

**ORDINANCE NO. 23-034**

**AN ORDINANCE AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF SANDUSKY AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL #327 AFL-CIO, RESOLVING A CONTRACT DISPUTE AND GRIEVANCE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky (the "City") and the Internal Association of Fire Fighters Local #327 (the "IAFF") are parties to a fact finding report deemed admitted and entered into under Ohio Law; and

**WHEREAS**, on July 13, 2022, the City of Sandusky filed an action for a declaratory judgment action seeking clarification regarding whether certain provisions of the fact finding reporter were legal, captioned as *City of Sandusky v. Sandusky Firefighters IAFF Local 327*, Erie County Court of Common Pleas Case No. 2022-CV-0310; and

**WHEREAS**, on May 20, 2022, the IAFF filed a grievance alleging that the City's failure to pass a budget amendment was a violation of the terms of said fact finding report; and

**WHEREAS**, the City and the IAFF desire to resolve these matters and approval is requested to enter into a Settlement Agreement resolving both the litigation and the grievance; and

**WHEREAS** this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to authorize the execution of the Settlement Agreement and to implement its terms simultaneously with the approval of the new collective bargaining agreement between the City and the IAFF; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the Settlement Agreement between the City of Sandusky and the IAFF regarding the declaratory judgment action captioned as *City of Sandusky v. Sandusky Firefighters IAFF Local 327*, Erie County Court of Common Please Case No. 2022-CV-0310 and the May 20, 2022, IAFF grievance and arbitration FMCS Case No. 220725-07899, a copy of which is marked Exhibit "A" and is attached to this Ordinance and is specifically incorporated as if fully rewritten herein and the Interim City Manager is hereby

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authorized to execute the Settlement Agreement on behalf of the City in substantially the same form of the Agreement attached to this Ordinance together with such revisions or additions as are approved by the Law Director as being consistent with the objectives and requirements of this Ordinance.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST: 

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CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: February 13, 2023

## **SETTLEMENT AGREEMENT**

This Settlement Agreement is entered into by the City of Sandusky (“City”), the Sandusky Firefighters, IAFF Local 327, (“Union”) for the purpose of resolving FMCS Case No. 220725-07899 and Erie County Court of Common Pleas Case No. 2022-CV-0310.

### **BACKGROUND**

1. The Union is the exclusive bargaining unit representative for all employees in the City’s Fire Department holding the following classifications: Battalion Chief, Fire Captain, Fire Lieutenant, Fire Marshal, and Fire Fighter.

2. On July 13, 2022, the City filed an action seeking a declaration that Article 47 of the parties CBA is unlawful and unenforceable, captioned as *City of Sandusky v. Sandusky Firefighters IAFF Local 327*, Erie County Court of Common Pleas Case No. 2022-CV-0310.

3. On May 20, 2022, the Union filed a grievance alleging that the City’s refusal to adhere to and/or recognize Article 47 violated the parties’ CBA; the City’s refusal to execute and distribute the CBA due to the City’s refusal to recognize Article 47 violated the parties’ CBA; and the City’s refusal to pay the bargaining unit members the additional compensation of 6.0% of the Class A Firefighter rate effective January 1, 2022 violated the parties’ CBA. A copy of the Grievance is attached to this Agreement as "Exhibit A" and incorporated by reference.

4. In consideration of the promises stated and representations made in this Agreement, all parties agree to settle the above-referenced Grievance, Federal Mediation and Conciliation Services (“FMCS”) Case No. 22-725-07899, and Erie County Court of Common Pleas Case No. 2022-CV-0310 as follows:

### **TERMS AND CONDITIONS**

**5. Settlement.**

- A. The City shall withdraw its lawsuit before Judge Tone in Erie County C.P. Case No. 2022-CV-0310 with prejudice and pursuant to settlement.
- B. The 2022-2024 CBA is modified as attached, "Exhibit B," and pending approval, shall be executed, printed, and distributed per Article 6 of the CBA.
- C. The City shall pay all applicable bargaining unit members the additional 2.0% in paramedic pay, retroactive to January 1, 2022. On December 29, 2022, the City paid all applicable bargaining unit members the additional 2.0% as agreed.
- D. The arbitration hearing in FMCS Case No. 2022-725-07899 is postponed pending satisfaction of these settlement terms and dismissal of the lawsuit. The City and the Union will split any applicable cancellation fee of the Arbitrator for the 12/20/2022 hearing date.

6. The terms of this Settlement Agreement and the modifications to the 2022-2024 CBA attached hereto are subject to final approval by the Union's membership and the City of Sandusky City Commission.



**FOR THE UNION:**

\_\_\_\_\_  
 James Snyder, President                      Date

**FOR THE CITY OF SANDUSKY:**

\_\_\_\_\_  
 John Orzech,                      Date  
 Interim City Manager

Approved as to form by:

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 Brendan Heil, Law Director