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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD
CONCILIATION REPORT

IN THE MATTER OF:)
)
WOOSTER FIRE FIGHTERS ASSOCIATION)
LOCAL 764)
EMPLOYEE ORGANIZATION)
)
and)
)
THE CITY OF WOOSTER)
EMPLOYER ORGANIZATION)

Case No. 98-MED-10-0944

For the Association: **Thomas M. Hanculak**
Attorney at Law
For the City: **Richard R. Benson**
Attorney at Law

Conciliator: **Dana F. Castle,**

Hearing Date: **March 23, 1999**
Report Submitted: **April 2, 1999**

CONCILIATOR'S REPORT AND RECOMMENDATIONS

Background

The bargaining unit consists of approximately forty-four full-time uniformed members of the City of Wooster Fire Department represented by the Fire Fighters Association, Local 764 (hereinafter "Association"). The employer is the City of Wooster (hereinafter "City"). The parties met for a fact-finding hearing on February 1, 1999 and, through mediation, arrived at agreement on ten unresolved issues which were then recommended by the fact-finder in his report issued February 11, 1999. The Association accepted the fact-finder's report but Wooster City Council voted to reject it and the matter was set for conciliation. The Association adopted the fact-finder's recommendations as its position in the conciliation proceedings. The City also accepted the fact-finder's recommendations, prior to the conciliation proceeding, following City Council's retraction of its' original position in opposition. The City, however, presented nine *additional* issues, as set out in the Appendix to this report, which, it stated, followed from the reduction in hours and which needed to be resolved because of adoption of the fact-finder's recommendation to which both parties now agreed.

The parties met from 9:00 a.m. to 1:30 p.m. in the Wooster City Hall and discussed the additional issues raised by the City. While recognizing the right to adhere to current contract language in these matters and reject discussion of the issues as not timely raised, the parties, along with the conciliator, agreed to attempt to reach agreement on the matters raised by the City. A number of persons took part in consultation on these matters with the following persons involved directly in the discussions and consensus reached with the conciliator.

For the Association:

Thomas M. Hanculak, Attorney at Law
David P. Byrnes, President Northern Ohio Fire Fighters

For the City:

Richard R. Benson, Law Director
Kathy Gallo, Personnel Director
M. Victor Haugh, Fire Chief

Agreement on these matters was reached as set out below in the conciliator's recommendations.

Criteria: The fact-finder acknowledges that consideration was given to the criteria set out in Rule 4117-9-05(K) of the State Employment Relations Board.

CONCILIATION RECOMMENDATIONS

Based on the fact-finder's recommendations adopted by the parties, the previous determination of an implementation date of February 13, 1999 and the passage of that date prior to the instant proceeding, and the agreements reached by the parties in regard to the additional issues presented by the City, the conciliator's recommendations are as follows.

The recommendations of the fact-finder are to be implemented subject to the following clarifications. The initial three percent (3%) wage increase is effective retroactively to January 1, 1999. Implementation of the reduction in the total average hours worked per week to fifty-one point seven (51.7) is to begin on April 11, 1999. Two additional "Kelly Days", for a total of eight and one third (8 1/3) days, shall be given in 1999 as compensation for the overtime which would be generated by a computation of time worked pursuant to the reduced hour schedule between February 13, 1999 and the actual implementation date on April 11, 1999.

Additional Issues raised by City [see Appendix]

1) Article XVI (Hours and Schedule), Section 1 of the 1/1/96-12/31/98 contract between the parties [hereinafter "current" contract] is to be changed to read as follows:

Section 1a. Employees covered by this agreement shall normally work twenty-four (24) hour shifts and shall be scheduled an average of fifty-one and seven tenths (51.7) hours per week or a maximum of one hundred fourteen (114) shifts per year except Fire Inspector(s) who will work a forty (40) hour week. The Employer may change shifts, hours of work per week, and hours of work per year to the extent necessary or deemed advisable by the Employer for the purpose of complying with any federal or state law which is or may become applicable to employees covered by this Agreement.

Section 1b. Effective April 11, 1999 each member assigned to Fire Suppression shall receive eight and one third (8 1/3) Kelly Days¹ in order to effect the fifty-one and seven tenths (51.7) work week. Effective January 1, 2000, each member assigned to Fire Suppression shall receive nine and one third (9 1/3) Kelly Days. Employees shall schedule a tenth (10) Kelly Day every third year.²

[Sections 2 and 3 are to be retained as worded.]

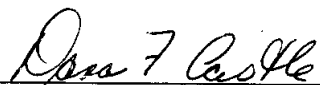
2) Article XVII (Overtime, Comp Time and Call-In)

The computation factor in Section 2 is reduced from 2 to 1.78 effective April 11, 1999.

¹Inclusive of the two additional Kelly Days adjustment for overtime for the delay in implementation of reduced hours to April 11, 1999.

²New language is italicized.

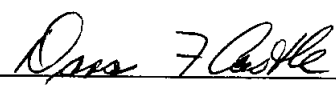
- 3) Article XVII (Overtime, Comp Time and Call-In)
The limitation in Section 9 on total accumulation for comp time is reduced to 52 hours effective January 1, 1999.
- 4) Article XXII (Holidays)
The current contract factor of 11.2 in Section 2 is retained.
- 5) Article XXIII (Vacation)
The factors for earning vacation in Section 1 are changed in accordance with the factors set out in the City Pre-Hearing Statement [Appendix] effective April 11, 1999.
- 6) Article XXIV (Injury Leave)
Sections 1,2, and 3 are changed in accordance with the factors set out in the City Pre-Hearing Statement [Appendix] effective January 1, 1999.
- 7) Article XXVI (Sick Leave)
Section 1 is changed to the factor set out in the City Pre-Hearing Statement [Appendix] effective April 11, 1999.
- 8) Article XXVII (Sick Leave Incentive)
The number in Section 3 is changed to 25.8 hours in accordance with City Pre-Hearing Statement [Appendix] effective January 1, 1999.
- 9) Article XXVIII (Severance Pay)
The current contract total hours of 739 in Section 1 is retained.

Submitted by: 
Dana F. Castle,
Conciliator

Date: April 2, 1999

CERTIFICATE OF SERVICE

I certify that the above report was served upon the above-named parties by FAX and ordinary mail on April 2, 1999 and the State Employment Relations Board by ordinary mail on April 2, 1999.


Dana F. Castle

Appendix

Additional Issues Raised by the City

- 1) Article XVI, Hours and Schedule, at Section 1, provides that employees shall be scheduled for a maximum of 123 shifts per year. The new number should be 114 shifts per year.
- 2) Article XVII, Overtime, Comp Time and Call-In, at Section 2, provides for overtime at a rate of twice the applicable hourly rate. That factor should be reduced to 1.78.
- 3) Article XVII, Overtime, Comp Time and Call-In, at Section 9, provides that accumulation of comp time will be limited to 56 hour maximum. That number should be reduced to 51.7.
- 4) Article XXII, Holidays, at Section 2, provides that employees will receive "holipay" at the rate of 11.2 hours per day times the hourly rate when the holiday occurs. That factor should be reduced to 10.34.
- 5) Article XXIII, Vacation, at Section 1, establishes factors for earning vacation. The new factors should be .044636 hours for less than six years of service; .080345 hours for six to eleven years of service; and .1071269 hours for twelve or more years of service.
- 6) Article XXIV, Injury Leave, at Sections 1, 2, and 3, provides for an offset of 168 hours of accumulated sick leave before injury leave of 1464 hours becomes applicable. The new factors should be reduced to 154.8 hours and 1344 hours.
- 7) Article XXVI, Sick Leave, at Section 1, provides that employees shall earn sick leave at the rate of .1236 hours for each hour of regularly scheduled work. That factor should be increased to .1339 hours.
- 8) Article XXVII, Sick Leave Incentive, at Section 3, provides that employees shall receive sick leave incentive equal to 28 sick time hours. That number should be reduced to 25.8 hours.
- 9) Article XXVIII, Severance Pay, at Section 1, provides that upon retirement, employees may be paid a maximum of 33% of accumulated sick leave, not to exceed 739 hours. The hours figure should be reduced to 681.12.