

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the matter of
Fact-Finding between

SPRINGFIELD TOWNSHIP,)	
Employer)	
)	SERB CASE No. 2014-MED-09-1207
-and the-)	
)	JEFFREY A. BELKIN
INTERNATIONAL BROTHERHOOD OF)	FACT-FINDER
TEAMSTERS LOCAL 436,)	
Union)	

REPORT AND RECOMMENDATIONS

This matter was heard at Springfield Township on August 4, 2015. The parties' representatives are listed below:

FOR THE EMPLOYER

Robin Bell Regional Manager, Clemans Nelson & Associates

FOR THE UNION

Chris Pavone Vice President and Business Representative
Daniel Silversrom Employee
Eric Lyall Employee

I. BACKGROUND

At all times material to this matter the Employer (hereafter the “Township”) has recognized a bargaining unit consisting of full-time employees in the Road Department.¹ During the most recent Agreement (expiration date: December 31, 2014), the Township extended recognition to full-time employees in the Parks Department, who became part of an overall bargaining unit covering both departments. As of the date of Fact-Finding there were five employees in the Road Department (one Foreman, four Road Maintenance Workers); and two employees in the Parks Department (one Building and Grounds Specialist, and one Parks Operator).

The parties have been unable to reach agreement on two issues, to be discussed below.

II. FACT-FINDERS REPORT

In reaching the Findings and Recommendation on the two issues at impasse, the undersigned has considered the parties’ pre-hearing statements, oral presentations, exhibits and witness statements. Also taken into account were the factors mandated by statute:

Past collectively bargained agreements, if any, between the parties;

Comparison of the unresolved issues relative to 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;

¹ The Agreement also refers to the “Janitorial Department” as being in the bargaining unit, but apparently there are no full-time employees currently in a janitorial classification.

The interests and welfare of the public, 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 the issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

III. UNRESOLVED ISSUES

1. Unresolved Issue No. 1

General Wage Increase

Union Proposal

Effective January 1, 2015, 1% pay increase for all employees in the bargaining unit.

Effective January 1, 2016, wage reopener for wages only.

Effective January 1, 2017, wage reopener for wages only.

Township Proposal

Effective January 1, 2015, 1% pay increase for all employees in the bargaining unit.

Effective January 1, 2016, 1% pay increase for all employees in the bargaining unit.

Effective January 1, 2017, 1% pay increase for all employees in the bargaining unit.

The Township also states:

“The parties have reached agreement that employees hired after this contract would receive a percentage of the full wage rate for each position during the first three years of employment, progressing from 80%, 85%, and 90% to 100%. The Employer’s position is that all current employees are at the full base rate currently.”

Positions of the parties

A. Union

The Union recognizes that in regard to general wage increases, there is agreement on a 1% wage increase during the first year (effective, January 1, 2015). The Union’s concern, however, as articulated both in its submission statement and at the Fact-Finding, is to maintain the identical percentage increase that may be achieved by the police and fire bargaining units in 2016 and 2017, as of the expiration of their respective contracts. According to its submission, the Union “understands wage rates for the entire Township have always been equal.” That is, “[t]he percentage increase has always been the same for Police, Fire and Road Department[s].”

Following that line of reasoning the Union has pointed to the fact that the Township’s police unit contract expires on December 31, 2015, and the fire unit contract expires December 31, 2016. In order for the Road/Parks unit (represented by the Union) to achieve the same wage increases as the police and fire units (i.e., to maintain “equality”) it will be necessary to reopen the Agreement in each of the final two years. Thus the Union’s proposal would enable it to negotiate for the purpose of maintaining the equality of percentage increases that has prevailed in past contracts.

B. Employer

1. Each of the Township's three bargaining units covering full-time employees expires in a different year. This is because the Employer desires to negotiate with each bargaining unit separately for a complete three year agreement, whereas the Union wishes to "ride the coat tails" of a two conciliation units [sic] for the third year of their agreement.

2. In the years 2007 to 2014, this non-conciliation unit [the Road/Parks unit] has actually received greater percentage increases than the two conciliation bargaining units.

3. From 2007 to 2014, this bargaining unit has received greater percentage increases than the SERB average for Townships during the same period of time.

4. Five out of seven of the bargaining unit employees are in the Road department which is funded mostly by special Road Department funds. These funds have needed to be supplemented by the General Fund. (The Parks Department is fully funded by the General Fund.)

5. The Township is seeking an additional Road Levy in November. The stability of labor costs for two years following the levy will go far to persuade the voters that the levy is intended for road improvements and not wage increase for public employees.

6. The Fire Department bargaining unit voluntarily agreed to a three year agreement at 1% pay increases each year.

The Township, as set forth above, disputes the assertion that wage increases in the three bargaining units (Road, Police, Fire) have "always" been the same, which is at the heart of the Union's position. The primary objection to the Union's proposal, as stated during

the Fact-Finding, is that the Union is trying to achieve the same outcome as the “conciliation” units (Police and Fire) as for the non-conciliation (Road/Parks unit) it represents.² On the other hand, the Union objects to the possibility of being locked into 1 % annual increases (the Township’s proposal), while the police and fire units wind up with larger increases.

The Employer’s presentation includes a document entitled “History of Wage Increases,” from 2007 – 2017.³ That document shows that while percentage increases for the three Township units have been identical since 2012, prior to that year the increases were widely divergent. For example, in 2007 the Roads unit received an increase of 4%, while the Police unit received 1.5%, and the fire unit received 1%. Overall, from 2007 to 2017 (including the Township’s projections, the Road/Parks unit will have received an increase of 22%; while the police and fire units will have received 17.5% and 19.6%, respectively.⁴

Other than its claim of identical percentage increases and its argument in favor of parity among the three Township bargaining units, the Union did not present facts to indicate that the Road/Parks unit is underpaid relative to comparable communities; or that the Township has an abundance of funds to justify larger pay increases. According to undisputed facts presented by the Township, while the Road Department employees (five of the seven members of the unit) are paid through earmarked funds, supplemented by the General Fund, the two Parks Department employees in the unit are paid entirely from the General Fund,

² Under R.C. 4117, safety force bargaining units that fail to reach agreement with their employer, while barred from striking, may have the disputed terms set by an outside “conciliator.” Therefore, hypothetically, the Township’s police and fire units could achieve a higher increase through conciliation, than the Road/Parks unit could achieve through bargaining and the (illusory) right to strike.

³ The years 2015, 2016, and 2017 in the document are based either on existing contracts (police and fire) or the increases for the Road/Parks unit projected in the Township proposal.

⁴ In fairness the “History of Wage Increases” document does not include increases in future contracts for the police and fire units.

which is currently running at a deficit. Moreover the Township trustees are in the process of attempting to improve the Township's infrastructure (including parks and roads) to attract more population,⁵ and needs to maintain wage stability over the next three years.

Recommendation

The facts presented above warrant a recommendation of the Township's proposal. That is, the facts established that wage increases since 2007 have not always been identical, and in fact the percentage increases for the Road bargaining unit have at times exceeded those of the other units. This fact is detrimental to the Union's contention that the increases for the three units must remain in lockstep.

In addition, the facts support the Township's contention that its proposed increases are reasonable according to the Township's financial condition, and in line with the compensation packages of comparable communities. Therefore, on the unresolved issue of wage increases, the undersigned recommends the Township proposal:

Effective January 1, 2015 – 1% wage increase

Effective January 1, 2016 – 1% wage increase

Effective January 1, 2017 – 1% wage increase

⁵ Thus a 2.5 mil Road Levy is on the November ballot referred to above.

Unresolved Issue #2

Article 29 – Wages of Parks Operator

Union Proposal

- (a) Parks Operator to enjoy the same ages as Road and Bridge employees, subject to contractual pay scale.
- (b) [Parks Operator to advance to the rate of Road employees (“full-time employees”) during the life of the new Agreement, as follows]:
 - 1st year – 80% of top rate Road Department
 - 2nd year – 85% of top rate Road Department
 - 3rd year – 90% of top rate Road Department
 - 4th year – 100% of top rate Road Department

Employer Proposal

The separate wage rate for the Parks Operator position should be maintained, which rate having been agreed upon at the time the Parks Department employees were included in the bargaining unit.

Positions of the parties

Union

1. There are two full-time employees in the Parks Department, classified as “Building and Grounds Specialist” and “Parks Operator.”
2. The work of the Building and Grounds Specialist includes operation and maintenance of heavy equipment (bobcat, backhoe, front end

loader, dump trucks and mowers), as well as carpentry, bricklaying, and snow removal.

3. The Building and Grounds Specialist receives virtually the same wage rate as the full-time Maintenance Workers in the Road Department.
4. The Parks Operator works alongside the Building and Grounds Specialist, performing the same or similar tasks “90% of the time.”
5. The Parks Operator also works on occasion with the Maintenance Workers in the Road Department, performing the same or similar tasks.

Employer

1. Springfield Township has the lowest real property values of owner occupied homes of all of the townships in Summit County. (Fourth lowest of all jurisdictions in the county).
2. The Parks Department was created by the Trustees in an attempt improve some of the infrastructure within the townships control in an attempt to draw people to the Springfield Township community – to make it a place where people want to live. If people want to live in Springfield Township, real property values go up – which will eventually increase Township revenues.

3. The drastic increase to the same rate as the Road Maintenance Worker is not appropriate since the job duties of the position are not the same.

Recommendation

The uncontradicted evidence brought out at the Fact-Finding, demonstrated that to a great extent, the work of the Parks Operator is similar and sometimes identical to that of the Building and Grounds Specialist who receives virtually identical wages as the Maintenance Worker in the Road Department. The evidence also established that the Parks Operator on occasion works with the Maintenance Workers in the Road Department, performing the same tasks. There was no evidence that the work of the Parks Operator is of a lower quality, or that he was incompetent in performing the same or similar tasks of employees in the higher paid classifications.

At the same time, however, the Township has demonstrated that when the Parks Department employees were added to the existing bargaining unit, it was understood by the parties that the Parks Operator classification was intended as an entry level position, and would remain at a lower pay scale than the Building and Grounds Specialist and Road Maintenance Workers. That is, if the intention was to pay both Parks Department employees the same rate, it would not make sense to have two separate classifications.

The Township rationale makes sense except for the fact that the current Parks Operator is regularly performing work tasks that command a significantly higher wage rate when performed by employees in the other bargaining unit classifications. In balancing these

competing considerations, the undersigned recommends an approach that takes into account the work actually being performed by the current Parks operator, while also recognizing the parties' bargaining history, and the purpose of establishing the Parks Operator classification as a lower-rated, entry level position:

1. Along with all other bargaining unit employees, the current rate for the position of Parks Operator shall be increased by 1% as of January 1, 2015; January 1, 2016, and January 1, 2017.
2. In addition to the 1% increases in the base rate for the classification, the current incumbent in the Parks Operator position shall receive the following wage increases:

Effective January 1, 2015 - \$.25/hour

Effective January 1, 2016 - \$.25/hour

Effective January 1, 2017 - \$.25/hour

Effective July 1, 2017 - \$.25/hour

The aforesaid hourly wage increases shall not be added to the base rate of the classification.

All of the aforesaid recommendations are included in a full statement of Article 29, attached hereto as "Exhibit A."

IV. TENTATIVE AGREEMENTS

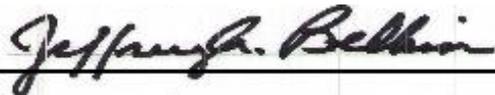
Recommendation

The parties' have reached tentative agreements on the following articles to be included in a successor agreement, each of which are hereby recommended:

Preamble/Purpose

Article 9, Grievance
Article 15, Layoff and Call Back
Article 19, Probationary Period
Article 20, Seniority
Article 25, Longevity
Article 33, Out Of Classification Work
New Article 37, Commercial Driver's License
Article 38, Duration
Delection of Letter of Understanding Hospitalization/Life Insurance
Delection of Letter of Understanding One-Time Cdl bonus

Respectfully submitted,



Fact-Finder

Shaker Heights, Ohio
August 31, 2015

APPENDIX A

**ARTICLE 29
WAGES**

Section 1. Effective January 1, ~~2012~~, **2015**, the following pay schedules shall be in effect. The pay increases are effective January 1 of each year and are to increase each step annually as outlined in this article on the first pay period of the calendar year.

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
<u>Road Department</u>	1.0%	1%	1%	1%
Foreman	\$23.97	\$24.21	\$24.45	\$24.69
Maintenance Worker	\$22.34	\$22.56	\$22.79	\$23.02
<u>Parks Department</u>				
Building and Grounds Specialist	\$22.17	\$22.39	\$22.61	\$22.84
Parks Operator	\$17.00	\$17.17	\$17.34	\$17.51
Parks Laborer	\$13.00	\$13.00	\$13.00	\$13.00

Section 2. Any bargaining unit member with current, valid ASE certification shall be paid two dollars (\$2.00) per hour more than the above pay rates for all hours authorized to work by the Department Head as a mechanic on Township vehicles or other mechanical equipment.

Section 3. *Newly hired bargaining unit employees shall progress in wage rates as set forth below, based upon a percentage of the base rate for the classification. At the discretion of the Employer, an applicant for employment may be hired at a rate higher than 80% of the base rate.*

<i>1st Year</i>	<i>2nd Year</i>	<i>3rd year</i>	<i>4th Year</i>
80%	85%	90%	100%

Section 4. *In addition to the wage rates for the Parks Operator classification set forth in Section 1, above, the current incumbent in that classification shall receive the following increases:*

- January 1, 2015 - \$.25/hr.*
- January 1, 2016 - \$.25/hr.*
- January 1, 2017 - \$.25/hr.*
- July 1, 2017 - \$.25/hr.*