

**IN THE MATTER  
OF  
INTEREST ARBITRATION  
CONCILIATION  
OPINION & AWARD**

STATE EMPLOYMENT  
RELATIONS BOARD

2010 JUL 27 P 1: 36

<p style="text-align: center;"><b>The OHIO PATROLMEN'S BENEVELONT ASSN. V WOOD COUNTY SHERIFF OFFICE</b></p>	<p>) <b>CASE NO. SERB 09-MED-09-0966 &amp; 0967</b>          ) <b>CONCILIATION: JOHN S. WEISHEIT</b>          ) <b>DATE OF HEARING: May 6, 2010</b>          ) <b>LOCATION OF HRNG: BOWLING GREEN, OH</b>          ) <b>DATE OF AWARD: July 24, 2010</b>          )</p>
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**REPRESENTATION**

<u>Employer Representatives</u>	<u>Union Representatives</u>
<p><b>Steve Spirn, Esq.</b>  <b>29900 St. Andrews Rd.</b>  <b>Perrysburg, OH 43551</b></p>	<p><b>Amy L. Zawacki, Esq.</b>  <b>Allotta, Farley &amp; Widman</b>  <b>Co., LPA</b>  <b>2222 Centennial Rd.</b>  <b>Toledo, OH 43617</b></p>
<p>Janeal Bender, HR            Adrew Kalme, Commissioners' Office</p>	<p>Greg Pannig, Dep. Sheriff            Shelly Voben, Detective Sgt.            Terry Jones, Detective Sgt.            Lenny Vidra II Fiscal</p>

**AUTHORITY**

This matter was brought before Fact Finder John S. Weisheit, in keeping with terms of the collective bargaining agreement between the parties, provisions of ORC §4117 and rules and regulations of the Ohio State Employment Relations Board.

## **BACKGROUND**

The Ohio Patrolmen's Benevolent Association (OPBA/Union) is the recognized representative of two bargaining representatives for purposes of collective bargaining; namely, Command Officers, consisting of 12 employees, and Non-Command Officers consisting of 86 employees with the Wood County Sheriff's Office (Employer/Wood Co. Sheriff Office).

In September 2009, the OPBA filed a Notice to Negotiate terms of the Collective Bargaining Agreement (CBA) in keeping with ORC 4117. The issue ultimately put before the Conciliator for determination was the issue of Wages, an issue set forth under Section 17, in keeping with the reopener provision in the terms of the CBA in effect from January 2009 – December, 2011. Multi- unit bargaining was applied addressing the same issue wage before the respective bargaining units. The parties have mutually waived the restrictions of ORC 4117.14(G)(11), with mutual agreement to move directly to Conciliation, by-passing Fact Finding, and modifying the Conciliator's authority with regard to compensation under the reopener terms.

In the course of negotiations, the parties made strong effort and good faith attempts to reach tentative agreement. When a total agreement was not reached, the parties obtained this Conciliator to make a determination on the remaining unresolved issue.

This Conciliator conducted a Hearing and ultimately issued a final and binding agreement

on the outstanding issue of Wages. The Hearing was closed after each party affirmed they had no further evidence or testimony to put before the Conciliator and affirmed that they were extended a fair and ample time to present such evidence and testimony considered relevant.

The determination and recommendations entered in the Opinion and Award is made based on the information submitted by the parties at the Conciliation Hearing, in keeping with terms of ORC 4117 and other generally accepted principles and practices in labor interest and rights arbitration.

**SUMMARY OF THE RESPECTIVE PARTY'S**

<b>SUMMARY OF THE UNION'S FINAL POSITION ITEM BY ITEM</b>	<b>ISSUE</b>	<b>SUMMARY OF THE EMPLOYER'S POSITION ITEM BY ITEM</b>
<p>The Union further proposes Section 17.2 include a Pay increase as of January 1, 2010, in the amount of one percent.</p> <p>Said final provisions of the above are to be applied in the respective bargaining units, Command Officers and Non-Command Officers.</p> <p>The Union reserves the right to modify its final offers in the event mediation on any issue occurs in lieu of conciliation.</p>	<p>Section 17.2 Wages</p>	<p>The Employer proposes wages should remain current, with no increase in the year 2010.</p> <p>It seeks retention of current Contract Language, including the reopener provision for wages in the year 2011.</p>

**CONCILIATOR'S  
FINDING and DETERMINATION**

A review of the current financial condition indicates a number of common findings.

There is a substantial amount of funds available; however, reserve funds would be necessary to support the proposed increase of the Union.

On the positive side of the financial picture, the future revenue projection offers a limited optimistic picture by the County; however, it offers a limited degree of optimism on a sustained funding projection for additional funding in the near future.

Under current terms of the CBA between the parties, there are mixed concerns regarding future funding. The Contract provided for no wage increase during the life of the current three (3) year Agreement. The parties agreed to a wage reopener on an annual basis. The Employer is cautious regarding current and near future funding increases. The Employer indicates current funds are available to fund the Union's 1% proposed wage increase would require use of reserve funds for the increase in January 2010, and has less optimism for an increase in the year 2011.

Influenced heavily by the last-final position of the parties at the Conciliation Hearing and documents and evidence offered, it is determined that the Union's last proposal is the most appropriate determination to include in the course of resolving this matter to be applied at

this time. The OPBA position reflects a significant degree of fiscal restraint. The Employer has a realistic time frame to examine its future fiscal conditions in a limited time period under limitations set forth in the reopener provisions in place for 2011.

Economic considerations are reflecting a more common ground. The Employer, while cautious, offers a degree of optimism regarding its future economic status. This is not a multi-unit wage increase and relates a more traditional wage increase found in more prior economic demands raised in bargaining efforts. Any action on a wage change in 2011 is under terms of an existing wage reopener provision. It is therefore determined that the OPBA's last position proposed of a one percent (1%) wage increase is to be the best-last offer in this instant case. Said increase is to be effective January 1, 2010.

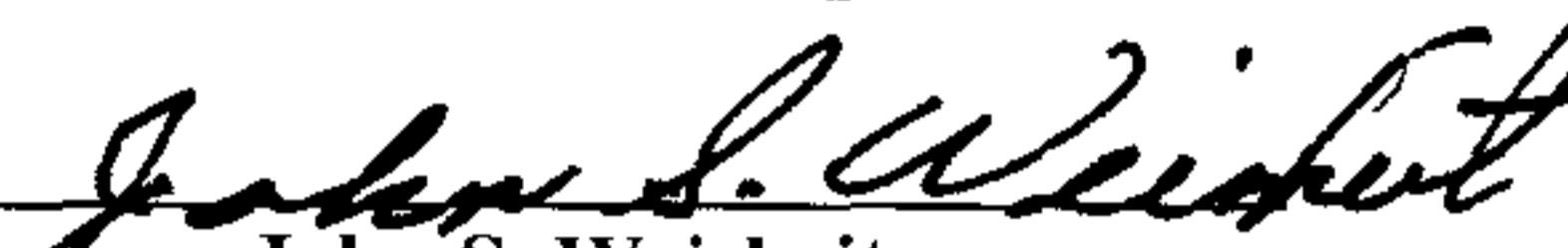
#### **TOTALITY OF AGREEMENT**

- This will affirm the foregoing report, includes the findings, determinations, and recommendation of the unresolved issues put before the Conciliator in this case.
- The Agreement is recommended to include all terms tentatively agreed to by the parties prior to Conciliation and the determination on the remaining unresolved issue of Wages. All terms of the successor agreement, not a subject of bargaining or lacking action to remove such terms from the Contract, are to be continued in the successor Agreement.

To the best of my knowledge, said Report and the included recommendations comply with applicable provisions of the Contract between the parties, applicable Sections of ORC 4117 and related SERB Rules and Regulations.

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I therefore affix my signature at the City of Galion, in the County of Crawford, in the State of Ohio, this date of July 24, 2010.

Signed   
John S. Weisheit

**MARY LAURENT, MED. DIVISION  
STATE EMPLOYMENT  
RELATIONS BOARD  
65 E. STATE ST. 12<sup>TH</sup> FLR.  
COLUMBUS, OH 43215-4231**

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