

STATE EMPLOYMENT  
RELATIONS BOARD  
2005 APR 20 A 11:30

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF  
FACT-FINDING BETWEEN

CLERMONT COUNTY COMMISSIONERS      CASE NO. 04-MED-11-1271  
AND  
AFSCME, OHIO COUNCIL 8, LOCAL 3536  
DEPARTMENT OF JOBS AND FAMILY SERVICES

FACT-FINDING REPORT AND RECOMMENDATION  
JERRY HETRICK, FACT-FINDER  
DATE: APRIL 12, 2005

FOR THE COUNTY

Paul Berninger, Attorney  
Michael Pride, Financial Officer  
Tim McCartney, DJFS

FOR THE UNION

Walter Edwards, Staff Rep.

## **BACKGROUND**

This matter came up for hearing on April 8, 2005 before Jerry Hetrick, appointed as fact-finder pursuant to Ohio Rev. Code Section 4117.14. The hearing was conducted between the Clermont County Commissioner's Department of Jobs and Family Services and AFSCME, Ohio Council 8 and Local 3536. The bargaining unit consists of one hundred fifty seven (157) employees engaged in clerical, administrative, investigative, and social work. Bargaining unit employees are assigned to three major divisions: Income Maintenance, Child Support Enforcement, and Children's Protective Services.

One unresolved issue remained as a result of the parties' collective bargaining efforts regarding a wage reopening provision. The single issue before the fact-finder was Article 29- Wages.

Following efforts to reach a mediated wage settlement, the fact-finder makes the following recommendation based on the evidence and arguments presented at the hearing and in their position statements. Following mediation discussions, which narrowed the difference of opinion, the parties requested the fact-finder to make a recommendation for settlement.

## **FACT-FINDING CRITERIA**

In the determination of facts and recommendations, the fact-finder has considered the applicable criteria required by Ohio Rev. Code Section 4117.14 (C) (4) (e) as follows:

- (1) Past collectively bargaining agreements, if any between the parties.
- (2) Comparison of the 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 classifications involved.
- (3) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed and the effects of the adjustments on the normal standard of public service.

- (4) The lawful authority of the public employer.
- (5) Any stipulations of the parties.
- (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.

## **FINDING OF FACT AND FINAL RECOMMENDATION**

**ISSUE NUMBER ONE-WAGES.** The Union proposed a wage settlement of 5.5% wage increase at all pay ranges and steps retroactive to January 1, 2005. The Union notes approximately half the unit is at the maximum step of the wage scale and would not receive a step increase. The Union notes the past two increases, one granted by fact-finding and the initial wage re opener resulted in wage increases of three (3) percent. The Union argues that the County Commissioners Work Session of 12/8/04 indicated final numbers included a three percent salary action for all employees and on 2/9/05 recommended a 3.1% increase to the minimum, mid range and maximum rates of pay for all pay ranges. All Performance Appraisals for non-bargaining unit employees were reviewed for computation of wage increases under the Pay For Performance Plan. The record shows that while some employees received pay increases of more than 3%, others received none or less of an wage increase.

Finally the Union notes non bargaining unit managers received pay increases into base rates rather than in lump sum form which does not roll-up into the pay for time not worked benefit structure.

The Employer initially offered a wage increase of 2.8% applied to each step of the wage schedule. Prior to fact-finding, the Employer modified it's proposal to a one time lump sum payment to bargaining unit members equal to 3.0% of the member's base hourly rate in effect on May 1, calculated as follows: base hourly rate x 2080 x .03. Current hourly rates would remain unchanged for the remainder of the 2005 contract year. The Employer

indicates that it has use or lose money, which can be used for a lump sum, which would not be available after July.

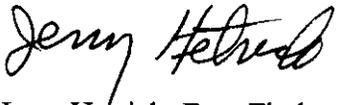
Mediation discussions resulted in a modification of the employer's position to a 2.0% of the member's base hourly wage plus a 1% lump sum equal to the hourly base rate x 2080.

#### **FINDING AND RECOMMENDATION**

In making this recommendation, the Fact-Finder takes into consideration the financial conditions in the State, the County's funding position, the effects of not replacing retirement positions in both management and the bargaining unit. The Previous two-year wage increases have not resulted in placing the County in a catch-up position. Pay increases for the Managers and non-bargaining unit employees under the Pay for Performance Plan factor into the decision.

After review of the respective position, evidence and argument, the Fact-Finder recommends a two and five tenths percent (2.5%) wage increase in base rates of pay retroactive to the first pay period in January 2005. Additionally the Fact-Finder recommends a one time lump sum payment to bargaining unit employees equal to five-tenths of one percent of the employee's base hourly rate in effect on May 1, 2005 calculated as follows: base hourly rate in effect before the Fact-Finder's recommendation, x 2080 x .005.

Respectfully:



Jerry Hetrick, Fact-Finder  
Dated April 12, 2005