



CONSULTANTS TO MANAGEMENT

January 27, 2019

Mr. Chuck Aliff, Staff Representative
Fraternal Order of Police/Ohio Labor Council, Inc. (FOP/OLC)
2721 Manchester Road
Akron, Ohio 44319

via email: califf@fopohio.org

RE: Hubbard Township-FOP/OLC – Contingent Package Offer

Dear Mr. Aliff:

As you are aware, the Hubbard Township Board of Trustees rejected the fact finding recommendation issued by Mr. Jerry Sellman, and absent an agreement between the parties, the Township and the FOP/OLC will now proceed to conciliation under R.C. 4117. As I conveyed to you in our last conversation, the Board of Trustees has had a shift in position and would like to further engage the Union to see if a package can be fashioned that will allow it to make a commitment to continue the department in 2020, generate savings beyond the fact finding recommendation, and give it time to get the necessary funding in place to support the department.

When I inquired of you if there was anything that the Union might be willing to offer to secure that type of package, you indicated that the unit was not willing to do anything more than was in the fact finding recommendation from a concessionary standpoint, but that perhaps some commitment could be fashioned that would include the parameters of the recommendation and a withdrawal of pending grievances in exchange for such a commitment. You also conveyed to me that you would always be open to entertaining anything that the Township might offer and listening to ideas if the Board wanted to present something for your consideration.

After reviewing the current contract language and meeting with the Board last week, the Board is willing to offer a contingent package to the Union in the hopes of stabilizing the budget in 2020 and securing funding necessary to meet long term needs for this department. In the interest of transparency and clearly laying out the Board's plan to address both short and long term needs of the department the Board would be willing to take the following steps, provided that the parties have an understanding that the actions described herein are compliant with the current CBA and would not result in challenge from the FOP/OLC.

I will outline the package in terms of both direct contractual changes and reference to the fact finding recommendation, actions that the Board would take to generate additional savings present in the contract, and finally, measures that it would pursue (and hopefully achieve with the union's support) to create a situation for long term stability in the department.

Contractual Items/Planned Approach:

1. The fact finders recommendation for changes in the CBA would be implemented. We were obligated to maintain the status quo and issue the uniform payment already under R.C. 4117, so we should discuss the fairest method for this to be effectuated and captured going forward. (e.g. monthly deductions for offset, suspension of other contractual payments, etc.)
2. Temporary Rank Reduction. Under the current language of the CBA, the following is the reduction procedure applicable to the Rank Contract/Bargaining Unit:

Section 01. Where, because of economy, consolidation or abolishment of functions, curtailment of activities or other, the Employer determines it necessary to reduce the size of its workforce, such reduction shall be made in accordance with the provisions hereinafter set forth.

Section 02. Employees within the effected bargaining unit shall be laid off according to their departmental seniority with the least senior being laid off first, providing that all temporary, seasonal, part-time, and probationary employees **within the effected bargaining unit** are laid off first in the above respective order.

Section 03. Employee(s) who are laid off from one rank may displace (bump) another employee(s) with lesser departmental seniority in a lower rank within the department

In discussing this with the Township, it was noted that the Township did not always utilize Sergeants and had operated with a Chief and patrolman previously. It is the Board's thought that a temporary return to this structure would generate some savings and is actually permitted by the contract language.

As you know these are 2 separate bargaining units and we would not be retaining any temporary, seasonal, part-time, or probationary employees "within the effected bargaining unit" – that is the sergeant's bargaining unit. All current sergeants would be displace down into the patrolman's rank but no patrolman unit members would be laid off at all, thus flattening the organization and temporarily returning to the structure as it previously existed. No reduction of temporary, seasonal, part-time, or probationary personnel within the patrolman bargaining unit is required since no patrolman unit member would be reduced.

3. Township Would Borrow Funds to Bridge Funding Shortfall. The Board would be willing to take out a loan to deal with its funding challenges and support the department for the year 2020 if the parties can agree to these outcomes. You should know that as of last week, there was a police district fund balance of \$36,613.77 and a PERS payment for January coming

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due at \$13,355.75, leaving approximately \$23,258.02 remaining in the police fund. The general fund has a total of \$136,337.13. While some internal advancement can be done, the Township still has obligations tied to the general fund that must be satisfied and borrowing will be necessary.

4. Township would seek additional funding for Department. The Board has indicated to me that if an agreement can be reached, it would be willing to submit to the voters a request for additional funding that will support the ongoing capital needs of the department which cannot be met with the current structure and funds available.
5. Withdrawal of Pending Grievances. As you are aware, there are 2 outstanding grievances that have been filed, one of which seeks to force the Township to make a large capital expenditure for a radio system and the other of which challenges alterations to the Township's travel reimbursement policy. These matters would have to be withdrawn as part of this package and additional grievances would not be filed over the expressed reduction that is noted in this package. (i.e. the parties essentially are agreeing that the reduction action is permissible under the current collective bargaining agreement language)

If the above items are agreeable in terms of the actual changes for the contract, agreed upon actions taken under the current language, and a plan to approach and address the long term needs of this department, the Board would put off on any move to seek an alternative manner in which to deliver policing services within the Township and pursue needed funding for the long term viability of this Department. During the year it will be crucial that the parties continue to work together on this matter, and the Township will need the union to step up and support the request for additional funding to meet ongoing department needs. If additional funds are not acquired for this purpose, then the parties will have to discuss the future of this Department for 2021 and beyond.

Due to the need to move quickly and secure the additional funding for the department, we request that you provide the Township with a response to this proposed settlement and plan of action no later than Friday, January 31, 2019. Please call me if you have any questions.

Best Regards,

CLEMANS, NELSON & ASSOCIATES, INC.

/s/ Michael Esposito
Michael D. Esposito, Vice President
Employer Representative

Cc: Hubbard Township Board of Trustees