

EMERGENCY

City of Cincinnati

CMZ

EESW

An Ordinance No. \_\_\_\_\_

- 2022

**DENYING APPROVAL** of the fact-finding report of James M. Mancini, issued on September 29, 2022, between the City of Cincinnati and Cincinnati Organized and Dedicated Employees, Inc. (“CODE”), which in addition to terms mutually agreed upon by the parties, recommends that the following terms be incorporated into the parties’ collective bargaining agreement: an immediate wage increase of 5% retroactive to March 20, 2022, a wage increase of 4% in 2023, and a wage increase of 3% in 2024; a provision allowing CODE employees to elect to be paid overtime in cash or compensatory time; a 10% salary increase upon a CODE employee’s permanent promotion; language clarifying the hiring process for CODE employees, eliminating competitive examinations for middle management positions that require specialized education or experience, and replacing competitive examinations with a non-competitive process; and an updated Appendix A of current CODE classifications.

WHEREAS, on September 29, 2022, the City received the report issued by James M. Mancini (the “Fact Finder”), who was appointed by the State Employment Relations Board (“SERB”) to preside at a fact-finding hearing between the City and Cincinnati Organized and Dedicated Employees, Inc. (“CODE”), after the parties were unable to reach agreement on all issues raised during the collective bargaining process; and

WHEREAS, the Fact Finder recommended that, in addition to terms mutually agreed upon by the parties, the following terms be incorporated into the parties’ collective bargaining agreement: an immediate wage increase of 5% retroactive to March 20, 2022, a wage increase of 4% in 2023, and a wage increase of 3% effective 2024; a provision allowing CODE employees to elect to be paid overtime in cash or compensatory time; a 10% salary increase upon a CODE employee’s permanent promotion; language clarifying the hiring process for CODE employees, eliminating competitive examinations for middle management positions that require specialized education or experience, and replacing competitive examinations with a non-competitive process; and an updated Appendix A of current CODE classifications; and

WHEREAS, the FY23 budget approved by Council included a wage increase for CODE members of 3% in 2022, 2023, and 2024, and the City’s FY23 budget includes an \$18.6 million dollar deficit which was filled using federal American Rescue Plan funds, which are a one-time only source of funding, and the City is projecting large deficits in both FY24 and FY25; and

WHEREAS, other City unions made significant concessions to receive wage increases, but the Fact Finder rejected the City’s proposal that CODE agree to limitations on its use of representative authority at certain meetings; and

WHEREAS, based on Council's denial of approval of the Fact Finder's report, the City Manager is authorized to further negotiate with CODE regarding potential terms of a successor collective bargaining agreement, which if unsuccessful, could result in a strike action by CODE employees, as provided by Ohio law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council denies approval of the fact-finding report of James M. Mancini (the "Fact Finder"), issued on September 29, 2022, as well as the recommendations made in his report.

Section 2. That the City Manager is authorized to notify the State Employment Relations Board of the denial of approval of the Fact Finder's report, in the manner provided by the Ohio Revised Code, and that the City Manager is authorized to further negotiate with Cincinnati Organized and Dedicated Employees, Inc. regarding potential terms of a successor collective bargaining agreement as provided by Ohio law.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to comply with the terms of Chapter 4117 of the Ohio Revised Code, which require that the legislative body of a municipality take action on a fact finder's report not later than seven days after the issuance of the report.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk