

**North Canton City Council Notice  
Committee of the Whole Agenda  
Monday, June 4, 2018 - 7:00 p.m.**

North Canton City Council will meet as a Committee of the Whole **Monday, June 4, 2018 at 7:00 p.m.** in Council chambers at North Canton City Hall.

Items to be discussed

1. Community and Economic Development Committee

Chairperson: Marcia Kiesling  
Vice Chairperson: Mark Cerreta  
Doug Foltz  
Dominic Fonte  
Daniel Peters  
Daryl Revoldt  
Stephanie Werren

A resolution implementing sections 3735.65 through 3735.70 of the Revised Code, establishing and describing the boundaries of a new Community Reinvestment Area ("CRA") in the City of North Canton, and maintaining the Housing Officer, the Housing Council, and the Tax Incentive Review Council.

2. Personnel and Safety Committee

Chairperson: Daniel Peters  
Vice Chairperson: Dominic Fonte  
Mark Cerreta  
Doug Foltz  
Marcia Kiesling  
Daryl Revoldt  
Stephanie Werren

(a) An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Ohio Patrolmen's Benevolent Association, Dispatch and Lead Dispatcher, regarding State Employment Relations Board ("SERB") Case No. 2017-MED-10-1312, and declaring the same to be an emergency.

(b) An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Ohio Patrolmen's Benevolent Association, Patrol Officers, regarding State Employment Relations Board ("SERB") Case No. 2017-MED-10-1313, and declaring the same to be an emergency.

(c) A resolution accepting the Fact Finding Report dated May 30, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Patrol Officers' Union, State Employment Relations Board ("SERB") Case No. 2017-MED-10-1313, by Fact Finder Robert M. Lustig.

**Committee of the Whole Meeting  
Agenda**

**June 4, 2018  
Page 2**

3. Report - Director DeOrio
4. Adjourn

Mary Beth Bailey  
Clerk of Council

North Canton City Council  
Community and Economic Development Committee

Resolution No. - 2018

A resolution implementing sections 3735.65 through 3735.70 of the Revised Code, establishing and describing the boundaries of a new Community Reinvestment Area ("CRA") in the City of North Canton, and maintaining the Housing Officer, the Housing Council, and the Tax Incentive Review Council.

WHEREAS, the General Assembly of the State of Ohio, by the enactment of sections 3735.65 through 3735.70 of the Revised Code, has authorized municipal corporations to designate CRAs for areas satisfying the requirements of section 3735.67 of the Revised Code, therein providing a tax-exemption incentive for new commercial, industrial, and residential structures, and for remodeling of commercial, industrial, and residential structures; and

WHEREAS, a housing survey has been prepared and submitted to City Council, which is on file with the Housing Officer, which proposes a new CRA be located in the City, and which illustrates facts and conditions relating to housing facilities or structures of historical significance, based upon age, rarity, architectural quality, or because of a previous designation by a historical society, association, or agency are located, and new construction and repair of existing facilities or structures are discouraged; and

WHEREAS, it has been determined that new commercial or industrial structures, or a combination thereof, new construction of razed dwellings, and remodeling of commercial, industrial, residential structures, or some combination thereof, in the area described in Exhibit A, attached hereto and incorporated herein, will serve to encourage economic stability, maintain real property values, generate new employment opportunities, and therefore, be in the best City's best interest to designate the area described in Exhibit A as a new Community Reinvestment Area;

WHEREAS, new commercial or industrial structures, or a combination thereof, new construction of razed dwellings, and the remodeling of existing structures classified as commercial, industrial, residential, or a combination thereof, in the area designated as Exhibit A, constitutes a public purpose for which real property exemptions may be granted.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That based upon the aforesaid recommendations, the housing survey, and on City Council's own knowledge of the facts and conditions existing in the area depicted in Exhibit A, this Council hereby finds and determines that such area contains the conditions required for finding under division (B) of section 3735.65 of the Revised Code, in that dwellings and commercial or industrial structures, or a combination thereof, are located in the area, and that the new construction of commercial or industrial structures, new construction of razed dwellings, and the repair of existing facilities or structures are discouraged.
- Section 2. That within the area depicted and described in Exhibit A, new construction of commercial or industrial structures, or a combination thereof, and new construction of razed dwellings, and remodeling of existing residential,

commercial and industrial structures, or a combination thereof, are hereby declared to be a public purpose and eligible for an exemption from real property taxation.

Section 3. That pursuant to section 3735.66 of the Revised Code, Council hereby establishes and designates as the area described and depicted in Exhibit A as a new Community Reinvestment Area, which meets the requirements of sections 3735.65 through 3735.70 of the Revised Code.

Section 4. That only residential, commercial and industrial improvements, and combinations thereof, consistent with the applicable zoning regulations within the new North Canton CRA shall be eligible for exemptions. Applicants shall permit representatives from the Stark County Auditor's office to have access to the subject property both before and after construction and remodeling has been completed so that a full and fair valuation may be accomplished.

Section 5. That if any part of the new structure or remodeled structure that would be exempted are of real property to be used for commercial or industrial purposes, City Council and the owner of the property shall enter into a written agreement, prior to commencement of construction or remodeling, which is binding on both parties for a period of time that does not end prior to the end of the period of the exemption, and which includes all of the information and statements prescribed by section 3735.671 of the Revised Code; if such an agreement is subject to approval by the board of education of the school district within the territory of which the property is or will be located, the agreement shall not be formally approved by City Council until the board of education approves the agreement in the manner prescribed by that section.

Unless waived by City Council, the written agreement described above shall also require that within one year of completion of the new commercial or industrial structure, the applicant shall generate at least \$XX,XXX of annual additional payroll or \$XX,XXX in annual, retained, City income tax revenue during the period of the agreement.

Section 6. That for residential property, a tax exemption is hereby authorized on 100% of the increase in the assessed valuation resulting from improvements as described in section 3735.67 of the Revised Code, and shall be granted upon proper application by the property owner and certification thereof by the City's Housing Officer. Residential applications must be filed with the Housing Officer no later than six months after completion of construction, unless the Housing Officer extends such time in writing. The following periods of real property tax exemption shall apply to all residential property:

- (a) 10 years for the remodeling of dwellings containing not more than 2 units, and upon which the cost of remodeling is at least \$15,000;
- (b) 8 years, for the remodeling of dwellings containing more than 3 or 4 units, and upon which the cost of remodeling is at least \$50,000;

- (c) Dwellings containing more than 4 units shall be deemed commercial properties and shall comply with the commercial requirements provided herein, and R.C. 3735.671, et seq.; and
- (d) 8 years for new construction of a razed dwelling where the Stark County Auditor's initial appraised value of the newly constructed dwelling is at least \$100,000.

- Section 7. That applicants for commercial and industrial properties shall comply with the state's application fee requirements described in section 3735.672(C) of the Revised Code.
- Section 8. That to administer and implement the provisions of the CRA in accordance with sections 3735.65 through 3735.70 of the Revised Code, the City's Administrator is hereby re-designated as the Housing Officer. And that after receipt of the director of development services' confirmation of the findings described in this resolution, the Housing Officer shall: receive applications and grant real property tax exemptions for new structures or remodeling completed in compliance with this resolution and applicable Ohio law; comply with notice requirements prescribed under sections 3735.671 and 5709.03 of the Revised Code; conduct annual inspections of properties within the CRA for which exemptions have been granted; and, keep Council apprised of new applications, and the Housing Council and TIRC (as defined below) apprised of revocations of CRA tax exemptions for lack of adequate property maintenance or compliance with a CRA agreement in accordance with section 3735.68 of the Revised Code.
- Section 9. That a North Canton Community Reinvestment Area Housing Council shall be maintained, consisting of two members appointed by the Mayor, two members appointed by City Council, one member appointed by the Planning Commission, and two City residents, appointed by a majority of the first five members, which appointments are hereby authorized to be made. Terms of the members of the Housing Council shall be for three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner in which the initial appointment was made. The Mayor, City Council, and Planning Commission are hereby authorized and directed to make their respective appointments to the Housing Council and those five appointed members are authorized to appoint the final two members. The Housing Council shall make an annual inspection of the properties within the CRA for which an exemption has been granted and shall hear appeals under section 3735.70 of the Revised Code from property owners whose CRA applications have been denied or tax exemptions revoked by the Housing Officer.
- Section 10. That a North Canton Tax Incentive Review Council (the "TIRC") shall be maintained pursuant to section 5709.85 of the Revised Code. The TIRC shall consist of three representatives appointed by the Board of County Commissioners, two representatives appointed by the Mayor with concurrence

of City Council, the County Auditor (or designee) and a representative of each affected board of education located in the CRA. At least two members of the TIRC shall be residents of the City. The TIRC shall review annually the compliance of all agreements involving the grant of exemptions for commercial or industrial real property improvements under section 3735.67 of the Revised Code, based upon the performance of those agreements, shall make written recommendations to City Council as to their continuation, modification, or termination.

- Section 11. That City Council reserves the right to re-evaluate the designation of the new CRA after December 31, 2019, and on a biennial basis thereafter, and when at Council's sole discretion it appears warranted, whereby it may direct the Housing Officer to deny new applications for exemptions as described in section 3735.67 of the Revised Code, with respect to any additional construction or remodeling thereafter commenced.
- Section 12. That the Mayor is hereby authorized and directed to petition the Ohio Director of Development Services Agency to confirm the findings contained within this resolution.
- Section 13. That a copy of this resolution shall be forwarded to the Stark County Auditor, and published in a newspaper of general circulation in the City once a week for two consecutive weeks immediately following its adoption.
- Section 14. That all formal actions of this Council and of any of its committees concerning and relation to the enactment of this resolution were adopted in an open meeting, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Revised Code.
- Section 15. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2018

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

North Canton City Council  
Personnel and Safety Committee

Ordinance No. - 2018

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Ohio Patrolmen's Benevolent Association, Dispatch and Lead Dispatcher, regarding State Employment Relations Board ("SERB") Case No. 2017-MED-10-1312, and declaring the same to be an emergency.

WHEREAS, City Council and the exclusive representatives for the Dispatch and Lead Dispatcher's Union received conciliator Sandra Mendel Furman's award dated June 8, 2018, for SERB Case No. 2017-MED-10-1312; and

WHEREAS, Ohio Administrative Code Subsection 4117-9-06(J) requires the City to take whatever actions are necessary to implement the conciliator's award; and

WHEREAS, time is of the essence to draft and implement the agreement to promptly compensate City employees for their emergency services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized to enter into a successor collective bargaining agreement between the City of North Canton and the Ohio Patrolmen's Benevolent Association, Dispatch and Lead Dispatcher, effective January 1, 2018 through December 31, 2020, SERB case number 2017-MED-10-1312, which shall supersede all previously adopted legislation in direct conflict herewith.
- Section 2. That the Director of Finance is hereby authorized to expend the necessary funds therefore, which funds are hereby appropriated.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to timely implement the collective

bargaining agreement between the City and the Dispatch and Lead Dispatcher's Union to promptly compensate employees for their emergency services; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2018

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council



North Canton City Council  
Personnel and Safety Committee

Ordinance No. - 2018

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Ohio Patrolmen's Benevolent Association, Patrol Officers, regarding State Employment Relations Board ("SERB") Case No. 2017-MED-10-1313, and declaring the same to be an emergency.

WHEREAS, City Council and the exclusive representatives for the Patrol Officers' Union received and accepted fact-finder Robert M. Lustig's Fact-Finding Report and Recommendations dated May 30, 2018, SERB Case No. 2017-MED-10-1313; and

WHEREAS, time is of the essence to draft and implement the agreement to promptly compensate City employees for their emergency services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized to enter into a successor collective bargaining agreement between the City of North Canton and the Ohio Patrolmen's Benevolent Association, Patrol Officers, effective January 1, 2018 through December 31, 2020, SERB case number 2017-MED-10-1313, which shall supersede all previously adopted legislation in direct conflict herewith.
- Section 2. That the Director of Finance is hereby authorized to expend the necessary funds therefore, which funds are hereby appropriated.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to timely implement the collective

bargaining agreement between the City and the Patrol Officers' Union to promptly compensate employees for their emergency services; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2018

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

North Canton City Council  
Personnel and Safety Committee

Resolution No. – 2018

A resolution accepting the Fact Finding Report dated May 30, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Patrol Officers' Union, State Employment Relations Board ("SERB") Case No. 2017-MED-10-1313, by Fact Finder Robert M. Lustig.

WHEREAS, pursuant to rule 4117-9-05, Fact-finding, of the Ohio Administrative Code, the employer's legislative body shall meet and vote to accept or reject the recommendations of the fact finder, and within 24 hours after the vote, shall serve SERB and the employee organization's exclusive representative by electronic mail, verification of the date of the vote, the vote tally, and the number of members of the legislative body.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the City of North Canton, Ohio hereby accepts the Fact Finding Report dated May 30, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Patrol Officers' Union, Case No. 2017-MED-10-1313, by Fact Finder Robert M. Lustig.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2018

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

**STATE OF OHIO**  
**STATE EMPLOYMENT RELATIONS BOARD**

**May 30, 2018**

OHIO PATROLMEN'S  
BENEVOLENT ASSOCIATION

CASE # 2017-MED-10-1313

and

CITY OF NORTH CANTON

FACT FINDING REPORT  
& RECOMMENDATIONS

APPEARANCES

For the Union

Mark J. Volcheck, Attorney

For the City

Timothy L. Fox, Law director

ROBERT M. LUSTIG  
Fact Finder  
526 Superior Avenue, E. Suite 320  
Cleveland, Ohio 44114-1964

### **Introduction**

The Collective Bargaining Agreement (“CBA”) between the City of North Canton, (the “City”) and the Ohio Patrolmen’s Benevolent Association (the “OPBA” or the “Union”) in this Fact Finding recognizes a bargaining unit described as “all full time police patrolmen”. Article 4, §4.01.

This CBA between the OPBA and the City expired December 31, 2017. Through negotiations prior to Fact Finding the parties had reached a tentative agreement which was accepted by the Union but was rejected by the City because of the language of the provision relating to drug testing. Subsequent to the City’s rejection of the tentative agreement, the City entered into a CBA with the ranking officers (sergeants and lieutenants) that granted the ranking officers a significant increase in their pay by agreeing to substantially increase the differential in pay between patrolmen and the ranking officers. This led the Union to regard the entire prior tentative agreement as void.

The following six issues remained to be resolved in this Fact Finding:

1. Article 17 - Overtime Pay Allowance
2. Article 27 - Wages
3. Article 28 - Longevity Pay
4. Article 32 - Hospitalization
5. Article 36 - Drug Testing
6. Article 37 - Duration

The undersigned was duly appointed Fact Finder. A hearing was set by agreement of the parties for Thursday, May 10, 2018 and was heard in a conference room at the North Canton City Hall.

Both sides presented such evidence as they desired. No transcript was taken. All documents were received without objection from the other party. This includes the position statements, Union Exhibits A - I and 1-11 and 15-22, City Exhibits A and B, and the verbal statements made at the hearing by parties' respective attorneys. The Fact Finder thanks both parties for their professionalism and courtesy.

In reaching the recommendations made in this report, the Fact Finder considered the criteria set forth in Ohio Administrative Code Rule 4117-9-05 which are:

- 1) Past collectively bargained agreements, if any.
- 2) Comparison of the unresolved issues 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.
- 3) 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 standards of public service.
- 4) The lawful authority of the public employer.
- 5) Any stipulation of the parties.
- 6) Such other factors, not confined to those listed above which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agreed upon dispute settlement procedures in the public service or private

employment.

### Facts

The CBA covering the Patrolmen was for the period January 1, 2015, to December 31, 2017.

Inability to pay was not an issue in this hearing.

There are 16 Patrolmen in the bargaining unit. There are five sergeants and one lieutenant in the ranking officers unit who are represented by a different union.

At hearing, the issues regarding Article 32 - Hospitalization and Article 36 - Drug Testing, were resolved. Both parties signed contract language which language is to be incorporated into the final CBA.. As to the remaining issues:

### Issues

#### Issue 1. Article 17 - Overtime Pay Allowance.

##### Union Position

Under the prior CBA, all Patrolmen received four hours of overtime for working on a Sunday which was accumulated as comp time and was paid at the end of each quarter. Under the tentative agreement, the Patrolmen had accepted a 4% increase in base pay for topped out officers (those with more than three years seniority) as a buy out of this benefit. The four hours of overtime pay for working on a Sunday was actually worth 5% of the base pay of a fourth year Patrolman which is the highest seniority in the City for Patrolmen. If this benefit is to be bought out, it should be at its full value which is 5% of base pay.

##### City's Position

Four bargaining units have the four hour overtime for working on Sunday. The City is buying this benefit out to create a uniform wage base. The Sergeants and Lieutenants and the Water

Treatment Plant units have agreed to this buy out. The Dispatchers agreed to this buy out in a tentative agreement that was rejected by the City due to the marijuana issue in the Drug Testing provision.

### **Discussion**

There appears to be a general agreement that the four hours of overtime for Sunday may be bought out. The issue is the price of the buy out. The Union accepted a buy out at 4% in the tentative agreement on the City's representation that the City Council insisted on limiting the buy out to 4% of base pay. There is no issue as to the City's ability to pay the full value of this benefit. The full value of this benefit is 5% of base pay. This will be reflected in the Recommendation for Wages.

### **Recommendation**

Article 17 remains unchanged except the following shall be added at the end of §17.04:

This section shall be null and void and without further effect upon the date this collective bargaining agreement is signed by the parties.

### **Issue 2. Article 27 - Wages**

#### **Union Position**

The Union feels it was sandbagged when, after reaching tentative agreement, the City entered into a new agreement with the ranking officers that included an increase in the differential in the pay scales between patrolmen and sergeants from 9% to 15% and an increase in the differential between patrolmen and the lieutenant to 25%. The increases in differentials are in addition to increases in the ranking officers base pay. The Union seeks a wage increase that would maintain the existing



differences between the patrolmen and the ranking officers.

Further, looking at wages paid in other cities in Stark and surrounding counties, North Canton 's patrolmen pay is about 9% lower than average (Union Ex. 8) and is lower than nearby cities of similar size (Union Ex. 9). An examination of the City's financial condition (Union Exs. 14, 15 and 20) indicates that financial inability to pay is not an issue.

Also the Union urges that the stipend of \$450 provided for in §27.04 be increased to \$2,000 for officers who have completed three years of service and to \$1,000 for officers who have completed one year of service, the rationale being such an increase would help narrow the gap in compensation resulting from the increase in the differential.

#### **City's Position**

The City proposes base wages be increased 2% for each year of a three year contract with a 4% additional increase for 4<sup>th</sup> year Patrolmen if the Sunday Overtime Pay is terminated.

The City justifies its agreeing to the substantial increase in the differential between the pay of a patrolman and that of the ranking officers pointing to a) a Memorandum of Understanding with the FOP (the Union representing the ranking officers) which MOU is dated March 29, 2012 that says that when the parties enter into a new CBA in 2014 the sergeants "should receive an increase in their 9% differential that will still allow the City to enjoy a savings from (having reduced the number of Lieutenants to one)." (City Ex. A); b) a comparison of differentials in other cities in Stark county ( City Ex. B); and claiming that the limited differential was a barrier to getting existing patrolmen to apply for the position of sergeant which involved greater responsibilities without the opportunity for overtime.

The City further argued that it had gone to Fact Finding on the issue of the differential but,

in mediation with Fact Finder Jonathan Kline, Mr. Kline had advised that the then existing differential was far below statewide averages for differentials and that 15% for sergeants and 25% for lieutenants would still be on the low side. The City accepted Mr. Kline's advice.

### **Discussion**

The increase in the differential in pay scales between patrolmen and sergeants and lieutenants appears to be a legitimate acknowledgment of an appropriate differential. While City Ex. B seems to overstate at least some of the differentials it cites, reference to SERB's library supports what Fact Finder Kline told the City; the differential of 10% for sergeants over officers and 15% for lieutenants is low. The issue of the differential in pay scales between patrol officers and sergeants and lieutenants was discussed in the following Fact Finding Reports, all issued in the last two years:

OPBA & Wickliffe 15-MED-09-0802 Sgts. 10, 10.5, 11 % over patrol officers over 3 years.  
OPBA & Bedford 16-MED-10-1222. Sgts over patrol officers 16%  
FOP & Mansfield 16-MED-05-0568. Sgts over patrol officers 18%  
FOP & West Chester 16-MED-07-0707. Sgts over patrol officers 15%; Lts over Sgts 15%

The increase in the differential between the pay scales for the officers and the sergeants and lieutenants is not an increase in base wages.

The increase in base wages reached in the tentative agreement, which was 3% for 2018 for all patrol officers, 3% for 2019 and 2020 for officers 4<sup>th</sup> year and above, and 2.5% for each of 2019 and 2020 for all other officers, appears to be fair and reasonable except the first year increase for officers 4<sup>th</sup> year and above should be an additional 5%, for a total first year increase of 8% to reflect the true value of the buy out of the elimination of Sunday Overtime Pay. However, to avoid a doubling up as payment for the first quarter of 2018 has already been made and comp time has been accumulated for Sundays worked since the end of the first quarter, the additional 5% for the buy out

of this benefit should not commence until the Sunday Overtime Pay provision is cancelled.

### **Recommendation**

For 4<sup>th</sup> year patrolmen and above, Wage increases of 8%, for calendar year 2018, 3% for calendar year 2019 and 3% for calendar year 2020, but 5% of the 8% to commence upon termination of the Sunday Overtime Pay provision (§17.04).

Wage increases of 3% for calendar year 2018, 2.5% for calendar year 2019 and 2.5% for calendar year 2020 for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> year patrolmen.

No other changes in Article 27.

### **Issue 3. Article 28. Longevity Pay**

#### **Union Position**

The Union urges the elimination of §28.02 which denies Longevity Pay to officers hired after August 1, 2011. This denial was agreed to in the previous CBA because the City's financial projections were so dire. Those projections turned out to be overly pessimistic. Otherwise, retain §28.01 with necessary changes in dates.

#### **City Position**

The City notes that half of the bargaining unit still receive longevity pay. This benefit is being phased out to bring uniformity to base pay.

### **Discussion**

The present Article 28 was unchanged in the recently resolved CBA with the Dispatchers. Other than changing the dates, Article 28 should remain as is.

**Issue 4. Article 31. Hospitalization**

**Issue 5. Article 36. Drug Testing**

The parties reached agreement on these issues and initialed the agreed language. Those agreements are to be incorporated into the final CBA.

**Issue 6. Article 36. Duration**

The parties were in agreement that the only changes required in this Article are to change the dates to January 1, 2018 instead of 2015 and to December 31, 2020 instead of 2017.

*Robert M. Lustig*

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Robert M. Lustig,  
Fact Finder  
Cleveland, Ohio  
May 30, 2018

A copy of this Fact Finding Report was emailed to the parties' representatives and to SERB this date.