

FACTFINDING REPORT

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STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD

December 22, 1997

In the Matter of :

Corrections Commission of
Northwest of Ohio

and

Fraternal Order of Police,
Ohio Labor Council, Inc.

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Case No. 97-MED-09-0847
Case Managers

APPEARANCES

For the Employer:

Timothy C. McCarthy, Attorney
James L. Dennis, Executive Director
Scott Bradlee, Director of Security and Operations

For the Union:

Phil Hatch, Staff Representative
Lawrence N. Henry, Local Representative
Polly Albright, Chairwoman
Rashel Podiak, Steward

Factfinder:

Nels E. Nelson

BACKGROUND

The instant dispute involves the Corrections Commission of Northwest Ohio and the Fraternal Order of Police, Ohio Labor Council, Incorporated. The commission operates a 642-bed jail for Defiance, Fulton, Henry, Lucas, and Williams Counties and the City of Toledo. It is governed by a board consisting of the sheriffs, county commissioners, and judges from the Courts of Common Pleas from the five counties; the mayor and police chief from Toledo; and the presiding judge from the Toledo Municipal Court. The union represents the eleven case managers employed by the commission.

Negotiations for a successor contract to the one due to expire December 31, 1997 began during the fall. When the parties were unable to reach an agreement on wages, an impasse was reached. The Factfinder was appointed by the State Employment Relations Board on December 1, 1997. A hearing was held on December 19, 1997. A brief attempt at mediation failed to resolve the issue and a hearing was conducted.

The recommendations of the Factfinder are based upon the criteria set forth in Section 4117-9-05(k) of the Ohio Administrative Rules. They are:

- (a) Past collectively bargained agreements, if any, between the parties;
- (b) 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;
- (c) 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 standard of public service;
- (d) The lawful authority of the public employer;
- (e) The stipulations of the parties;
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agreed upon dispute procedures in the public service or in private employment.

ISSUE

The sole issue before the Factfinder is wages. The Factfinder will summarize the positions of the parties, present an analysis of the issue, and offer recommendations for resolving the dispute.

Article 19 - Wages

The current contract provides for an hourly rate of \$10.88 per hour or \$22,630.40 per year. The union demands 5% wage increases effective with the first full pay period after January 1, 1998; January 1, 1999; and January 1, 2000. The commission offers 3% wage increases effective on the same dates.

Union Position - The union argues that its demand ought to be accepted. It points out that the State Employment Relations Board benchmark report for corrections officers in 82 jurisdiction in Ohio, including both cities and counties, indicates an average entry wage of \$20,025 per year and a top wage of \$28,305 per year. The union notes that this is considerably below the \$22,630 wage paid to the case managers.

The union contends that the commission can afford to pay its demand. It observes that newspaper reports dated December 2, 1997 indicate that the commission was estimating a \$300,000 carryover for 1997. The union states that this is in addition to \$1.2 million in credits that the five counties and the City of Toledo will be sharing. It notes that the general fund appropriation for 1997 was \$9,973,358.

The union maintains that the case managers merit a substantial wage increase. It claims that they deal with a variety of inmate problems so that they have wider interactions with the inmates than the corrections officers. The union states that the case managers, like corrections officers, must maintain security in dealing with inmates.

Commission Position - The commission argues that its wage offer ought to be adopted. It asserts that the comparison data offered by the union is misleading because in many of the jurisdictions shown the corrections officers are certified law enforcement personnel while the case managers have only the 120 hours of training required for corrections officers. The commission notes that it is a multi-jurisdictional facility which makes it unique in Ohio.

The commission maintains that the case managers enjoy excellent health insurance benefits. It points out that it has an indemnity plan which allows very broad choice of health care providers. The commission notes that the plan has an individual deductible of \$100 and a family deductible of \$200 and an 80/20 copay. It stresses that while 62% of public employers statewide and 70% in northwest Ohio require employee contributions, it does not.

The commission charges that the union overstates the commission's financial resources. It states that the \$1.2 million credit is not available to it. The commission indicates that the credit is the result of the revenue it received and must be returned to the six jurisdictions represented on its board. It reports that the carryover will be spent on equipment such as buses, computers, and a finger-printing system as well as hiring new staff.

Analysis - The Arbitrator believes that the case managers are entitled to a greater wage increase than the offer made by the commission. First, one of the statutory criteria is the wage paid to comparable workers in other jurisdictions. In the instant case the union submitted data for corrections officers in 82 jurisdictions. Since the case managers have all of the training and responsibilities of a corrections officer and are required to perform many additional duties involving more skill and responsibility, they are entitled to earn more than corrections officers. While they do earn 29 cents per hour more than corrections officers employed by the commission, the data submitted by the union suggest

that they generally earn less than corrections officers in other jurisdictions. This appears to be the case even when the jurisdictions which use certified police personnel as corrections officers are ignored.

Second, the wage offered by the commission does not equal recent average wage increases. The latest data on wage settlements published by SERB appeared in the SERB Quarterly for the first quarter of 1997. It indicates that the average settlement for 1996 was 3.29% statewide, 3.14% in northwest Ohio, and 3.59% in police units. Statewide the average increase for three-year agreements was 3.53%, 3.25%, and 3.25%. The SERB Quarterly for the third quarter of 1997 reveals that the average wage recommendation by Factfinders was 3.44% and the average wage award by Conciliators was 3.74%. In 1997 the City of Toledo, which is one of the jurisdictions included in the Corrections Commission for Northwest Ohio, granted most bargaining units a 12% increase over three years consisting of a 9% increase in wages plus payment of 3% of the employee's pension contribution.

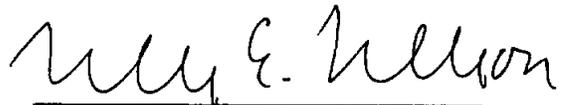
Third, the commission appears to be in strong financial condition. The projected carryover to 1998 is \$300,000. In addition, the commission expects to return \$1.2 million to its members. In contrast, the cost of a 1% wage increase including fringe benefits is \$3155 for the case managers and \$57,303 for the case managers, corrections officers, and supervisory bargaining units. While having the ability to grant a wage increase does not mean that an employer must do so, other factors suggest that the case managers are entitled to a significant wage increase.

The Factfinder recommends that wages be increased by 4% in 1998, 3.5% in 1999, and 3.5% in 2000. The majority of the recommended increase reflects wage settlements in other jurisdictions. The remaining amount represents an attempt to adjust the wages of the case managers to reflect the higher wages of corrections officers in other jurisdictions.

Recommendation - The Factfinder recommends the following contract

language:

Effective the first pay period beginning after January 1, 1998 wages shall be increased by 4%. Effective the first pay period beginning after January 1, 1999 and January 1, 2000 wages shall be increased by 3.5%.



Nels E. Nelson
Factfinder

December 22, 1997
Russell Township
Geauga County, Ohio