

**STATE OF OHIO
BEFORE THE OHIO STATE EMPLOYMENT RELATIONS BOARD**

IN THE MATTER OF CONCILIATION : **SERB Case # 2015-MED-12-1265**
:
BETWEEN THE :
:
CITY OF CLEVELAND HEIGHTS : **Date of Mediation with Conciliator:**
: **December 8, 2016**
Employer :
And the : **E. William Lewis, Conciliator**
:
FRATERNAL ORDER OF POLICE :
:
OHIO LABOR COUNCIL :
:
UNION :

CONCILIATOR’S FINDINGS AND AWARD

APPEARANCES:

For the City:

For the Union:

Ms. Sandy Conley, Account Manager
Clemans & Nelson & Associates
2351 South Arlington Rd.
Akron, Ohio 44319

Mr. Chuck Aliff, Staff Representative
Fraternal Order of Police, OLC
2721 Manchester Rd.
Akron, Ohio 44319

AUTHORITY

This matter was brought before Conciliator E. William Lewis, in keeping with applicable provisions of Ohio Revised Code 4117 and related rules and regulations of the Ohio State Employment Relations Board. The parties have complied in a timely manner with all procedural filings. The matter before the Conciliator is for

consideration and directive based on merit and fact according to the provisions of the Ohio Revised Code 4117, particular those that apply to Safety Forces and mutual directives of the parties.

In attendance for the Union:

Mr. Chuck Aliff	Advocate
Ms. Marilyn McLaughlin	Union Representative

In attendance for the City:

Ms. Sandy Conley	Advocate
Ms. Annette Mecklenburg	Chief of Police
Ms. Susanna Nierman O'Neil	Vice City Manager
Mr. Tom Raguz	Finance Director
Ms. Anna Smith	HR Director

BACKGROUND:

The City of Cleveland Heights, hereinafter known as the City/Employer, provides municipal and safety services to approximately 45,400 citizens. The City has six bargaining units. The Fraternal Order of Police, Ohio Labor Council, hereinafter known as the Union/FOP, represents this bargaining unit of Dispatchers. The unit is currently composed of six members.

The parties have been bargaining on their first renewal contract since February 17, 2016. The parties had two additional bargaining sessions on March 11 and April 19, 2016. During those negotiating sessions tentative agreements were reached on four Articles. With no further progress, the parties petitioned The

State Employment Relations Board(SERB) to appoint a Fact Finder. The current Agreement expired on March 31, 2016, and has been extended as per ORC 4117 to allow the bargaining process to continue.

A Fact Finding Hearing was held on June 30, 2016. The Fact Finder issued his Report on September 15, 2016. According to both parties Advocates, they understood the Fact Finder's Report to recommend the adoption of the City's position on the following Articles: VIII(in part), XII, XVII, XXII, and New Articles on Discipline, Probationary Period, Wages, Appendix A, Prevailing Rights, LEADS Certification, Clothing Allowance, and Training Officer. The Fact Finder also recommended the Union's positions on the following Articles: VIII(in part) and IX. The Report was rejected by both parties.

On October 13, 2016, this conciliator was appointed by SERB. Upon review of the Fact Finding Report and a discussion with the parties, it was mutually agreed to schedule a session for mediation. It was agreed between the parties that with the high number of unresolved issues, a Conciliation Award would not be in the best interest of the City and/or the Union. A mediation session with the conciliator was scheduled for December 8, 2016. A second date of December 20, if necessary, was set aside for a Conciliation Hearing. The parties extended the Conciliation Award time limits through December 31, 2016.

Before the scheduled mediation session the Advocates had discussions and resolved a number of the issues. Therefore, when we met on December 8, 2016, the parties had narrowed the issues to eight. The open issues were as follows:

Issue #1—ARTICLE VIII, SICK LEAVE (Accumulation of Sick Leave)

Issue #2—MEMORANDUM OF UNDERSTANDING (Payment of unused Sick Leave)

Issue #3—ARTICLE IX, HEALTH INSURANCE

Issue #4—XVIII, APPLICATION OF CIVIL SERVICE LAW, ORDINANCES
AND RESOLUTIONS

Issue #5—ARTICLE XXIV, DURATION

Issue #6—APPENDIX A (WAGES)

Issue #7—APPENDIX A (WAGES – “Lump Sum”)

Issue #8—NEW ARTICLE, LEADS CERTIFICATION

MEDIATION SESSION:

During the mediation session with the conciliator tentative agreements were reached on all the unresolved issues, and signed-off on. By mutual agreement between the parties at the conclusion of the mediation session, the parties stipulated that: the conciliator was to issue his Award in accordance with the Tentative Agreements reached in mediation.

According to the ARTICLES identified as unresolved with the conciliator, the following is Awarded per our mediated settlement and the parties mutually agreed to stipulation:

Issue #1—**ARTICLE VIII, SICK LEAVE, (Accumulation of Sick Leave)**

AWARD: Language according to Attachment #1

Issue #2—**MEMORANDUM OD UNDERSTANDING, (Payment of Unused Sick Leave)**

AWARD: Language according to Attachment #2

Issue #3—**ARTICLE IX, HEALTH INSURANCE**

AWARD: Language according to Attachment #3

Issue #4—ARTICLE XVIII, APPLICATION OF CIVIL SERVICE LAW, ORDINANCES AND RESOLUTIONS

AWARD: Language according to Attachment #4

Issue #5—ARTICLE XXIV, DURATION

AWARD: Language according to Attachment #5

Issue #6—APPENDIX A (WAGES)

AWARD: Language according to Attachment #6

Issue #7—APPENDIX A (WAGES – “Lump Sum”)

AWARD: Language according to Attachment #7

Issue #8—NEW ARTICLE, LEADS CERTIFICATION

AWARD: Withdrawn by the FOP during 12/8/16 mediation session.

CONCLUSION

The Conciliation awards contained herein were arrived at after giving consideration to the positions of and arguments of the parties, our mediation discussions and agreements, and Criteria enumerated in ORC 4117.14(G)(7). In addition, I also incorporate by reference into this Report, the tentative agreements of the parties reached through negotiations, and the language of the expired Agreement which remains unchanged by the parties.

This concludes the Conciliation Report.

Respectfully submitted and issued at Powell, Ohio, this 27th day of December 2016.

E. William Lewis
Conciliator
/s/

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Report was electronically mailed to the parties and the State Employment Relations Board on December 27, 2016. A signed copy was also mailed on the same day by regular U.S. mail to Mr. Chuck Aliff, Staff Representative, FOP/OLC, 2721 Manchester Rd., Akron, Ohio 44319, and to Ms. Sandy Conley, Account Manager, Clemans & Nelson & Associates, 2351 South Arlington Rd., Akron, Ohio 44319.