



Police Contract Negotiations Toolkit: Columbus

Key Players

MARCH 2021

The ACLU supports the rights of employees, both public and private, to organize unions and bargain collectively. Collective bargaining statutes provide critical and necessary protection for workers who exercise basic civil rights, in particular, the rights of speech, association, and petition. Efforts to strip workers of these protections have no place in our democracy. The purpose of this toolkit is to shed light on the collective bargaining process with the goal of enhancing transparency so we can collectively work to address police violence.

Columbus Police Collective Bargaining Agreement (CBA): Key Players

There are two main groups of key players: The Lodge, the union representing the police officers, and the City of Columbus. However, these groups are comprised of many different individuals with different roles. We also hope that the public becomes more of a key player in this process, which is why we are providing information about potential reform targets who do and don't have a seat at the table.

The Lodge

What is “the Lodge”?

Columbus police officers are represented by the Fraternal Order of Police (FOP), Capital City Lodge No. 9 (“the Lodge”). The Lodge is the union signatory on the collective bargaining agreement (CBA) that expired in December 2020.

- **More information:** The Lodge is a unit of the FOP, Ohio. Although there are other unions which represent police officers in Ohio, it would not be a surprise for the police reform movement to come across the FOP again, under a different lodge. For example, the police officers in Cincinnati and Cleveland are represented by FOP Queen City Lodge No. 69 and FOP Riverside Lodge No. 8, respectively.

Who are the individuals working for the Lodge?

Although a large number of people signed the last CBA on behalf of the Lodge, the two signatories of note are Keith E. Ferrell (Lodge President) and Mark E. Fester (Chief Negotiator). Ferrell is still the Lodge President, and he openly disapproved of the Black Lives Matter protests in Columbus, saying, “[t]he rhetoric against police must stop. When you create lawlessness in the city this is what happens. It is not good for anyone, and we must come together to stop it.” See ABC. On the other hand, while raising some procedural issues, Ferrell appears to have been relatively muted in his defense of Adam Coy (the police officer who shot and killed Andre Hill on December 22, 2020). Fester appears to still be a member of the Lodge’s Columbus Police Department Labor Relations Committee, and presumably will have a prominent day-to-day role (but not necessarily a policy-setting role) in the next round of collective bargaining negotiations.

What role does the Lodge have?

Generally speaking, we would anticipate the leadership of the Lodge to “call the shots” in the collective bargaining negotiations in Columbus. This is typically the case when dealing with a locality which happens to be a large city (e.g., Columbus, Cincinnati, and Cleveland). When dealing with smaller cities and hence smaller police departments, however, it may be more likely that the negotiations are handled in a more centralized fashion (e.g., by a parent organization).

Who is in charge of the FOP?

The FOP Ohio's Board is elected every two years at the Annual Conference.

- The current President is Gary Wolske of the Garfield Heights Police Department.
- The current Vice President is Jason Pappas of the Columbus Police Department.
- The current Secretary is Eric Lehnhard of the Ohio Attorney General's Office.
- The current Treasurer Is Greg Toyegas of the Cincinnati Police Department.

The City of Columbus

Who signs the CBA for Columbus? *(As of March 1, 2021)*

Although a large number of people signed the most recent CBA on behalf of the City of Columbus, the two signatories of note are Andrew J. Ginther (Mayor) and Ronald G. Linville (Chief Negotiator).

Mayor Ginther: Mayor Ginther has indicated he is an advocate for progressive policing, publicly telling the FOP that “[y]ou’re either with us or you’re against the community.” See WOSU. He was quite vocal in his condemnation of the Columbus police officers involved in the killing of Andre Hill and he recently removed Thomas Quinlan as police chief.

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Mr. Linville: We do not know if Mr. Linville is currently serving as the Chief Negotiator in the current round of bargaining, but either he or his successor would be expected to have a prominent day-to-day role in the negotiation process. This would likely not be a policy-setting role. Mr. Linville is a partner with the law firm BakerHostetler and based in Columbus.

Zach Klein, Columbus City Attorney: We would expect that Columbus City Attorney, Zach Klein, will be a prominent player in the next round of negotiations. We say this for three reasons: (i) Klein has indicated his interest in reforming policing practices and has acknowledged that “there’s systematic racism in every step of government,” 614 Now; (ii) his interest in reform has been confirmed by our own sources in the prosecutorial-reform community; and (iii) throughout the country, we are seeing greater involvement by local prosecutors in police reform and a greater understanding by prosecutors of the need to address the problematic role of police-officer CBAs – both with respect to the role of police officers in the arrest and prosecution of civilians and the discipline and/or prosecution of police officers for their own misconduct. As a point of information, the current CBA is signed on behalf of the City of Columbus by Jennifer E. Edwards (Legal Counsel).

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Police Leadership: As stated above, multiple individuals signed the most recent CBA on behalf of the city. Two of these signatories included two Deputy Police Chiefs. Normally, it would be expected for a police chief to play a significant role in the collective bargaining negotiations. However, given that Thomas Quinlan was recently removed as police chief, and replaced on a temporary/acting basis by a Deputy Chief (Michael Woods), that may not be the case until a new police chief is selected. Deputy Chief Woods was, however, one of the signatories to the most recent police-officer CBA.

Director Of Public Safety: Ned Pettus, Jr. is the current Director of Public Safety (with responsibility over the city’s police and fire divisions). He was one of the signatories to the most recent police-officer CBA and, especially in light of the current absence of a permanent police chief, he could be expected to play a significant policy-making role in the upcoming negotiations. Over the past 6-9 months, Director Pettus has publicly acknowledged the need for police reform, meaningful civilian oversight of the police division and the need for modifications to the police-officer CBA. He recently sustained the termination of Adam Coy (the police officer who killed Andre Hill).

Columbus City Council: We also would expect the Columbus City Council to play a significant role in the negotiations – again, from the standpoint of setting policy objectives and, ultimately, authorizing the expenditure of the necessary funds. Indeed, the current CBA specifically provides, in Article 38.2, that any tentative CBA reached by the parties must be presented to the City Council for its approval or disapproval.

City Council Members:

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The Public

As a practical matter, police-officer CBAs have been treated as private affairs between the union and the employer – and, of course, that’s the problem. While the most direct avenue to express and effectuate the public’s interest in the content of police-officer CBAs is through pressure/persuasion via the elected officials discussed above, **Columbus may present a bit of a unique situation on account of the very recent creation of a Civilian Review Board through the electoral process.** This Board will direct, fund, and staff independent investigations of allegations of misconduct and other police actions. Mayor Ginter has said that the Board will have subpoena powers and the authority to conduct independent investigations and recommend disciplinary action.

In connection with the establishment of the Civilian Review Board, Mayor Ginter has appointed a Civilian Review Board Working Group consisting of subject matter experts and key community stakeholders to “help guide important decisions including: how the board will be seated; how it will operate; and what powers will be afforded to the board.” See Columbus.gov. The members of the Working Group include: Jasmine Ayers (People’s Justice Project), Fred Benton (Frederick D. Benton, Jr. Law), Bo Chilton (Impact Community Action), Lewis Dodley, Stephanie Hightower (Columbus Urban League), Frederick Lamarr (Baptist Pastors Conference), Kent Markus (Columbus Bar Association), Jonathan McCombs (Franklin University - College of Health and Public Administration), Ismail Mohamed (Ismail Law Office LLC), Densil Porteous (Stonewall Columbus), Aslyne Rodriguez (COTA), Janay Stevens (John Mercer Langston Bar Association, Vorys, Sater, Seymour and Pease LLP), Kyle Strickland (Kirwan Institute), Erin Synk (Columbus Safety Commission, South Side Area Commission), Nana Watson (NAACP), Anthony Wilson (National Organization of Black Law Enforcement - Columbus Chapter, Columbus Metropolitan Library).

Because the Working Group will presumably have some access to the Mayor, and because there is some overlap between the Civilian Review Board’s mission and the terms of the police-officer CBA, there may be an opportunity for the members of the Working Group to have some input into certain provisions of the CBA which are likely to be of interest in the next round of collective bargaining negotiations. Indeed, when discussing the potential creation of a citizen review board last June, Public Safety Director Pettus was quoted as saying: “We are prepared to aggressively negotiate the FOP contract to allow for a meaningful civilian oversight.”

Update: Since the publication of this toolkit, Mayor Ginther has named who will sit on the Columbus police civilian review board. The members are (with the additional information provided by [The Columbus Dispatch](#)):

Columbus police civilian review board:

Janet Jackson, 68, of Berwick — A former Columbus city attorney, a former Franklin County Municipal Court judge and retired CEO of the United Way of Central Ohio, she has been asked by Ginther to chair the review board. She also chaired the city's Community Safety Advisory Commission.

Chenelle Jones, 37, of the Northeast Side — A member of the Safety Advisory Commission and a professor at Franklin University, she specializes in crime and how it intersects with race, as well as juvenile delinquency.

Mark Fluharty, 57, of Reynoldsburg — The executive director of the Central Ohio Labor Council, he said in his application he has handled disputes through arbitration in the past.

Willard McIntosh, 56, of Berwick — A retired Columbus police officer and a veteran of the U.S. Air Force, he worked at the city Division of Police's training academy for 16 of his 31 years with the division.

Rich Nathan, 65, of Westerville — The pastor of Vineyard Columbus, one of the city's largest churches, he is also an inactive attorney and member of the Ohio State Bar Association.

Kyle Strickland, 30, of the Short North — A lawyer at Ohio State University's Kirwan Institute for the Study of Race and Ethnicity and at the Roosevelt Institute, a liberal think-tank based in New York, he was a member of the working group that helped develop the review board's structure.

Randall Sistrunk, 38, of the Southeast Side — The director of business development for Orange Barrel Media, he said in his application that he had been "mistreated and harassed" by police, but has used those experiences to work toward change. He is a member of the city police chief's advisory panel.

Charles Tatum, 65, of Berwick — The pastor at Good Shepherd Baptist Church said in his application he hopes to be a part of the "solution in bringing the needed change in community relations between citizens and our police department."

Mary Younger, 72, of German Village — A retired Franklin County public defender, she is a complaint liaison for Bexley police. Her husband is a retired Columbus police officer.

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