

PRELIMINARY COMMENTS

The State Employment Relations Board appointed the Fact-Finder who was duly notified by G. Thomas Worley by letter on February 6, 1996.

The fact-finding proceedings were held on April 18 and April 19, 1996 at the law offices of Rakestraw & Rakestraw in Findlay, Ohio.

Three (3) Collective Bargaining units were involved:

1. Dispatchers with approximately seven (7) employees.
2. Sergeants with approximately eleven (11) employees.
3. Deputies with approximately twenty (20) employees.

Case No. 96-1-MED-01-0065 covering approximately twenty-nine (29) Corrections Officers was also heard but is covered by a separate Report and Findings of Fact.

Along with the testimony and exhibits, consideration was given to the criteria provided by statute and administrative rule.

The Fact-Finder would be remiss if he did not compliment the parties involved in the preparation and presentation of their respective positions.

ISSUES AND RECOMMENDATIONS

Article XI - Sick Leave and Leaves of Absence

ISSUE: Both parties had proposals in this area to correct inequities and avoid abuses.

RECOMMENDATION OF THE FACT-FINDER: Taking all the evidence into account, it is the recommendation of the Fact-Finder that Article 11 be restructured as follows:

Section 1 - Current Language

Section 2 - Current Language

Section 3 - Current Language

Section 4 - Current Language

Section 5 - Current Language

Section 6 - Current Language

Section 7 - An employee may, at the end of a calendar year, elect to receive pay for up to 50% of the unused sick leave accrued during that calendar year but not so as to reduce the employee's total sick leave below 6 days at the end of the first full year of employment, 12 days at the end of 2 years of employment, and 18 days at the end of 3 years of employment and thereafter. Payment for such sick leave shall be made within 30 days of the employee's request and at the rate of pay applicable to the period during which the sick leave was accrued. Upon payment for such sick leave days, the sick leave days paid for shall be deleted from the employee's sick

leave records. This provision shall not affect the requirements under Article 11, Section 9 of this contract governing the requirements for an employee to be entitled to pay for unused sick leave upon voluntary termination of employment, retirement or death. An employee may not accumulate bonus days for new-use of sick days.

Section 8 - Current Section 7

Section 9 - Current Section 8 but add "and unpaid for" after word "unused" at end of fourth line.

Section 10 - Current Section 9

Section 11 - Current Section 10

Section 12 - Current Section 11

Article XIII - Vacation

ISSUE: Both parties had proposals in this area to correct inequities and avoid abuses.

RECOMMENDATION OF THE FACT-FINDER: Taking all the evidence into account, it is the recommendation of the Fact-Finder that Article 13 be restructured as follows:

Section 1 - Current Language

Section 2 - Current Language

Section 3 - Vacation shall not be granted in increments of time that are less than eight (8) hours of duration for eight (8) hour per day employees nor more than ten (10) hours in duration for regular ten

(10) hour employees. Requested vacation for more than one (1) day submitted later than thirty (30) days prior to the work schedule change will not be considered. Department may approve a requested vacation submitted after the thirty (30) day time limit above provided so long as it is made at least forty-eight (48) hours in advance and is for not in excess of one (1) day and there is adequate coverage of the absent employee's shift. With respect to the granting of vacation, any requested vacation is subject to denial if it materially affects the ability of the Department and the specific bargaining unit to perform its functions as required by law and if it effects the Department's ability to maintain its minimum of two (2) Road personnel on patrol per shift as provided in Article VIII without requiring unnecessary overtime. It is agreed that all employees shall try to give the Department as much notice as possible with regard to vacation requests to allow the adjusting of personnel as the Department may deem necessary.

Section 4 - An employee may, at the end of a calendar year, elect to receive payment for up to 50% of the unused vacation leave accrued during that calendar year. Payment for such vacation time shall be paid within 30 days of the employee's request and at the

rate of pay applicable to the period during which the vacation leave was accrued. Upon payment for such vacation leave days, the vacation leave days shall be deleted from the employee's vacation leave record. This provision shall not affect Article XIII, Section 4 of this Agreement governing the requirements for an employee to be entitled to pay for unused vacation leave accrued at the time of separation from employment.

Section 5 - Current Section but add the words "and unpaid for" after word "unused" and before word "vacation" in the third line.

Article XV - Wages (Section 1)

ISSUE: Both parties had proposals in this area. The Union is demanding Seventy-five Cents (\$0.75) per hour per year for each year of a three (3) year agreement. Management is offering Thirty Cents (\$0.30) per year for the first year of a three (3) year agreement with a re-opener for each of the remaining two (2) years.

POSITION OF THE UNION: It is the position of the Union that it opposes a re-opener because of the uncertainty and the additional cost.

POSITION OF THE MANAGEMENT: The Management feels that the re-opener is necessary because of the fact that a new Sheriff is

taking office January 1, 1997 and should have some input on such a critical item as wages.

It is also the position of the Management that its offer is fair and is consistent with comparables.

OPINION OF THE FACT-FINDER: It is the opinion of the Fact-Finder that the re-openers are justified in view of the major change in administration of the department.

It is also the opinion of this Fact-Finder that the demand of the Union, in view of the evidence presented, is unreasonable. However, the Fact-Finder also feels that the Management offer could be increased.

RECOMMENDATION OF THE FACT-FINDER: It is the recommendation of the Fact-Finder that Article 15, Section 1 read as follows:

Article XV - Wages

Section 1: All employees who were in the Bargaining Unit as of March 8, 1996 shall receive a general wage increase of Forty-Two Cents (\$0.42) per hour.

The new rates shall in effect until March 7, 1999 subject however to wage re-opening for the contract year commencing March 8, 1997 and the contract year commencing March 8, 1998.

Article XV - Wages (Section 2)

ISSUE: This issue, proposed by the Union, seeks to remove the cap from the longevity plan. The current longevity schedule is limited to twenty-five (25) years of service.

POSITION OF THE UNION: The position of the Union, other than the obvious, was not made particularly clear.

POSITION OF THE MANAGEMENT: It is the position of the Management that the current longevity plan is appropriate and compares favorably with similarly situated communities.

OPINION OF THE FACT-FINDER: It is the opinion of the Fact-Finder that no compelling reason was presented to justify an increase in the longevity schedule

RECOMMENDATION OF THE FACT-FINDER: The recommendation of the Fact-Finder is as follows:

DO NOT CHANGE

Article XV - Wages (Section 5)

ISSUE: This issue, proposed by Management, seeks to remove sick time hours from the computation of overtime.

POSITION OF THE MANAGEMENT: It is the position of Management that this section is simply too prone to abuse.

POSITION OF THE UNION: It is the position of the Union that the possibility of abuse does not prove that there has been any abuse.

OPINION OF THE FACT-FINDER: It is the opinion of the Fact-Finder that there is, indeed, opportunity for abuse. However,

there is no need to throw the baby out with the bath water absent any evidence that any substantial abuse exists.

RECOMMENDATION OF THE FACT-FINDER: It is the recommendation of the Fact-Finder as to this issue is as follows:

DO NOT CHANGE

Article XV - Wages (Section 9)

ISSUE: This issue, proposed by the Union, seeks to increase the Officer-In-Charge's pay premium to Seventy-Five Cents (\$0.75) from the current Sixty Cents (\$0.60) per hour.

POSITION OF THE UNION: The Union had originally asked for One Dollar (\$1.00) per hour citing the additional responsibility.

POSITION OF THE MANAGEMENT: It is the position of Management that the job content has not changed and that the premium is reasonable, fair and comparable.

OPINION OF THE FACT-FINDER: It is the opinion of the Fact-Finder that no compelling evidence was presented to justify any adjustment in this section much less a 25% increase.

RECOMMENDATION OF THE FACT-FINDER: The recommendation of the Fact-Finder is as follows:

DO NOT CHANGE

ARTICLE XXIV

DURATION

This Agreement shall become effective upon its execution by duly authorized representatives of the O.L.C. and the Sheriff

and shall remain in full force and effect to and including Midnight three (3) years from March 8, 1996.

Either party may on or before sixty (60) days prior to the termination of this Agreement give notice to the other party of the desire of the party giving such notice to negotiate with respect to the terms and conditions of a new Agreement.

Provided however that the provision of Article 15, Section 1 relating to base wage rates and only that provision shall be subject to renegotiation, change or amendment at the expiration of one (1) year from the effective date of this Agreement, and again at the expiration of two (2) years from the effective date of this Agreement. The party desiring such renegotiation, change or amendment shall give sixty (60) days written notice in advance of the expiration of said one (1) year or two (2) year period of their desire to renegotiate. If neither party gives notice of its desire to renegotiate such provision within the sixty (60) day period such provision shall continue in full force and effect for the succeeding year of the contract.

Written notice provided herein shall be given by personal service or by certified mail to be served upon or mailed to the Hancock County Sheriff, 200 West Crawford Street, Findlay, Ohio 45840 and if upon the Ohio Labor Council, by serving same upon the President of the local unit or by mailing to the O.L.C. at 222 East Town Street, Columbus, Ohio 43215. Either party may,



STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD
 65 East State Street, 12th Floor
 Columbus, OH 43215
 (614) 644-8573

HAND DELIVERED

Case No.:
 95-MED-12-1081

(DISPATCHERS)

EMPLOYEE ORGANIZATION CERTIFICATION OF FACT-FINDING VOTE

INSTRUCTIONS: A representative of the employee organization may use this form to certify the fact-finding vote of the employee organization. Submit one original and one (1) copy of this form to the State Employment Relations Board at the above address and serve one (1) copy on the employer.

1. NAME OF EMPLOYEE ORGANIZATION:

F.O.P., OHIO LABOR COUNCIL, INC.

2. NAME OF EMPLOYEE ORGANIZATION'S REPRESENTATIVE:

Title (if any)

Telephone:

CATHERINE A. BROCKMAN ASST. EXEC. DIRECTOR

614-224-5700

Address:

222 EAST TOWN STREET

City, Zip:

COLUMBUS 43215

3. DATE AND TIME OF VOTE:

SUNDAY, MAY 26, 1996 8:00 P.M.

4. NUMBER OF MEMBERS OF EMPLOYEE ORGANIZATION IN BARGAINING UNIT:

7

5. TALLY:

Number of votes to APPROVE:

1

Number of votes to REJECT:

6

TOTAL VOTES CAST:

7

STATE EMPLOYMENT RELATIONS BOARD
 RECEIVED
 MAY 28 1 10 PM '96

6. NAME OF EMPLOYER FOR BARGAINING UNIT(S):

HANCOCK COUNTY SHERIFF

LOCATION OF EMPLOYER:

City:

County:

308 BROADWAY

FINDLAY

HANCOCK

DECLARATION

I declare that I have read the contents of this Certification of Fact-Finding Vote and that the statements it contains are true and correct to the best of my knowledge and belief.

Catherine A. Brockman

Signature

ASST. EXEC. DIRECTOR

Title

CATHERINE A. BROCKMAN

Print or Type Name

Date

5/28/96

THIS CERTIFICATION OF FACT-FINDING VOTE WILL NOT BE ACCEPTED
FOR FILING IF THE PROOF OF SERVICE IS NOT COMPLETED.

PROOF OF SERVICE

I certify that an exact copy of the foregoing Certification of Fact-Finding Vote has been sent or delivered to
MR. GREGORY RAKESTRAW, 119 EAST CRAWFORD STREET, FINDLAY, OHIO 45840

(Name and complete address of representative of employer)

CERTIFIED

by _____

(Manner of delivery, e.g. regular or certified U.S. mail, hand delivery)

this

28th

day of

MAY

, 19 96

Catherine A. Brockman
Signature

PURSUANT TO RULE 4117-9-05(M) OF THE ADMINISTRATIVE CODE, FAILURE TO SERVE UPON THE BOARD AND THE EMPLOYER THE REQUIRED VOTING INFORMATION WITHIN TWENTY-FOUR HOURS OF THE EXPIRATION OF THE SEVEN-DAY VOTING PERIOD SHALL CONSTITUTE FAILURE TO REJECT THE RECOMMENDATIONS, AND THE RECOMMENDATIONS SHALL BE DEEMED ACCEPTED AS THE RESOLUTION OF ISSUES SUBMITTED TO FACT-FINDING. ORAL NOTIFICATION TO THE BOARD OR THE EMPLOYER SHALL NOT CONSTITUTE TIMELY COMPLIANCE WITH THIS RULE.



State
Employment
Relations
Board



65 East State Street
Columbus, Ohio 43215-4213
(614) 644-8573

May 30, 1996

Ms. Catherine A. Brockman
222 East Town Street
Columbus, OH 43215

Mr. Gregory A. Rakestraw
119 East Crawford Street
Findlay, OH 45840

RE: Case Nos. 95-MED-12-1081 ✓
95-MED-12-1082
95-MED-12-1083

Fraternal Order of Police, Ohio Labor
Council, Inc. and Hancock County Sheriff

Dear Ms. Brockman and Mr. Rakestraw:

Please find enclosed a Notice and the fact-finding report to be posted. This Notice with the attached copy of the report should be posted immediately, where it can be viewed by employees and the public. In accordance with Ohio Administrative Code Rule 4117-9-05(P), the notice of rejection is to be posted for a period of thirty days or until settlement occurs, whichever is earlier.

Thank you for your cooperation.

Sincerely,

G. Thomas Worley
Administrator, Bureau of Mediation

GTW:dym
95-1081e/106e

Enclosures
cc: Robert C. Devlin





State
Employment
Relations
Board



65 East State Street
Columbus, Ohio 43215-4213
(614) 644-8573

May 30, 1996

THE COURIER
Attn: City Editor
701 West Sandusky
PO Box 609
Findlay, OH 45839

Dear Editor:

Enclosed for your edification is a notice of fact-finding rejection in the matter of Fraternal Order of Police, Ohio Labor Council, Inc. and Hancock County Sheriff (Case Nos. 95-MED-12-1081/1082/1083) before the State Employment Relations Board. The parties involved in this matter lie within your paper's circulation area.

While you may or may not (at your discretion) publish the materials herein, your receipt of these materials constitutes publication pursuant to Rule 4117-9-05(P) of the Ohio Administrative Code (and Section 4117.14(C)(6) of the Ohio Revised Code). The rule states:

"If the recommendations of the panel are rejected by a three-fifths vote of either party and the rejection information required by paragraph (M) or (N) of this rule is timely served upon the board and the other party, the board shall post a copy of the fact-finding report and the notice of rejection in its Columbus offices and shall mail copies to the press, with recipients determined at the board's discretion. A board-provided notice of the rejection and a copy of the fact-finding report shall be posted by the employer and employee organization in conspicuous locations where employees will be reasonably apprised of the contents. The 'date of publication' is the date the board mails the notice and the report to the press. A notice of rejection shall remain posted for a period of thirty days or until settlement occurs, whichever is earlier."

If we can be of further assistance, please do not hesitate to contact us at the number listed on the letterhead. Thank you for your consideration.

Sincerely,

G. Thomas Worley
Administrator, Bureau of Mediation

GTW:dym
95-1081e/106y

Enclosures





NOTICE

FROM THE STATE EMPLOYMENT RELATIONS BOARD

PUBLICATION DATE: May 30, 1996

CASE NO. 95-MED-12-1081/1082/1083

In the Matter of Fraternal Order of Police, Ohio Labor Council, Inc.

and Hancock County Sheriff

The attached report of the fact-finding panel has been acted on as follows:

Fraternal Order of Police, Ohio Labor Council, Inc. - Rejected

Pursuant to Chapter 4117.14 of the Ohio Revised Code, this notice and attachment serves as publication of the findings of fact and recommendations of the fact-finding panel. On the publication date, the original notice of rejection of the fact-finding report was sent to a daily newspaper which serves the vicinity where the governmental entity is located. A copy of the notice has been posted in the Clerk's Office of the State Employment Relations Board.

Individuals may contact the above named parties to determine if copies of the report are available or contact the State Employment Relations Board, 65 East State Street, 12th Floor, Columbus, Ohio 43215.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED

RAKESTRAW & RAKESTRAW
ATTORNEYS AT LAW
119 EAST CRAWFORD STREET
FINDLAY, OHIO 45840

✓
COPY

RUSSELL E. RAKESTRAW
GREGORY A. RAKESTRAW
ROBERT L. HUNT

(419) 422-9455
FAX (419) 422-2482

June 3, 1996

Mr. Phil Hatch
Fraternal Order of Police of Ohio
Ohio Labor Council, Inc.
222 E. Town Street
Columbus, Ohio 43215

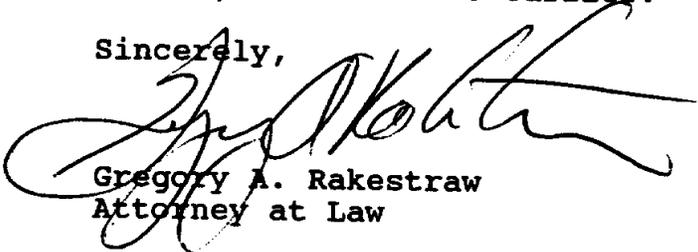
JUN 5 10 04 AM '96
STATE-EMPLOYMENT
RELATIONS BOARD

Re: SERB Case No.: 95-MED-12-1081, 1082, AND 1083
FOP, OLC Inc. and Hancock County Sheriff

Dear Phil:

Pursuant to the May 30, 1996 letter from G. Thomas Worley, Administrator of the Bureau of Mediation and pursuant to the Ohio Administrative Code Rule 4117-9-05(P), please be advised that the notice from The State Employment Relations Board involving the rejection of the report of the fact-finding panel is and will be posted where it can viewed by employees and the public for a period of thirty (30) days or until settlement occurs, whichever is earlier.

Sincerely,

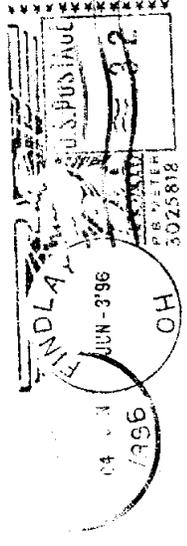


Gregory A. Rakestraw
Attorney at Law

GAR/dp

pc: Sheriff Byron Boutwell
Ms. Catherine A. Brockman
State Employment Relations Board

AKESTRAW & RAKESTRAW
COUNSELLORS AT LAW
119 EAST CRAWFORD STREET
FINDLAY, OHIO 45840



State Employment Relations Board
655 East State Street
Columbus, OH 43215-4213





State
Employment
Relations
Board



65 East State Street
Columbus, Ohio 43215-4213
(614) 644-8573

June 7, 1996

Ms. Catherine A. Brockman
222 East Town Street
Columbus, OH 43215

Mr. Gregory A. Rakestraw
119 East Crawford Street
Findlay, OH 45840

RE: Case Nos. 95-MED-12-1081 ✓
95-MED-12-1082
95-MED-12-1083

Fraternal Order of Police, Ohio Labor
Council, Inc. and Hancock County Sheriff

Dear Ms. Brockman and Mr. Rakestraw:

The State Employment Relations Board has ordered the parties to conciliation pursuant to Ohio Administrative Code Rule 4117-9-06(A). The Bureau of Mediation has determined that the necessary conditions set forth in the general order of the Board have been met. June 7, 1996, is the effective date of the order of conciliation in this case.

In accordance with the statute, the parties are to select a conciliator at this time. We provide you with the names and biographies of five potential conciliators for selection: Marvin J. Feldman, Brian Heshizer, Jonathan I. Klein, Louis M. Thomson, Jr., and Alan M. Wolk.

The parties must notify the SERB of their mutual selection(s) and send written confirmation of the selection(s) by June 12, 1996, or the SERB in its sole discretion will appoint a conciliator on June 13, 1996. (See enclosed Conciliation Selection Guidelines.)

Please contact the Bureau of Mediation at (614) 644-8716 if you have questions concerning the conciliation process.

Sincerely,

G. Thomas Worley
Administrator, Bureau of Mediation

GTW:dym
95-1081m/106m
Enclosures





State
Employment
Relations
Board



65 East State Street
Columbus, Ohio 43215-4213
(614) 644-8573

June 13, 1996

Ms. Catherine A. Brockman
222 East Town Street
Columbus, OH 43215

Mr. Gregory A. Rakestraw
119 East Crawford Street
Findlay, OH 45840

RE: Case Nos. 95-MED-12-1081
95-MED-12-1082
95-MED-12-1083

Fraternal Order of Polie, Ohio Labor Council,
Inc. and Hancock County Sheriff

Dear Ms. Brockman and Mr. Rakestraw:

Because you have not communicated your conciliation selection(s), the SERB is obligated to choose a conciliator under Ohio Administrative Code Rule 4117-9-06(D). Therefore, the State Employment Relations Board has appointed Thomas R. Skulina as the conciliator in this matter in accordance with Ohio Revised Code Section 4117.14(D)(1). The conciliator shall schedule a hearing within 30 days of June 7, 1996, which is the effective date of the Board's conciliation order, or as soon thereafter as is practicable.

In advance of the hearing, each party must send its position statement to the conciliator and to the other party in compliance with Ohio Administrative Code Rule 4117-9-06(E). (See enclosed Conciliation Hearing and Report Guidelines.)

After hearing, the conciliator will resolve the dispute between the parties by selecting, on an issue-by-issue basis, from between each of the party's final settlement offers. The issuance of a final offer settlement award constitutes a binding mandate to the public employer and the exclusive representative to take whatever actions are necessary to implement the award.

Please contact the Bureau of Mediation at (614) 644-8716 if you have questions concerning the conciliation process.

Sincerely,

G. Thomas Worley
Administrator, Bureau of Mediation

GTW:dym
95-1081/82/83/106p
Enclosures

cc: John R. Wines
Thomas R. Skulina

An Equal Opportunity Employer





FRATERNAL ORDER OF POLICE

222 E. TOWN STREET
COLUMBUS, OHIO 43215-4611
(614) 224-5700
Fax (614) 224-5775

OHIO LABOR COUNCIL, INC.

June 18, 1996

Mr. Thomas R. Skulina
Conciliator
24803 Detroit Road
West Lake, Ohio 44145

Re: Serb Case No. 95-MED-12-1081-82-83
FOP/OLC Labor Council, Inc. and
Hancock County Sheriff

HAND DELIVERED

JUN 20 1 39 PM '96
STATE EMPLOYMENT
RELATIONS BOARD

Dear Mr. Skulina:

Pursuant to Ohio Administrative Code Rule 4117-09-05 (E), the Ohio Labor Council in the above referenced collective bargaining procedures herein submits the following information:

Principal Representative of the Ohio Labor Council:

Phil Hatch, Staff Representative
Ohio Labor Council
222 East Town Street
Columbus, Ohio 43215
(614) 224-5700

Employer's Representative's name and address:

Russell E. Rakestraw
Attorney at Law
119 East Crawford Street
Findlay, Ohio 45840

Description of the bargaining unit and number of employees:

Communication Officers	7
Sergeants	11
Deputies III	20

Date of certification of bargaining unit:

The bargaining units were certified in 1987.

Current collective bargaining agreement Articles involved.

Article 15 Wages

Article 8 Hours of work scheduling.

Statement of unresolved issues:

1. Any article for which the Union has not proposed change or previously agreed to, the Union proposes that the language remain unchanged.
2. Article 15: Wages be increased Fifty-five Cents (\$.55) each year of the labor agreement starting March 6, 1996.
3. Article 8: In the Communications Center when time off is approved with prior notice, the time will be filled by another dispatcher if one is available or it may be offered to a road officer after it has been offered to the dispatcher.

Function of the employer and the employees:

The Employer is the County Sheriff and is required by the Ohio revised Code to provide the residents of Hancock County, Ohio with law enforcement services, including the County Jail, criminal investigation, court, and road patrol services. The bargaining unit employees are involved in the implementation of these services. They also provide communications services.

Dates of collective bargaining negotiations:

There were a large number of negotiation meetings over the past year.

The Conciliation hearing is scheduled for 10:00 A.M. on June 24, 1996, at the Office of Russell Rakestraw, 119 East Crawford Street, Findlay, Ohio.

Sincerely,



Phil Hatch

Staff Representative

FOP/OLC Labor Council, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing submission to the Conciliator pursuant to Ohio Administrative Code Rule 4117-09-05 (E) was served on Thomas R. Skulina, 24803 Detroit Road, West Lake, Ohio by Fax and on Russell Rakestraw, 119 East Crawford St., Findlay, Ohio by Fax on this 20th day of June, 1996.



Phil Hatch
Staff Representative
Ohio Labor Council



NOTICE

FROM THE STATE EMPLOYMENT RELATIONS BOARD

PUBLICATION DATE: May 30, 1996

CASE NO. 95-MED-12-1081/1082/1083

In the Matter of Fraternal Order of Police, Ohio Labor Council, Inc.

and Hancock County Sheriff

The attached report of the fact-finding panel has been acted on as follows:

Fraternal Order of Police, Ohio Labor Council, Inc. - Rejected

JUL 1 4 30 PM '96
STATE EMPLOYMENT
RELATIONS BOARD

Pursuant to Chapter 4117.14 of the Ohio Revised Code, this notice and attachment serves as publication of the findings of fact and recommendations of the fact-finding panel. On the publication date, the original notice of rejection of the fact-finding report was sent to a daily newspaper which serves the vicinity where the governmental entity is located. A copy of the notice has been posted in the Clerk's Office of the State Employment Relations Board.

Individuals may contact the above named parties to determine if copies of the report are available or contact the State Employment Relations Board, 65 East State Street, 12th Floor, Columbus, Ohio 43215.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED

STATE EMPLOYMENT
RELATIONS BOARD

AUG 8 10 08 AM '96

BEFORE THE STATE EMPLOYMENT RELATIONS BOARD
OF COLUMBUS OHIO

Re: Fraternal Order of Police,
Ohio Labor Council Inc. and
Hancock County Sheriff

Case No. 95 MED-12-1081 ✓
95-MED-12-1082
95-MED-12-1083

**MOTION TO STAY ISSUANCE OF
FINAL OFFER SETTLEMENT AWARD**

Commencing in March, 1996, the FOP/OLCI, representing the Hancock County Sergeants, Deputies, and Communication Officers began negotiations on a collective bargaining agreement with the Hancock County Sheriff.

The parties agreed to multi-unit bargaining, and reached an impasse on certain issues. The parties submitted the unresolved issues to fact finding pursuant to the Ohio Statutes and the fact finder's hearing was held on April 18 and 19, 1996. The Fact Finder's Report and Findings were issued on the 20th day of May, 1996. The Fact Finding Report and findings were then put to a vote of the bargaining units and according to the vote reported by the FOP/OLCI the Fact Finding Report was rejected.

Subsequent to the vote and before the matter proceeded to conciliation, several bargaining unit members complained to the

RAKESTRAW

&

RAKESTRAW

ATTORNEYS AT LAW

119 EAST CRAWFORD ST.

FINDLAY, OHIO 45840

(419) 422-9455

RUSSELL E. RAKESTRAW

GREGORY A. RAKESTRAW

Sheriff that the ballots furnished to the members were marked in such a way as to identify the individual who cast the particular vote. Such marking of ballots can intimidate the vote of members of the bargaining units. Such markings violate the provisions of O.A.C. Sec 4117-9-05 which requires a secret ballot on Fact Finding Reports.

It has come to the attention of your movant that a complaint with respect to such vote has been filed with SERB, objecting to the marking of such ballots and the possible effect on the ultimate vote.

Conciliation in this matter is now scheduled for August 13, 1996 and if a conciliation award is entered before SERB disposes of the complaint, SERB will lose jurisdiction in this matter thereby rendering the complaint moot.

Your movant does not desire to delay the conciliation hearing, but also does not want the conciliation award published until such time as SERB has disposed of the complaint.

Wherefore your movant requests SERB to issue an order directed to the parties and to the conciliator Thomas R. Skulina, staying the issuance and/or publication of any conciliation final offer settlement award until such time as SERB has disposed of the complaint concerning the voting on the Fact Finding Report.

Should SERB determine that the vote on the Fact Finding Report is in violation of Sec 4117-9-05 of the Ohio Administrative Code,

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RAKESTRAW

ATTORNEYS AT LAW

119 EAST CRAWFORD ST.

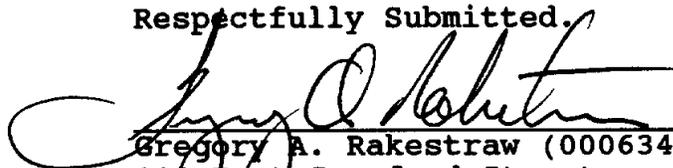
FINDLAY, OHIO 45840

(419) 422-9455

RUSSELL E. RAKESTRAW
GREGORY A. RAKESTRAW

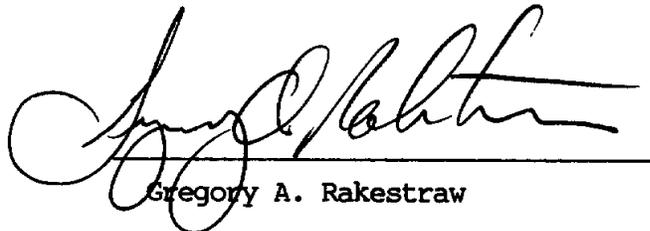
SERB should order a re-vote, by secret ballot, on such Fact Finding
Report.

Respectfully Submitted.


Gregory A. Rakestraw (0006346)
119 East Crawford Street
Findlay, Ohio 45840
(419) 422-9455
Counsel for the Hancock County
Sheriff

CERTIFICATE OF SERVICE

This is to certify that on the 7th day of August, 1996, a
copy of the foregoing was forwarded to Mr. Phil Hatch, Fraternal
Order of Police, Ohio Labor Council, Inc, 222 E. Town St.,
Columbus, Oh 43215 and Thomas Skulina, Esq., 24803 Detroit Rd.,
Westlake, OH 44145 via facsimile transmission and by United States
First-Class Mail, postage prepaid.


Gregory A. Rakestraw

RAKESTRAW

&

RAKESTRAW

ATTORNEYS AT LAW

119 EAST CRAWFORD ST.

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