

Beachwood Special City Council Meeting Agenda
Monday, April 12, 2021, 5:00 PM

*Please note, this meeting will be held by video conference via Zoom and
livestreamed on the City of Beachwood website at www.beachwoodohio.com and can be viewed on Spectrum Channel 1020
and AT&T U-Verse Channel 99.*

*This Special City Council Meeting has been duly noticed and is being held in accordance
with Ohio Revised Code Section 121.22 specific to Amendments made in light of the
current COVID-19 declared emergency.*

Agenda Items

1. Roll Call
2. Mayor's Report
3. Legal & Personnel Committee Executive Session discussion regarding Collective Bargaining Matters
4. Legal & Personnel Committee **Ordinance No. 2021-50** An Ordinance to accept the Tentative Agreement in the matter of the City of Beachwood, Ohio and the Fraternal Order of Police, Ohio Labor Council, Inc., FOP Lodge 86 (Patrolmen); SERB Case No.: 2020 MED-07-0716; and declaring this to be an urgent measure

Any other matters coming before City Council

Adjournment

INTRODUCED BY:

ORDINANCE NO. 2021-50

AN ORDINANCE TO ACCEPT THE TENTATIVE AGREEMENT IN THE MATTER OF THE CITY OF BEACHWOOD, OHIO AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOP LODGE 86 (PATROLMEN); SERB CASE NO.: 2020 MED-07-0716; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the City and the FOP (Patrolmen) proceeded to a fact-finding hearing on January 14, 2021, under the provisions of Section 4117.14 (C) (3) and (4) of the Ohio Revised Code (“ORC”); and

WHEREAS, the fact-finder issued his report and recommendations on February 10, 2021 consistent with the provisions of ORC Section 4117.14 (C) (5); and

WHEREAS, pursuant to ORC Section 4117.14 (C) (6), and not later than seven (7) calendar days after the fact-finding recommendations are served, the Council of the City of Beachwood, Ohio, as the legislative body, may by a vote of three-fifths of the total membership reject the recommendations; and

WHEREAS, pursuant to ORC Section 4117.14 (C) (6), if neither the legislative body nor the public employee organization rejects the recommendations, the recommendations shall be deemed agreed upon as the final resolution of the issues. Additionally, the Council of the City of Beachwood, Ohio, as the legislative body, may vote to accept the recommendations; and

WHEREAS, on or about February 16, 2021, City Council considered but took no action on the fact-finding recommendations and the FOP rejected the fact-finding recommendations; and

WHEREAS, thereafter, the parties met and have now reached a tentative agreement that was ratified and approved by members of the FOP on April 2, 2021, and is now being submitted to Council for its consideration and approval; and

WHEREAS, the administration and the legislative body have determined the tentative agreement to be acceptable, as a whole, in consideration of the interests of the City of Beachwood, Ohio and the interest and welfare of the public. Further, acceptance of the tentative agreement is acceptance only as to specified wages, hours, terms and other conditions of employment for bargaining unit employees, and shall not be construed to establish fixed staffing levels, nor require specific departmental funding requirements.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Council of the City of Beachwood, Ohio hereby **accepts** the tentative agreement in SERB Case No. 2020-MED-07-0716, dated April 2, 2021, and authorizes the Mayor to enter into and execute a new Collective Bargaining Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. FOP Lodge 86 (Patrolmen), a copy of a summary of the tentative agreement is attached hereto and incorporated herein as Exhibit “A”.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

ORDINANCE NO. 2021-50

Section 3: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City; and for the further reason that action is necessary within fourteen (14) days of the tentative agreement being reached consistent with the provisions of ORC Section 4117.10(B).

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 12th day of April, 2021 presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 13th day of April, 2021.

Clerk

Approval: I have approved this legislation this 13th day of April, 2021 and filed it with the Clerk.

Mayor

**FOP, Lodge 86 (Patrolmen)
and
City of Beachwood
SERB Case No. 2020-MED-07-0716**

**SUMMARY OF TENTATIVE AGREEMENTS
April 6, 2021**

1. WAGES – ARTICLE 8

- Retroactive to 11-1-2020 - 2.25% increase
- Effective 11-1-2021 – 2.25% increase
- Effective 11-1-2022 – 2.50% increase

2. INSURANCE – ARTICLE 14

- Eliminate healthcare allowance and incorporate 4% premium contribution effective 11-1-21.
- Increase annual HAS contribution by \$200/single and \$400/family effective 11-1-21.
- Increase reference to deductibles to current levels of \$2800/single and \$5600/family.
- Allow the City to increase deductibles consistent with federal regulations (delete corresponding settlement agreement currently attached to the contract).

3. MOU's

Parties agree to attach the following MOU's to Agreement:

- 12-hour shifts
- K-9 officer
- Healthcare Committee

4. AGREEMENT

- 1st paragraph – add “FOP/OLC”.
- 3rd paragraph – change date to 2020.

5. RECOGNITION – ARTICLE 1

Modify as follows:

The City recognizes the FOP as the sole and exclusive bargaining representative for all sworn officers in the rank of Patrolman, excluding all ranks above the rank of Patrolman, for the purpose of establishing rates of pay, wages, hours and other conditions of employment.

6. DISCIPLINE – ARTICLE 7.1

Section 2 – Modify as follows:

A non-probationary employee shall be provided a written notice of the charges and the reason(s) for disciplinary action(s) to be taken. Said notice shall be provided no less than seventy-two hours prior to a pre-disciplinary conference that may result in suspension, loss or reduction of pay, demotion or termination of employment. The employee shall be entitled to attend the conference, with or without a F.O.P. representative of his or her choosing, or to waive attendance to the conference.

7. OVERTIME – ARTICLE 8

- Section 3 – Increase FTO compensation for employees assigned to 12-hour shifts to 1 ½ hours at an overtime rate.
- Section 6 – Delete last sentence (identifying that officer may elect to go home or continue working upon expiration of the initial assignment).

8. DUES DEDUCTION – ARTICLE 12

Modify as follows:

All employees in the bargaining unit may become dues paying members of the F.O.P. Nothing in this Article shall be deemed to require any employee to become a member of the F.O.P.

The Employer agrees to deduct F.O.P. dues and fees from any member of the bargaining unit who provides written authorization for a payroll dues and fees deduction. The F.O.P. shall indemnify the City and hold it harmless against any and all claims, demands, suits or other liability that may arise by reason of any action of the City in complying with the provisions of this Article.

9. HOLIDAYS – ARTICLE 13

Effective in 2021, increase annual holiday time for 10-hour employees from 96 to 120 hours (12, 10-hour holidays v. 12, 8-hour holidays).

10. PERSONNEL FILES – ARTICLE 22

- Section 5 – Replace “be expunged” with “shall not be considered for progressive-discipline purposes”.
- Section 5 – Increase shelf-life on reprimands and 1-day suspensions from 1 year to 2 years.

11. 12-HOUR SHIFT MOU

Delete paragraph pertaining to “on-call”.

12. ME-TOO SIDE LETTER

Delete

13. DURATION – ARTICLE 28

Date of ratification (or conciliator’s award) until October 31, 2023