

2007 MAR 26 A 11:45

In the Matter of Conciliation

Between

Case Nos.:

OPBA

05-MED-10-1198,
1199 and 1200

and

Before: Harry Graham

Ashtabula County Sheriff's
Office

APPEARANCES: For OPBA:

Mark Volcheck
OPBA
10147 Royalton Rd., Suite J
PO Box 338003
North Royalton, OH. 44133

For Ashtabula County Sheriff:

John. N. Barkan
J.N. Barkan and Associates
7575 Tyler Blvd., Suite C-3
Mentor, OH 44060-4885

INTRODUCTION: Pursuant to the procedures of the Ohio State Employment Relations Board a hearing was held in this matter before Harry Graham in Ashtabula, OH on March 12, 2007. At that hearing the parties were provided complete opportunity to present testimony and evidence. Prior to arriving at Conciliation the parties had recourse to Factfinding. The Report and Recommendations of the Factfinder, William Miller, were not mutually accepted. The parties agree that the remaining matters between them are properly before the Conciliator for resolution on their merits.

At commencement of the hearing two matters remained in dispute between the Union and Sheriff's Office. These involved vacation and wages. At the hearing the parties resolved the vacation issue. Thus, the only item in dispute concerns the wage increase to be made to Corrections Officers and Corporals.

POSITION OF THE UNION: The Union points to the complicated history of this issue. In January, 2006 the Sheriff unilaterally increased the wages of the three bargaining units in the Department. This increase was three percent (3.0%). In addition, the Sheriff made an additional increase to Dispatchers. This was termed an "equity increase." At various steps in the pay plan various increases were made. The combination of the three percent (3.0%) plus equity increases resulted in sizeable pay raises for Dispatchers. Adding them, the increases made to Dispatchers ranged from 5.7% to 7.9% depending upon the pay range. The increase made to the Dispatchers was gratifying. Now, the Union says, it is fundamentally inequitable. That same increase should be made to people in the CO and Corporal classifications. It wants their increases to be identical to those made to the Dispatchers. To provide less to those classifications is unfair. No reason exists for the greater pay increase made to Dispatchers according to the Union. As CO's and Corporals received less, and are proposed to receive less under the proposal of the Sheriff in this proceeding, the Union urges its offer on the wage increase for them be awarded.

POSITION OF THE EMPLOYER: The Sheriff too points to history in support of his proposal. In recent years the County and the Sheriff's Office fell upon hard times. In order to live within a seriously reduced budget large-scale layoffs were


made in 2005. Employees with many years of seniority were laid-off. The Sheriff felt a responsibility towards those remaining and instituted wage increases. He offered three percent (3.0%) increases to be effective January 1, 2006, 2007 and 2008. He also made the equity increase for Dispatchers. In his view they were seriously underpaid and deserving of the increase. Members of other bargaining units were paid appropriately in his view. As that was and is the case, there is no justification for the increase proposed by the Union for the Corrections Officers and Corporals. The proposal of the Sheriff is for the three, three percent (3.0%) increases in 2006, 2007 and 2008. Those increases are appropriate and nothing more should be awarded the Employer asserts.

DISCUSSION: There is the maxim that "no good deed goes unpunished." In this situation the Employer made an effort to ensure that its Dispatchers were properly compensated. Given the financial circumstances of the County and the Sheriff's Office that was an extraordinary act. Now the Union essentially says in this proceeding that as the Sheriff made an extra effort for Dispatchers he should do so for the CO's and Corporals as well. Were the proposal of the Union well-supported by data it could be awarded. It is not well-supported by the data. Comparability data (Un. Ex. 2) presented by the Union are skewed by the inclusion of Geauga County. For whatever reason salaries in Geauga County are above the norm for other counties in the northeast Ohio area: Lake, Trumbull, Portage and Cuyahoga. Certainly it is the case as is shown by the data that CO and Corporal wages in Ashtabula County are at the low end of the norm for the region. Precise equality cannot be expected.

At the hearing the Employer represented that its financial condition was not robust. To the contrary, it is precarious. I accept that as fact. Under these circumstances the position of the Employer must be awarded.

AWARD: The proposal of the Employer regarding the wage increase for Corrections Officers and Corporals is awarded.

Signed and dated this 23rd day of March, 2007 at Solon, OH



Harry Graham
Conciliator