

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF
FINAL OFFER SETTLEMENT AWARD
BETWEEN:

City of Forest Park, Ohio)	
)	Case No: 2012-MED-08-0751
and)	
)	Conciliator: Colman R. Lalka
Forest Park Fire Fighters Association)	
IAFF, Local 3024)	

HEARING

Date of Hearing: June 28, 2013

Location of Hearing: Forest Park, Ohio

ATTENDANCE AT HEARING

For the Union:

Kevin Rader, Representative
Scott A. Brown, Local President
Chris J. Arnold, Local Secretary
Leonard Brooks, Local Vice-President
Kevin Martin, Union Member

For the Employer:

Edward S. Dorsey, Esq.
Tye Smith, Human Resources Director
Alfie Jones, Chief of Fire Department

BACKGROUND

The City of Forest Park, Ohio recognizes the Forest Park Fire Fighters Association, IAFF Local 3024, as the bargaining representative for certain employees of the City. The Bargaining Unit is duly certified by the State Employment Relations Board, and had a Labor Agreement in effect that expired on December 31, 2012. Formal bargaining between the Parties has been ongoing, with Fact-Finding having been conducted and the Fact-Finding Report rejected. Said Fact-Finding Report, issued April 10, 2013, is incorporated herein by reference.

The parties requested the Conciliator convene a hearing and the sole remaining matter at impasse be determined pursuant to a final offer settlement procedure in keeping with ORC 4117 and related Rules and Regulations adopted by SERB. As mandated by ORC 4117.14(G)(3) and as reiterated in OAC 4117-9-06(E), each party was to submit a written report to the conciliator, the opposing party, and to SERB, summarizing unresolved issues, the party's final offer, and the rationale in support of its position. OAC 4117-9-06(E) provides the written position statement shall (emphasis added) include a copy of the current Collective Bargaining Agreement.

The City submitted its position statement to the Union and to SERB, but not to the Conciliator. Additionally, the Union's position statement did not include a copy of the current Collective Bargaining Agreement. The hearing was convened on the date and at the place indicated above, and at the commencement of the hearing discussion was held regarding non-compliance with 4117.14(G)(3) and OAC 4117-9-06(E). The parties did not mutually agree to continue the hearing to allow time for the position statements to be brought into compliance, and each party voiced objection to the opposing party's position statement.

OAC 4117-9-06(E) provides:

. . . A failure to submit such a position statement to the conciliator, to the other party, and to the board five calendar days prior to the day of the hearing shall require the conciliator to take evidence only in support of matters raised in the position statement that was submitted prior to the hearing. . . .

In that neither written statement was in compliance with 4117.14(G)(3) and OAC 4117-9-06(E), the Conciliator was proscribed from taking evidence in support of either party's position.

The parties' sole remaining issue involved holidays. The Union desired an increase in the amount of holiday hours by twelve in each year of the three-year successor Agreement. The burden of proof fall to the party seeking a change in the current Agreement, and, in that no evidence could be taken in support of the Union's position, the Union failed to sustain its burden.

CONCLUSION AND ORDER

Article XVI of the current Collective Bargaining Agreement, the Article regarding holidays, is to remain unchanged in the successor Agreement.



Colman R. Lalka, Conciliator

Dated: July 2, 2013
Madison, Lake County, Ohio