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Susan Grody Ruben, Esq.
Conciliator
30799 Pinetree Road, No. 226
Cleveland, OH 44124
216/464-4060 (phone)
216/595-5274 (fax)
SGRuben@aol.com

PURSUANT TO O.R.C. 4117.14(G)
UNDER THE AUSPICES OF THE
STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER BETWEEN)	
)	
CITY OF EUCLID)	
)	CONCILIATOR'S AWARD
and)	
)	SERB CASE NO. 01-MED-09-0845
CIVILIAN UNIFORM POLICE)	
PERSONNEL ORGANIZATION)	

This Conciliation arises pursuant to Ohio Revised Code Section 4117.14. The parties, City of Euclid ("City") and Civilian Uniform Police Personnel Organization ("Union") selected Susan Grody Ruben to serve as sole, impartial Conciliator, whose Findings of Fact, Opinion, and Award is issued below.

Hearing was held November 4, 2003 in Euclid, Ohio. The parties were afforded full opportunity for the presentation of positions and

evidence. Pre-hearing submissions were received from both parties.

APPEARANCES:

for the City:

**Phyllis Vento, Acting Law Director, City of
Euclid, 585 East 222nd Street, Euclid, OH 44123**

for the Union:

**Robert M. Phillips, Faulkner, Muskovitz &
Phillips, LLP, 820 West Superior Avenue, 9th
Floor, Cleveland, OH 44113**

FINDINGS OF FACT, OPINION, AND AWARD

Background

The parties went to Factfinding, and a Factfinder's Report was issued by John Babel, Jr. on June 2, 2003. Babel issued a clarification dated June 27, 2003 regarding Proficiency Pay.

In Conciliation, the parties presented three issues with regard to their January 1, 2002 – December 31, 2005 collective bargaining agreement:

- 1) Wages,**
- 2) Prescription Drug Co-payments, and**
- 3) Proficiency Pay.**

Retroactivity

On December 5, 2001, the parties agreed the terms of the 2002-2005 collective bargaining agreement shall be retroactive to January 1, 2002, if ratification had not taken place by January 1, 2002. The Conciliator confirms this retroactivity.

Statutory Criteria

In reaching decisions on the three open issues, the Conciliator has reviewed the parties' pre-hearing submissions and the statements made at the Conciliation Hearing. The Conciliator has analyzed this information against the statutory criteria found in Ohio Revised Code Section 4117.14(G)(7):

- a) Past collectively bargained agreements ... 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; and**
- f) Such other factors, not confined to those listed ... 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.**

Bargaining Unit

The bargaining unit consists of the 22 employees in the Euclid Police Dispatch and Records Room Departments.

Issues

1. Wages

Union Proposal

The Union proposed the following wage increases:

2002 – 0%

2003 – 4.5% (effective January 1, 2003)

2004 – 4.0%

2005 – 4.0%

City Proposal

The City proposed the following wage increases:

2002 – 0%

2003 – 2.5%

2004 – 3.5%

2005 – 4.0%

Conciliator's Award

The Conciliator selects the Union's Wage Proposal. Such wage increases reflect the terms received by the City's safety forces.

2. Prescription Co-payments

Union Proposal

The Union proposed the following prescription co-payments:

\$ 0 – generic

\$ 2 – when generic not available

\$12 – formulary

\$20 – name brand

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City Proposal

The City proposed the following prescription co-payments:

\$ 0 – generic

\$12 – formulary

\$20 – name brand

Conciliator's Award

The Conciliator selects the City's Prescription Co-payment Proposal. Such co-payments reflect the terms received by the City's safety forces.

3. Proficiency Pay

Union's Proposal

The Union proposed increases in proficiency pay as follows:

2002 – \$0

2003 – \$.10/hour

2004 – \$.10/hour

2005 – \$.10/hour

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City's Proposal

The City proposed increases in proficiency pay as follows:

2002 - \$0

2003 - \$0

2004 - \$0


2005 - \$0

Conciliator's Award

The Conciliator selects the Union's Proficiency Pay Proposal.

Such increases reflect the terms received by the City's safety forces, although their proficiency pay increases are expressed on a percentage basis.

DATED: November 5, 2003



Susan Grody Ruben, Esq.
Conciliator