

IN THE MATTER OF FACT-FINDING

BETWEEN

CITY OF PAINESVILLE)	CASE NO. 2017-MED-10-1346
)	
)	
AND)	
)	
)	<u>FINDINGS</u>
)	AND
INTERNATIONAL ASSOCIATION OF)	<u>RECOMMENDATIONS</u>
FIRE FIGHTERS LOCAL 434)	

JAMES M. MANCINI, FACT-FINDER

APPEARANCES:

FOR THE UNION

**Susannah Muskovitz
Attorney at Law**

FOR THE CITY

**Jeremy D. Iosue
Attorney at Law**

SUBMISSION

This matter concerns fact-finding proceedings between the City of Painesville (hereinafter referred to as the Employer or City) and the Painesville Fire Fighters, IAFF Local 434 (hereinafter referred to as the Union or IAFF). The State Employment Relations Board (SERB) duly appointed the undersigned as fact-finder in this matter.

The fact-finding proceeding was held on May 11, 2018. The fact-finding proceeding was conducted pursuant to the Ohio Collective Bargaining Law as well as the rules and regulations of SERB. During the fact-finding proceeding, this fact-finder attempted mediation of the issue at impasse. The issue which remains for this fact-finder's consideration is more fully set forth in this report.

The bargaining unit consists of all full-time employees in the Fire Department occupying the positions of Firefighter, Lieutenant, and Captain. There are twenty-five bargaining unit members.

This fact-finder in rendering the following finding of fact and recommendation on the issue at impasse has taken into consideration the criteria set forth in Ohio Revised Code Section 4117(G)(6)(7). Further, this fact-finder has taken into consideration all reliable evidence presented relevant to the outstanding issue before him.

WAGES

The Union proposes that effective January 1, 2018 there be an equity adjustment of \$.75 per hour to the firefighters' pay plus a wage increase of 3%. Effective on January 1, 2019, the Union proposes another \$.75 equity adjustment to firefighters' pay and a 2.5% wage increase. Effective January 1, 2020, the Union proposes a \$.75 equity adjustment to the firefighters' pay, plus a 2.5% general wage increase. Under the Union's proposal, pay for the lieutenants and captains would be based upon the current 10% differentials.

The City proposes wage increases of 3% in 2018, 2.5% in 2019, and 2.5% in 2020. The City opposes any equity adjustments to the firefighters' pay.

The Union argues that the Painesville firefighters are underpaid in comparison to full-time firefighters in the area. The top pay for a Painesville firefighter is \$66,291. In comparison, the top pay for firefighters in neighboring Painesville Township is \$69,622; Perry \$69,923; and in Wickliffe \$79,613. Painesville firefighters' pay ranks ninth among the twelve area departments. The Union cites the period from 2012 to 2014 where it agreed to take a pay freeze due to the financial conditions faced by the City at that time. As a result, the Union argues that the firefighters' pay has fallen well behind the average pay for firefighters in the area.

The Union also points out that the Painesville City Fire Department has the busiest station in Lake County. The number of runs for firefighters has increased from 2,949 runs in 2000 to 4,236 runs in 2017. The Union further notes that at one time the

Painesville City Fire Department was one of the most attractive departments to work for in Lake County. However, a large call volume, minimal staffing and wages not comparable to workload have made it difficult for the department to attract candidates in recent years. In order to address that problem, the Union argues that an equity pay increase is warranted as it has proposed.

The Union presented the testimony of Mary Schultz, CPA, who analyzed the City of Painesville's finances. Ms. Schultz indicated that the City has maintained a healthy General Fund balance in recent years. The General Fund balance at the end of 2017 was \$3,571,000. Ms. Schultz noted that the Fire Improvement Levy renewal was passed in 2017 and this levy generates \$320,000 per year. Ms. Schultz concludes that due to the financially healthy General Fund balance and the combined balances in the Fire Levy Funds, wage and benefit increases for the Painesville firefighters are easily affordable.

The City claims that the Union's wage proposal which includes an equity increase of \$.75 per hour in each year of the Agreement is not justified. The City maintains that its proposal is reasonable and would allow the Painesville Firefighters' wages to remain about the mid-range of firefighter wages in the area. Moreover, the City recently ratified four Collective Bargaining Agreements including three separate FOP contracts wherein the wage increases were the same as that proposed here consisting of 3% in 2018, 2.5% in 2019, and 2.5% in 2020.

The City also cites wage comparisons for firefighters in the area. The City points out that Painesville Firefighters work a 48 hour workweek and that the highest hourly rate is \$27.36. This places the Painesville Firefighters' hourly rate about in the middle of that paid to area firefighters. For example, Painesville Firefighters' hourly rate is higher than that provided to Painesville Township, Eastlake and Madison district firefighters. Moreover, the City notes that the firefighters receive a significant longevity payment as well as uniform allowance. When these other amounts are taken into consideration, the total annual salary for the Painesville Firefighters is about in the middle range of wages paid to firefighters in neighboring jurisdictions. The City argues that there simply is no justification for any additional equity increases for its firefighters.

ANALYSIS – After careful review of the evidence presented regarding the Wage Issue, this fact-finder recommends that in addition to the General Wage increases proposed by the City, there be an annual paramedic stipend for the firefighters. That is, employees holding a paramedic license would be entitled to an annual stipend. The stipend would be payable in December of each year of the Agreement in the following amounts: 2018-\$700; 2019-\$1,400; 2020-\$2,100. Again, this would be separate and apart from the general wage increases proposed by the City of 3% in 2018, 2.5% in 2019, and 2.5% in 2020.

The evidence presented supports a new annual paramedic stipend for the firefighters. It was shown that at one time the Painesville Fire Department was one of the most attractive departments to work for in Lake County. However, a large call volume,

minimal staffing, and wages not comparable to the workload have made it difficult for the department to attract new firefighters in recent years. The recommended annual paramedic stipend would serve to address the current problem of attracting new candidates for the fire department.

It was shown that the single station in the Painesville City Fire Department is the busiest station in Lake County. The number of calls handled by the Painesville Fire Department has increased from approximately three thousand calls in 2000 to approximately 4,236 runs in 2017 which is about a 33% increase. During the same period, staffing has remained the same for the department. As a result of the run volume being very high and staffing remaining the same over the years, the Painesville Firefighters have seen their workload increase significantly as compared to other firefighters in the area.

Further support for the recommendation for an annual paramedic stipend for the firefighters is found in a comparison of wages for county firefighters. In 2000, Painesville was third in salary with respect to fire departments in the county. In 2017, Painesville ranked eighth in salary in the county or approximately 23% behind the highest paid firefighters in area jurisdictions. Moreover, the average yearly increase for the Painesville Firefighters over the last eighteen years was 1.88%. According to a SERB report, the average fire salaries in the area increased about 2.4% during this time. Considering the significant increase in the number of runs conducted by the Painesville

Firefighters and that their wages fall below the average provided for firefighters in the area, it becomes apparent that a new paramedic stipend is warranted in this case.

The Union has requested that there be an equity pay increase of \$.75 per hour in each year of the Contract. The City has objected to any such equity pay increase for several reasons including the fact that they have so-called “Me Too” provisions in other collective bargaining agreements. This fact-finder has taken into consideration the concern of the City that any equity pay adjustment here might have to be provided to other bargaining unit members. As a result, this fact-finder finds that a paramedic stipend rather than an equity pay adjustment would be more appropriate in this case.

Moreover, the paramedic stipend for firefighters would be similar to that provided to the City’s police units for “range pay.” It was also shown that paramedic pay is provided to firefighters in some of the area departments including Kirtland, Perry, Wickliffe and Willoughby.

It was also shown that the City has the financial resources to provide for the new paramedic stipend for its firefighters. It was shown that the General Fund for the year-end balance for 2017 was \$3,571,000. Over the past several years, the General Fund year-end balances have increased each year. Based on Ms. Schultz’ testimony, it is apparent that the City has the ability to finance the recommended annual paramedic stipend for firefighters.

Therefore, this fact-finder would recommend a new annual paramedic stipend for firefighters. It would be reasonable to phase in the paramedic stipend over the term of

the parties' new three year Agreement. As a result in the first year, it is recommended that the paramedic stipend be \$700. This would increase by an additional \$700 to \$1,400 in year 2019. In the final year of the Agreement, the paramedic stipend would be increased to \$2,100. It should be noted that a comparable paramedic stipend for firefighters in the amount of \$2000 is currently being provided to Perry firefighters. After reviewing the parties' Agreement, this fact-finder finds that it would be appropriate to add a new Section 25.06 which would set forth the annual paramedic stipend for firefighters. The language recommended would be similar to that found in the FOP contracts for "range pay."

RECOMMENDATION

It is the recommendation of this fact-finder that wages for firefighters be increased by 3% on January 1, 2018, 2.5% on January 1, 2019, and 2.5% on January 1, 2020. In addition, a new annual paramedic stipend is to be provided in the amounts set forth below:

WAGES

BI-WEEKLY HOURLY RATES – 01-01-2018 - 3.0%

BI-WEEKLY HOURLY RATES - 01-01-2019 - 2.5%

BI-WEEKLY HOURLY RATES - 01-01-2020 - 2.5%

NEW SECTION 25.06

Employees holding a paramedic license shall be entitled to an annual stipend. Such stipend shall be payable in December of each year of

this Agreement in the following amounts: 2018 - \$700; 2019 - \$1400; 2020 - \$2100. The stipend shall be prorated if a paramedic only works for part of the prior twelve (12) months, or if a paramedic retires or resigns from employment.

CONCLUSION

In conclusion, this fact-finder hereby renders his recommendation on the outstanding Wage Issue presented.

JUNE 12, 2018

James M. Mancini /s/
JAMES M. MANCINI, FACT-FINDER

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