

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD
CONCILIATION PROCEEDINGS

STATE EMPLOYMENT
RELATIONS BOARD

MAR 16 9 02 AM '98

OPINION AND AWARD

IN THE MATTER OF:

Corrections Commission of Northwest Ohio

(Employer)

-and-

Fraternal Order of Police

Ohio Labor Council

Case Managers

(Union)

Case No. **97-MED-09-0847**

APPEARANCES:

On Behalf of the Union:

Phil Hatch
Rashel Podiak
Lawrence W. Henry
Polly Albright

Staff Representative
Union Steward
Union Rep
Union Chair

On Behalf of the Employer:

Timothy C. McCarthy
James L. Dennis
Scott Bradlee

Attorney
Executive Director
Director of Security & Operations

Gregory James Van Pelt

Conciliator

1691 Lyndhurst Road
Lyndhurst, Ohio 44124

MARCH 10, 1998

BACKGROUND

The Corrections Commission of Northwest Ohio operates a 642- bed facility serving the City of Toledo and the counties of Defiance, Fulton, Henry, Lucas and Williams. The bargaining unit consists of eleven case managers. Prior to January 1, 1998, the Parties related under a collective bargaining agreement which had effectively obtained for three years.

In anticipation of the expiration of their current agreement, the Parties met in the fall of 1997 in an attempt to negotiate a successor agreement. An impasse over the issue of wages was presented to Fact-finder Nels Nelson, who heard the matter on December 19, 1997.

Fact-finder Nelson's report was rejected by the Parties. Accordingly, the undersigned was appointed Conciliator under the provisions of ORC Section 4117.14(D)(1) on January 6, 1998. A hearing was scheduled on Wednesday, February 11, 1998 at the Northwest State Community College.

Prior to commencement of evidentiary proceedings, the Conciliator advised the Parties of SERB's support for mediation of issues at impasse throughout the conciliation process. Accordingly, it was agreed by the Parties to resolve their dispute through a process in which the Conciliator's award would reflect and memorialize their agreed intent. It was further stipulated that proposals on issues additional to those presented in the Parties' pre-conciliation statements would be considered, in the spirit of effective negotiation.

Accordingly, the following issues were presented:

ISSUES AT IMPASSE

Article 6, Section 6.4 - Compensation for Union activities

Article 16, Section 16.1 - Vacation

Article 19 - Wages

DISCUSSION AND AWARDS

Article 6

Union Representation

Section 6.4

Discussion: *The issue here involves payment of Union negotiating team members during bargaining of a successor agreement.*

Award:

Added to the current language of the provision:

Prior to the commencement of negotiations to arrive at a successor to this agreement, the Employer and the Union shall mutually agree upon a reasonable timetable for the negotiating process. Once agreed upon, no more than two (2) members of the Union's negotiating team shall be excused from duty with full pay and benefits during the actual negotiating sessions. Ample time shall be allowed to leave work and report to the negotiating site. Those Employees who participate in negotiations and are assigned to the night shift and work the night before negotiations shall be excused from duty for the last four (4) hours of their work assignment with full pay and benefits. Should the negotiations extend beyond the initial agreed upon timetable, the Employer shall not unreasonably deny the above consideration to the members of the Union negotiating team.

Article 16

Vacation

Section 16.1

Discussion: *The Parties' intend here to reduce from 8 to 7 the number of years of service required to earn an additional forty hours of vacation; to retroactively compensate current Employees having completed seven years of service; and, to adjust current contract language to reflect ORC annual vacation provisions.*

Award: The provision should reflect the following changes:

Regular full-time employees shall be granted vacation annually on an anniversary date-of-hire basis in accordance with the following schedule:

<i>Years of Service</i>	<i>Vacation Leave</i>	<i>Maximum Vacation Leave</i>
1	3.08 x number of biweekly periods in active pay status in prior year.	80 hours
7	4.62 x number of biweekly periods in active pay status in prior year.	120 hours
15	6.15 x number of bi-weekly periods in active pay status in prior year.	160 hours
25	7.69 x number of biweekly periods in active pay status in prior year.	200 hours

Employees who have completed seven (7) years of service prior to the effective date of this Agreement shall receive a retroactive adjustment in their vacation accrual.

Article 19

Wages

Discussion: *The wage provision reflects annual raises of 4%, 3% and 3% for the contract period, with 1% step increases for longevity.*

Award: The following wage scale will be incorporated in the agreement and observed retroactively to January 1, 1998:

Years of Service	1-1-97 Pay Rate	1-1-98 Pay Rate	1-1-99 Pay Rate	1-1-00 Pay Rate
1 Year	\$10.88	\$11.32	\$11.66	\$12.01
5 Years	NA	\$11.43	\$11.78	\$12.13
10 Years		\$11.54	\$11.90	\$12.25
15 Years		\$11.66	\$12.02	\$12.37
20 Years		\$11.78	\$12.14	\$12.49

Respectfully submitted,

Gregory James Van Pelt
Conciliator

September 10, 1998
at Lyndhurst, Cuyahoga County, Ohio