

STATE EMPLOYMENT
RELATIONS BOARD

DEC 17 10 27 AM '97

STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF FACT FINDING

between

FRATERNAL ORDER OF POLICE
OHIO LABOR COUNCIL, INC.
(CORRECTIONS OFFICERS)

Case No. 97-MED-10-1128

Employee Organization

-and-

CITY OF MIDDLETOWN, OHIO

Public Employer

FACT FINDING REPORT

Mitchell B. Goldberg

Appointed Fact Finder

I. INTRODUCTION

The undersigned, Mitchell B. Goldberg, was appointed as the Fact Finder for the subject case pursuant to the regulations of the Ohio State Employment Relations Board on December 1, 1997. A hearing was conducted for the unresolved issue between the parties on December 11, 1997 and a report was to be issued no later than December 15, 1997.

The representatives for each of the parties at the hearing were: For the FOP: Guy Kauffman, Staff Representative; Jim Brammer, Corrections Officer; and Bonnie Booker, Corrections Officer. For the City: Leslie S. Landen, Assistant Law Director; John Grumbles, Personnel Manager; Greg Schwarber, Deputy Chief; and, Mark Hoffman, Deputy Chief.

Prior to the hearing, each party submitted pre-hearing statements pursuant to Section 4117-9-05 of the rules of SERB.

The parties submitted a general description of the function of the employer and a general description of the employees in the bargaining unit. The parties met on several occasions prior to the hearing for the purpose of negotiating a collective bargaining agreement.

Consideration was given in the following report to the criteria listed in Rule 4117-9-05 of the State Employment Relations Board.

II. SOLE UNRESOLVED ISSUE

The present contract calls for a reopener of wages for the third year beginning January 1, 1998. The FOP proposes an across the board increase of 5% and The City is offering a 2.7% across the board increase. Each of the parties presented comprehensive economic evidence in the form of statistics and exhibits. Their respective positions are as follows:

The FOP argues that because of past history, the corrections officers have unfairly been relegated to the bottom level of compensation within the city pay schedules. Originally, when the City converted corrections workers from police officers to civilians, the jobs were filled with SETA government subsidized workers. Women employees were called matrons. Over the years, however, the job responsibilities and duties have become more complex and technical. Each of the employees must be computer literate and they are responsible for the care of many inmates. Their jobs are dangerous and if they do not adequately perform their jobs they could expose the City to

considerable liability. It is, therefore, important that quality employees be hired who are well trained. In order to obtain such employees, they must be fairly compensated. Presently, the officers are paid in the lower 20% on the city pay scales. Senior clerk typists earn \$2,700 more than corrections officers. Of the 470 city employees, 95-97% earn more than corrections officers. Even dispatchers, who are in the same bargaining unit make \$1,200 more annually than corrections officers.

The City has the ability to pay the proposed increase of 5% and there are good reasons why it should do so. There is an unreasonably high turnover among these employees because of the low pay and the lack of respect for their jobs. Many applicants apply only because they want to be considered for openings as police officers; they have no desire to remain in corrections as a career. Because of the high turnover, many of the employees are probationary employees or employees who are in the process of being trained. Many of these employees work in an unsupervised setting and wrong decisions or poor judgment on their part could subject the City to serious liability problems. If the wages were increased to a respectable level, the City could hire older persons who would want to stay in the job as a career and there would be less instability among the employees and more efficiency within the department

The City is receptive to a review of the job classifications within the city including the changes which have occurred with the responsibilities and duties of the corrections officers. This type of job audit analysis, however, takes years to perform and the City must analyze this classification in the context of all the other classifications in order to be equitable. This is not the type of analysis that should be performed by a fact finder whose responsibility is only to decide compensation for the last year of a three year contract. Moreover, the amount of compensation to be paid and the level to be ascertained is ultimately going to be decided by the market place and by what is paid for the job by comparable employers who employ from the market of available and competing job applicants. Turnover is admittedly a problem but the City is never going to eliminate the many applicants who apply only as a stepping stone to employment on the police force.

The City believes that the pay is not inequitable considering the market and comparable employers. Employees are rewarded for long term employment with existing longevity steps in the contract. There is a 4.7% increase between steps and there is additional compensation at the tenth year, fifteenth year and twentieth year. Dispatchers are paid more only because the corrections officers chose to take more in fringe benefits in past negotiations. According to the City exhibits, their proposed percentage increase offer is in line with other comparable employers such as Butler County, Warren County

and other cities.

III. RECOMMENDATION

After considering all of the testimony and evidence presented at the hearing I recommend that the City pay the correction officers a 3% across the board increase for the last year of the contract together with a one-time payment bonus of \$167.00 per employee, to be paid within two weeks after the execution of this agreement by the parties, in the event they accept this recommendation.

Respectfully submitted,


Mitchell B. Goldberg,
Appointed Fact Finder

Date: December 15, 1997