

FACT FINDING REPORT  
STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD  
December 12, 1996

STATE EMPLOYMENT  
RELATIONS BOARD

DEC 16 10 09 AM '96

In the Matter of:	)	
	)	
	)	
	)	
The Columbiana County	)	
Sheriff	)	96-MED-10-1003
	)	96-MED-10-1004
and	)	96-MED-10-1005
	)	96-MED-10-1006
The Fraternal Order of Police	)	
Ohio Labor Council	)	
	)	

APPEARANCES

For the Union:

Hugh Bennett  
FOP/OLC Staff Representative

For The Columbiana County Sheriff:

John Barkin  
Employer Representative

Fact Finder: Dennis M. Byrne

## Background

This Fact Finding concerns the Columbiana County Sheriff (Commissioners) and the Columbiana County Sheriff's Department employees, who are represented by the Fraternal Order of Police/Ohio Labor Council. The parties engaged in numerous negotiating sessions prior to the Fact Finding Hearing and the parties reached a tentative agreement on the open issue. Consequently, there was no mediation effort prior to the Fact Finding Hearing because the parties indicated that they had no disagreement on the issues. (See the Introduction to this report.) The only issue discussed at the Hearing was a wage reopener provision. The Fact Finding was conducted on December 10, 1996 at the Cleveland Lakeside Holiday Inn Hotel. The Hearing started at 4:00 P.M. and adjourned at approximately 5:00 P.M.

The Fact Finder wishes to state that he appreciates the courtesy with which he was treated. Additionally, the conduct of the parties toward the Fact Finder and each other was exemplary. The Hearing was conducted with the greatest professionalism by both parties.

The Ohio Public Employee Bargaining Statute sets forth the criteria the Fact Finder is to consider in making recommendations. The criteria are set forth in Rule 4117-9-05. The criteria are:

- (1) Past collectively bargained agreements, if any.
- (2) Comparison of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved.
- (3) The interest and welfare of the public, and the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standards of public service.
- (4) The lawful authority of the public employer.
- (5) Any stipulations of the parties.
- (6) Such other factors, not confined to those listed above which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agree-upon dispute settlement procedures in the public service or private employment.

The Report is attached and the Fact Finder hopes the discussion of the issues is sufficiently clear to be understandable. If either or both of the parties require a further discussion, however, the Fact Finder would be glad to meet with the parties and discuss any questions that remain.

## **INTRODUCTION:**

The only issue open between the parties was a "wage reopener" provision in the current contract. It must be noted at the outset that the parties reached tentative agreement on this issue, which included agreement on an additional holiday as well as a wage increase. The parties signed off on a tentative agreement. That agreement was ratified by the union membership but turned down by the County Commissioners. The rejection does not appear to be related to any serious disagreement with the substance of the tentative agreement but, regardless of the reason(s), the Commissioners chose not to ratify the agreement. After the rejection, the parties discussed the situation, but these discussions resulted in no changes in the tentative agreement. Therefore, the parties are availing themselves of the dispute resolution procedures outlined in ORC 4117, and the issue has been submitted to Fact Finding. If the Fact Finding Report is rejected by either of the parties, the parties will avail themselves of the Conciliation procedure.

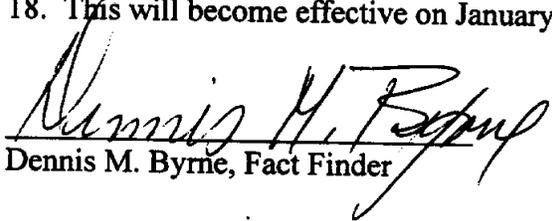
## **Findings of Fact and Recommendations**

The Findings of Fact are set forth in the Introduction. There is no disagreement between the parties. Following the rejection of the tentative agreement, the parties discussed the issue and agreed not to change their tentative agreement. To quote Fact Finder Prusa on this same situation. "the goal of collective bargaining is that employee organizations and their employers mutually agree upon the rules (collective bargaining agreement) under which they will operate for a stated period of time. Mutual agreement does not contemplate the intervention of a third party. Here the parties mutually reached agreement and there is no basis for me, as a third party, to inject my opinion of the results of their agreement." Fact Finding report of Norman Prusa 94-MED-09-0910

## **Recommendation**

I recommend that the parties incorporate a 3% base wage increase for all classifications for 1997 effective January 1, 1997 in Article 25.

I recommend that the parties add one (1) personal day to the holiday provisions of Article 18. This will become effective on January 1, 1997.

  
Dennis M. Byrne, Fact Finder