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STATE EMPLOYMENT
RELATIONS BOARD

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CONCILIATION AWARD

STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD

January 24, 2000

In the Matter of:

Springfield Township Trustees)	
)	Case No. 98-MED-10-0929
and)	(Patrolmen)
)	
Ohio Patrolmen's Benevolent Association)	

APPEARANCES

For the Employer:

Steven M. Goldberg, Attorney

For the Union:

Todd D. Cipollo, Staff Attorney
Matt Mohn, Police Officer

Conciliator:

Nels E. Nelson

BACKGROUND

The instant dispute involves the Springfield Township Trustees and the Ohio Patrolmen's Benevolent Association. The township has a population of about 6000. The bargaining unit consists of approximately three full-time patrolmen and five part-time patrolmen.

The collective bargaining agreement expired on December 31, 1998. When no agreement was reached, a Factfinder was appointed. He issued his report on October 18, 1999, but it was rejected. The Conciliator was appointed on November 9, 1999, and the conciliation hearing was held on December 10, 1999. Because efforts to reach a negotiated settlement were unsuccessful, this decision was prepared

In the instant case the parties opted to provide the Conciliator with discretion in fashioning an appropriate award beyond what is provided for in the statute. They agreed that "the conciliator is not restricted to chose one party or the other's final offer, but can award whatever settlement he determines is appropriate." The parties also stipulated that any wage award or other economic item would be retroactive to January 1, 1999.

The Conciliator's award is based on the criteria set forth in Section 4117.14(G)(7) of the Ohio Revised Code. They are:

- (a) Past collectively bargained agreements, if any, between the parties;
- (b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (c) The interest and welfare of the public, and the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;
- (d) The lawful authority of the public employer;
- (e) The stipulations of the parties;

(f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment.

ISSUES

The parties submitted two issues to the Conciliator. For both issues, the Conciliator will summarize the positions of the parties, present a brief discussion of the issue, and provide his award for the issue.

1) Article 33 - Wages - The current contract establishes a wage of \$12.50 per hour for full-time patrolmen and \$9.10 per hour for part-time patrolmen. The union proposes 5% wage increases effective January 1 of 1999, 2000, and 2001. The township offers 3% wage increases on the same dates.

Union Position - The union argues that its demand is justified. It states that the total compensation of five-year patrolmen in the township is only 77.92% percent of the average total compensation of patrolmen in Beaver, Poland, Mahoning Sheriff's Department, Canfield, Campbell, and Struthers. The union indicates that at 20 years the compensation is only 76.02% of the average. It stresses that awarding the township's position will result in compensation falling further behind.

The union contends that the township can afford to pay its demand. It asserts that the cost of a 1% wage increase, including the 22% roll-up, is \$954 for the three full-time patrolmen. The union maintains that allowing for a total of 2080 hours for part-time patrolmen, the cost of a 1% wage increase is \$231.

Township Position - The township acknowledges that the patrolmen are entitled to an increase in wages but it stands by its proposal. It contends that 5% wage increases are excessive given its population and the number of officers.

The township maintains that it does not have the financial resources of some of the nearby communities. It observes, for example, that Poland has a landfill where tipping produced \$300,00 in 1998. The township adds that police departments in the nearby jurisdictions have much larger budgets than Springfield.

Analysis - The evidence submitted by the union indicates that the full-time patrolmen are entitled to a substantial wage increase. It shows that total compensation for a full-time patrolmen with five years of experience is \$7366 less than the average in nearby jurisdictions and \$4514 less than in the next lowest jurisdiction. The next lowest jurisdiction is Campbell -- a city that has experienced very significant financial difficulties for a number of years. At 20 years, patrolmen in the township are paid \$8202 less than the average and \$4874 less than in Campbell.

The Conciliator is unsure of the wages paid to part-time patrolmen in other jurisdictions. Part-time patrolmen are seldom included in a bargaining unit with full-time patrolmen and data for their wages is less available. However, it is generally recognized that part-time patrolmen earn significantly less than full-time patrolmen.

Taking the above factors into account, the Conciliator will use the flexibility granted him by the parties. He will award 4.75% increases to the full-time patrolmen effective January 1 of 1999, 2000, and 2001. This will begin to narrow the wage gap with nearby jurisdictions. The Conciliator will provide 3.25% wage increases in 1999, 2000 and 2001 for the part-time patrolmen. Although he recognizes that this is less than what some other departments have granted, he believes that the priority must be to increase the wages of the full-time patrolmen.

This outcome is consistent with the Factfinder's analysis. He found that patrolmen in the township were "paid 75% to 80% of the wage paid officers in neighboring and/or comparable communities" and concluded that the township's offer of a 3% wage was "inadequate." The Factfinder also indicated that the township was "very small in population and wealth, ha[d] a smaller police force and a smaller population than its neighbors." With these points in mind, he recommended a 4% wage increase.

Award - The award of the Conciliator is as follows:

The wages of full-time patrolmen shall be increased by 4.75% effective January 1 of 1999, 2000, and 2001. The wages of part-time patrolmen shall be increased by 3.25% effective January 1 of 1999, 2000, and 2001.

2) Article 33 - New Section - Longevity - The current contract does not provide for longevity. The union proposes the following longevity schedule for full-time patrolmen:

<u>Years of Service</u>	<u>Benefit</u>
5	\$150
10	300
15	500
20	750
25	1,000

The township opposes the union's demand.

Union Position - The union argues that its demand ought to be adopted. It contends that longevity will provide an incentive for full-time patrolmen to remain with the township. The union maintains that this will allow the township to avoid the cost of continually training inexperienced officers.

The union states that five of its six comparable departments have longevity. It points out that Beaver pays \$50 at one year with a maximum of \$1250 at 25 years; Mahoning Sheriff's Department pays \$300 at five years with a maximum of \$1500 at 25 years; Canfield pays \$180 at five years with a maximum of \$1380 at 25 years; Campbell

pays \$120 at five years with a maximum of \$600 at 25 years; and Struthers pays \$165 at five years with a maximum of \$825 at 25 years.

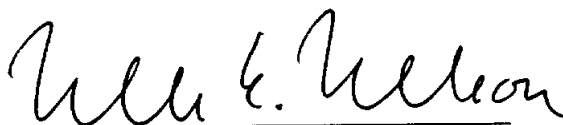
The Union contends that the township can afford its proposal. It indicates that the cost of its proposal for 1999 is \$337.50 and \$1237.50 over the life of the contract.

Township Position - The township rejects the union's demand for longevity. It points out that Poland, which is nearly twice the population of Springfield, does not have longevity. The township maintains that it has more limited resources than nearby jurisdictions so that longevity would be a burden on the community.

Analysis - The Conciliator cannot award the union's longevity demand. First, he believes that available funds ought to be devoted to improving the basic wage rate which benefits all patrolmen regardless of their years of service. Second, since part-time patrolmen would not be eligible for longevity, it would further increase the disparity in pay between the part-time and full-time patrolmen.

The Conciliator notes that the Factfinder recommended that the union's demand be denied. He recommended "the employer give consideration in the near future to [the] longevity incentive." The Conciliator would simply note that with five of six nearby jurisdictions offering longevity, the demand for longevity is apt to resurface in future negotiations.

Award - The union's demand is denied.


Nels E. Nelson
Conciliator

January 24, 2000
Russell Township
Geauga County, Ohio