

RESOLUTION #19-0401-11

A resolution to accept the Fact Finders report/recommendation of a new three year renewal agreement between Liberty Township and International Association of Firefighters, Local No. 3754 (IAFF)

WHEREAS, the International Association of Firefighters and the Township have been negotiating a contract renewal working with management representatives and IAFF union representatives and members, legal counsel and a fact-finder, and

WHEREAS, the IAFF and the Township have reviewed and accepted the Fact Finders report/recommendation, and

NOW, THEREFORE BE IT RESOLVED, BY THE LIBERTY TOWNSHIP BOARD OF TRUSTEES, DELAWARE COUNTY, OHIO, accepts the attached Fact Finders report/recommendation

Motion made by Leneghan and seconded by Eichhorn.

Vote: yes Mrs. Eichhorn yes Mr. Gemperline yes Mrs. Leneghan

This Resolution shall be in force and become effective immediately upon its execution.

April 1, 2019
Date

Melanie Leneghan
Melanie Leneghan, Trustee

CERTIFIED BY:

Nancy Denutte
Nancy Denutte, Fiscal Officer

Mike Gemperline
Mike Gemperline, Trustee
Shyra Eichhorn
Shyra Eichhorn, Trustee

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

IN THE MATTER OF	:
THE FACT FINDING BETWEEN	: CASE NO.
	: 2018-MED-10-1147
INTERNATIONAL ASSOCIATION OF	:
FIRE FIGHTERS (IAFF) LOCAL 3754	:
	:
Union,	:
AND	:
	: FACT FINDING REPORT
LIBERTY TOWNSHIP, DELAWARE	: Submitted by John F. Lenehan,
COUNTY, OHIO	: Fact Finder, March 12, 2019
	:

Union Representative:

**Michael Moses, Esq.
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Employer Representative:

**Brad E. Bennett, Esq.
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SERB:

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FINDING

I BACKGROUND

On December 31, 2018, the State Employment Relations Board (SERB) appointed John F. Lenehan as the Fact Finder in the case of the Liberty Township Firefighters, IAFF Local 3754, and Liberty Township, Delaware County, Ohio (Case No. 2018-MED-10-1147). A Fact Finding Hearing was held on February 14, 15, and March 5 and 11, 2019, at Liberty Township Hall and Fire Station, 7761 Liberty Rd. N., Powell, Ohio 43565. The International Association of Fire Fighters Local 3754 (“Association”, “IAFF” or “Union”) was represented by Michael Moses, Esquire, Moses Law Offices, LLC. The Liberty Township (“Employer”, or “Township”) was represented by Brad E. Bennett, Zashin & Rich Co. L.P.A. Also, in attendance on behalf of the Union were: Ryan Hanf, Josh Barnhart and Scott Simmons. Additional attendees on behalf of the Employer were: Nancy Denutte, Fiscal Officer; Cathy Buehrer, Administrative Assistant; Matt Huffman, Township Administrator; and, Thomas O’Brien, Fire Chief.

At the conclusion of the hearing, the parties agreed that the Fact Finding Report would be issued via email to the parties’ representatives and SERB on March 12, 2019. The following report is the Finding and Recommendation of the Fact Finder.

A. Description of the Bargaining Unit

The bargaining unit is comprised of approximately forty-two (42) employees and includes all regular full-time Firefighters, full time Lieutenants, and full-time Battalion Chiefs in the Liberty Township Fire Department. The bargaining unit is a non-strike unit for purposes of R.C. 4117.14 (D) (1), and as such is subject mandatory fact-finding and conciliation.

B. The Employer

Liberty Township, Delaware County, Ohio is a body corporate and politic established under the constitution and the laws of the State of Ohio. A publicly elected three (3) member Board of Trustees directs or governs the Township. It is situated in Delaware County in central Ohio, and county seat is the City of Delaware. The Liberty Township Fire Department currently has two

fire stations to provide services to residents and visitors of Liberty Township. These services include: fire suppression, emergency medical, technical rescue, fire code enforcement, fire investigation, safety and fire prevention education. Due to the current and projected population growth in the area, the Township has started reviewing the need for a third fire station as well as other options to ensure that services can continue to be provided.

C. History of Bargaining

The Collective Bargaining Agreement (“CBA”) which is the subject of this Fact Finding expired on December 31, 2018. The parties held five (5) formal bargaining sessions on various dates, beginning on November 21, 2018 and ending on December 31, 2018. They reached tentative agreements during those sessions on numerous articles (approximately 25). Unfortunately, thirteen (13) articles remained unresolved. They were:

1. Article 13 Compensation
2. Article 15 Work Hours and Overtime
3. Article 17 Earned Time Off
4. Article 22 Vacation
5. Article 23 Holidays
6. Article 24 Injury Leave
7. Article 25 Sick Leave
8. Article 26 Funeral Leave
9. Article 27 Health Care Insurance
10. Article 34 Minimum Staff
11. Article 38 Miscellaneous\
12. Article 39 No Contracting Out
13. Exhibit B 2019, 2020, 2021 Compensation

D. Incorporation of Articles not in dispute.

All Articles of the current Collective Bargaining Agreement that expired December 31, 2018, not in dispute (where no change was proposed by either party) or modified by the parties are hereby incorporated into the successor CBA.

E. Incorporation of all tentative agreements executed prior to the beginning of the Fact Finding Hearing on February 14, 2019.

Prior to the commencement of Fact Finding Hearing, the parties had reached tentative agreement on numerous Articles. Those tentative agreements are also incorporated into the successor CBA.

F. Unresolved Issues at the time of the Fact Finding Hearing.

The Union and Employer, at the commencement of the Fact Finding Hearing stated that the following issues or Articles remained unresolved.

1. Article 13 Compensation
2. Article 15 Work Hours and Overtime
3. Article 17 Earned Time Off
4. Article 24 Injury Leave
5. Article 25 Sick Leave
6. Article 27 Health Care Insurance
7. Article 34 Minimum Staff
8. Article 39 No Contracting Out
9. Exhibit B 2019, 220, 2021 Compensation

During the first two days (February 14 and 15, 2019) of the Fact Finding, the parties chose to negotiate for the purpose of resolving additional issues, and they were able to reach tentative agreements on all but two issues, Article 13-Compensation and Article 27- Health Care Insurance. A third day of Fact Finding was scheduled to commence the Afternoon of March 5, 2019, at which time it was indicated that a tentative agreement had been reached on wages. At that time, the Employer presented evidence in support of its position on Article 27- Health Care Insurance. Because of the late hour, the Union's presentation was rescheduled to Monday March 11, 2019 at 10:00A.M...

On March 11, 2019, the parties informed the Fact Finder that they negotiated a resolution of Article 27, and that they had reached tentative agreement on all outstanding issues.

RECOMMENDATION

Based upon the agreement and stipulation of the parties, the Fact Finder recommends that all tentative agreements be incorporated into this report and the successor CBA. Copies of the Tentative Agreements executed during the Fact Finding are attached.

CERTIFICATION

The fact finding report and recommendations are based on the evidence (tentative agreements) and testimony presented to me at the Fact Finding Hearing conducted on February 14 and 15, and March 5 and 11, 2019... Recommendations contained herein are developed in conformity to the criteria for a fact finding found in the Ohio Revised Code 4717(7) and in the associated administrative rules developed by SERB.

Respectfully submitted,

/s/ John F. Lenehan
John F. Lenehan
Fact Finder
March 11, 2019

PROOF OF SERVICE

This fact-finding report was electronically transmitted this 11th day of March 2019 to the persons named below.

Union Representative:

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SERB:

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/s/ John F. Lenehan

John F. Lenehan
Fact Finder

March 11, 2019