

DEC 22 10 25 AM '98

IN THE MATTER

OF

FACTFINDING

BETWEEN

THE FRATERNAL ORDER OF POLICE/
OHIO LABOR COUNCIL, INC.

AND

BROWN COUNTY SHERIFF

Hearing: December 1, 1998
SERB Case Nos.: 98-MED-09-0808
Date of Report: December 21, 1998
Issue: Factfinding

Union Representative:

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REPORT AND RECOMMENDATIONS

Michael Paolucci
Factfinder

Administration

By letter dated December 1, 1998, from the Ohio State Employment Relations Board, the undersigned was informed of his designation to serve as factfinder for the Parties. On December 16, 1998, a hearing went forward in which the Parties presented arguments and documentary evidence in support of positions taken. The record was closed at the end of the hearing on December 16, 1998, and is now ready for a factfinding report.

Factual Background

The County is located in South-Central Ohio, along the Ohio River and approximately sixty five (65) miles east of Cincinnati, Ohio; the Union represents approximately twenty seven (27) employees, including Patrol Officers, Corporals, Corrections Officers, Dispatchers, and Cooks who work in the county's police division.

Prior to the beginning of the hearing, mediation was attempted by the factfinder, but was unsuccessful. A hearing was held and, since the only issue was a wage re-opener, then only that Article was discussed. Prior to the beginning of the hearing, but after mediation, the Union withdrew two (2) of its four (4) wage issues — Longevity Pay, and Investigative Assignment Differential. Thus only two issues were discussed — General Wage increase and Shift Differential. The Wage Article is Article 24 and will be handled below.

Section 4117-9-05 of SERB's administrative rules addresses the issues that a factfinder must consider when making recommendations. That section, in pertinent part, reads as follows:

(K) The fact-finding panel, in making recommendations, shall take into consideration the following factors pursuant to division (C)(4)(e) of section 4117.14 of the Revised Code:

- (1) Past collectively bargained agreements, if any, between the parties;
- (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, 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;
- (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 agreed-upon dispute settlement procedures in the public service or in private employment. (emphasis added)

The wage issue will be addressed giving consideration to all of the required factors.

ARTICLE 24 - WAGES

The County offers a thirty five cent (.35) across the board wage increase and opposes any wage differential.

The Union offers a fifty cent (.50) across the board wage increase and proposes new language that would result in a ten cent (.10) wage differential being paid to all employees who work the second and third shift.

COUNTY POSITION

The County argues that the comparables that it chose, like situated counties with similar populations across the entire state, show that the amount it offers is reasonable. It argues that the

Union's offer, resulting in an increase of somewhere between 6% and 9% depending on the position, is excessive and unjustified based on comparables. It argues that the County has put a lot of money in the department in the last few years resulting in better equipment, more officers, and better support. Since the County has spent that money making the job better, it argues that it would be unreasonable for it to now have to pay the Union's proposal in addition to the other extraordinary expenses.

Similarly, with respect to the request for a shift differential, the County argues that since very few of the comparables pay such a differential, then it should not have to either.

UNION POSITION

The Union argues that this unit has been historically underpaid, that the amount of underpayment is resulting in a large turnover rate, and that some of its members are leaving because the local fast food restaurants pay better than the County. It argues that nearly all of the deputies have to hold second jobs to make ends meet. It asserts that the proposal it has made is a small step toward reconciling this unit with the wage rates of local municipalities. It contends that the local comparables it chose are more relevant than those chosen by County from all over the state. Since even local villages pay better than this County, it asks the undersigned to find that its proposal be found meritorious.

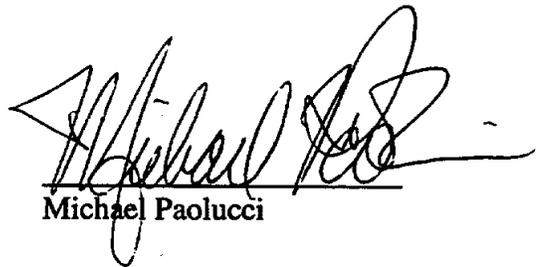
With respect to the shift differential, the Union asserts that its low wages can be made up a bit by paying this benefit. It again counters the County's comparables by using different comparables that show shift differentials to be more common than the County would let the undersigned believe.

RECOMMENDATION

It is recommended that the wage increase be forty five cents (.45). The Union's emotional argument has persuasive value. However, its historic position as being one of the lower paid counties justifies a raise that maintains that status quo. Moreover, the long history of low wages can not be made up with one year's wage raise. Based on the comparables, and since a forty five cent (.45) wage increase is large when expressed as a percentage, then that recommendation is made.

It is similarly recommended that the shift differential be added such that second (2nd) shift be paid a five cent (.05) per hour wage increase, and that the third (3rd) shift be paid a ten cent (.10) per hour wage increase. This recommendation is made in an attempt to give wages to those who must work poor hours in addition to the low pay.

December 21, 1998
Cincinnati, Ohio



Michael Paolucci