

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

**IN THE MATTER OF
THE FACT FINDING**

Between

**COLUMBIANA COUNTY
CLERK OF COURTS**

and

GMP INTERNATIONAL UNION

SERB Case No. 07-MED-01-0071

**Before:
CHRISTOPHER E. MILES, ESQUIRE
Fact Finder**

Appearances:

**John N. Barkan, Jr.
J. N. Barkan and Associates
Representing the Clerk of Courts**

**Sondra Powell
Executive Officer
Representing the Union**

BACKGROUND

This case concerns the fact finding proceedings between Columbiana County Clerk of Courts (hereinafter referred to as the "Clerk of Courts") and GMP International Union (hereinafter referred to as the "Union"). By letter dated May 18, 2007, the undersigned, Christopher E. Miles, Esquire, was appointed as the Fact Finder in this matter through the offices of the State Employment Relations Board (SERB). The fact finding proceedings were conducted pursuant to the Ohio Administrative Code Rule 4117 and the rules and regulations of SERB, as amended. This case involves a wage re-opener pursuant to Article 30 Wages in the parties' current collective bargaining agreement. The County and the Union engaged in the collective bargaining process for a period of time prior to the appointment of a Fact Finder. However, the following issues remained unresolved:

Article 30 - Wages

The Clerk of Courts was represented by John N. Barkan, Jr., of J.N. Barkan & Associates, and the Union was represented by Sondra Powell, Executive Officer. During the fact finding proceedings, which were conducted at the Columbiana County Courthouse in Lisbon, Ohio on August 6, 2007, the Fact Finder offered, and the parties declined, to attempt mediation of the unresolved issues. A hearing in this matter was conducted and the parties were afforded full opportunity to present testimony and evidence, as well as arguments, in support of their positions. As a result of those deliberations, the Fact Finder makes the Findings and Recommendations set forth below.

FINDINGS AND RECOMMENDATIONS

After consideration and a thorough review of the financial information and documentation supplied by the parties, the Fact Finder makes the following recommendations:

Article 30 Wages

The current language in Article 30 provides as follows:

Section 1. Effective and retroactive to July 1, 2006, the following wage scale shall become effective. All employees shall be placed on the wage scale based on the employee's Date of Hire. The new scales are as follows:

<u>Year</u>	<u>Hourly Rate</u>	<u>Annual Salary</u>
Start	\$ 8.59	\$ 17,867.20
6 mos.	\$ 9.13	\$ 18,990.40
1 yr	\$ 9.76	\$ 20,300.80

2 yrs	\$ 10.35	\$ 21,528.00
3 yrs	\$ 11.25	\$ 23,400.00
4 yrs	\$ 11.99	\$ 24,939.20
5 yrs	\$ 12.21	\$ 25,396.80
6 yrs	\$ 12.79	\$ 26,603.20

Section 2. This article shall be reopened in 2007, to determine all wages for all employees that will become effective May 1, 2007. Said re-opener shall be in accordance with ORC 4117.

Section 3. All full-time employees shall receive longevity pay based on their continuous length of service with the Employer. The amounts shall be as follows:

After 3 years of service	\$ 315.00
After 5 years of service	\$ 345.00
After 10 years of service	\$ 375.00
After 15 years of service	\$ 405.00
After 20 years of service	\$ 520.00
After 25 years of service	\$ 600.00
After 30 years of service	\$ 700.00

During their negotiations, the parties initially discussed a two year wage re-opener proposal; however, that was not mutually acceptable. As a result, the proceedings in this matter were limited to the issues of wages and longevity for a one year period to be effective May 1, 2007.

UNION

The Union proposes an increase of 6% on the wage scale to become effective May 1, 2007, as follows:

<u>Year</u>	<u>Hourly Rate</u>	<u>Annual Salary</u>
Start	\$ 9.11	\$ 18,939.23
6 months	\$ 9.68	\$ 20,129.82
1 year	\$ 10.35	\$ 21,518.85
2 years	\$ 10.97	\$ 22,819.68
3 years	\$ 11.93	\$ 24,804.00
4 years	\$ 12.71	\$ 26,435.55
5 years	\$ 12.94	\$ 26,920.61
6 years	\$ 13.56	\$ 28,199.39

With regard to longevity, the Union proposes an increase of \$50.00, as follows:

After 3 years of service	\$ 365.00
After 5 years of service	\$ 395.00
After 10 years of service	\$ 425.00
After 15 years of service	\$ 455.00
After 20 years of service	\$ 570.00
After 25 years of service	\$ 650.00
After 30 years of service	\$ 750.00

CLERK OF COURTS

The Clerk of Courts proposes what it refers to as the final step in a long term restructuring of the wage rates for employees in the Clerk of Courts office. The wage proposal is as follows:

Section 1. Effective May 1, 2007, the following wage scale shall become effective. All employees shall be placed on the wage scale based on the employee's Date of Hire. The new scales are as follows:

<u>Year</u>	<u>Hourly Rate</u>	<u>Annual Salary</u>
Start	\$ 10.89	\$ 22,645.17
1 yr	\$ 11.81	\$ 24,573.33
2 yrs	\$ 12.58	\$ 26,158.70
3 yrs	\$ 12.80	\$ 26,630.03
4 yrs	\$ 13.40	\$ 27,872.62

Section 2. This article shall be reopened in 2008, to determine all wages for all employees that will become effective May 1, 2008. Said re-opener shall be in accordance with ORC 4117.

Section 3. All full-time employees shall receive longevity pay based on their continuous length of service with the Employer. The amounts shall be as follows:

After 3 years of service	\$ 250.00
After 5 years of service	\$ 300.00
After 10 years of service	\$ 350.00
After 15 years of service	\$ 400.00
After 20 years of service	\$ 450.00
After 25 years of service	\$ 500.00
After 30 years of service	\$ 550.00

Recommendation Wages

The record reveals that over the years the Clerk of Courts, with the cooperation of the Union, has attempted to create a wage scale that has been fair to the employees. At one time there was no rhyme or reason to the wage scale, but a quick fix could not take place. Compressing the outdated wage scales has taken place over time and the proposal made by the Clerk of Courts is the conclusion of that process.

The Fact Finder recommends the compressed wage scale proposed by the Clerk of Courts. As noted, the compression of the wage scale, initially with ten (10) steps, has been a long term process. This scale is represented as the final step in that process and it effectively increases the lower wage steps which has been a concern of the Clerk of Courts in order to keep qualified employees.

Longevity

With regard to longevity pay in Section 3, the Fact Finder recommends a restructuring of the current scale, as follows:

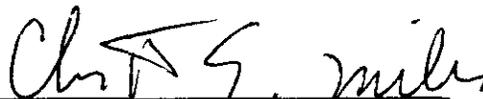
After 6 years of service	\$ 395.00
After 10 years of service	\$ 425.00
After 15 years of service	\$ 455.00
After 20 years of service	\$ 570.00
After 25 years of service	\$ 650.00
After 30 years of service	\$ 750.00

Longevity is generally considered a reward or bonus for continuous long term service. The compression of the wage scale recommended above gives significant wage increases to the employees with fewer years of service. My opinion is that a longevity increment for those employees is not necessary given the considerable wage increases and the rationale for longevity payments in general.

The amount of longevity that the least senior employees (5 years or less) would receive is more appropriately shared, in my opinion, with those employees who have long and continuous years of loyal service (as much as 30 years) with the Clerk of Courts office. A review of the cost analysis provided by the parties shows that the restructured longevity pay recommended by the Fact Finder results in a total cost of \$450,224.00 or \$180 less than the Clerk of Courts' proposal and \$1,079.39 more than the Union's proposal. An analysis of the Fact Finder's total compensation recommendation is attached as Exhibit "A".

CONCLUSION

In conclusion, the Fact Finder submits the Findings and Recommendations as set forth herein.



Christopher E. Miles, Esquire
Fact Finder

August 15, 2007

EXHIBIT "A"

Columbiana County Clerk of Courts					
	NAME	WAGE	D.O.H.	LONGEVITY	Total Comp
LEGAL	Adams	\$ 13.40	10/21/2002	\$0.00	\$27,872.00
	Baker	\$ 13.40	11/3/1992	\$425.00	\$28,297.00
	Baumgarner	\$ 13.40	12/24/1994	\$425.00	\$28,297.00
	Boyce	\$ 13.40	6/9/2003	\$0.00	\$27,872.00
	Conrad	\$ 13.40	6/12/1978	\$650.00	\$28,522.00
	Crump	\$ 13.40	12/13/1976	\$750.00	\$28,622.00
	Gustafson	\$ 13.40	6/6/2000	\$395.00	\$28,267.00
	Hiner	\$ 13.40	2/27/1990	\$455.00	\$28,327.00
	Painter	\$ 13.40	4/8/2002	\$0.00	\$27,872.00
	Ronshausen	\$ 13.40	11/13/1995	\$425.00	\$28,297.00
	Sims	\$ 13.40	3/24/2003	\$0.00	\$27,872.00
TITLE	Bell	\$ 13.40	8/19/1991	\$455.00	\$28,327.00
	Edgell	\$ 13.40	11/16/1998	\$395.00	\$28,267.00
	Kissel	\$ 12.80	11/17/2003	\$0.00	\$26,624.00
	Koran	\$ 13.40	10/19/1976	\$750.00	\$28,622.00
	McRoberts	\$ 13.40	11/6/2000	\$395.00	\$28,267.00
				TOTAL WAGES	\$450,224.00