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STATE EMPLOYMENT
RELATIONS BOARD

DEC 3 10 16 AM '97

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 In the Matter of Factfinding *
 *
 Between * SERB Case No.
 * 97-MED-05-0605
 Ohio Patrolman's Benevolent *
 Association * Before: Harry Graham
 *
 and *
 *
 Cuyahoga County Sheriff *
 *

Appearances: For Ohio Patrolman's Benevolent Association:

S. Randall Weltman
 Climaco, Climaco, Lefkowitz & Garofoli Co.
 Nick Codrea
 Richard Mauney
 Ohio Patrolman's Benevolent Association

For Cuyahoga County Sheriff:

William Cook
 Employee Administrator
 Cuyahoga County Sheriff
 Patricia Kresty
 Assistant Administrator
 Cuyahoga County Sheriff

Introduction: Pursuant to the procedures of the Ohio State
 Employment Relations Board a hearing was held in this matter
 before Harry Graham. At that hearing the parties were
 provided complete opportunity to present testimony and
 evidence. In the course of the hearing the positions of both
 parties changed. This report will reflect the current
 positions of the parties. The record in this dispute was

held open at the close of the hearing to permit a post-hearing submission. The record was closed on November 18, 1997.

Issue: There is one issue between the parties. It involves the appropriate wage increase for the second and third years of their present agreement. The bargaining unit consists of corrections officers employed by the Sheriff's Department.

Position of the Union: The Union proposal is reflected in Table 1 below:

Table 1

Current	1/1/98	1/1/99
0 \$19,399	\$20,214	\$20,921
1 \$19,973	\$21,142	\$22,259
2 \$20,560	\$22,270	\$23,597
3 \$21,147	\$23,298	\$24,935
4 \$21,734	\$24,326	\$26,273
5 \$22,321	\$25,354	\$27,611
6 \$22,908	\$26,382	\$28,949
7 \$23,495	\$27,410	\$30,287
8 \$24,082	\$28,438	\$31,624
9 \$24,669	\$29,466	\$31,624
10 \$25,256	\$30,496	\$31,624
11 \$25,843	\$30,496	\$31,624
12 \$26,430	\$30,496	\$31,624
13 \$27,017	\$30,496	\$31,624
14 \$27,604	\$30,496	\$31,624
15 \$28,196	\$30,496	\$31,624

The Union acknowledges that this proposal represents a substantial wage increase. Preliminarily, it points out that the scheduled wage increase in the second year of the Agreement is part of this proceeding. It should have occurred in August, 1997. It did not as the parties were in

negotiations. As part of the negotiations the Union agreed to postpone the effective date of any wage increase to January 1, 1998, a lapse of four months. Thus, the forthcoming wage increase will be for almost 17 months, not 12 as is normally the case.

As is common in disputes of the nature the parties have recourse to comparisons to bolster their positions. The Union urges as appropriate a group of county Sheriff Departments in Ohio it terms "The Big 3." These consist of Hamilton County (Cincinnati area), Franklin County (Columbus area) and Cuyahoga County (Cleveland area). No matter what position on the various salary schedules is compared, Cuyahoga County is the lowest paying. Thus for example:

Table 2

	Cuyahoga	Hamilton	Franklin
Hire	\$19,399	\$20,302	\$25,438
5	\$22,446	\$27,172	\$42,349
10	\$25,506	\$31,008	\$42,724
15	\$28,571	\$31,160	\$43,099
25	\$28,821	\$31,312	\$43,849

The Union also points to a group of non-deputized corrections officers in various counties in Northeast Ohio and asserts they are appropriate for comparison purposes. These counties are: Lake, Ashtabula, Portage and Trumbull. Examination of the data indicates that the total compensation of Corrections Officers lags the average of the four-county

comparison group at every year of service. Thus, for instance, at the third year of service Corrections Officers in Cuyahoga County are at 74.24% of area-wide average. The most favorable comparison occurs at 15 years of service when they are at 95.13% of the average in the region. This at the same time as Adjusted Gross Income in Cuyahoga County is 107.17% of the region-wide average. In other words, the County has the income to pay but has chosen to pay a less than average wage. The Union views these data as mandating a better than average wage increase.

The Union points out that over the past ten years there has been an increase in real income for employees in Sheriff's Departments in the State of Ohio. There is a conspicuous exception to that development; employees of the Cuyahoga County Sheriff Department. This is demonstrated on Union Exhibit 1. The Union insists this situation must be corrected.

There is another element to the Union proposal. Under the present wage structure in the Sheriff's Department it takes 15 years for employees to arrive at the top step of the salary scale. This is too long in the Union's view. As part of the Union proposal for 1998 and 1999 it seeks a compression of the salary scale. It proposes that in 1998 top step be achieved in 10 years. This would be reduced to 8

years in 1999. In the opinion of the Union this would better compete with other counties and certainly secure wage increases for Corrections Officers sooner than is the case at present.

Position of the Employer: The Sheriff makes wage proposal shown in Table 3 below:

Table 3

	Current	1/1/98	1/1/99
0	\$19,399	\$20,243	\$20,850
1	\$19,973	\$20,537	\$21,112
2	\$20,560	\$21,124	\$21,699
3	\$21,147	\$21,711	\$22,286
4	\$21,734	\$22,298	\$22,873
5	\$22,321	\$22,885	\$23,460
6	\$22,908	\$23,472	\$24,047
7	\$23,495	\$24,059	\$24,634
8	\$24,082	\$24,646	\$29,335
9	\$24,669	\$25,233	\$29,335
10	\$25,256	\$28,760	\$29,335
11	\$25,843	\$28,760	\$29,335
12	\$26,430	\$28,760	\$29,335
13	\$27,017	\$28,760	\$29,335
14	\$27,604	\$28,760	\$29,335
15	\$28,196	\$28,760	\$29,335

The Employer points out this proposal moves towards the Union objective of reducing the number of years to top step. Further, it improves the comparison standing of the Department vis-a-vis others in the region and the State.

The Department urges that the Union comparison with the Franklin County Sheriff Department be rejected. Corrections Officers in that Department are sworn, deputized, personnel.

That is not the case in Cuyahoga County. Corrections Officers in Cuyahoga County are civilians. This renders the comparison with Franklin County personnel moot in the Employer's opinion.

The Employer has offered a sizeable wage increase. It recognizes the problem of slow progression through the salary steps. It should not be required to do more it claims.

Discussion: At the outset it must be noted that the Employer made no claim of inability to pay. In essence, its proposal is based on the notion that it should not be expected to pay more than what it has placed on the table in this proceeding.

The data presented to the Factfinder support the proposal of the Union without reservation. Even if the Corrections Officers in Franklin County are not considered due to the fact they are sworn law enforcement personnel comparison to Hamilton County shows Cuyahoga County Corrections Officers to lag behind at every step of the salary scale. If the proposal of the County were adopted officers in Cuyahoga County in 1999 would be behind the pay of officers in Hamilton County in 1997 by a substantial margin. This should not be expected to occur.

Similarly, the comparison of Corrections Officers in Cuyahoga County to others in the region is supportive of the position of the Union. The jail operations in Lake, Portage,

Ashtabula and Trumbull counties are considerably smaller than that in Cuyahoga County. No cogent reason is before the Factfinder as to why Corrections Officers in Cuyahoga County should lag so far behind their counterparts in the region.

Support for the Union proposal is found in the timing of these events and the proposal before the Factfinder. It must be stressed that the Union has abandoned any claim to a retroactive wage increase covering almost five months of calendar 1997. Thus, the proposal on the table is in essence for almost a seventeen month period. The Union has accepted a zero (0) wage increase for 1997. This is a very unusual situation occurring as it does with an employer that has not made a claim of inability to pay.

It is recognized that the Union proposal calls for a large wage increase. Offsetting that is the substandard compensation that has been paid to Corrections Officers in the County for many, many years.

Additional support for the proposal of the Union is found on its Exhibit 1. Focusing on the top wage rate, it indicates that there has been a real wage decline since 1987. Had wages merely reflected the modest inflation rate over the past ten years the top rate in the County would be \$33,149, rather than the present \$28,196. Loss of real income is a serious situation. The proposal of the Union makes a start to

addressing this problem.

Recommendation: It is recommended that the proposal of the Union as modified at the hearing on November 3, 1997 and reflected in this report be adopted.

Signed and dated this 28th day of November, 1997 at Solon, OH.



Harry Graham
Factfinder