

STATE OF OHIO
PUBLIC SAFETY
7-29-99 10:00 AM '99

IN THE MATTER OF FACT-FINDING

BETWEEN

CITY OF MUNROE FALLS

AND

OHIO PATROLMEN'S BENEVOLENT ASSOCIATION
PATROL OFFICERS

BEFORE: Robert G. Stein

SERB CASE NO. 99 MED 10-0898
99-MED 10-0899

PRINCIPAL ADVOCATE FOR THE UNION:

Nicholas Codrea, Jr.
OPBA
10 Beech St.
Berea OH 44017

and

PRINCIPAL ADVOCATE FOR THE EMPLOYER:

Richard L. Goldsmith, Jr.
Attorney at Law
159 South Main St., Suite 900
Akron OH 44308-1383

INTRODUCTION

The bargaining units are comprised of approximately two (2) employees holding the classification of Sergeant and approximately six (6) employees holding the classification of Patrol Officer in the Munroe Falls City Police Department. Munroe Falls is located in Summit County and has a population of some 6,000 residents.

The parties met approximately two (2) times prior to fact-finding to bargain over re-opener language that appears in Article 29 of the Collective Bargaining Agreement (Joint Exhibit 1). The single issue in dispute is the establishment of a longevity system.

Both Advocates represented their respective parties well and clearly articulated the position of their respective clients. In order to expedite the issuance of this report, and with the concurrence of the parties, the Fact-finder shall briefly state the position of each party and shall summarize the rationale for the recommendation.

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 27 NEW SECTION LONGEVITY PAY

Union's position

See Union position statement attached. The Union proposes longevity payments that begin at year 5, at 19 cents per hour, and doubles every five years to a maximum of 76 cents per hour, at year 20 and above.

Employer's position

The Employer argues for the establishment of a longevity system that provides for longevity payments at year 15 and year 25.

Discussion

Longevity pay is a common negotiated benefit for public safety forces in Ohio. It is normally provided at equal, years of service, intervals and is paid to an employee who has completed at least five (5) years of employment. Although the Employer has already established a form of longevity for other employees in the City, it does not reflect the number of equal interval steps common to other public employers.

After considerable discussion regarding comparable data and the affordability of this benefit the following is recommended.

Recommendation

The following new section is to be added to Article 27 Compensation:

Section 1 Longevity

Effective January 1, 2000 all full-time Sergeants and Patrol Officers shall be paid longevity according to the following scale:

| <u>Munroe Falls Police Departmental Seniority</u> | <u>Longevity per Hour</u> |
|--|----------------------------------|
| 5 years | \$.10 per hour |
| 10 years | \$.25 per hour |
| 15 years | \$.40 per hour |
| 20 years | \$.55 per hour |

Sergeants and Patrol Officers shall receive the above longevity for all hours paid.

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 1st day of December, 1999 in Summit County, Ohio.



Robert G. Stein, Fact-finder

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

| | |
|--|--|
| OHIO PATROLMEN'S BENEVOLENT) ASSOCIATION,) Employee Organization,) |) Case Nos.) 99-MED-10-0898) 99-MED-10-0899))) |
| vs.) |) FACT FINDER:) ROBERT STEIN)) |
| CITY OF MUNROE FALLS,) Employer,) |) HEARING DATE:) NOVEMBER 29, 1999) |

POSITION STATEMENT OF THE UNION

Now comes the Ohio Patrolmen's Benevolent Association ("Union") and pursuant to the Ohio Administrative Code Rule 4117-9-05(F) the following is submitted to Fact Finder Stein and Employer Representative Richard Goldsmith, Esq..

- (A) The name of the Union is the Ohio Patrolmen's Benevolent Association. Its principal representative is Nicholas Codrea, Jr., 10 Beech Street, Berea, Ohio 44017; phone (440) 891-9600; fax (440) 891-9340.

- (B) The instant case concerns two (2) Bargaining Unit(s)
- (1) The 1st Unit includes Sergeants. There are approximately 2 employees in this Bargaining Unit.
 - (2) The 2nd Unit includes Patrol Officers. There are approximately 6 employees in this Bargaining Unit.
- (C) The Ohio Patrolmen's Benevolent Association became the exclusive representative in 1992.
- (D) A copy of the parties' current Collective Bargaining Agreement(s) are included herein.
- (E) The Employer is the City of Munroe Falls. The City of Munroe Falls is located within Summit County and has a population of 6,500.
- (F) The employees serve and protect the safety of the citizens of Munroe Falls by performing as Police Officers, Detectives and Sergeants.
- (G) The parties have met and/or conferred on two (2) occasion(s).

(H) The instant case concerns a reopener for longevity pursuant to Article 29 of the parties Agreement

(I) The Union's position of this issue follows.

ISSUE #1 LONGEVITY COMPENSATION

The Union would propose the following:

Section 1(New)

Effective January 1, 2000 all full-time Sergeants and Patrol Officers shall be paid longevity according to the following scale.

**Munroe Falls Police
Department Seniority**

Longevity per Hour

| | |
|-----------------|------------------------|
| 5 years | \$.19 per Hour |
| 10 years | \$.38 per Hour |
| 15 years | \$.57 per Hour |
| 20 years | \$.76 per Hours |

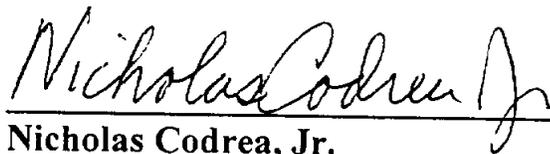
Section (New)

Sergeants and Patrol Officers shall receive the above longevity payments for all hours paid.

The Union would further propose that the language above be included under Article 27, Compensation, of the parties' current Agreements.

Additionally, the Union would respectfully request the right to modify the above position based upon discussion/mediation at hearing.

**Respectfully Submitted this 24th day of
November, 1999 by:**



Nicholas Codrea, Jr.

OPBA

10 Beech Street

Berea, OH 44017

Phone: (440) 891-9600

Fax: (440) 891-9340

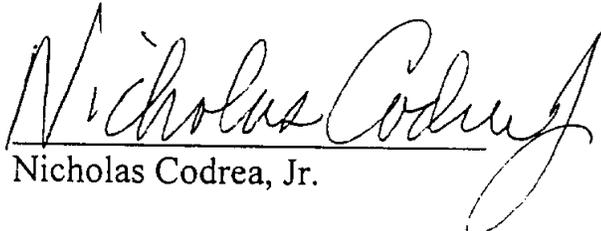
CERTIFICATE OF SERVICE

This is to certify that a true copy of the above Position Statement of the Union has been sent this 24th day of November, 1999 via regular U.S. mail to the following:

Richard Goldsmith, Esq.
159 South Main Street Suite 900
Akron, OH 44308

and to

City of Munroe Falls
43 Munroe Falls Ave.
Munroe Falls, OH 44262


Nicholas Codrea, Jr.