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STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD

FACT-FINDING PROCEEDINGS

CASE NO. 98-MED-07-0685

ROBERT C. DEVLIN

FACT-FINDER

In the Matter of:

**OHIO PATROLMEN'S BENEVOLENT
ASSOCIATION**

and

**WESTERN RESERVE TRANSIT
AUTHORITY**

February 5, 1999
(4-152)

REPORT AND RECOMMENDATION OF THE FACT-FINDER

APPEARANCES

On Behalf of the Union:

Kevin Powers, Esq.
Frank J. Niles -- Union Representative

On Behalf of the Employer:

Alan R. Kretzer, Esq.
James J. Ferraro -- Executive Director
Miquel A. Diaz -- Director of Human Resources

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 January 21, 1999.

The fact-finding hearing was held on February 5, 1999 at the business offices of the Western Reserve Transit Authority located at 604 Mahoning Avenue, Youngstown, Ohio 44502.

The bargaining unit consists of seven (7) or eight (8) part-time security guards who are commissioned as deputies by the Mahoning County Sheriff.

The negotiations and fact-finding are pursuant to an initial collective bargaining agreement.

Extensive negotiations and mediation resolved the following issues:

- Uniform Allowance
- Discipline
- Policies and Procedures
- Reduction in Force
- Probationary Period
- Working Conditions (Professional Qualifications)
- Working Conditions (Minimum Work Obligations)
- Duration

Therefore, no recommendations on these items will be included in this report.

Along with the testimony and evidence, consideration was given to the criteria mandated by the Administrative Rules and the Ohio Revised Code Section 4117.14.

The fact-finder would be remiss if he did not compliment the parties on their preparation and presentation of their respective positions as well as the degree of professionalism displayed throughout the proceedings.

ISSUE AND RECOMMENDATION

WAGES

Issue: Both parties, as expected, had proposals in this area. The Union proposal is as follows:

<u>Year</u>	<u>Hourly Rate</u>
1999	\$ 11.50
2000	12.50
2001	13.50

The Employer, on the other hand, seeks to maintain the current practice of two (2) classifications, i.e., General Security employees and Federal Station employees. The Employer proposed the following schedules.

General Security

<u>Year</u>	<u>Hourly Rate</u>
1999	\$ 8.8500 + 3% or \$ 9.1155
2000	9.1155 + 2% or 9.2978
2001	9.2978 + 2% or 9.4838

Federal Station

<u>Year</u>	<u>Hourly Rate</u>
1999	\$ 9.3700 + 3% or \$ 9.6511
2000	9.6511 + 2% or 9.8440
2001	9.8440 + 2% or 10.0400

Position of the Union: It is the position of the Union that the employees of this bargaining unit must hold and maintain a valid commission from the Sheriff of Mahoning County as a condition of continued employment and that this qualification should be given consideration in establishing hourly rates.

It is also the position of the Union that the comparables more than support its proposal. In support of this contention, the Union presented collective bargaining agreements, or potential agreements, covering Youngstown State University, the Mahoning Valley Sanitary District, Youngstown Police, Mahoning County Sheriff's Department, Greater Cleveland Regional Transit Authority, Cleveland Police, and others.

a negotiating ploy. Although the Union proposal far exceeds that which the fact-finder considers reasonable under the totality of the circumstances facing the parties, the offer of the Employer does not square with the qualifications demanded by the Employer. The fact-finder feels that an increase should be greater than that proposed by the Employer.

It is further the opinion of the fact-finder that the Union did not present any persuasive evidence that the two (2) classification structure should be abandoned.

Recommendation of the Fact-Finder: It is the recommendation of the fact-finder that the following wage scale be included in the collective bargaining agreement.

General Security

<u>Year</u>	<u>Hourly Rate</u>
1999	\$ 8.8500 + 4% or \$ 9.2040
2000	9.2040 + 3% or 9.4801
2001	9.4801 + 3% or 9.7645

Federal Station

<u>Year</u>	<u>Hourly Rate</u>
1999	\$ 9.3700 + 4% or \$ 9.7448
2000	9.7448 + 3% or 10.0371
2001	10.0371 + 3% or 10.3382



ROBERT C. DEVLIN
Fact-Finder

Dated February 22, 1999

CERTIFICATE OF SERVICE

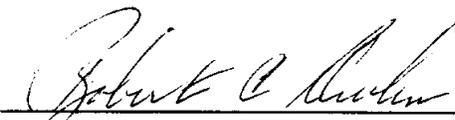
The foregoing Report and Recommendation of the Fact-Finder was sent on February 22, 1999 by regular U.S. mail to the following individuals:

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State Employment Relations Board
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James J. Ferraro
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ROBERT C. DEVLIN
Arbitrator