

STATE OF OHIO
EMPLOYMENT RELATIONS BOARD

JUL 27 1999

STATE OF OHIO STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF FACT-FINDING BETWEEN:

CITY OF CLEVELAND

and

**TEAMSTERS LOCAL UNION NO. 244 (SEASONAL DRIVERS)
CASE NO: 98-MED-02-0079**

**FACT FINDING REPORT OF
THOMAS R. SKULINA, FACT-FINDER**

HEARING

A mediation hearing was held on July 26, 1999. The final proposals were rejected by the Union on August 27, 1999.

A fact-finding hearing was held on November 18, 1999.

The final submission of evidence from the Union was received on January 10, 2000.

The City's advocate is Craig Brown, Esquire of Duvin, Cahn & Hutton. The Union was represented by Jarrell Williams, President, Business Agent.

ISSUES

There were six issues that went to fact-finding.

PRELIMINARY REMARKS

There was an earlier fact-finding report for the full time truck drivers of the same Teamster Union Local 244 (98-MED-02-0080).

The parties had no objections to the incorporation of the findings relative to the financial condition of the City, and a discussion of parity. This incorporation does not mean the parties agree with these findings, but merely avoid the need to repeat this in this report. Furthermore, the parties elected not to reintroduce the same evidence that was used in the earlier report.

SEASONAL WORKERS

The bargaining unit is a "seasonal worker" group. This equates to part time as opposed to full time employment. There are other employees in the City that also are part time.

Though an occasional part time worker may get enough hours as a full time employee, until that worker gets appointed to the full time job, it is still a part time job.

Vacancies for full time truck drivers are filled from the seasonal worker unit.

The Collective Bargaining Agreement (CBA) is negotiated separately for this unit and traditionally the pay and benefits are different from that of the full time unit.

1. PLUS ADJUSTMENTS

The Union seeks to equalize plus adjustments with that of the full time employees represented by Teamsters Local 244.

Through collective bargaining, plus adjustments for driving a tractor shall be \$.75 per hour.

Left unresolved was the request for plus adjustments for driving a Tanker, Stage Truck, Stage Raker, Side O Matic and most Vac Alls.

Of these various trucks, a straight CDL is all that's necessary for the Side O Matic and Vac All.

Class A, with additional licenses such as an "N" for a tanker is required.

Though some members of this unit have the training and license from their past to operate the vehicles where the D.O.T. requires more training, they do not ordinarily operate these trucks for the city.

The persons that do are Local 244 people that perform this work on a full time basis.

The city argues, therefore, that for that reason plus adjustments were made but should not be made for an individual who so rarely drives these vehicles that it can be considered training.

After hearing the testimony, the use of these seasonal drivers to drive these vehicles is at a minimum.

Though bargaining, the Union got a plus adjustment for a tractor.

This contract is at the latest stage of the City's many agreements. This is the year 2000 and the effective date goes back to April 1, 1998. Thus, this three year contract is soon to enter the bargaining process.

Thus, economic enhancements at this late date should await bargaining rather than the use of the fact finding process.

The hearing bore out the fact that these specialty vehicles are rarely driven by this unit.

There is, however, one combination vehicle that is driven by seasonal workers. That is a vac-all that is a leaf vacuum machine. This machine, according to a Union witness, requires a Class A license.

Leaf pick up does appear to be a seasonal task.

RECOMMENDATION

A plus adjustment of \$1.00 per hour for operating a Vac All to pick up leaves.

2. UNIFORMS

Seasonal workers are not required to wear uniforms.

They do not, at the present, get allowances for a uniform, and until they are required to wear one, I can not recommend the City be charged to provide same.

RECOMMENDATION

No change with respect to uniform allowances.

3. HEALTH CARE BENEFITS

Many seasonal workers work most of the year.

In an exhibit introduced by the Union, at least fifty individuals worked in the winter and the summer. But for a two week lay off, they worked approximately two thousand hours.

Part time workers in Cleveland never got health care.

This would require a large expenditure and would lead to benefits for employees employed elsewhere in the City.

Fact finding can not make the stretch to this very expensive benefit.

RECOMMENDATION

There shall be no change with respect to health benefits.

4. SENIORITY

Seasonal employees often are hired on the same day. To grant seniority on the basis of the time of a doctor's examination allows for tampering with a fair random seniority system.

The City does not have a computer program to make random selections.

Birthdays can be unfair to the persons born in December.

The last four digits in an employees social security number is certainly random.

To make it even more random, on even years, the highest numbers shall be first. In odd numbered years, the lowest numbers shall be first.

RECOMMENDATION

Seniority for employees hired on the same day shall start with the highest number for the last four digits of the person's social security number in odd numbered years.

In even numbered year, the lowest numbers shall be first.

5. CIVIL SERVICE REGULATIONS

There was discussion to change the Civil Service status of seasonal employees.

The parties do not have the authority to establish Civil Service Rules or orders.

RECOMMENDATION

The Civil Service Rules shall not be changed.

6. HIRING MAXIMUM

There was a concern on the part of the Union that the City would elect to hire seasonal workers rather than re-stock the list of full time workers.

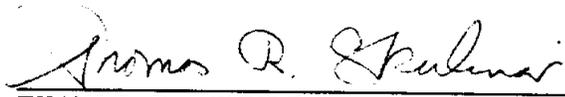
In the past, the City made assurances that it did not intend to do this through a Letter of Understanding.

Such a document is beyond the recommendation authority of a fact finder.

The evidence did not show a pattern of squeezing out full time workers in favor of seasonal workers.

RECOMMENDATION

There will be no change in the number of full time truck drivers the City shall hire.



THOMAS R. SKULINA
Fact-Finder

DATED: JANUARY 27, 2000