

**ILRB
#257**

**BEFORE
JAMES R. COX
ARBITRATION PANEL
CHAIRMAN**

COOK COUNTY HOSPITAL EMPLOYERS

and

**INTEREST ARBITRATION
L-MA-99-06**

**ILLINOIS FRATERNAL ORDER OF POLICE
LABOR COUNCIL**

DECISION AND AWARD

The Hearing in this matter was conducted by the Arbitrator August 14, 2000 in the Offices of the State's Attorney of Cook County in accordance with applicable provisions of Section 14 of the Illinois Public Labor Relations Act. Assistant State's Attorneys Catherine Paterno and Wayne Rollag presented the employer's case. Jay Stewart Garbutt also appeared on behalf of the County. The Union was represented by Becky Dragoo and Attorney Thomas Sonneborn. There is a Tripartite Arbitration Panel with the neutral Arbitrator serving as Chairman. John Kalchbrenner, representing the County, and Ray Bialek of the FOP are Panel Members.

Following the conclusion of the Hearing and their receipt of transcripts, each party filed an excellent Post-Hearing Brief in late November 2000. After a draft of the Award, the members of the Panel considered the Award and transmitted their approvals or dissents returning the Award to the Arbitrator for finalization.

THE UNIT

This Bargaining Unit consists of 60 employees in two classifications –Security Police Aide and Hospital Security Officer I. Approximately six individuals in the Unit hold the Aide position with the

remainder classified as Security Officers. They are assigned to the Department of Security at Cook County Hospital. The sole employer is Cook County.

FINAL OFFERS

Following expiration of their December 1, 1995 through November 30, 1998 Agreement, the parties successfully completed negotiations on all issues except wages and parking.

In addition to other agreed upon improvements, the County's final wage offer would provide the following increases for Unit classifications. Effective the first pay period after December 1, 1998, a 4% general increase, the pay period after December 1, 1999, a 3% increase and, the pay period after December 1, 2000, a 3% increase. As of 12/1/2000 salary grades and steps shall be raised on a one-time basis by \$208.00.

The Union's final offer is to increase Hospital Security Officer I wages at each step of the existing pay plan by 5.5% each year of the Contract. Effective dates would be December 1, 1998, December 1, 1999 and December 1, 2000. There is no disagreement with the last County offer on wages for the Hospital Security Police Aide - general increases of 4%, 3% and 3%. Hospital Security Police Aides in the Unit are not Security Officers, are unsworn and do not carry weapons or handcuffs. They do wear distinctive uniforms.

The Union seeks that Unit employees be provided a parking space at no cost to them. The County would maintain the status quo.

The parties have stipulated that these issues are before the Panel for final and binding determination and that the Panel shall determine which final offer is the most reasonable under the circumstances.

WAGES

The Union believes that Hospital Security Officers, since they have the responsibilities of law enforcement Officers, should accordingly be compensated with salaries equivalent to other sworn Officers who work for the County or one of its Divisions - specifically with the Sheriff's Police and Forest Preserve Police Officers. They stress, as discussed below, that their members are trained as Police Officers, have been certified as law enforcement Officers but are paid substantially less than the Officers in other County Units.

The County distinguishes law enforcement personnel who work in various departments of the Cook County Sheriff's Office under the direction of the Sheriff from the group of Hospital Security Officers employed by Cook County Hospital - a facility owned and operated by Cook County. They stress is that, unlike other employees of the Sheriff, here Cook County is the sole Employer. In County units where law enforcement personnel are employed, except for Cook County Hospital, the Cook County Forest Preserve and Oak Forest Hospital, the Sheriff is a joint employer with the County.

The Security Unit at the Hospital

Cook County Hospital is a large institution. There are approximately 5000 individuals employed by the Cook County Bureau of Health. County Hospital has 525 beds and provides patient care to an average of 400 persons each day. The number of visits to adult and pediatric emergency rooms is in excess of 155,000 annually. It is within this institution that those in the Bargaining Unit perform their duties.

Supervising the employees on each shift within the Security Unit are Lieutenants (Hospital Security Officers I - 3 in this classification) and Sergeants (Hospital Security Officers II - 10 employees in this classification). These supervisory personnel are represented by MAP.

The MAP Unit was, at the time of the Hearing, slated to go to Interest Arbitration and there is no evidence in the Record of that outcome. I anticipate that this information will be available during my meeting with other Panel Members. The differential between those Supervisor's wages and those in the Bargaining Unit was not stressed and no arguments were made with respect to internal equity issues regarding these classifications.

Hospital Security Officers are assigned to both fixed posts and patrol. They are assisted by the Aides. The Officers are responsible for providing a safe environment for individuals dispensing and receiving health care service with quality-integrated police, fire and hospital security services. They are to keep "*the peace, making arrests on view or warrant for violations of state statute and county ordinance on hospital premises*".

Officers fixed posts include the dispatch desk in the security trailer and monitoring the camera security system, the registration desk at the rear EM triage area, central triage, the Hospital main front door where monitoring of the camera system is undertaken, the information desk at Fantus Lab, the front and rear doors of the Pediatrics building, the 3rd floor maternity ward, the CORE Center Building, the rear door of the Administration Building, the front door of the Administration Building which also involves monitoring a camera security system, the emergency room waiting area and traffic control. Ambulatory posts including motorized patrol of the Hospital premises. There is also patrol of the main Hospital and Fantus Lab and another beat assignment to cover 4 buildings.

Oak Forest Security Officers

That same labor organization (MAP) who is the representative of the Supervisor Unit at the Hospital also is the bargaining agent for Oak Forest Hospital Security Officers. In that Unit, negotiations have been recently concluded by an Interest Arbitration Award of Peter Meyers. The Meyers' Award involved a Contract with the same duration as the Agreement before me. Arbitrator Meyers rejected the Union wage proposal there - 5.5%, 5.5% and 5.5% each year.

As the County stresses and Arbitrator Meyers recognized, the Hospital Security Officer Unit at Oak Forest Hospital is the internal County unit most comparable to Cook County Hospital's Hospital Security Officers. According to his Award, during the proceeding before him, MAP made arguments which appear similar to the FOP here - asserting that the most comparable groups within the County were higher paid Units that perform peace Officer functions in areas outside of a Hospital setting including the Cook County Sheriff's Officers.

Meyers found that the law enforcement Officers outside Hospital settings were not appropriate comparables since *"their duties are quite different from those of the Hospital Security Officers; they frequently perform their work in dangerous situations and they receive more extensive and specialized training that do the Hospital Security Officers"*. He found the Hospital Security Officers employed at Cook County Hospital to be the sole comparable Unit.

Arbitrator Meyer correctly found that data similar to that offered in this case which compared wages of Security Guards at public and private Hospital Hospitals in metropolitan Chicago was a *mixed bag* reflecting the fact that some wages had been the product of collective bargaining, some were paid to individuals who were not employees of the Hospital where they worked and, he concluded, there was a variety of settings in which the security work was performed. Nonetheless, he did find that the fact that the "Employer's proposed external comparables are Hospitals argues strongly in their favor; the Union proposed external comparable does not have this advantage".

Meyer's Award noted that Oak Forest Officers have a primary duty in addition to those required of Cook County Hospital Security Officers - responsibility for fire fighting. All are required to obtain Firefighter II Training and be certified by the State Fire Marshall's Office.

Law enforcement Officers in other Cook County Public Units.

While the FOP established in this proceeding that Hospital Security Officers at Cook County Hospital encounter dangerous situations, they are not exposed to the uncertain conditions encountered by beat cops or even those who patrol the large areas in the Forest Preserves. The Hospital law enforcement Officer has backup unavailable to those on the street. In this respect his work is not dissimilar to those Officers assigned to Court Rooms by the Sheriff (the Court Services Department). They, like the Hospital Security, have little investigative work and work in surrounding with which they are familiar.

While there is greater danger at County Hospital than at Oak Forest, the level does not come close to those Officers on the street. In contrast to Sheriffs, Cook County Hospital Security Officers may use their authority only when on duty. They do not receive the extensive training that a Sheriff Police Officer does.

Sheriff Police perform a variety of traditional police functions in unincorporated areas of Cook County as well as supporting various suburban departments. Officers may serve in the bomb squad, vice unit, gang crimes, and narcotics or on the tactical team. Offenses at Cook County Hospital are limited to assault/battery and theft.

Arrest activity by the Hospital security personnel averages about 5-½ arrests per month. Considering the entire Unit of 58 plus Hospital Security Officers, each would average 1 arrest a year. At Cook County Hospital, almost all reported crimes according to Reports to the State Police are theft offenses. About 10% of these offenses, - 3 or 4 a month (in 1999 – 2000 to date) - involved arrests. There are about 3 or 4 aggravated assault/battery cases per month with most being resolved at the Hospital with an arrest. There is little or no reported drug activity. In contrast to Officers at the Department of Corrections or in the Courts, there is limited contact with criminals – actual or alleged.

The Union maintains that the number of reported thefts and/or assaults committed in 1998 in the Hospital was more than the Forest Preserve reported for that period in their jurisdiction. The arrest level was higher in the Forest Preserve Unit. While the arrest activities is not high at the Hospital, the Union states that Security Personnel have the power of arrest and that much misconduct which could be the basis for an arrest is handled with a “*station adjustment*” in order to quickly get the alleged offender out of the Hospital.

The Union finds great significance in the fact that Officers in the Unit makes arrests unlike security guards at Rush or other Hospitals. In those situations, guards may only detain an individual and then call the police.

In addition to low arrest activity, those law enforcement Officers in the Hospital are working in a environment totally different from Sheriff Correction Officers assigned to the Department of Corrections who monitor the activity of more than 6000 offenders in the custody of the Sheriff.

The *Department of Community Supervision and Intervention* also employs Sheriff Investigators. Employees in these classifications deal with low risk, non-violent offenders outside the Department of Corrections with the objective of reducing jail overcrowding. Divisions in which they operate include the Day Reporting Center, the Electronic Monitoring Program and the Pre-Release Center as well as the Work Alternative Program. Like those in the Department of Corrections and unlike Officers in the Hospital setting, they deal almost exclusively with those who have been involved in crime.

Comparable work in the Court House.

I find that Court Service Deputies who work in both criminal and civil courtrooms have working conditions not unlike those of Hospital Security Officers. There are, however, some differences of significance. While those assigned to the Civil Process Division have duties in many respects not unlike those in Hospital security, in addition to providing Courtroom security, they do have greater exposure to danger than Hospital Security in the course of assignments involved with apprehending those who fail to obey Court Orders, executing evictions or arrest warrants and serving process. When they are on duty they are armed and wear bulletproof vests. These differences appear to be reflected in wages.

As of 1997, there were starting, five and 10 year pay differentials of about 7% between the salary of the Deputy Sheriff II and that of Hospital Security Officer I - a not unreasonable interval between the two classifications considering the additional hazards involved with out of the Courthouse assignments for some Officers. Even within the Courthouse, as Arbitrator Goldstein found in his Award in 1995¹, *"Neither the deputies who work in Civil Process nor those who do court service can be considered merely ceremonial bailiffs as that term was formerly used for work of a largely window dressing and non police function. As the Union has argued court rooms and court buildings are open to ever increasing numbers of people they now serve and this record shows the incidence of violence committed there is on an a steep upward spiral...."* The arrest and offense records at CCH do not reflect such a trend.

Oak Forest Hospital Officers.

Cook County Hospital Security are compensated at a higher level than those Officers based at Oak Forest. In their examination of the relationship between Officers in this Unit and Oak Forest Officers, the Union stresses that, at Cook County, there is five times more index crime than reported to the State of Illinois as coming out of Oak Forest. While they may not be primary responsible for fire calls response, there is greater exposure to crime at the County Hospital.

There is no question, even considering those law enforcement classifications in the Department of Community Supervision and Court Services that do have some comparable duties and working conditions, *Hospital Security Officers at Oak Forest Hospital*, because of the Hospital Setting, are one of the more comparable classifications to *Hospital Security Officer I*. While a comparable determination is made because of similar work and the many factors relating to the overall employment relationship including ability to pay, union organization, recruitment area etc, it is a benchmark, not a mandate to have the same wages or the same wage relationships.

Although the number of employees and patients at Oak Forest is much smaller than at Cook County and the culture more controlled, the Oak Forest Hospital area for which they are responsible- both

¹ L MA 95 001, Arbitrator Elliott Goldstein, (1995, 99 19 - 20)

building wise and grounds – is large. Furthermore, the Officers there do have fire suppression duties not required of the Hospital Security Officer I. The employer asserts that there has been a long-standing parity among law enforcement units within Cook County. That parity has not been the product of collective or pattern bargaining.

The catch up factor

To preserve the wage relationships and in order to reduce wage compression, the County has historically proposed increases on a percentage base with the same percentages offered each of the four groups within the Sheriff's Office. There are some exceptions. This approach, while preventing compression, does increase the gap between the higher and lower pay grades and classifications.

According to the Awards of Goldstein, Berman and Ben, they have deviated from what was argued to be a pattern after finding, for example, a need for a catch-up increase. That was the case for the Cook County Court Services Deputies. The Catch-up there was directed after comparing the duties of the Court House Deputies and the relationship of those duties to police functions out in the community – away from the Court House. As noted, on occasion, Officers in the Court Services Department do go into the field to serve writs, apprehend fugitives, perform evictions and exercise police functions.

In case of the Hospital Security at Cook County, the Record shows activities carried on only within the Hospital in a low offense environment.

Hospital Comparables

Is there a need to provide a catch up with employees who provide security at Hospitals in the Central Chicago area? Addressing such external comparability, the County, as they did in their case before Meyers, relies upon compensation surveys of Chicago Hospital Security Personnel.

The employer asserts that Cook County Hospital Security Officers have pay substantially greater than other Hospital Security employees. The data presented does not identify the institutions by name - the figures are displayed by averages within each District.

Looking at those averages for a Hospital in the Central Downtown Chicago area, which like the County, has over 500 beds, (District 4 – Cook County and Rush Presbyterian St. Lukes), we see \$11.09 as a starting rate for Hospital Security Officers (including Cook County Hospital). The Cook County start rate, if the County's offer were recognized, would be \$12.90 as of January 1, 2000.

The data does show that Cook County Hospital Security Officers are paid considerably more than security personnel in the private sector – at including Rush Presbyterian St. Lukes Hospital. Hospital security starting rates at the City Central area were \$23,067 – below the start rate salary paid at Cook

County Hospital. The University of Chicago Hospitals, an institution with more than 500 beds, is located in a high crime area. There Security Officer rates are lower than the Central downtown area.

Considering the slightly smaller Hospital facilities – hospitals with 350 to 499 beds – in the same general area (Mercy, Mt Sinai and the nearby University of Illinois facility) we also find lower rates being paid for Security Personnel. The actual rates were not part of the evidence but averages for the City Central, with the addition of those institutions in the calculations, were lower than comparative rates which included only the larger hospitals.

Hospital Security Officers at the County earn salaries above those paid other Security Officers in the same area - - at both the hiring rates and at the top rates with longevity.

The Union is not asking for Hospital Security Officers to be brought up to the Sheriff's Police Officer level. Their proposal would not do that. They are asking to close the gap. The Union says that, although Unit personnel are not in the field, they have the training, responsibilities and render a police service to the community that is under compensated and too far behind their counterparts in law enforcement within the County.

THE PARKING ISSUE

In support of their position on parking, the Union points out that there is no assigned parking for Union members at the Hospital and that parking proximate to the job is such a problem that many employees rent spaces from the County with the rent deducted from their paychecks. Space leased by the County costs employees \$35.00 a month.

The County contends that, in view of the crowding in and around County Hospital, the cost of land and the costs of parking in the vicinity of Cook County Hospital, to provide each employee with a parking area at no cost would be a significant expense. Rates in the area range from \$34.00 to \$72.00 a month. Parking at the Juvenile Court's Building is \$25.00 but is a longer walk from there to the Hospital. Parking availability varies with the shift.

The Employer points out that none of the employees at Cook County Hospital, including doctors, receive free parking and that no Hospital or other County employee has free parking privileges. The Union disputes this contention saying that supervisors at Cook County Hospital have free parking.

As of 2002, the Hospital will be torn down to provide additional parking next to the new County Hospital.

AWARD

Although the differential between the Deputy Sheriff and other County Law Enforcement Personnel and Hospital Security would not be as large were the Union's final position adopted, I cannot overlook the relatively favorable position employees performing security work for the County are in

compared with, as far as the evidence shows, those who perform that same type of work for private and private Hospitals in the same Central Chicago area.

Considering therefore the relative strength of the more comparable Hospital Service Security group factor – not those in the suburbs but in City Hospitals almost adjacent to County Hospital - as against Court Service and Community Supervision comparables, a catch-up to the extent sought by the Union with those groups is not warranted at this time.

There is no evidence of any comparable group receiving free parking despite similar problems.

The most reasonable final position on each of the two issues discussed above is that of the County.

The increase awarded here shall be paid all those who are employees as of the date of this Award retroactively with the checks for back pay to be mailed to each eligible employee within 60 days from the date of this Award.

James R. Cox
Arbitrator

I Approve

John Kalchbrenner *
s/s

I Dissent

Ray Bialek *
s/s

Issued this 4th day of January 2001

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Mr. Kalchbrenner and Mr. Bialek have sent me signed indications of their respective positions copies of which have been attached to the original of this Award.