

# County Council of Cuyahoga County, Ohio

## Resolution No. R2012-0193

Sponsored by: <b>County Executive FitzGerald/County Sheriff</b>	<b>A Resolution</b> accepting the report containing findings and recommendations of Fact-Finder Nels E. Nelson regarding negotiations between the Cuyahoga County Sheriff's Department and Ohio Patrolmen's Benevolent Association for a collective bargaining agreement covering approximately 140 employees in the classification of Deputy Sheriff, and declaring the necessity that this Resolution become immediately effective.
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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

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County Council President

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Date

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County Executive

\_\_\_\_\_  
Date

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Clerk of Council

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Date