

STATE EMPLOYMENT RELATIONS BOARD STATE-EMPLOYMENT
STATE OF OHIO RELATIONS BOARD

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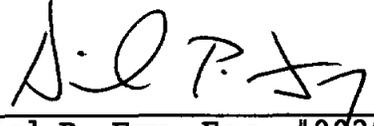
In re:

Fraternal Order of Police, :
Ohio Labor Council, Inc., :
and :
City of Martins Ferry. :

CASE NOS: 95-MED-04-0309
95-MED-04-0310

MOTION

NOW COMES the City of Martins Ferry, by and through counsel, Daniel P. Fry, Esq., Director of Law, and respectfully requests that this Board vacate the administrative decision determining that the Factfinder's Report in Case No. 95-MED-04-0310 was accepted by the City, and in lieu thereof, issue a ruling finding that said report was properly rejected by the City. The City's supporting Memorandum is submitted herewith.

By: 
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DIRECTOR OF LAW,
CITY OF MARTINS FERRY

MEMORANDUM

Negotiations between the City of Martins Ferry and the Fraternal Order of Police, Lieutenants, Case No. 95-MED-04-0309, and Patrolmen, Case No. 95-MED-04-0310, were conducted under multi-unit bargaining, as provided for in Section 4117.06(D)(6) O.R.C. A copy of a letter, dated May 25, 1995, indicating that multi-unit bargaining was in fact taking place is attached hereto and incorporated herein, marked as "Exhibit A".

The Factfinder's Report, "Exhibit B", sets forth clearly on page one (1), paragraph one (1), that multi-unit bargaining had been agreed to by the parties. It is without question that all provisions of both contracts (2) were negotiated and agreed to by both units at the same time, except for the issues of "length of contract", and "wages". Those issues were before the Factfinder for consideration, for both units.

The Factfinder's recommendations, which applied to both units, were as follows:

Recommendation - The Factfinder recommends the following contract language:

Wages shall be increased by 3% effective July 1, 1995. The contract shall be reopened 90 days prior to June 30, 1996 to negotiate wages to be effective in the second and third years of the contract.

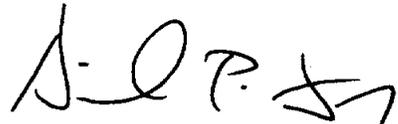
Tentative Agreements - The parties reached two tentative agreements in bargaining. Neither party offered any objection to the agreements being incorporated in the contract.

Recommendation - The Factfinder recommends that the tentative agreements be incorporated in the collective bargaining agreement."

Subsequent to the Factfinder's Report being issued, the Martins Ferry City Council, on July 6, 1995, voted seven (7) to zero (0) to reject the recommendations therein, which is evidenced by the attached "Exhibit C". It was later **administratively determined** that the Factfinder's Report in Case No. 95-MED-04-0310 had been accepted by the City, despite the above-referenced rejection vote by the Martins Ferry City Council.

The uncontroverted facts are that multi-unit bargaining had been approved by all parties and SERB. Subsequent to the Factfinder's Report being made the Martins Ferry City Council properly rejected all recommendations. Only because of the administrative error was it determined, **administratively**, that the Factfinder's Report had been accepted in Case No. 95-MED-04-0310, and properly rejected as to Case No: 95-MED-04-0309. It is respectfully submitted that this finding is in error, and for the reasons set forth above, Martins Ferry City Council's rejection of the Factfinder's Report should be effective as to both above referenced cases, as was clearly the intent of all parties hereto.

WHEREFORE, it is respectfully requested that this Board vacate the administrative decision determining that the Factfinder's Report in Case No. 95-MED-04-0310 was accepted by the City, and in lieu thereof issue a ruling finding that said Report was properly rejected by the City.

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