WHEREAS, the Cuyahoga County Sheriff's Department has been engaged in
negotiations with the Ohio Patrolmen's Benevolent Association for a collective
bargaining agreement that would cover approximately 140 employees in the
classification of Deputy Sheriff at the Sheriff's Department; and

WHEREAS, O.R.C. 4117.14(C)(3) of the Public Employees Collective
Bargaining Act ("CBA") expressly authorizes parties who are engaged in collective
bargaining negotiations to request fact-finding, an impasse resolution procedure, and
the appointment of a fact-finding panel to assist the parties to resolve an impasse in
contract negotiations; and

WHEREAS, the parties reached impasse in contract negotiations and submitted
their unresolved issues to fact-finding pursuant to the CBA and O.R.C. 4117.14 (C),
and a fact-finding hearing was conducted before Fact-finder Nels E. Nelson; and

WHEREAS, O.R.C. 4117.14(C)(6)(a) requires that not later than seven days after
the findings and recommendations are sent, the legislative body, by a three-fifths vote
of its membership, may reject the recommendations, and if the recommendations are
not rejected, the recommendations shall be deemed agreed upon as the final
resolution of the issues submitted and a collective bargaining agreement shall be
executed between the parties, including the fact-finding panel's recommendations,
except as otherwise modified by the parties by mutual agreement; and

WHEREAS, Pursuant to the CBA and O.R.C. 4117.14(D), if the fact-finding
report is rejected by either party, the next step for this bargaining unit of Deputy Sheriffs
will be to advance all open issues to binding conciliation, a final offer
settlement procedure, pursuant to a board order that is required to be issued forthwith
to the parties by the State Employment Relations Board; and

WHEREAS, Fact Finder Nelson sent his findings and recommendations on
September 18, 2012 and the County Executive and Sheriff are recommending that the
Fact-Finding report be accepted; and
WHEREAS, It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The findings and recommendations of Fact Finder Nels E. Nelson regarding open issues in the collective bargaining negotiations between the Cuyahoga County Sheriff's Department and the Ohio Patrolmen's Benevolent Association covering approximately 140 employees in the classification of Deputy Sheriffs at the Sheriff's Department are hereby accepted.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, 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 Ohio Revised Code.

SECTION 3. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

On a motion by Mr. Miller, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

Yeas: Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Greenspan and Connally

Nays: None

[Signatures]

County Council President 9/25/12
County Executive 9/26/12
Clerk of Council 9/26/12

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