

R

STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD  
REF

STATE EMPLOYMENT RELATIONS BOARD

OCT 16 9 00 AM '95

---

In the Matter of Fact-Finding :  
 Between :  
 CITY OF MARIETTA, :  
 Employer, : Case No 95-MED-08-0670  
 -and-  
 INTERNATIONAL ASSOCIATION OF FIRE :  
 FIGHTERS, MARIETTA LOCAL NO. 442, :  
 Union. :

---

**FACT FINDING AND RECOMMENDATIONS**

Richard E. Gombert, Fact-Finder

APPEARANCES

For the City of Marietta:

Roland W. Riggs, III, Esq.  
 Marietta City Law Director  
 301 Putnam Street  
 Marietta, Ohio 45750

For the International Association of Fire Fighters, Marietta  
 Local No. 442:

Bruce Weckbacher  
 Bargaining Committee Chairman  
 Marietta Fire Fighters Local No. 442  
 P.O. Box 105  
 Whipple, Ohio 45788

## SUBMISSION

The undersigned was appointed Fact-Finder in this dispute on September 29, 1995. There is a collective bargaining agreement in full force and effect between the City of Marietta (hereinafter sometimes referred to as the "City" or the "Employer") and the International Association of Fire Fighters, Marietta Local No. 442 (hereinafter sometimes referred to as the "Union" or "Local No. 442"). This labor contract became effective on November 1, 1993. It will expire on October 31, 1996. It contains a wage reopener in October of 1995. The bargaining unit consists of all captains, lieutenants and firefighters. Currently, there are 33 employees in this unit, i.e., 4 captains, 3 lieutenants and 26 firefighters.

The parties began negotiations in August or September of 1995. They had a couple of meetings. They were not too productive. There is only one issue, i.e., pay scales. The Union originally sought a 6.5% pay increase. The City offered 2.7%. Local No. 442 revised its position to 6.0% plus a guarantee that it would be retroactive to November 1, 1995 in the event that negotiations were not concluded prior to that date. The Employer believed that the parties were too far apart and sought fact-finding.

The parties agreed to a fact-finding hearing on October 9, 1995. The meeting began at 10:30 a.m. It was held in a conference room at the Marietta City Hall.

There were several people present at this hearing in addition to the Representatives and the Fact-Finder. They are as follows:

For the City:

Robert G. Boersma, Safety Service Director  
William D. McFarland, Assistant Safety Service Director

For Local No. 442:

Jack Walters, President of Local No. 442  
Ronald E. Wright, Bargaining Committee Member  
Tim Casto, Bargaining Committee Member  
Dave Joy, Bargaining Committee Member

The parties were not able to agree on the amount of the general wage increase in this wage reopener in a new three year labor contract. Therefore, the Fact-Finder heard evidence submitted by the parties on this point.

In rendering this Award, the Fact-Finder has given full consideration to all reliable information relevant to the issue and to all criteria specified in O.R.C. Sec. 4117.14(C) (4) (e) and Rule 4117-9-05(J) and (K) of the State Employment Relations Board, to wit:

- (1) Past collectively bargained agreements 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) 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.

#### WAGES

**The Employer Position:** The City has proposed an across-the-board wage increase of 2.7%. The increase is to be effective on and after November 1, 1995.

The Employer notes that its proposed wage increase is consistent with the cost of living increase over the last year. Also, it granted wage increases over the first two years of this collective bargaining agreement totaling 7.5%. These increases exceeded the cost of inflation over that period of time. The City has been fair and equitable to its employees. It has granted identical wage increases to its other unionized and non-union employees.

There are five other somewhat similar cities in Southeastern Ohio. Specifically, they are Athens, Cambridge, Chillicothe, Portsmouth and Zanesville. The Employer notes that the wages that it pays to its firefighters is better than most of them in each job category. It ranks one or two in each job category.

**The Local No. 442 Position:** The current Union position is an across-the-board wage increase of 6.0 %. This increase is to be effective on and after November 1, 1995.

The Union notes that a 6.0% increase would result in the firefighters earning about the same amount of money as the police officers. It would be a catch-up wage increase. There was a time when those two job categories paid somewhat similar wages. However, even under these circumstances, it would probably be a short-term gain. The police officers will have a wage reopener in the near future and will probably receive a wage increase. This wage increase will further increase the disparity between these bargaining units.

Then, there is the issue of training. The Local No. 442 members now have some responsibilities for Emergency Rescue Squad service, Emergency Hazardous Material Incident Response, Confined Space rescue plus Fire Prevention and Education. There is a great deal of training involved in obtaining an initial certification and maintaining that certification. The job is quite hazardous and stressful.

The city is growing. It has added 69 new businesses within the last two or three years. The total city budget is over \$18,000,000.00. There has been a recent savings in a new insurance plan. Also, the city has contracts with local governments. When its firefighters render a service to these local governments, the city is paid for this service.

The Union notes that there are four townships with a population about the same as Marietta. They have fire departments. They pay substantially higher wages than Marietta.

Recommendation: I have examined all of the comparables provided by Local No. 442 and the City. I am recommending a modification of each side's position.

I should start by addressing the issue of the budget. The total budget is not the most appropriate figure. There are items that require special attention. There are revenues that may only be spent for their intended purpose. For example, a sewer levy may only be spent for specific purposes, e.g., the construction and maintenance of the sewer system. There is a fire levy in Marietta. This levy plus the general fund may be considered in the evaluation of the firefighters' salaries.

Also, I recognize that there has been some growth in this city. It has annexed some areas - - this involves some amounts of undeveloped land. There are new businesses. However, they appear to be primarily in the service industry. The city is growing - - but it is not a boom town.

I should note that the Employer did not really belabor an argument of an inability to pay a reasonable wage increase. Conversely, Local No. 442 did not really argue that the city was awash in excess funds.

The general wage increase is the next issue. The Union's position is 6.0%. The City's position is 2.7%. Based on my examination of the elements which I am required by statute to examine, and the arguments and submissions of the parties, I am going to recommend a wage increase which is not totally consistent with the position of either party.

I believe that the Employer offers the better arguments. It compares salaries in various Southeastern Ohio firefighting units. Those units have, or soon will have, an annual wage increase of 3.0%, 3.5% or 4.0%. Consequently, I believe that a 6.0% wage increase is not justified.

I do not believe that comparing wages to various township fire departments in Franklin County is the best comparison. It is removed from Washington County by at least 100 miles. Furthermore, Washington County is in Appalachia; Franklin County is one of our most populous counties and is the seat of our state government.

In addition, I am a bit skeptical of the comparison between salaries for police officers and firefighters. These two job groups have not had wage parity for the last 22 years. There does not appear to be any real reason to re-establish that parity at this time.

I do believe that there should be some recognition of the rigors of the job of being a firefighter. It is dangerous. It is hazardous. It is stressful. It requires a great deal of training. It requires a dedicated employee. Therefore, the employees in this bargaining unit are entitled to something more than a wage increase that would only match the rate of inflation. I believe that a wage increase in excess of 2.7% is justified.

I recommend a wage increase of 3.5% on each job classification listed on the pay scales in ARTICLE XIV of the collective bargaining agreement that is currently in full force and effect between the City of Marietta and the International Association of Fire Fighters, Marietta Local No. 442. This wage increase is to be effective on and after November 1, 1995.

This concludes the Fact-Finder's Report and Recommendations.

Respectfully submitted,

  
Richard E. Gombert  
Fact-Finder

Worthington, Ohio  
October 13, 1995