

CONCILIATION AWARD
STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

STATE EMPLOYMENT
RELATIONS BOARD

2001 JUN 11 A 9:14

June 8, 2001

In the Matter of:

City of Wellston

and

Fraternal Order of Police,
Ohio Labor Council, Inc.

)
)
)
)
)
)
)
)
)
)

Case No. 00-MED-09-0878

APPEARANCES

For the City of Wellston

John Stabler, Mayor
Gary George, Services Director

For the FOP-OLC Inc.

Jon Heineman, Staff Representative
Glenn Webb, Dispatcher
James Spurgeon, Dispatcher

Conciliator

Richard E. Gombert

BACKGROUND

The parties to this conciliation are the City of Wellston (hereinafter sometimes referred to as the "City" or the "Employer") and the Fraternal Order of Police, Ohio Labor Council, Inc. (hereinafter sometimes referred to as the "FOP" or the "Union"). There is a collective bargaining agreement involving the City and Union. It became effective on January 1, 1998. It expired on December 31, 2000.

The parties have been attempting to negotiate a new collective bargaining agreement. They have resolved many of the issues. But, they have been unable to resolve issues involving eight issues. They are as follows: (A) recall and reinstatement; (B) firing range; (C) injury leave; (D) assault and liability leave; (E) shift differential; (F) longevity pay; (G) annual clothing allowance; and (H) general wage increase.

These matters were submitted to the fact-finding process. The Fact-Finder was Margaret Nancy Johnson. She held a hearing on March 15, 2001. She issued her report on April 4, 2001. The City accepted her recommendations. The Union did not do so. Consequently, the matter proceeded to the conciliation process.

The State Employment Relations Board appointed the undersigned to be the conciliator on April 24, 2001. The appointment was based on the preferences of the parties and the availability of conciliators. The conciliation hearing was held in a City Hall conference room in Wellston on May 18, 2001. It started at 10:50 a.m. It adjourned at 11:35 a.m.

It should be noted that the Employer accepted the Fact-Finder's recommendations in their entirety. The FOP accepted all of them except the general wage increase. It did accept a general wage increase for the police officers. It did not accept the recommendation for the communications officers (i.e., dispatchers). Therefore, the general wage increase for these dispatchers is the only issue involved in this conciliation.

The Conciliator is required to select the final offer of one party or the other without modification on an issue-by-issue basis. The selection between the final offers is based on the criteria set forth in Section 4117.14 (G)(7) of the Ohio Revised Code. That criteria is:

- (a) Past collectively bargained agreements, if any, between the parties;
- (b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (c) The interests 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;
- (d) The lawful authority of the public employer;
- (e) The stipulations of the parties;
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues

submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment.

ISSUE

The only issue involves ARTICLE 15 - WAGES. In reality, it only involves part of this article. The wage rates for police officers have been resolved. The wage rates for communications officers are still in dispute.

Union Position

The FOP believes that there should be a general across-the-board wage increase of 30¢ per hour to the dispatchers in the first year (retroactive to January 1, 2001) of a three year labor contract. Then, there should be general across-the-board wage increases of 35¢ per hour and 42¢ per hour in the second and third years.

The Wellston communications officers have an effective hourly rate that is somewhat less than the wages paid to their counterparts in Jackson, Ohio. Both cities have approximately the same population. They are within 5 or 6 miles of each other. The Wellston dispatchers do not want to fall further behind the Jackson dispatchers.

The Consumer Price Index is rising at about an annual rate of 3.75%.

Employer Position

The City has accepted the Fact-Finder's Report. She recommended general wage increases of 2.8% in 2001, 3.2% in 2002 and 3.5% in 2003. When this formula is applied to the dispatchers, it results in general wage increases of 27¢ per hour in 2001, 32¢ per hour in 2002 and 36¢ per hour in 2003.

The Employer does not believe that Jackson is an appropriate comparable. It has a property valuation of about \$78,000,000.00. Wellston has a property valuation of about \$42,000,000.00. Also, Jackson is the county seat.

The City questions its ability to pay. The previous administration was rather lax. It had some difficulty trying to stay within its budgetary guidelines. The State Auditor is looking at this community. It appears to be a continuing investigation. The current administration has cut the budgets of most departments. It is deeply concerned about its financial health. Also, a larger dispatcher wage increase would not be fair to the police officers.

Discussion

The Union argument is the more persuasive argument. The wages for the communication officers are quite low. The parties have recognized this disparity in the past. The dispatchers received larger across-the-board wage increases than the patrol officers in 1999 and 2000. There isn't a real reason to deny them some slightly higher across-the-board wage increase in this new labor contract.

The FOP position will, more or less, maintain the status quo with the dispatchers in Jackson. It is the only comparable advanced by the Union. The City did not proffer any evidence of any comparable. Therefore, the conciliator had only one comparable to examine in rendering this award.

The Employer's financial health is a bit nebulous. This community recently enacted an income tax. It will generate some revenue. However, the exact amounts are not known. They can only be estimated. The minimal extra amounts granted to these three dispatchers should not trigger any appreciable negative impact on the City's financial health.

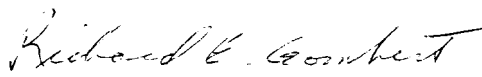
The FOP position is adopted.

Award

The Conciliator awards the Union's final proposal concerning the wages for communications officers in ARTICLE 15 - WAGES.

Certification

This Conciliation Award is based upon the evidence and testimony presented to me at the hearing conducted on May 18, 2001 and on the evidence submitted by the parties prior to and at the hearing. The final offer award is based upon the procedures for conciliation as found in O.R.C. 4117 and associated administrative rules promulgated by the State Employment Relations Board. This Award involving the final offers by the parties concerning one part of one article of the new collective bargaining agreement is the only item that has been decided in this Conciliation Award. The parties have accepted all of the Fact-Finder's recommendations other than the one involving the general wage increases for communications officers.



RICHARD E. GOMBERT
CONCILIATOR

Worthington, Ohio