

2011 JUN 23 P 1: 58

IN THE MATTER OF IMPASSE	X	
	X	
BETWEEN	X	
	X	
FRANKLIN COUNTY CHILDREN SERVICES	X	<u>REPORT OF</u>
	X	<u>THE FACT FINDER</u>
AND	X	
	X	
FEDERATION OF FRANKLIN COUNTY	X	
CHILDREN SERVICES EMPLOYEES UNION	X	

SERB FILE NO.: 2010-MED-12-1777

HEARING: May 26, 2011; Columbus, Ohio

FACT FINDER: William C. Heekin

APPEARANCES

For the Employer

Aaron L. Granger, Attorney

For the Union

Donald J. Mooney, Attorney

ADMINISTRATION

By way of a letter from the State Employment Relations Board (SERB) dated April 14, 2011, the undersigned was informed of his designation to serve as fact finder regarding a successor labor contract, negotiations impasse. On May 26, 2011, following receipt of pre-hearing submissions and a mediation session which took place that same day, a fact finding hearing went forward. There, testimony as well as document evidence was presented. The record was closed at the conclusion of the hearing and the matter is now ready for the issuance of a fact finding report.

BACKGROUND

This impasse involves a bargaining unit made up of approximately 500 employees of Franklin County Children Services (“the Employer” or “FCCS”) who are represented by the Federation of Franklin County Children Services Employees Union (“the Union”). While the bargaining unit is mostly made up of child welfare case workers, it also includes clerical specialists, investigators, telephone operators, as well as a number of other job classifications.

FCCS provides a variety of social services to children living in Franklin County, Ohio – which encompasses Columbus, Ohio – that is mainly centered on protection against child abuse and neglect. Accordingly, more than one half of its funding comes from two, ten-year property tax levies that were approved by the voters of Franklin County in two public referendums: A 3.15 mil levy that was passed in 2009 and a 1.9 mil levy passed in 2004. The remainder of the funding comes from various Federal government and State government sources. Additionally, since the FCCS is ultimately under the authority of the Franklin County Board of Commissioners, which appoints the members of the FCCS governing board, the County’s General Fund could be utilized if necessary. While pointing out that during the period of 2008-

2010, the bargaining unit received annual wage increases of 4%; at least for the foreseeable future it is not likely that the County's General Fund will be looked to for FCCS funding.

Prior to the fact finding hearing, the Employer and the Union ("the Parties") met on a number of occasions in an effort to finalize a successor collective bargaining agreement ("the Agreement" or "The Labor Contract"). Thus, the remaining unresolved issues are the subject of this fact finding report, where the recommendations contained herein are made in light of the following ORC 4117.14 criteria:

* * *

- Past collectively bargained agreements between the parties;
- 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 classification involved;
- 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,
- The lawful authority of the public employer.
- Any stipulations of the parties.
- 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.

* * *

FINDINGS AND RECOMMENDATIONS

1. HEALTH INSURANCE

Union's position: That for the next 3-year contract term, the formula of \$5 for single coverage and \$25 for family coverage be the rate of increase as it was during the 2008-2010 period with steadily increasing employee contributions at a measured rate:

	Single coverage/Month	Family Coverage/Month
Year One	\$60.00	\$160.00
Year Two	\$65.00	\$185.00
Year Three	\$70.00	\$210.00

Employer's position:

Effective January 1, 2012, an employee will pay the same amount towards health insurance premiums as other employees under the direct auspices of the Franklin County Board of Commissioners in 2012, but not to exceed \$105.00 per month for employees to cover themselves and non-spousal dependents, and no more than \$225.00 per month for employees who choose to cover their spouse. The Employer also proposes that effective January 1, 2013, an employee will pay the same amount towards health insurance premiums as other employees under the direct auspices of the Franklin County Board of Commissioners in 2013.

In that there appears to be agreement between the Parties as to 2011, it is recommended that the Employer's proposal be adopted for 2012 and that there be a "reopener" for 2013.

While acknowledging that this recommendation involves a significant increase regarding the individual employee insurance premium contribution, this not only reflects a necessary increase in funding support in light of the ever increasing cost of healthcare, but is also connected to a plan design change intended to lessen the rate of unnecessary usage – an important cost component factor. In addition, with the future of healthcare costs seemingly quite uncertain, especially with the Federal legislation on healthcare passed in 2010 (The Patient Protection and Affordable Care Act – PPACA) beginning to come online during the next few years, the "reopener" for the third year is felt to be very advisable.

2. COMPENSATION

Union's Position: 2% increase for 2011 retroactive to February 1, 2011; a 2% increase for 2012; and a 2% increase for 2013.

Employer's Position: 1% increase for 2011, retroactive to February 2, 2011; a 1% increase for 2012; and a 1% increase for 2013.

It is recommended that there be a 2% increase for 2011, retroactive to February 1, 2011, along with a \$500 bonus not to be made part of the base wage scale; a 1½ % increase for 2012 along with a \$500 bonus not to be made part of the base wage scale; and a reopener provision for 2013.

In emphasizing that without dispute there is no inability to fund this recommendation, this is felt to reasonably balance the interest which everyone has in maintaining fiscal responsibility in light of the continuing impact of what is now being referred to as “the Great Recession”, which is widely seen as the worst since the 1930’s, and the interest of the employees in maintaining their financial position as much as is reasonably possible in the face of rising inflation. Accordingly, while most of the funding for FCCS comes from the aforementioned two 10-year property tax levies, important consideration has to be given to the fact that the voters of Franklin County passed the second operating levy in 2009, which was after the recession had begun in 2008. Since this was a time when presumably many Franklin County voters would understandably have been inclined to vote otherwise, this speaks volumes regarding the level of public support for the child welfare services provided by FCCS and the management and staff who deliver these services. At the same time and while acknowledging as the Employer points out the backdrop of much uncertainty and competing pressures on the County’s General fund, including in expected large reduction in local government support from the State of Ohio, the

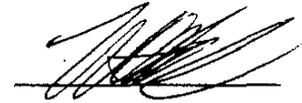
periodic reappraisal of County real estate values by the County Auditor is expected to be completed later this summer. Here, there is real potential for an outcome of significantly reduced actual amounts which FCCS will be receiving in the future as to its two 10 year property tax operating levies. Accordingly, with this being the main FCCS funding source and since a collapse in real estate property values was the leading cause of the Great Recession, this uncertainty is supportive of the aforementioned recommendation, especially as to 2012 and there being a reopener for 2013.

In addition, this recommendation is felt to be in keeping with the “comparable work” criteria, especially as to what is determined to be the closest “comparable” group of employees – the employees of FCCS not represented by the Union who have been granted a 2% wage increase for 2011. At the same time, the undersigned does not find the Franklin County Sheriff’s Office dispatchers unit, which is the only County bargaining unit to have finalized its wages for 2011 and 2012 (a 1% increase for each year), to be directly “comparable” to these FCCS employees. This follows since the professional skills and work responsibilities of emergency dispatchers are understood to be significantly different and, unlike here, the County’s General Fund is the main funding source.

Finally, the recommended \$500 bonus payment regarding each of the first two years is in recognition of the recommended larger increase in the employee health insurance, employee co-payment obligation as compared to 2008-2010.

3.

It is recommended that all tentatively agreed upon contract provisions be adopted.



William C. Heekin
June 22, 2011
Cincinnati, Ohio

William C. Heekin

5252 Adena Trail
Cincinnati, OH 45230
Ph: 513-241-7644
Fax: 513-761-3238
wcheekin@fuse.net

STATE EMPLOYMENT
RELATIONS BOARD

2011 JUN 23 P 1:58

June 22, 2011

Donald J. Mooney
Ulmer & Berne, LLP
600 Vine Street, Suite 2600
Cincinnati, OH 45202

Aaron L. Granger
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, OH 43215

RE: SERB Case No. 10-MED-12-1777; Federation of Franklin County Children
Services Employees Union – Franklin County Children Services; impasse/fact
finding

Gentlemen:

Enclosed, please find two (2) copies of the **REPORT OF THE FACT FINDER**. Also,
enclosed is a copy of the INVOICE.

It has been a privilege to have served as fact finder.

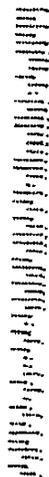
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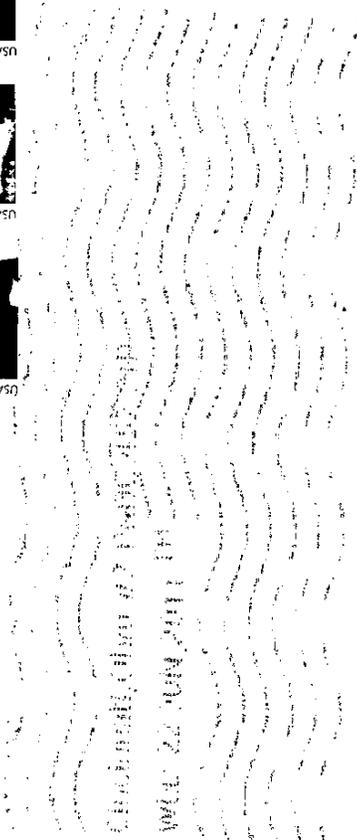


William C. Heekin

WCH:bwh

cc: Mary Laurent (w/enclosure) ✓

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nati, OH 45230



Mary Laurent
State Employment Relations Board
(SERB)
65 East State Street, 12th Floor
Columbus, Ohio 43215-4213

RB

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er, Chair
la, Vice Chair
dige, Board Member

tsch, Executive Director

15, 2011

a R. Giles
Beldon Village Street, N.W., Suite 30
in OH 44718
@clover.net

J. Locke
ie & Waggoner, Ltd.
5 State Route 39
iland OH 44131-6808
@pepple-waggoner.com

Case No. 11-MED-06-0887
Association of Public School Employe

Ms. Giles and Mr. Locke:

reference case n

RB
State
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1st State Street
mbus, Ohio 43215-4213

Equal opportunity Employer

☞

J. Russell Keith
General Counsel & Assistant Executive Dir
mel

SERB

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N. Eugene Brundige, Board Member

Christine A. Dietsch, Executive Director

June 15, 2011

John Avouris
OEA
1479 Third Street
Brilliant OH 43913
avourisj@ohea.org

Kevin J. Locke
Pepple & Waggoner, Ltd.
38095 State Route 39
Cleveland OH 44131-6808
klocke@pepple-waggoner.com

RE: Case No. 11-MED-06-0886
Southern Local Teachers' Association and Southern Local Schools

Dear Messrs. Avouris and Locke:

STATE EMPLOYMENT
RELATIONS BOARD

2011 JUN 23 P 2:00

11-MED-06-0886
Kevin J. Locke
Pepple & Waggoner, Ltd.
38095 State R
Cleveland OH

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Secretary,

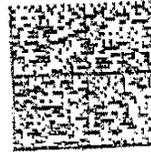
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