



2009 JUL 20 P 12: 43

In the Matter of Conciliation

Between

Case Nos: 08-MED-10-1075, 1076,
1077

Ohio Patrolmen's Benevolent
Association

Before: Harry Graham

and

The City of Canfield, OH

APPEARANCES: For Ohio Patrolmen's Benevolent Association:

Jeffrey D. Perry
Ohio Patrolmen's Benevolent Association
10147 Royalton Rd., Suite J
North Royalton, OH 44133

For The City of Canfield, OH

Charles H. Tieche
City of Canfield, OH
104 Lisbon St.
Canfield, OH 44406

INTRODUCTION: Pursuant to the procedures of the Ohio State Employment Relations Board a hearing was held in this matter in Canfield on July 10, 2009. At that hearing the parties were provided complete opportunity to present testimony and evidence. The record was closed at the conclusion of oral argument.

Prior to arriving at Conciliation the parties had been in Factfinding before Factfinder Nels Nelson, and experienced and distinguished neutral. His recommendations had been rejected, hence this proceeding.

As may be discerned from the three case numbers assigned to this proceeding there are three bargaining units involved. These are: full-time patrolmen, full-time dispatchers and full-time sergeants.

ISSUES: Two issues are in dispute between the parties. These are:

1. Wages
2. Physical Fitness

In evaluating the positions of the parties consideration was given to the criteria specified in Section 4117-9-05 (k) of the Ohio Revised Code. The Code specifies criteria, but not the weight to be given them in any individual proceeding. That is left to the neutral.

ISSUE ONE, WAGES

POSITION OF THE UNION: The Union embraces the recommendations of the Factfinder, Professor Nelson. He recommended there occur a three percent (3.0%) wage increase retroactive on January 1, 2009. He also recommended there occur two (2) reopeners for wages to be effective on January 1, 2010 and January 1, 2011.

The Employer has never made the argument it cannot pay. Rather, it has asserted it should not be required to pay. That argument should be rejected the Union contends. The City is well financed. The Union acknowledges the year-end balance in the General Fund is likely to decline in 2009 from 2008. However, a sizeable balance will remain, equal to approximately a 30% carryover at the end of 2009 according to current estimates. The City can fund its proposal without difficulty according to the Union.

Comparison data supports its position as well. The most recent report from the State Employment Relations Board shows wage increases for police across the State to be in the vicinity of three percent. (3.0%). Thus, its proposal is in the mainstream of settlements.

Comparison of officers and dispatchers in Canfield with those in nearby communities also supports its position according to the Union. Its Exhibit 4 shows that including such benefits as uniform allowance, shift differential and longevity pays for sergeants and patrol officers Canfield police are slightly below their counterparts in the region. Dispatchers are slightly above the regional norm. Other communities have reached settlements in the three percent to four percent range. (3.0%-4.0%). Considering it is well financed, no reason exists for Canfield to do less the Union asserts.

POSITION OF THE EMPLOYER: The City does not disagree with the Union that its finances are presently sound. However, change is occurring. It is expected that General Fund revenue will decline by somewhat over \$500,000 in 2009. The General Fund carryover balance will be lower in 2009 than in 2008. Thus, the City proposes no wage increase for 2009. It further proposes reopening the Agreement in September, 2009 to discuss possible changes in 2010 and 2011 compensation.

The City has been affected by the current economic climate. The presently good finances are hostage to the economic future which is uncertain. Thus, no wage increase should be made for 2009 the Employer contends.

DISCUSSION: No doubt exists that City finances are not as robust as they once were. However, that is a relative conclusion. On any standard Canfield is in very sound fiscal condition. An approximate thirty percent (30%) carryover in the General Fund is very, very good indeed. The one year 2009 decline in receipts and the carryover balance is worrisome but does not constitute a trend. Conditions may be more or less favorable next year but are certainly unknown at this time.

It is significant that nearby jurisdictions, e.g. Austintown, Boardman and Beaver Township, have provided wage increases for 2009. It is unknown when those increases were negotiated but the fact remains, they are being made. There is no compelling reason for Canfield and its police to experience a 2009 wage freeze in these circumstances.

In its pre-hearing statement the City candidly acknowledged the report of a Factfinder carries great weight in Conciliation proceedings. That is certainly the case in this proceeding as well. The Factfinder is a very experienced neutral. His findings must be accorded weight. No error was shown. Thus, the proposal of the Union for a three percent (3.0%) wage increase retroactive to January 1, 2009 is awarded. The parties should reopen negotiations for 2010 and 2011 in October, 2009.

ISSUE TWO, PHYSICAL FITNESS

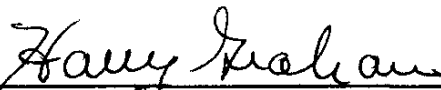
POSITION OF THE UNION: Presently the Agreement provides that people who pass the physical fitness assessment receive two (2) days pay. The Union proposes the two (2) days pay be increased to three (3).

As the Union sees it an increase in the stipend will encourage officers to be physically fit. The payment has not increased since first introduced about ten years ago. If more employees take part in the physical fitness assessment it will benefit the City. There is the likelihood health insurance costs will be reduced. Thus, the increase in the physical fitness stipend should be awarded the Union asserts.

POSITION OF THE EMPLOYER: The City contends there is no need for the increase in the physical fitness payment proposed by the Union. The Union cannot show the payment is substandard. There is simply no justification to award the Union proposal the City insists.

DISCUSSION: The Factfinder recommended against this proposal. I concur. There is no reason to award it. The two (2) day payment has increased with time as wages have increased. The Union proposal is not supported by comparability data. The proposal of the Union on this issue is not awarded.

Signed and dated this 18th day of July, 2009 at Solon, OH.



Harry Graham
Conciliator

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HARRY GRAHAM ARBITRATOR

32335 BRIGHTON PARK BLVD.
SOLON, OH 44139-1887

TO: Bureau of Mediation
State Employment Relations Board
65 East State St., 12th Floor
Columbus, OH 43215



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