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IN THE MATTER OF FACT-FINDING

BETWEEN

THE CITY OF WOOSTER

AND

THE WOOSTER FIRE FIGHTERS, I. A. F. F. LOCAL 764

BEFORE: Robert G. Stein

SERB CASE NO. 98-MED-10-0944

PRINCIPAL ADVOCATE FOR THE UNION:

Thomas M. Hanculak, Esq.
JOSEPH W. DIEMENT, JR. & ASSOCIATES CO., L.P.A.
1360 S.O.M. Center Rd.
Cleveland, OH 44124-2189

and

PRINCIPAL ADVOCATE FOR THE EMPLOYER:

Richard R. Benson, Jr., Esq.
DEPARTMENT OF LAW
CITY OF WOOSTER
Wooster, OH 44691

INTRODUCTION

The bargaining unit is comprised of thirty-seven (37) employees holding the following classifications: Fire Fighter, Fire Lieutenant, and Fire Captain. The bargaining unit has existed for several years.

On February 1, 1999, a fact-finding hearing was held and the parties presented to the Fact-finder ten unresolved issues. Prior to the parties' presentations the Fact-finder served as a mediator. The mediation effort was a success thanks to the experience and expertise of the seasoned advocates and the tireless effort of both bargaining teams. The parties reached agreement on all the open issues with the understanding that the Fact-finder would formally recommend the contents of this settlement in the form of a fact-finding award.

The following represents the recommendations of the Fact-finder that are based upon mediation in lieu of an evidentiary hearing. By the request of the parties this award is confined to the recommendations of the Fact-finder and does not include analysis or rationale (See Appendix 1). Analysis and deliberation took place during the rigors of the mediation process. However, it should be made clear that all of the recommendations contained herein are fully supported by the facts, the comparable data available to the Fact-finder, and in accord with the criteria contained in the Ohio Revised Code. This streamlined approach was requested by the parties in order to efficiently conclude the bargaining process.

CRITERIA

OHIO REVISED CODE

In the finding of fact, the Ohio Revised Code, Section 4117.14 (C)(4)(E) establishes the criteria to be considered for fact-finders. For the purposes of review, the criteria are as follows:

1. Past collective bargaining agreements
2. Comparisons
3. The interest and welfare of the public and the ability of the employer to finance the settlement.
4. The lawful authority of the employer
5. Any stipulations of the parties
6. Any other factors not itemized above, which are normally or traditionally used in disputes of this nature.

These criteria are limited in their utility, given the lack of statutory direction in assigning each relative weight. Nevertheless, they provide the basis upon which the following recommendations are made:

ISSUE 1 ARTICLE 14 HOURLY WAGE RATES

Recommendation

Effective January 1, 1999 (retroactive) wages for Class C and above shall be increased by 3%.

Effective January 1, 2000 wages for Class C and above shall be increased by 4%.

Effective January 1, 2001 wages for Class C and above shall be increased by 4%

Wages for Class A and B shall remain at the 1/1/98 wage levels for the duration of the Agreement. However, all Fire Fighters who are in Class A and B positions as of the date of this fact-finding award shall be "grandfathered" and shall receive the wage increases of 3%, 4%, and 4% provided for above.

ISSUE 2 ARTICLE 14 RANK DIFFERENTIAL

Recommendation

Effective January 1, 1999, the rank differential between the classifications of Fire Fighter C and Lieutenant shall be re-adjusted to 9.33%. The rank differential between Lieutenant and Captain shall be re-adjusted to 7.5%.

ISSUE 3 ARTICLE 17 HOURS AND SCHEDULE

Recommendation

The per-week average hours shall be fifty-one point seven (51.7).

ISSUE 4 NEW ARTICLE RETIREMENT INCENTIVE

Recommendation

New Article: ARTICLE ___ RETIREMENT INCENTIVE

Commencing with contract year 1999, when a member of the bargaining unit has completed twenty-two years (22) of service with the city of Wooster, he will be eligible to begin drawing a stipend of one thousand (\$1,000.00) per year, payable for increments of one full year of service and payable upon the anniversary date following eligibility and each anniversary date thereafter. In the event the member becomes eligible, but leaves employment prior to the anniversary date, the stipend will be pro-rated to the date of retirement. The anniversary date will be based upon years of service with the city of Wooster.

ISSUE 5 ARTICLE 24 VACATIONS

Recommendation

Section 1

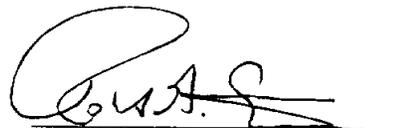
The vacation accrual rate for years of service of at least 0 and less than 6 shall be adjusted to reflect five (5) days of earned vacation per year.

All other vacation earnings shall remain current.

TENTATIVE AGREEMENTS

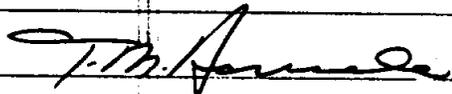
All other issues tentatively agreed to prior to fact-finding are considered to be part of this report and are recommended to the parties.

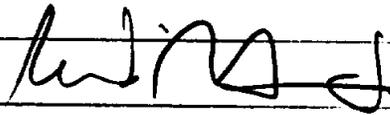
The Fact-finder respectfully submits the above recommendations to the parties this 11th day of February 1999 in Summit County, Ohio.


Robert G. Stein, Fact-finder

Agreement

The parties hereto, the City of Wooster and the Wooster Fire Fighters Union, Local 764, hereby agree to the issuance of a summary report and recommendation by the fact-finder, Robert Stein. Both parties hereby agree to waive the inclusion of rationale supporting the report of the fact-finder.


ATTY Gen FAFU 764
2-1-99

 2-1-99
Richard R. Benson, Jr.,
on behalf of The Employer