

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0087

<p>Sponsored by: <b>County Executive FitzGerald/Departments of Law and Health and Human Services/ Division of Children and Family Services</b></p>	<p><b>A Resolution</b> rejecting the report containing findings and recommendations of Fact-finder Robert J. Vana regarding negotiations between the Cuyahoga County Department of Health and Human Services/Division of Children and Family Services (IT) and Laborers International Union of North America, Local 860, for a collective bargaining agreement covering approximately 13 employees in 5 classifications; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the Division of Children and Family Services (IT Section) of the Cuyahoga County Department of Health and Human Services has been engaged in negotiations with Laborers International Union of North America, Local 860 for a collective bargaining agreement that would cover approximately 13 employees in 5 classifications; 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 Robert J. Vana; 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, 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 Robert J. Vana regarding open issues in the collective bargaining negotiations between the Division of Children and Family Services (IT Section) of the Cuyahoga County Department of Health and Human Services and the Laborers International Union of North America, Local 860, covering approximately 13 employees in 5 classifications in the IT Section are hereby rejected.

**SECTION 2.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 3.** 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.

On a motion by Mr. Schron, seconded by Mr. Brady, the foregoing Resolution was duly adopted.

Yeas:           Hairston, Miller, Brady, Germana, Gallagher, Schron, Jones and Connally

Nays:           Simon

Abstentions: Greenspan

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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

\_\_\_\_\_  
Date

Journal CC013  
March 25, 2014