

STATE OF OHIO

STATE EMPLOYMENT
RELATIONS BOARD

STATE EMPLOYMENT RELATIONS BOARD

2006 FEB -1 A II: 18

In the matter of	*	05-MED-10-1224
	*	
Fact-finding between:	*	
	*	
Huron County Commissioners (Landfill/Recycling Center)	*	Fact-finder
	*	Martin R. Fitts
	*	
and	*	
	*	
AFSCME Ohio Council 8, Local 3764	*	January 30, 2006
	*	
	*	

REPORT AND RECOMMENDATIONS OF THE FACT-FINDER

APPEARANCES

For the Huron County Commissioners (the Employer):

Pete Welch, Solid Waste Director

For AFSCME Ohio Council 8, Local 3764 (the Union):

William F. Fogle, Staff Representative

David Feathergill, Steward

PRELIMINARY COMMENTS

The bargaining unit consists of all employees of the Huron County Board of Commissioners employed in the County's Landfill and Material Recovery Facilities. There are approximately 4 employees in the bargaining unit. Section 4 of Article 42 of the collective bargaining agreement called for the parties to reopen the collective bargaining agreement on or about October 1, 2004 on the subject of wages. The parties did so, and subsequently reached a side agreement signed on October 6, 2004 calling for the payment of a lump-sum bonus and the agreement that the parties would re-open the agreement on or about October 1, 2005 on the subject of wages for the subsequent term of the agreement. In the fall of 2005 the parties did enter into negotiations, including those mediated by a SERB mediator. No agreement was reached.

The State Employment Relations Board (SERB) appointed the undersigned as Fact-finder in this dispute on December 22, 2005. The fact-finding hearing was held at the Huron County administrative offices in Norwalk, Ohio on January 19, 2006. Both parties attended the hearing, presented written positions, and elaborated upon their respective positions. At issue was a wage re-opener. Mediation was attempted at the hearing, but was unsuccessful. Thus one issue was submitted for Fact-finding.

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.

All references by the Fact-finder in this report to the Employer's proposal and the Union's proposal are references to their respective final proposals as presented in writing to the Fact-finder at the January 19, 2006 hearing.

ISSUE AND RECOMMENDATION

Issue: Article 42 – Wages

Positions of the Parties

The Union proposed a wage increase of \$0.60/hour added to the base wage rate, to be effective December 1, 2005.

The Employer proposed a wage increase of 3% of the base wage rate, to be effective December 1, 2005.

Discussion

Wage re-openers offer the parties the opportunity to consider a number of issues should they agree to do so. The parties did, in fact, have discussion on a number of issues. During mediation immediately prior to the hearing a number of possibilities were again discussed that would have included extending the collective bargaining agreement one more year. As no settlement was reached, however, the current agreement will expire at midnight on November 30, 2006. Therefore, while this Report will deal only with the instant wage re-opener, the parties will have an opportunity later this year to re-visit the issues that were discussed in mediation. Lost, however, for both parties are any gains that might have immediately resulted for either party as a result of those discussions.

The Union argued that its proposal for an increase in the base wage rates of \$0.60/hour (which works out to approximately a 4.45% wage increase) is a fair way to compensate them for not receiving any increase for two years. The employees of this bargaining unit have had no increase to their base wage rates for two years. However, they did receive a \$1,000 lump sum bonus in December 2004. The Union also noted that the work the employees perform is dirty and hazardous.

The Employer noted that the Employer has experienced double-digit increases in the cost of health care in 2004, 2005 and again in 2006. It has not asked the employees to increase their contribution to those premiums; the Employer has totally absorbed the 35% increase in 2005 and the 19% increase in 2006.

The Employer noted that the same economic information that was presented to this Fact-finder was presented to a Conciliator in the matter of interest arbitration with the Huron County Sheriff and the OPBA. The Employer's Exhibit 6 showed that the Conciliator found the Sheriff's proposal of a 3% wage increase for 2006 to be appropriate, even though the bargaining units in that matter had also been subjected to a wage freeze. The

Employer also noted that the County's non-bargaining unit employees had been subject to a wage freeze in the past, and have received a 3% wage increase for 2006.

The Fact-finder is sympathetic that the employees of this bargaining unit have not received increases to their base wage for two consecutive years. However, they did receive a \$1,000 bonus in 2005. In addition, the employees have enjoyed the benefit of no benefit reductions or increased costs for health care despite the dramatic cost increases incurred by the County. These two facts mitigate in large part the financial impact of the wage freeze experienced by these employees.

The Employer's proposal for a 3% wage increase mirrors what the non-bargaining unit employees have received for 2006, as well as what an independent Conciliator awarded to other bargaining unit employees for 2006. There was no compelling evidence presented by the Union that this bargaining unit has been the subject of disparate treatment by the Employer, or is so under-compensated as to merit a greater wage increase than these other County employees have received. The other County bargaining units offer the best comparables that the Fact-finder can utilize in determining a fair and reasonable wage increase for this bargaining unit.

Findings and Recommendation

Based upon the evidence and testimony presented at the hearing, the Fact-finder concludes that the Employer's proposal for a 3% wage increase is reasonable and fair to these employees, the Employer, and the taxpayers of Huron County.

Therefore, the Fact-finder recommends that Article 42, Section 1 be amended to provide for a 3.0% increase in the base wages for all classifications effective December 1, 2005.

The above represents in total my recommendations in this matter.



Martin R. Fitts
Fact-finder
January 30, 2006