

State of Ohio
State Employment Relations Board 2003 FEB 21 P 4: 31

In the Matter Between:

THE MAHONING COUNTY
CLERK OF COURTS

And

AFSCME (AFL-CIO)
OHIO COUNCIL 8
LOCAL 3956

FACT-FINDING REPORT
SERB CASE NO.
02-MED-11-1216

FACT-FINDER: Thomas L. Hewitt
SELECTION DATE: December 26, 2002
HEARING DATE: February 12, 2003
REPORT ISSUED: February 20, 2003

APPEARANCES

FOR THE COUNTY

Constance Pierce, Human Resource Director
Anthony Vivo, Clerk of Courts
Scott Grossen, Administrator, Clerk of Courts
Jill Fonner, Supervisor-Title

FOR THE UNION

Jim Adams, Staff Representative
Mark Stan, Chief Steward
Shirley Burgham, Deputy Clerk/Bookkeeper
Rosemary Downey, President
Brenda Clark, Vice President

BACKGROUND

The fact-finder was appointed by the State Employment Relations Board in compliance with Ohio Revised Code Section 4117.14(C)(3) to hear Case 02-MED-11-1216 between Mahoning County Clerk of Courts and the AFSCME, (AFL-CIO) Ohio Council 8, Local 3956.

In an attempt to resolve the impasse in negotiations a fact finding hearing was held at the Board of Mahoning County Commissioners' offices located at 21 West Boardman Street in Youngstown, Ohio on February 12, 2003. All witnesses were sworn and both parties had full and equal opportunities to make statements, present evidence, examine, and cross examine witnesses.

The fact-finder took into consideration all reliable information relevant to the submitted issues and makes recommendations based upon the following:

1. Past collectively bargained agreements, if any between parties;
2. Comparison of unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
3. The interest and welfare of the public, and the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;
4. The lawful authority of the public employer;
5. Any stipulations of the parties; and
6. Such other factors, not confined to those listed above, which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

Therefore, to that end the following are findings of fact.

The parties both recognize that due to severe economic conditions as outlined by the Clerk of Courts that the budget is unable to support any wage increase at this time. However, as has occurred in several other years, the Commissions were able to find additional financial resources later in the year.

Based upon this possibility the following is the finding:

FINDING

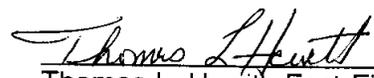
ISSUE 1 - Wages

The Sheriff's Department is currently in negotiations and their funding sources are similar to this Clerk of Courts. Therefore, the fact finder deems that whatever percentage wage increase (if any) granted to the bargaining unit members of the Sheriff's Department shall be correspondingly granted to this unit for the year 2003 and made retroactive to January 1, 2003.

Under no circumstances shall there be any rate reductions.

Contract years 2004 and 2005 shall be subject to these same terms.

All other issues of the contract have been resolved by the parties.


Thomas L. Hewitt, Fact-Finder

Issued on the 20th day of February, 2003.