

STATE-EMPLOYMENT  
RELATIONS BOARD  
Mar 1 10 32 AM '95

IN THE MATTER OF FACT-FINDING PROCEEDINGS  
BETWEEN

TEAMSTERS LOCAL 293	)	CASE NO. 95-MED-12-1094
	)	
AND	)	
	)	<u>FINDING AND RECOMMENDATION</u>
	)	
BOARD OF COUNTY COMMISSIONERS,	)	
CUYAHOGA COUNTY NURSING HOME	)	

JAMES M. MANCINI, FACT-FINDER

APPEARANCES:

FOR THE EMPLOYER

Gerard Vancavage

FOR THE UNION

John E. Gerard  
Charles R. Smith  
Joseph M. D'Angelo

3 percent increase for each year of the agreement. This would be in line with what other public sector employees have received in the way of wage increases.

The Employer acknowledges that some of the wages for bargaining unit members here may be low but the nursing home industry in general has lower wages. Moreover, the county employees here are entitled to fully paid health insurance and a pension benefit. For employees who participate in a HMO Health Care Plan, the County pays the entire premium. The County also contributes 13.9 percent towards the employee's retirement plan. Thus considering the additional benefits to which the employees are entitled, the Employer argues that its 3 percent wage increase for each year of the agreement is more than reasonable.

The Employer points out that all county employees took a wage freeze last year due to the S.A.F.E. investment problems. The Employer is concerned about any additional costs which would be incurred if pay increases beyond 3 percent are granted to this bargaining unit. The County estimates that the additional cost of its 3 percent pay increase would be about \$79,000 in the first year of the agreement. The County wishes to hold the line on wage increases for all county employees to 3 percent per year.



S U B M I S S I O N

This matter concerns fact-finding proceedings between the Board of County Commissioners, Cuyahoga County Nursing Home (hereinafter referred to as the Employer) and Teamsters Local 293 (hereinafter referred to as the Union). The State Employment Relations Board (SERB) duly appointed James M. Mancini as fact-finder in this matter. A fact-finding hearing was held on March 21, 1996 in Cleveland, Ohio.

These fact-finding proceedings were conducted pursuant to the Ohio Collective Bargaining Law as well as the rules and regulations of SERB. During the fact-finding proceeding, this fact-finder attempted mediation of the issue at impasse but without success. The sole issue for this fact-finder's consideration is Wages.

This fact-finder in rendering the following findings of fact and recommendation on the issue at impasse, has taken into consideration the criteria set forth in Ohio Revised Code Section 4117-14(G)(6)(7). Further, this fact-finder has taken into consideration all reliable evidence presented relevant to the outstanding issue before him.

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ANALYSIS - This fact-finder upon careful review of the evidence as well as the arguments presented by the parties has decided to recommend that there should be 3 percent wage increases granted to Licensed Practical Nurses and Maintenance Workers for the first year of the agreement. With respect to all other job classifications, it is reasonable to provide for 50 cents per hour wage increases in the first year of the agreement. For the second and third year of the agreement, this fact-finder would recommend wage reopeners.

This fact-finder has determined that the recommended wage increase of 50 cents per hour for job classifications other than Licensed Practical Nurses and Maintenance Workers is justified here in order to bring the wages for these positions more into line with comparable jobs in the county. For example, the Nursing Assistant position currently has a wage rate of \$6.65 per hour. There are approximately seventy-five Nursing Assistants at the home. The evidence showed that Home Health Aides who are also employed by the County's Department of Senior Adult Services have a starting wage of approximately \$9.40 per hour. The Home Health Aides receive the same basic training and perform the same kind of personal care duties as the Nurses Aides at the county nursing home. It is apparent that the Nursing

Assistants are considerably under-paid in comparison to the Home Health Aides. As a result, it would be reasonable to provide for a 50 cents per hour increase in order to bring the Nursing Assistants' wages more into line with the comparable wages of a Home Health Aide. Although this will obviously exceed the 3 percent wage increase proposed by the Employer, it is apparent that the 50 cents per hour increase is warranted for Nursing Assistants.

Likewise, the evidence demonstrates that other bargaining unit employees are currently being paid at a rate which is substantially below that paid to comparable workers both within and outside the county. Another example of relative low wages which was cited by the Union is that of Custodial Workers whose current wage rate is \$6.60 per hour. The evidence showed that Custodial Workers employed by the county at its other facilities such as at the Justice Center currently receive approximately \$10.50 per hour. It was undisputed that Custodial Workers both at the county nursing home as well as at these other facilities perform basically the same duties. Thus it is evident that Custodial Workers in the bargaining unit here are paid well below that of other comparably situated county employees. As such, it is reasonable to increase their wage rate by 50 cents

per hour in order to bring their pay more into line with the wages of other comparably situated county employees.

With respect to Licensed Practical Nurses, this fact-finder has determined that it would be reasonable to provide a 3 percent wage increase in the first year of the agreement for them. Their current starting rate is \$11.45 per hour. Thus with a 3 percent wage increase, the starting rate will increase by approximately 34 cents per hour. There was no showing made that Licensed Practical Nurses at the county nursing home are being under-paid in comparison to other LPN's both within and outside the county. Thus the 3 percent wage increase proposed by the county would appear to be reasonable for the Licensed Practical Nurses. It would be in line with wage increases which the County will be offering during 1996 to other employees. The 3 percent wage increase is also in line with the kind of wage increases being provided to other public sector employees.

This fact-finder would also recommend a 3 percent wage increase for Maintenance Workers. Their current starting wage rate is \$7.30 per hour. However, the parties have agreed to adjust the rates for the Maintenance Workers classification by \$1.00 per hour. Considering this factor, it would be reasonable to provide Maintenance Workers with a general increase of

3 percent in the first year of the agreement. This again would be in line with the 3 percent wage increases which the County is proposing for its other employees for 1996.

This fact-finder has also based his recommendation herein on several other important factors. As discussed previously, the county nursing home employees agreed to accept a wage freeze for the past calendar year 1995. Although other county employees also agreed to accept a wage freeze for this past year, it is apparent that such a wage freeze had a much greater impact on this unit considering their relatively low wages. Moreover, it is important for the Employer to recognize that the Union fully cooperated with efforts to reduce costs at the county nursing home. As a result of the mutual efforts of the parties, the County's subsidy for the nursing home has been considerably reduced. The evidence showed that the current subsidy which the County provides out of its General Fund for the nursing home is approximately \$700,000. Without question, the Union cooperated fully in reducing the nursing home's budget by 15 percent during the past year in order to help the County in reducing its subsidy. Thus considering the Union's cooperation here in reducing overall costs for the nursing home, it again appears more than reasonable to provide 50 cents per hour wage

increases for those employees whose current starting rate is well below that which is paid to other comparably situated county employees. Again, this fact-finder would recommend 50 cents per hour increases in the first year of the agreement for employees in all bargaining unit classifications except Licensed Practical Nurses and Maintenance Workers.

This fact-finder further recommends that there be wage reopeners for the second and third years of the agreement. Wage reopeners to be effective in February, 1997 and 1998 will allow the parties the opportunity to negotiate over wages based upon the economic conditions which exist at that time. Because of possible difficulties facing the nursing home, this fact-finder has determined that it would be inappropriate to make any recommendation regarding second and third year wages. Moreover, the wage reopeners recommended herein will allow the parties the opportunity to further review the question of pay inequities which was raised in this case. There appears to be an interest on the part of both parties to address that issue in the future. Thus wage reopeners for the second and third years would permit the parties to more properly evaluate their respective positions at that time. Under all of the circumstances presented, this fact-finder therefore recommends wage reopeners for the second and third years of the agreement.

RECOMMENDATION

It is the recommendation of this fact-finder that the following Wage Provision be included in the parties' bargaining agreement:

WAGES

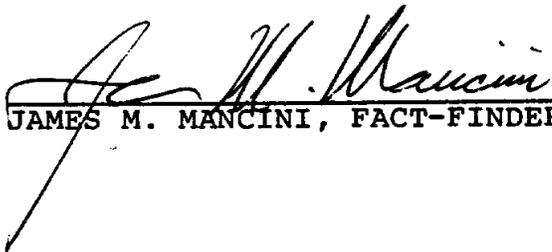
Effective February 8, 1996, there shall be a 3 percent (3%) wage increase granted to Licensed Practical Nurses and Maintenance Workers. Hourly wage rates for all other classifications shall be increased by 50 cents (50¢) per hour effective February 8, 1996.

For the second year of the agreement, there shall be a reopener on wages to be effective on February 8, 1997.

For the third year of the agreement, there shall be a reopener on wages to be effective on February 8, 1998.

C O N C L U S I O N

In conclusion, this fact-finder hereby submits the above referred to recommendation on the outstanding issue presented to him for his consideration.

 3-29-96  
JAMES M. MANCINI, FACT-FINDER