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STATE EMPLOYMENT  
RELATIONS BOARD

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ALAN M. WOLK

IMPARTIAL ARBITRATOR

STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER BETWEEN:

Sheriff's Department of )  
Cuyahoga County, Ohio )

) NO. 96-MED-10-1091

and )

) CONCILIATION  
) OPINION AND AWARD

Corrections Corporals Unit )  
International Union, United )  
Automobile, Aerospace and )  
Agricultural Implement Workers )  
of America, UAW Region 2 )

APPEARANCES:

FOR THE UNION:

David Roloff, Esq. Attorney for Union; Ron Horn, Region 2 Representative; Vince Lindeman, President; Dave Pavlick, Chief Steward; John Summers, Steward; Robert T. Moore, Steward.

FOR THE EMPLOYER:

William E. Cook, Employment Relations Administrator; Patricia Kresty, Assistant Administrator; Michael Pavicic, Warden.

SUBMISSION

This is a conciliation arising from recommendations issued 12/18/96 by Factfinder, Jonathan Dworkin. For reasons set forth therein, the Factfinder recommended the following wage structures for 1997 and 1998:

“Commencing January 1, 1997, the wage of each Unit member shall increase 4.2%.

Commencing January 1, 1998, the wage of each Unit member shall increase 4.2 percent.”

The undersigned was selected by the parties through the State Employment Relations Board of Ohio to serve as impartial neutral Conciliator to hear and decide issues presented pursuant to Ohio law.

By agreement of the parties, a hearing was held 4/8/97 at the Cuyahoga County Sheriff's Office conference room in the Justice Center, 1200 Ontario Street, Cleveland, (Cuyahoga County) Ohio, at which time the parties were afforded a full opportunity to present opening statements; to submit, object to, and cross-examine evidence; as well as to offer exhibits and documents, and to argue the respective merits of their respective positions orally and/or by briefs.

All stipulations, exhibits, affidavits, testimony, objections and briefs (if any) have been duly received and given such weight as deemed appropriate by the Conciliator.

A court reporter was not present. Briefs were waived.

#### ISSUES

The substance of the issue between the parties is:

Wage increases for Corporals during 1997 and 1998.

#### FACTS

This is a wage reopener for 1997 and 1998 in accordance with the 1996 Conciliators report.

The parties agreed that the Conciliation Award here will be retroactive to 1/1/97, notwithstanding O.R.C. 4117.14(G)(11).

The Cuyahoga County Jail has an average of 1700 inmates and between 650 and 700 Corrections Officers who are represented by another union (OPBA). The Corrections Officers [CO's] contractual raises are triggered in August. They now receive 18% less than Civilian Corporals. In 1995 and 1996 this differential was 21%. Whether there is a historical connection is in dispute.

There are 35-38 Corporals represented by this union (UAW). There are 27-31 Sergeants. The Corporals contract is on a calendar year. Corporals in Cuyahoga County are required to obtain and maintain a Police Officer's Training Certificate (POTC). Total earnings for Corporals in 1996 amounted to \$1,505,398.36 [SX-C].

A 1994 financial crisis, referred to as "S.A.F.E." (Secured Asset Funds Earnings) wherein \$115 million was lost by certain investment practices by the County Treasurer, made a wage freeze necessary. It was expected that recovery from those losses would take four years. In 1996 on impasse, a Conciliator recommended a 3% increase for the Corporals (the same as other county employees), but, because of the uncertainty, the Conciliator ordered a wage reopener for 1997 and 1998.

#### Factfinder's Recommendations

Issued 12/18/96

In applying the required guidelines under O.R.C. 4117.14(G)(7) and SERB Rule 4117-09-05(I), the Factfinder below found:

that the "Employer's ability to fund a reasonable settlement is not in question;"  
the 10% a year increase originally demanded by the Union was not affordable, noting that this "Unit is small and only one of nineteen bargaining units representing Cuyahoga County employees;"

"parity or 'me too' expectations have always been ingredients of negotiations" and  
"Corporals' salaries historically have been tied to CO's."

In awarding increases of 4.2% for each of the two years (1997 and 1998), the Factfinder, rejected the Union's external comparables, particularly Franklin County Corporals, and he rejected the County's goal of a 3% salary cap. He noted that "it is improbable that a increase greater than 3 percent for these thirty-seven employees will skew bargaining positions in the other units." He took into account that several units (County Nursing, County Kennel and Public Defender) all obtained equity adjustments exceeding the county's policy cap of 3 percent. The CO's received 7 1/2% (reduced by certain "givebacks"[UX-11]: reducing sick days from 15 to 12; eliminating time and a half pay for 10 minutes daily for roll call; increasing the work day) with an effective net increase at 3.8%. He specifically found that the "potential flattening [of salaries] between CO's and Corporals" who have authority over CO's is "inappropriate.

#### CONTENTIONS - UNION

Compared to comparable counties, Cuyahoga County pay is low.

The Union originally demanded increases of ten (10%) for each of the two years of the reopener. The Union asserts that the Corrections Officers received 7-7 1/2% percent [Ron Horn testimony; UX-3; UX-10] less givebacks (reduced sick days from 15 to 12 [see also UX-12, UX-13] and certain roll call premium pay) which the Union values at 2.8% [UX-11]. Therefore, after the Factfinder's Recommendations were issued, the Union revised its demand downward [by letter dated February 3, 1997; [See: O.A.C. 4117-9-06(E)(4)] to "an extremely reasonable" five (5%) percent raise for 1997 and five (5%) percent raise for 1998. Prior to the "S.A.F.E. crises," the Union asserts that: (1) Corporals typically received a seven (7%) annual raise and, (2) Corporals had maintained a 21% historical parity or wage differential above Corrections Officers.

#### CONTENTIONS - MANAGEMENT

The Sheriff contends its offer of three (3%) percent each year is within the parameters established by the Board of County Commissioners for general wage increases, which it contends is fair and reasonable "for the job they do." The County denies any historical differential between Corporals and Corrections Officers nor was any such evidence presented to the Factfinder, however, the County acknowledges differential between larger Ohio counties and Cuyahoga County. The cost of roll call alone cost the Sheriff's Office 2.8%.

#### DISCUSSION AND ANALYSIS

The Union relies primarily on the wage level for Corporals in Franklin County which clearly uses some different job descriptions and requirements [UX-6,7,8 and their compensation UX-9], but there was little information to explain any differences in financial conditions in Franklin County that account for the difference in wage levels.

The County continued to seek a 3% cap which the Factfinder rejected based on evidence that this limit has not always been firm. The SERB Quarterly/ First Quarter 1997 (SX-B) supports average public sector settlements of 3.29% for 1996 supports the Sheriff. However, more than half (57%) were settled over three year terms between 3% and 4%. (22% were lower and 21% were higher). The SERB Clearinghouse Report dated 2/4/97 (SX-A) and the graph (SX-A1) showing county by county sheriff's office increases is not specific to Corporals and/or Corrections Officers and it therefore too broad to be persuasive.

The parties repeated their arguments as to whether there should or should not be a continuing percentage wage differential between Corporal's and Corrections Officers which the Factfinder concluded should remain. SX-E compares Corporals vs "Top Correction Officers from 1987 through 1997. Although it is unclear why management chose to compare only to top CO's, this exhibit can be divided into two time periods. The 1987-1991 range is 0.82 - 12.43 and the 1992-1997 range is 17.94-22.40. The latter, which I find to be much more relevant, averages 21.52%. [UX-14 reflects an alternate calculation dividing the pay differential between CO's and Corporals whereby the percentage difference is 27%, however, this calculation is misleading and inconsistent in light of all of the evidence before me).

Neither party identified any errors or misapplication of facts or law, nor the reasoning of the Factfinder's recommendations. The basically presented much of the same evidence and sought a different conclusion in conciliation. There was nothing new to support an adjustment up or down.

#### AWARD

The Factfinder's recommendation is adopted:

The following wage structure shall apply for 1997 and 1998:

Commencing January 1, 1997, the wage of each Unit member shall increase 4.2%.

Commencing January 1, 1998, the wage of each Unit member shall increase 4.2%.

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ALAN M. WOLK, Conciliator

Made effective in  
Cuyahoga County, Ohio  
this 15th day of May 1997.