

PRELIMINARY COMMENTS

The State Employment Relations Board appointed the Fact-Finder who was duly notified by G. Thomas Worley, Administrator, Bureau of Mediation, by letter on May 31, 1996.

By agreement of the parties, the matter was handled by submission rather than hearing.

In arriving at the following recommendations, the Fact-Finder gave consideration to the criteria provided by statute and administrative rule.

ISSUES AND RECOMMENDATIONS

ARTICLE 16

OVERTIME

RECOMMENDATION OF THE FACT-FINDER: It is the recommendation of the Fact-Finder that Article 16, Paragraph F read as follows:

F. Compensatory time shall be taken only at the request of the bargaining unit member, subject to the approval of the Chief of Police or his designee. Should two (2) or more members of the same shift request compensatory time off, approval, if granted shall be given to the first submitting member. Should compensatory time off be requested on the same day by two or more members for the same time off, seniority shall prevail.

ARTICLE 19

WAGES

RECOMMENDATION OF THE FACT-FINDER: It is the recommendation of the Fact-Finder that Article 19, Paragraph A read as follows:

A. WAGE RATES

For the period beginning July 1, 1996, and ending June 30, 1999, the hourly wage rate for bargaining unit members shall be the rates set forth in Appendix A of this contract.

It is further the recommendation of the Fact-Finder that these rates be adjusted as follows:

Three percent (3%) increase retroactive to July 1, 1996

Three percent (3%) increase July 1, 1997

Three percent (3%) increase July 1, 1998

ARTICLE 32

TERM OF AGREEMENT

RECOMMENDATION OF THE FACT-FINDER: It is the recommendation of the Fact-Finder that Article 32 read as follows:

This Agreement shall be in effect from July 1, 1996 to June 30, 1999. To initiate negotiations for a successor agreement, either party may give written notice to the other at least ninety (90) days prior to June 30, 1999.

SHIFT SELECTION

RECOMMENDATION OF THE FACT-FINDER: It is the recommendation of the Fact-Finder that this matter be handled by a Memorandum of Understanding. It is further recommended that such letter read as follows:

SEE ATTACHED



ROBERT C. DEVLIN
Fact-Finder

Dated: September 4, 1996

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CUYAHOGA FALLS
AND THE FOP/OLC (Patrolmen)

Effective the first Sunday in January, 1997, the City agrees to annually assign shifts within the Patrol Division of the Cuyahoga Falls Police Department based upon seniority with the following conditions:

1. Employees will be eligible to participate in seniority based shift selection only after completion of three (3) years of service with the Cuyahoga Falls Police Department. Annual shift assignments for employees with less than three (3) years of service will be made by the Chief or his designee. Probationary employees shall be subject to shift assignment and rotation at the Chief's discretion. Selection shall be by shift, and within the shift by slot related to regular days off.

2. The Chief or his designee may temporarily change employee shifts due to temporary staffing needs, because of illness, injury or emergencies. Such changes shall affect members in reverse order of seniority.

3. Consistent with progressive corrective management practices in the promotion of efficiency, the Chief or his designee may change shift assignment based upon an officer's demonstrated unsatisfactory performance.

4. A member transferred to the Patrol Division from another division shall not have the right to bump any other member but will be assigned to a vacant slot on a shift until the next annual selection.

5. The parties agree to periodically discuss any problems with assignments through Labor-Management Committee meetings.

6. Nothing in this Memorandum shall be construed to affect the City's management rights as provided in the Collective Bargaining Agreement between the parties and in R.C. 4117.

7. The provisions of this Memorandum shall only be enforceable through the grievance procedure provided in the Collective Bargaining Agreement between the parties.

Date: _____

For the City:

For the Union:

CERTIFICATE OF SERVICE

The foregoing Report and Findings of the Fact-Finder was sent on September 4, 1996 by regular U. S. Mail to the following individuals:

G. Thomas Worley, Administrator
State Employment Relations Board
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Columbus, Ohio 43215

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ROBERT C. DEVLIN
Fact-Finder

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