

# County Council of Cuyahoga County, Ohio

## Resolution No. R2016-0139

Sponsored by: <b>County Executive Budish/Departments of Law and Public Works</b>	<b>A Resolution</b> accepting/rejecting the report containing findings and recommendations of Fact-finder Howard Silver regarding negotiations between Cuyahoga County and International Union of Operating Engineers, Local 18, for a collective bargaining agreement representing approximately 9 employees in the classifications of Heavy Machine Operator and Construction Backhoe Operator in the Department of Public Works; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County (“County”) has been engaged in negotiations with the International Union of Operating Engineers, Local 18, for a collective bargaining agreement that represents approximately 9 employees in the classifications of Heavy Machine Operator and Construction Backhoe Operator in the Department of Public Works; and

WHEREAS, the parties successfully engaged in good faith negotiations and resolved all but one final issue which the parties attempted to mediate. After mediation, the issue still remained, thereby presenting an impasse; 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, to assist the parties to reach a completed collective bargaining agreement; and

WHEREAS, the parties submitted their unresolved issue to fact-finding pursuant to the CBA and O.R.C. 4117.14 (C), a fact-finding hearing was conducted before Fact-finder Howard Silver; and a report and recommendation was issued on August 2, 2016; and

WHEREAS, O.R.C. 4117.14(C)(6)(a) requires that not later than seven (7) days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its total membership, may accept or reject the recommendations. If neither party rejects the recommendations, 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

recommendations, except as otherwise modified by the parties by mutual agreement;  
and

WHEREAS, if either party rejects the recommendations, the State Employment Relations Board shall publicize the findings of fact and recommendations of the fact-finder, and if the parties are unable to reach agreement within seven (7) days after the findings and recommendations have been published, then pursuant to the CBA and O.R.C. 4117.14(D)(2), the bargaining employees have the right to strike under Chapter 4117, provided that the employee organization has given a ten-day prior written notice of an intent to strike; and

WHEREAS, the County Executive, the Law Department and the Director of Public Works are recommending that the Fact-finding report be accepted/rejected;  
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 Howard Silver regarding an open issue in the collective bargaining negotiations between Cuyahoga County and the International Union of Operating Engineers, Local 18, representing approximately 9 employees in the classifications of Heavy Machine Operator and Construction Backhoe Operator in the Department of Public Works are hereby accepted/rejected.

**SECTION 2.** Funds necessary to implement the new collective bargaining agreement shall be budgeted and appropriated.

**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.

**SECTION 4.** 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 (8) members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

The County Council of Cuyahoga County, Ohio at its meeting held on August 9, 2016 was requested to consider accepting/rejecting the report containing findings and recommendations of Fact-finder Howard Silver regarding negotiations between Cuyahoga County and International Union of Operating Engineers, Local 18, for a collective bargaining agreement representing approximately 9 employees in the classifications of Heavy Machine Operator and Construction Backhoe Operator in the Department of Public Works. The County Council entered the Fact-finder Report into its official record and determined to take no further action at this time.

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal CC023  
August 9, 2016