

STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD

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In the matter of	*	Case No. 04-MED-01-0009
	*	
Fact-finding between:	*	
	*	
Erie County Commissioners	*	Fact-finder:
Department of Environmental Services	*	
	*	Martin R. Fitts
and	*	
	*	
AFSCME Ohio Council 8	*	March 8, 2004
Local 3081	*	
	*	

REPORT AND RECOMMENDATIONS OF THE FACT-FINDER

APPEARANCES

For the Erie County Commissioners (the Employer):

- Marc Fishel, Attorney
- James A. Sennish, Director of Human Resources
- Gary A. Eckler, Treatment Superintendent
- Sally A. Poggiali, Fiscal Officer
- Jack Meyers, Sanitary Engineer
- David Miller, Coordinator

For AFSCME Local 3081 (the Union):

- William F. Fogle, Staff Representative
- Betty Wright, Local President
- James G. Maloney
- Randy Whyde
- John H. Losey
- Robert Moser, Jr.

PRELIMINARY COMMENTS

The bargaining unit consists of Maintenance Repair Workers, Equipment Operators, Assistant Superintendent, Plant Operators, Scale Attendants, Engineering Technicians, Laborer, and Clerical Employees employed by the Erie County Department of Environmental Services. There are approximately 45 employees in the bargaining unit. The State Employment Relations Board appointed the undersigned as Fact-finder in this dispute on January 28, 2004. The fact-finding hearing was held on February 24, 2004 at the Employer's offices in Sandusky, Ohio. Both Parties attended the hearing, presented written positions, and elaborated upon their respective positions. There were eight issues at impasse: Sick Leave, Personal Time, Stand-By Pay, Longevity Pay, Wages, Health Insurance, and Duration.

Considerable mediation was conducted at the hearing, and the Personal Leave issue was tentatively agreed to at the hearing. In addition, with mediation, the Parties had considerable discussion on the remaining seven issues. During the mediation process the Parties explored many options and narrowed their differences considerably, allowing the Fact-finder to reach all of the recommendations contained in this Fact-finding Report. As the Parties' positions were fluid through that process, where the Report contains a reference to a Party's position, it is the final position reached at the hearing. For these reasons, the Report contains no summary of the final positions of the Parties and minimal discussion on the recommendations. The Parties are commended for their hard work at the hearing.

In rendering the recommendations in this Fact-finding Report, the Fact-finder has given full consideration to all testimony and exhibits presented by the parties. In compliance with Ohio Revised Code, Section 4117.14 (G) (7) and Ohio Administrative Code Rule 4117-9-05 (J), the Fact-Finder considered the following criteria in making the findings and recommendations contained in this Report:

1. Past collectively bargained agreements, if any, between the 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.

ISSUES AND RECOMMENDATIONS

Issue: Article 19 – Sick Leave

Findings and Recommendation

The Parties discussed a variety of issues regarding this article. The final determination of the Fact-finder is that the Parties are both best served by retaining the current language. The Parties have the ability to discuss any issues relative to this article in their existing labor-management meetings.

Therefore, the Fact-finder recommends the retention of the current contract language in Article 19.

Issue: Article 30, Section 30.02 – Stand-by Pay

Findings and Recommendation

Article 23 and Article 30, Section 30.02 provide for Stand-by Pay for employees who are required to be immediately available during normally off-duty hours. Specifically, Article 30, Section 30.02 sets the amount of Stand-by Pay.

The Fact-finder recommends that Article 30, Section 30.02 be amended to set the rate of Stand-by Pay at the fixed rate of \$415 per week in the first two years of this contract, and at the fixed rate of \$420 per week in the third year of the agreement. Therefore, Section 30.02 should be amended to read as follows:

30.02. STAND-BY PAY. An employee who is assigned to be on stand-by shall be compensated at the rate of \$415 per week during the first two years of the contract and at the rate of \$420 per week in the third year of the contract, in addition to his regular weekly pay.

Issue: Article 30, Section 30.03 – Longevity

Findings and Recommendation

In consideration of all the recommendations found in this Report, and in view of all of the tentative agreements reached by the Parties throughout their negotiations, the Fact-finder recommends that the provisions for longevity pay found in Article 30, Section 30.03 of the current agreement be retained.

Issue: Article 30, Section 03.01 – Wages

Findings and Recommendation

Many different proposals were discussed during mediation. As the discussion progressed, the parties narrowed their focus strictly on an across the board wage increase.

Therefore, the Fact-finder recommends that the retention of current language in Section 30.01 and Appendix A – 1.

Further, the Fact-finder recommends that Appendix A, Rates of Pay be amended in all classifications to reflect an across the board wage increase of \$0.45 the first year, an additional \$0.45 across the board increase in the second year, and an additional \$0.45 across the board increase in the third year.

Issue: Article 27 – Hospitalization/Major Medical & Appendix B

Findings and Recommendation

This issue was clearly the most difficult for the parties upon which to find agreement, and the discussions during mediation explored a wide variety of options and proposals. The Fact-finder's recommendations will not satisfy everyone, but do reflect the input and concerns of both of the Parties.

The Fact-finder recommends the Union's proposal for Appendix B, with one immediate amendment. That amendment is the inclusion of the two "Out of Network" provisions that appear in the current Appendix B. Beginning in the second year, there is to be

implemented a mandatory mail-in prescription drug plan after the second retail prescription is filled, for maintenance drugs only. Also in the second year a \$10 co-pay for all physician office visits will be implemented. In the third year the bargaining unit employees will begin contributing \$15/month for single coverage and \$25/month for family coverage.

Issue: Article 40 – Duration

Findings and Recommendation

The parties clearly articulated their desire to have a three-year collective bargaining agreement effective February 1, 2004.

Therefore, the Fact-finder recommends the retention of the existing language in Article 40, Duration except that Section 40.01, A, shall be amended to read as follows:

40.01 a. This Agreement shall be effective as of February 1, 2004 and shall remain in full force and effect until January 31, 2007 unless otherwise terminated as provided herein.

Additional recommendations of the Fact-finder

The Fact-finder recommends the agreement reached on Personal Leave at the hearing, as well as all the tentative agreements previously reached on other issues by the parties during their negotiations.



Martin R. Fitts
Fact-finder
March 8, 2004

Martin R. Fitts

Labor Arbitrator
P.O. Box 2945
Toledo, Ohio 43606-0945

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RELATIONS BOARD

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March 8, 2004

Mr. William F. Fogle
Staff Representative
AFSCME Ohio Council 8
420 S. Reynolds Road, Suite 108
Toledo, OH 43615-5980

Mr. Jim Sennish
Director of Human Resources
Erie County Commissioners
2900 Columbus Ave.
Sandusky, OH 44870

Re: SERB # 04-MED-01-0009
Erie County Department of Environmental Services / AFSCME Local 3081

Gentlemen:

With this letter I am sending to both of you via overnight mail my Fact-finding Report in the above-referenced matter. A copy is being sent to SERB via regular mail.

An invoice with my fee for this Fact-finding will be sent to you under separate letter.

Sincerely,

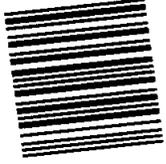


Martin R. Fitts

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