raises enjoyed by other units, and demonstrate that insurance costs have increased, as has the cost of living. The bargaining units propose no raise to the base rate for Deputies and Correction Corporals and Officers in 2018, and instead propose an expansion of the steps in the pay scale from the current 3-step process from entry level to top pay in 18 months (with a 4% increase between steps), to a 5-step process from entry level to top pay in 5 years (with a 3% increase between steps for the last 3 years). The employees affected would be moved to the step corresponding to their years of service. The bargaining units also propose a 2% increase to the new base pay scale effective January 1, 2019.

Discussion and recommendation: It appears that the employer has at least a limited ability to fund a pay increase, even with the expected sales tax shortfall, and despite the tough times experienced by the County, my recommendations are consistent with historic raises, and the apparent trend upward in the state's economy. From the comparables presented by the parties it appears that neither proposal would move the bargaining unit to the top or the bottom of counties with similar populations or those within the area established by State Employment Relations Board statistics. I am reluctant to recommend the Sheriff's proposal for yet another re-opener on wages, as it does not appear that there are changes over the horizon that will make a difference in the parties' positions.

The bargaining units' proposals for the Dispatchers and Support Unit are reasonable and but for the Medicaid sales tax loss I would recommend them without too much concern. As for the changes in the step system, I agree with the Sheriff's analysis. Changing the spread from entry level to top pay from 12% (4% between each step) to 20% (4% between the first two steps, and then 3% for the other three) and then adding a 2% increase in the last year of the contract amounts to a significantly higher raise for most of the employees in the Blue Unit because of where they are in years of service.

In addition to the comments above, I considered the information provided to me by both parties and am making my recommendation after consideration of the statutory and administrative requirements provided in Chapter 4117 of the Revised Code. I recommend a 2% across the board wage increase effective upon the ratification of the contract retroactive to January 1, 2017, and a 2% across the board wage increase effective January 1, 2019 for both the Blue Unit and the Support Unit.

Article 20, Insurances

The Sheriff's position: The Sheriff proposes current language for the health insurance issues, and opposes the establishment of a flexible spending account for employees, but the Sheriff would agree to a re-opener to negotiate health insurance on or around October 1, 2018 effective for 2019. The establishment of a flexible spending account would potentially allow an employee to leave employment after using the funds in his flexible spending account for a covered procedure without fully funding it by payroll deduction. Unknown administrative costs and other unknowns lead the Sheriff to oppose the flexible spending accounts as well. Similarly, the proposed change in the opt-out proposal by the bargaining units may have the unintended consequence of having an employee who did not have county insurance coverage to opt-out and receive the benefit without it benefiting the county.

<u>The bargaining units' position:</u> The bargaining units propose a change to the opt-out language in the Blue Unit agreement. Currently, the opt-out amount is paid for not signing up for the county insurance; the bargaining units would simplify the process (issues concerning a qualifying event occurring and repayment of the stipend) by not paying until the calendar year had expired. The bargaining units also propose that the County create a flexible spending account for members to contribute their own pre-tax dollars to offset increased healthcare costs.

<u>Discussion and recommendation:</u> My examination of the submissions of the parties and the arguments presented convince me that the change in the opt-out language does not solve any current problem, and there just isn't enough detail in the bargaining units' proposed flexible spending accounts to decide whether the positive benefit for the employees is properly balanced against the unknowns in establishing such a program. I recommend the Sheriff's position of current contract language.

<u>CONCLUSION</u>

The parties cooperated in presenting their positions to me and in dealing with one another. The courtesy and professional behavior was evidence of the good relations between the parties. Good faith bargaining does not necessarily lead to agreement, but I encourage the parties to continue to bargain in good faith even if they are unable to agree on my recommendations.

Respectfully submitted,

//Philip H. Sheridan, Jr.
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CERTIFICATE OF SERVICE

A copy of the foregoing Fact-Finding Report was served by email this 8th day of January, 2018, to the principal representatives of the parties, and to the State Employment Relations Board.

//Philip H. Sheridan, Jr.
PHILIP H. SHERIDAN, JR.