ORDINANCE NO. 169-14

AN ORDINANCE ACCEPTING THE REPORT AND RECOMMENDATIONS OF THE FACT FINDER FOR THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION FOR THE POLICE COMMUNICATIONS DIVISION, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Report and Recommendations of the Fact Finder for the Ohio Patrolmen's Benevolent Association for the Police Communications Division is hereby accepted.

SEC. 2: That a copy of the Report and Recommendations is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason to act on said Fact Finder Report within the required seven days; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: October 14, 2014

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: October 15, 2014

SIGNED: Dennis Hanwell
Mayor

ORD. 169-14
Exh. A

Susan Grody Ruben, Esq.
Arbitrator, Mediator, Factfinder
30799 Pinetree Road, #226
Cleveland, OH 44124

PURSUANT TO ORC 4117.14(C)
UNDER THE AUSPICES OF THE
STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER BETWEEN	)	
	)	
CITY OF MEDINA	)	FACTFINDER'S REPORT
and	)	SERB CASE NO.
OHIO PATROLMEN'S BENEVOLENT	)	2013-MED-09-0966
ASSOCIATION/MEDINA DISPATCHERS	)	

This Factfinding arises pursuant to Ohio Revised Code Section 4117.14(C). The Parties, The City of Medina ("the City") and Ohio Patrolmen's Benevolent Association/Medina Dispatchers ("the Union"), selected Susan Grody Ruben to serve as sole, impartial Factfinder, whose Recommendations are issued below.

Hearing was held September 4, 2014 in Medina, Ohio. The Parties were represented by counsel and were afforded the opportunity for the presentation of positions and evidence. The Parties agreed this Report would be due on October 8, 2014.

APPEARANCES:

For the City:

Jon M. Dileno, Esq., Zashin & Rich Co., L.P.A., 55 Public Square, 4th Floor, Cleveland, OH 44113.

For the Union:

Daniel J. Leffler, Esq., Ohio Patrolmen's Benevolent Association, 10147 Royalton Road, Suite J, North Royalton, OH 44133.

FACTFINDER'S RECOMMENDATIONS

Statutory Criteria

In reaching recommendations on the open issues, the Factfinder has reviewed the Parties' submissions, and the evidence and positions presented at the Factfinding Hearing. The Factfinder has analyzed this information in the context of the statutory criteria found in Ohio Revised Code Section 4117.14(G)(7):

a) Past collectively bargained agreements...between the parties;

b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved 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 interests and welfare of the public, 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; and

f) Such other factors, not confined to those listed...which are normally or traditionally taken into consideration in the determination of the 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.

Bargaining Unit

The bargaining unit has approximately 10 dispatchers.

Incorporated Articles

The Factfinder hereby incorporates into her Recommendations all provisions previously agreed to by the Parties.

Open Issues

1. Article 15 – DUTY HOURS

Union Proposal

The Union proposes instituting 4/10s, adding the following language (modeled after the patrolmen/sergeant contract):

> The workweek for bargaining unit Employees shall generally consist of four (4), ten (10) hour days. However, in the event that the level of staffing in the Dispatch Unit drops below eight (8) full-time dispatchers due to lay-offs, injuries, illnesses, or other extended leaves of absences, then the Employer shall have the discretion and right to change the schedule to five (5), eight (8) hour days. The Employer shall give fourteen (14) days notice of any such change in the schedule to the affected employees and the Union. The Employer shall not change the schedule unless the staffing shortage extends beyond thirty (30) days.

City Proposal

The City proposes status quo, i.e., no particular schedule named in the contract; current practice is 5/8s.

Factfinder's Recommendation

Current language is:

> The regular workweek for all employees of the City covered by this Agreement will be forty (40) hours.

Union negotiating team members implored the Factfinder to recommend 4/10s on the basis that their dispatch jobs are so stressful, they need three days off per week to decompress. The Union also points out the patrolmen/sergeants contract has 4/10s.

The Factfinder is mindful of the employees' concerns. However, the City legitimately pointed out that if the employees find their jobs stressful, it is inadvisable to extend their 8-hour shifts to 10-hour shifts. The City also noted it tried to eliminate 4/10s in the patrolmen/sergeants contract, but was unsuccessful. The City states switching to a 4/10 schedule for dispatchers would require the hiring of 4 additional dispatchers.

The Factfinder recommends status quo. A 4/10 schedule for this bargaining unit would appear to require significant additional hiring by the City. Requiring a 4/10 schedule by contract would be a significant change that should be accomplished only by bargaining.

2. Article 19 – SICK LEAVE

Union Proposal

The Union proposes status quo.

City Proposal

The City proposes to eliminate sick leave for part-time employees.

Factfinder's Recommendation

Currently, there are no part-time employees in the unit. In the past, when part-timers were employed, the City found their frequent sick leave call-offs confounded their purpose of providing fill-in coverage.

The Factfinder recommends the elimination of sick leave for part-time employees, based on the fact that in the past, the part-timers' continued use of sick leave made them less effective for scheduling purposes. This is a good time to eliminate this benefit, as there currently are no part-time employees in the unit, and the City has no current plans to hire any part-time dispatchers.

3. Article 24 – TRAVEL, TELEPHONE AND EDUCATIONAL BENEFITS

Union Proposal

The Union proposes adding EMT and EMD certifications as the basis for receiving the $350 college degree bonus.

City Proposal

Status quo.

Factfinder's Recommendation

The current college degree bonus is given for "an associate degree in the law enforcement field or a four year baccalaureate degree from an accredited university." Record evidence is that EMD certification is received as a result of taking a 3-day class. Such a commitment by an employee is not equivalent to the commitment made for obtaining an associate degree.

Accordingly, the Factfinder recommends EMD certification is not added to the contract as a basis for additional compensation.

Record evidence is that EMT certification is received as a result of taking 120 hours of classwork and additional clinical hours. The City opposes the addition of EMT certification as the basis for additional compensation because the recently-instituted structured medical dispatching lessens the benefit of a dispatcher having EMT certification. The City also points out it pays for EMT training, which is a sufficient benefit on its own.

The Factfinder recommends EMT certification is added to Article 24(7) as an additional basis for the $350 bonus on the basis it is related to dispatcher work and it involves a significant period of study. The fact the

City pays for EMT certification is not inconsistent with making such certification bonus-eligible pursuant to Article 24(7).

4. Article 25 – Group Hospitalization (Health Insurance)

Union Proposal

The Union proposes either: 1) a cap on healthcare insurance employee premium contributions; or 2) acceptance of the City's healthcare insurance proposal if a significant wage increase is obtained. Either way, the Union rejects a mandatory wellness program.

City Proposal

Modify current plan design as follows:

- Employees satisifying Wellness Program requirements pay a premium contribution of 12%.
- Employees not satisfying Wellness Program requirements pay a premium contribution of 16%.
- Implement network deductible of $500/single, $1000/family; and increase non-network deductible to $1000/single, $2000 family.
- Increase network out-of-pocket maximum to $1000/single, $2000/family. Increase non-network out-of-pocket maximum to $3000 single, $6000 family.

- Increase network office visits co-pay for specialists to $40.
- Increase prescription drug co-pays to $15/$30/$50.
- Mail Order prescription drug co-pays (up to 90-day supply) to be $30/$60/$100.
- Increase emergency room co-pay to $100.

Factfinder's Recommendation

The City's healthcare proposal already applies to the City's police bargaining units. The Wellness Program is a screening-only program, not an outcome-based program. Accordingly, the Factfinder recommends the City's healthcare proposal.

5. Article 26 -- WAGES

Union Proposal

The Union proposes:

2014 – 4%

2015 – 1%

2016 – 1%

City Proposal

The City proposes:

10/1/14 – 1%

01/1/15 – 2%

01/1/16 – 2%

Factfinder's Recommendation

The City is in good financial shape, especially compared to many other Ohio municipalities. The City has been able to maintain its financial condition through careful budgeting. The bargaining unit's wages compare well to surrounding municipalities. The City's two police bargaining units have received 2%/2%/2%. The City wishes to decrease that to 1% for the dispatchers in 2014, to compensate the City for the cost of going to Factfinding.

The Factfinder recommends, in accordance with the police units wages:

10/1/14 – 2%

01/1/15 – 2%

01/1/16 – 2%

6. Article 26 – WAGES – LEADS/TAC Premium

Union Proposal

Implement $0.70/hour premium for the LEADS/TAC position.

City Proposal

The City proposes status quo.

Factfinder's Recommendation

The current contract does not provide additional compensation for the LEADS/TAC position. Ohio Administrative Code Section 4501:2-10-04 requires LEADS agencies to appoint a LEADS/TAC position.

All dispatchers are LEADS-certified. The record indicates the LEADS/TAC position does not significantly add to a dispatcher's workload. The record indicates it is uncommon for municipalities to pay a premium to the LEADS/TAC position. The City pointed out it could assign the LEADS/TAC position to a police lieutenant. The Factfinder recommends status quo.

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7. Article 26 – WAGES – Training Premium

Union Proposal

Implement a stipend of one-half hour of compensatory time per each four hours spent by a dispatcher training a newly-hired employee.

City Proposal

Status quo.

Factfinder's Recommendation

The current contract does not provide additional compensation for training. The police units, who do more extensive training, do not receive any additional compensation for training. Accordingly, the Factfinder recommends status quo.

8. Article 26 – WAGES - Reopener

Union Proposal

The proposes to reopen wages in the event the City contracts with outside entities to provide dispatch services.

City Proposal

Status quo.

Factfinder's Recommendation

The City has no current plans to contract with outside entities to provide dispatch services. The City says if it does take on any outside entities, the City will evaluate the workload, and hire more staff if necessary. The Factfinder recommends status quo.

9. Article 28 – SHIFT DIFFERENTIAL

Union Proposal

The Union proposes increasing shift differential from $0.35/hour to $0.50/hour.

City Proposal

The City proposes status quo.

Factfinder's Recommendation

Given that the police units receive $0.35/hour shift differential, the Factfinder recommends status quo.

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10. Article 29 – LIFE INSURANCE

Union Proposal

Increase the amount of life insurance provided to equal one year's pay.

City Proposal

The City proposes status quo.

Factfinder's Recommendation

The current contract provides $25,000 of life insurance. The record indicates this is standard for City employees. The Factfinder recommends status quo.

Dated: October 8, 2014

Susan Grody Ruben
Susan Grody Ruben, Esq.
Factfinder

This Report was served upon the following persons by electronic mail on the 8th day of October, 2014:

SERB Email: med@serb.state.oh.us

Jon Dileno: jmd@zrlaw.com

Daniel J. Leffler: dj_leffler66@yahoo.com

Susan Grody Ruben, Esq.
Arbitrator, Mediator, Factfinder
30799 Pinetree Rd., #226
Cleveland, OH 44124
SusanGrodyRuben@att.net

Invoice

October 8, 2014

To: City of Medina
OPBA

Re: Factfinding

1 Day of Factfinding	. . .	$ 950.00
1 Day of Study and Writing	. . .	$ 950.00
TOTAL	. . .	$1900.00
½ to be paid by the City	. . .	$ 950.00
½ to be paid by the Union	. . .	$ 950.00

Thank you.