

RESOLUTION NO.: 126 - 2020
INTRODUCED BY: Mayor and All of Council

A RESOLUTION ACCEPTING THE FINDINGS AND RECOMMENDATIONS OF THE FACT-FINDER IN CASE NO. 2018-MED-08-0719 (LABORERS LOCAL 860, LABORERS INTERNATIONAL UNION OF NORTH AMERICA); AND DECLARING AN EMERGENCY.

WHEREAS, the City of Richmond Heights has received the findings and recommendations of the fact-finder, Nels E. Nelson, in the Matter of Fact-Finding between the City and Laborers Local 860, Laborers International Union of North America ("Local 860"), State Employment Relations Board Case No. 2018-MED-08-0719, dated December 18, 2020;

WHEREAS, this Council has reviewed the findings and recommendations and has determined to accept them and to authorize the Mayor to execute a new collective bargaining agreement with Local 860 based on the issues collective bargained with Local 860 and which incorporates the provisions recommended by the fact-finder;

NOW, THEREFORE, Be it Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

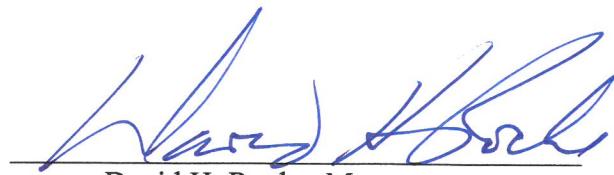
Section 1: This Council hereby accepts the findings and recommendation of the fact-finder in the matter set forth in the preamble to this Resolution.

Section 2: The Mayor is authorized to execute on behalf of the City a collective bargaining agreement with Local 860 based on the issues collective bargained with Local 860 and which incorporates the recommendations of the fact-finder in the matter set forth in the preamble to this Resolution.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and 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: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the general welfare of the City and to memorialize this Council's acceptance of the fact-finder's findings and recommendations in a timely manner under state law; wherefore, this Resolution shall be in force and take effect immediately upon its passage and approval by the Mayor.

PASSED: 12-22-20



David H. Roche, Mayor

APPROVED: 12-22-20

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council



Eloise Cotton-Henry
President of Council



State of Ohio
State Employment Relations Board
65 East State Street, 12th Floor
Columbus, Ohio 43215-4213
(614) 644-8573
MED@SERB.ohio.gov

Mediation Case No.
2018-MED-08-0719

EMPLOYEE ORGANIZATION CERTIFICATION OF FACT-FINDING VOTE

INSTRUCTIONS: This document is to be sent to SERB and the employer electronically in a read only format. A party lacking the technological capability for electronic service may file a motion for relief from electronic filing requirements pursuant to OAC 4117-1-02(F).

1. Name of Employee Organization:

Laborers' Local Union No. 860

2. Name of Employee Organization's Representative:

Joseph J. Guarino III

Address: 2460 Fairmount Blvd., Ste 314 Telephone: (419) 324-4652

City, State, Zip: Cleveland, Ohio 44106 Email: jguarino@bmanganolaw.com

3. Date and Time of Vote: 12/21/2020 at 2:00 PM **4. Number of members of Employee Organization in bargaining unit eligible to vote:** 8

5. Tally of Votes:

Number of votes to approve: 7 Number of votes to reject: 0 Total votes cast: 7

6. Name of Employer for bargaining unit(s):

City of Richmond Heights

7. Location of Employer: City: Richmond Heights County: Cuyahoga

DECLARATION

I declare that I have read the contents of this Employee Organization Certification of Fact-Finding Vote and that the statements it contains are true and correct to the best of my knowledge and belief.

/s/ Joseph J. Guarino III

December 23, 2020

Signature of Employee Organization's Representative

Date

Joseph J. Guarino III

Print or Type Name

THIS EMPLOYEE ORGANIZATION CERTIFICATION OF FACT-FINDING VOTE WILL NOT BE ACCEPTED FOR FILING IF THE PROOF OF SERVICE IS NOT FULLY COMPLETED AND SIGNED BY A REPRESENTATIVE OF THE EMPLOYEE ORGANIZATION.

PROOF OF ELECTRONIC SERVICE

I certify that an exact copy of the foregoing Employee Organization Certification of Fact-Finding Vote has been sent electronically to:

Max Rieker, 1301 East 9th Street, Ste 3500, Cleveland, Ohio 44116, mriecker@walterhav.com

(Name, complete address, and email address of representative of employer)

Sent via electronic mail at approximately: 2:45p.m. (time)

this 23rd (day) of December (month), 2020 (year)

/s/ Joseph J. Guarino III

Joseph J. Guarino III

Signature of Person Confirming Service of Form

Print or Type Name

Pursuant to Ohio Administrative Code Rule 4117-9-05(M), failure to serve upon the Board and the Employer the required voting information within twenty-four hours of the expiration of the seven-day voting period shall constitute failure to reject the recommendations, and the recommendations shall be deemed accepted as the resolution of issues submitted to fact-finding. Oral notification to the Board or the Employer shall not constitute timely compliance with this rule.



State of Ohio
State Employment Relations Board
65 East State Street, 12th Floor
Columbus, Ohio 43215-4213
(614) 644-8573
MED@SERB.ohio.gov

Mediation Case No.

2018-MED-08-0719

EMPLOYER CERTIFICATION OF FACT-FINDING VOTE

INSTRUCTIONS: This document is to be sent to SERB and the employee organization electronically in read only format. A party lacking the capability for electronic service may file a motion for relief from electronic filing requirements pursuant to OAC 4117-1-02(F).

1. Name of Employer:

City of Richmond Heights, Ohio

2. Location of Employer: City:

Richmond Heights

County:

Cuyahoga

3. Name of Employer's Representative:

Max Rieker, Esq.

Address:

1301 East 9th St., Suite 3500

Telephone:

(216) 928-2972

City, State, Zip:

Cleveland, OH, 44116

Email:

mrieker@walterhav.com

4. Date and Time of Vote:

Dec. 22, 2020 at 9:00 p.m.

5. Number of members of Legislative Body:

7

6. Tally of Votes:

Number of votes to approve: 7 Number of votes to reject: 0 Total votes cast: 7

7. Name of Employee Organization representing the bargaining unit(s):

Laborers, Local 860

DECLARATION

I declare that I have read the contents of this Employer Certification of Fact-Finding Vote and that the statements it contains are true and correct to the best of my knowledge and belief.

Max Rieker

December 23, 2020

Signature of Employer's Representative

Max Rieker, Esq.

Print or Type Name

THIS EMPLOYER CERTIFICATION OF FACT-FINDING VOTE WILL NOT BE ACCEPTED FOR FILING IF THE PROOF OF SERVICE IS NOT FULLY COMPLETED AND SIGNED BY A REPRESENTATIVE OF THE EMPLOYER.

PROOF OF ELECTRONIC SERVICE

I certify that an exact copy of the foregoing Employer Certification of Fact-Finding Vote has been sent electronically to: Joseph Guarino, III, Esq. 2460 Fairmount Blvd., Suite 225, Cleveland, OH, 44118 (jguarino@bmanganolaw.com)

(Name, complete address and email address of representative of the employee organization)

Sent via electronic mail at approximately: 2:30 p.m. (time)

this 23rd (day) of December (month), 2020 (year)

Max Rieker

Max Rieker, Esq.

Signature of Person Confirming to Electronic Service of Form

Print or Type Name

Pursuant to Ohio Administrative Code Rule 4117-9-05(N), failure to serve upon the Board and the Employee Organization the required voting information within twenty-four hours of the expiration of the seven-day voting period shall constitute failure to reject the recommendations, and the recommendations shall be deemed accepted as the resolution of issues submitted to fact-finding. Oral notification to the Board or the Employee Organization shall not constitute timely compliance with this rule.

ERB1022 Revised (5/18)