

*

**STATE EMPLOYMENT RELATIONS BOARD
STATE OF OHIO**

IN THE MATTER OF CONCILIATION:)	Case No. 09-MED-09-0883
)	
OHIO PATROLMEN'S BENEVOLENT ASSOCIATION)	Hearing: May 6, 2010 and July 8, 2010
)	
and)	Before Conciliator
)	Mr. William Heekin
SOUTHEASTERN OHIO REGIONAL JAIL (CORRECTIONS COMMISSION OF SOUTHEASTERN OHIO))	

CONCILIATOR'S AWARD

For the Ohio Patrolmen's Benevolent Association

Mark J. Volcheck
Attorney at Law
Legal Counsel for OPBA
92 Northwoods Blvd., Suite B-2
Columbus, OH
43235

For the Southeastern Ohio Regional Jail:

Garry Hunter
Attorney at Law
Legal Counsel for SEORJ
26 S. Congress Street
Athens, Ohio 45701

STATE EMPLOYMENT
RELATIONS BOARD
2010 OCT -5 P 3:13

I. INTRODUCTION AND BACKGROUND

The name of the Union is the Ohio Patrolmen's Benevolent Association ("Union"). Its principal representative is Mark J. Volcheck, Esq., 92 Northwoods Blvd., Suite B-2, Columbus, Ohio 43235, phone: (614) 888-7901, fax (614) 888-7906.

The Employer is Southeastern Ohio Regional Jail (Corrections Commission of Southeastern Ohio). Its representative is Garry Hunter, Esq., 26 S. Congress Street, Athens, Ohio 45701-2805, phone (740) 592-5580, fax (740) 592-5390.

The collective bargaining unit at issue is Corrections Officers (approximately 26 members).

The contract between the Union and Employer is for the term January 1, 2008 – December 31, 2010. The parties, per the Agreement, have a wage re-opener for the final year of the Agreement – 2010. Mr. William C. Heekin has been assigned to be the Conciliator for the referenced conciliation.

Negotiations began in October of 2009. The parties proceeded to fact-finding before Mr. Richard Sambuco. The fact-finding hearing took place on February 2, 2010. Mr. Sambuco issued his fact-finding report on February 22, 2010. He recommended a six and one-half percent (6.5%) across the board increase in the bargaining unit's wages retroactive to January 1, 2010. The SEORJ rejected the report.

The parties herein have executed a R.C. 4117.14 (G)(11) waiver, such that the Conciliator herein has the legal authority to award across the board wage increases effective and retroactive to January 1, 2010.

The conciliation hearing in this matter was conducted on May 6, 2010. Prior to the issuance of the conciliation decision and award, the Conciliator re-opened the hearing upon motion of the SEROJ and over the objection of the OPBA.

At the hearing on July 8, 2010, the parties engaged in mediation. As a result, both parties amended their final offers with the consent of each other and approval of the Conciliator. The Union amended its final offer from a 6.5% across the board wage increase retroactive to January 1, 2010 to a 4.5% across the board wage increase retroactive to January 1, 2010. The SEORJ also amended its final offer from a 2.0% across the board wage increase retroactive to January 1, 2010 to a 3.0% across the board wage increase retroactive to January 1, 2010. The hearing was conducted. Further, both parties advised the Conciliator that they would continue mediation as a way to resolve the matter and consented to the Conciliator refraining from issuing an award until such avenue was exhausted.

The parties have arrived at a mediated and stipulated settlement. It is memorialized in/as this award, which shall be final and binding on the parties.

II. DECISION AND AWARD

1. The Union's amended final offer on the 2010 wage re-opener is awarded. The wage scale retroactive and effective to January 1, 2010 shall be increased across the board by 4.5%. Retroactive pay and pay adjustments shall be paid and implemented by October 7, 2010. The retroactive pay portion shall be paid to each employee by separate check. The wage schedule for 2010 shall be as follows:

ARTICLE 24, WAGE SCHEDULE, SECTION 24.3

Sections 24.1. - 24.2. **Current Contract Language.** *Please note that by a typo in the agreement, there are two sections identified as 24.1. Both are proposed by the Union and Employer to be current contract language. The new proposed section that is the subject of the re-opener follows as Section 24.3.*

Section 24.3. Effective **January 1, 2010**, the following wage and pay steps shall be effective for employees in schedule A:

	<u>Schedule A</u>			
<u>Classification</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
Corrections Officer	12.53	12.92	13.29	13.70

Notwithstanding the above, Corrections Officers who were hired from Athens County, Hocking County, Perry County or Morgan County between March 1, 1998 and October 1, 1998 are within schedule B and shall be paid an hourly rate as indicated below. All employees not listed in B are in schedule A.

	<u>Schedule B</u>	
<u>Employee</u>	<u>Classification</u>	<u>Hourly Wage</u>
Chuck Brugh	Corrections Officer	15.10
Gary Moore	Corrections Officer	15.10
Charles Dowler	Corrections Officer	14.45

Sections 24.4. - 24.5. **Current Contract Language.**

2. The parties shall execute a one year successor collective bargaining agreement for the term January 1, 2011 - December 31, 2011 that includes a 2% across the board wage increase effective January 1, 2011 on top of the wages awarded for 2010. There shall be no other changes to such successor collective

bargaining agreement from the current agreement. Such shall be executed by October 15, 2010. The wage article for the 2011 collective bargaining agreement shall be written as follows:

ARTICLE 24, WAGE SCHEDULE

Section 24.1. Effective **January 1, 2011**, the following wage and pay steps shall be effective for employees in schedule A:

<u>Schedule A</u>				
<u>Classification</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
Corrections Officer	12.78	13.18	13.56	13.97

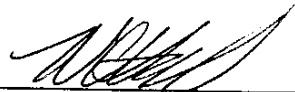
Notwithstanding the above, Corrections Officers who were hired from Athens County, Hocking County, Perry County or Morgan County between March 1, 1998 and October 1, 1998 are within schedule B and shall be paid an hourly rate as indicated below. All employees not listed in B are in schedule A.

<u>Schedule B</u>		
<u>Employee</u>	<u>Classification</u>	<u>Hourly Wage</u>
Chuck Brugh	Corrections Officer	15.40
Gary Moore	Corrections Officer	15.40
Charles Dowler	Corrections Officer	14.45

Sections 24.2. All employees, except new hires after January 1, 1999, will advance a step on January 1st of each year of the contract. All new hires after January 1, 1999, will advance a step on the anniversary date of hire.

Section 24.3. Employees who enter a lower classification due to a voluntary or non-voluntary demotion shall be assigned to the appropriate pay step of the appropriate wage schedule of the lower classification based on their length of continuous service with the Jail and shall advance thereafter to succeeding steps provided in the lower classification based on their length of continuous service in the lower classification.

Date of Award: September 30, 2010



William Heekin, Conciliator

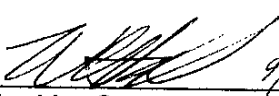
CERTIFICATE OF SERVICE

The parties were served with this Award by U.S. Mail, first class, this ___ day of September 2010:

J. Russell Keith, General Counsel
and Assistant Executive Director
SERB
65 East State Street, 12th Fl
Columbus, Ohio 43215-4213

Garry Hunter
Legal Counsel for SEORJ
26 S. Congress St.
Athens, OH 45701

Mark J. Volcheck
Legal Counsel for OPBA
92 Northwoods Blvd., Suite B2
Columbus, OH 43235

 9/30/10

William Heekin, Conciliator

William C. Heekin

120 E. 4th St., Suite 425
Cincinnati, OH 45202
Ph: 513-241-7644
Fax: 513-761-3238
wcheekin@fuse.net

October 1, 2010

2010 OCT -5 P 3:13

STATE EMPLOYMENT
RELATIONS BOARD

Mark J. Volcheck
OPBA
92 Northwoods Boulevard, B2
Columbus, OH 43235


Garry Hunter
Attorney
26 S. Congress Street
Athens, OH 45701-2805

RE: SERB Case No.: 09-MED-09-0883; Ohio Patrolmen's Benevolent Association
(Full-time Correction Officers) – Southeastern Ohio Regional Jail (Corrections
Commission of Southeastern Ohio); impasse/conciliation

Gentlemen:

Enclosed, please find a signed copy of the Conciliator's award.

Cordially yours,



William C. Heekin

WCH:bwh
enclosure
cc: J. Russell Keith (w/enclosure) ✓