

STATE EMPLOYMENT RELATIONS BOARD

Oct 3 1996

STATE OF OHIO STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF FACT-FINDING BETWEEN:

FRATERNAL ORDER OF POLICE,  
OHIO LABOR COUNCIL, INC.

and

CITY OF EUCLID  
CASE NO: 95-MED-10-0880

REPORT OF FACT-FINDER THOMAS R. SKULINA

HEARING

This matter was heard on September 19, 1996 in the City of Euclid.

The advocate for the F.O.P. was Otto Holm, Jr., Staff Representative and Craig M. Brown, Esquire for the City of Euclid.

ISSUES

Six issues were presented. The parties stipulated that this report shall consist of findings in the form of contract language and shall not recite the factors relied upon or considered in arriving at the recommended language.

These fact-finding recommendations are based upon evidence obtained through hours of mediation and a hearing and the provisions reflect a package recommendation adjusting for compromises by each party.

ARTICLE 42 - PROFICIENCY BENEFIT

Section 1. Effective January 1, 1996, members of the bargaining unit who have met all the basic minimum training of twenty-four (24) hours per year shall receive a \$1.00 per hour

Section 2. Effective January 1, 1997, members of the

Section 2. Effective January 1, 1997, members of the bargaining unit who have met all the basic minimum training of twenty-four (24) hours per year shall receive a \$1.25 per hour proficiency bonus.

Section 3. Effective January 1, 1998, members of the bargaining unit who have met all the basic minimum training of twenty-four (24) hours per year shall receive a \$1.35 per hour proficiency bonus.

#### COMPENSATORY TIME

Employees may elect to be credited with compensatory time at the rate of one and one-half (1/2) hours for each hour of overtime worked in lieu of accepting cash compensation for overtime hours actually worked. Employees may accrue compensatory time up to the limits set forth in the Fair Labor Standards Act.

#### COMPENSATORY TIME/UNUSED HOLIDAY AND FURLOUGH HOURS

Consistent with past practice, if the City requires an employee to work such that he/she is unable to take all annual holidays or furlough by the end of any calendar year, the employee shall be given compensatory time in the following year on a straight time basis for all unused holiday and furlough hours.

### ARTICLE 13 - LAY-OFFS

Section 1. Whenever it is necessary for the City to reduce its forces due to lack of work or lack of funds the employees within the Department to be reduced will be laid off in the following order:

- (a) Students;
- (b) Part-time and seasonal employees;
- (c) Employees who have not completed their probationary period;
- (d) Regular full-time employees within the classification who have completed their probationary period;
- (e) In the application of the foregoing, employees will be retained by reason of their seniority provided they have the skill, knowledge and qualifications to perform the required job duties.

Section 2. Regular full-time employees shall be laid off on the basis of their seniority within their classification. When the seniority or service of two or more employees is equal, then the employer shall retain the employee qualified pursuant to Section (e) of this Article. In the event the employee cannot perform or is less qualified to do the duties of his present job description, he shall have the right to bump an employee with lesser seniority in an equal or lower rated job description, provided the bumping employee has the qualifications and ability to perform the duties set forth in the lower job description.

Section 3. A regular full-time employee shall be given minimum of two (2) weeks advance notice of a layoff.

Section 4. In the event an employee is laid off he shall receive payment on a pro rate basis for any earned but unused vacation as quickly as practicable but no later than fourteen (14) calendar days after the lay-off.

New Section 5. If any laid off bargaining unit member is called in for work for any amount of time, all benefits will be paid for the month(s) in which such person worked.

#### ARTICLE 32 - LONGEVITY PAY

Section 1 through Section 3. Maintain current contract language.

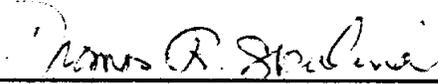
New Section 4. Employees hired after December 31, 1995, shall not be eligible to receive longevity pay and shall not be entitled to longevity paid based on prior governmental service.

#### PERS/VACATION ROLL-OVER

In general, an employee may not accumulate vacation time and such vacation earned shall be taken in the year it is earned. However, any employee, in anticipation of retirement may, at his or her option, choose to accumulate up to a maximum of one-half (1/2) of a maximum of three (3) years of vacation eligibility, to be paid in a lump sum to the employee upon retirement.

An employee who elects to accumulate vacation time in accordance with this provision shall not be required to take more than one-half (1/2) of his or her vacation leave entitlement during the period of such accumulation.

In the event an employee decides, after waiving his or her vacation time as provided herein, to stay in the employment of the City longer than previously planned, he or she will forfeit his or her first year of vacation entitlement to the City and must wait until the beginning of the next vacation year before becoming eligible again for such retirement accumulation, as provided herein.

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THOMAS R. SKULINA  
Fact-Finder

DATE ISSUED: October 1, 1996