

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0293

Sponsored by: County Executive FitzGerald/Department of Law and County Sheriff	A Resolution rejecting the report containing findings and recommendations of Fact-finder Nels E. Nelson regarding negotiations between Cuyahoga County and Ohio Patrolmen’s Benevolent Association for a collective bargaining agreement representing approximately 13 employees in the classification of Deputy Sergeant, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County has been engaged in negotiations with the Ohio Patrolmen’s Benevolent Association for a collective bargaining agreement that would cover approximately 13 employees in the Deputy Sergeant classification; 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 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, 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 Cuyahoga

County and the Ohio Patrolmen’s Benevolent Association representing approximately 13 employees in the classification of Deputy Sergeant 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 Ms. Conwell, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

Yeas: Hairston, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Conwell, Jones and Connally

Nays: None

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date