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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF FACT-FINDING)	BEFORE FACT FINDER:
)	JAMES E. RIMMEL
AFSCME, OHIO COUNCIL 8)	
LOCAL 3808)	CASE NO.: 98-MED-04-0442
)	FILE: 98007 209
And)	
)	HEARD: 23 FEBRUARY 1999
TRUMBULL COUNTY CHILD SUPPORT)	WARREN, OHIO
ENFORCEMENT AGENCY)	
)	REPORT ISSUED: 8 MARCH 1999

APPEARANCES

On Behalf of AFSCME:

Jaladah Aslam
Staff Representative

On Behalf of the Agency

Sandra Harwood, Attorney

BACKGROUND

This matter comes on for fact finding after impasse in negotiations over a successive collective bargaining agreement between AFSCME, Ohio Council 8, Local 3808 (AFSCME) and Trumbull County Child Support Enforcement Agency (Agency). This impasse followed eleven (11) negotiating sessions wherein a number of issues were resolved, either at the table or via mediation. In any event, two (2) issues were presented to me for recommendation in accord with the Ohio Administrative Code and controlling statute, Ohio Revised Code Section 4117. The unresolved issues at fact finding

were: Wages and Longevity Pay.

At hearing,¹ both parties were provided the opportunity to address unresolved issues, with both availing themselves in argument, written documentation and testimony of these opportunities. As for that proffered, such was considered in conjunction with that mandated by code and rule for consideration by a fact-finder and provided its appropriate weight, the detail of those arguments and evidence, however, are not reflected in this report in keeping with SERB administrative mandate. I would iterate, however, that all issues and related arguments/evidence were considered in arriving in that which follows.

WAGES

RECOMMENDATIONS:

EFFECTIVE 1 AUGUST 1998, INCREASE EXISTING BARGAINING UNIT WAGE CLASSIFICATIONS BY THREE AND ONE HALF (3 ½%) PERCENT.

EFFECTIVE 1 AUGUST 1999, INCREASE EXISTING BARGAINING UNIT WAGE CLASSIFICATIONS BY THREE (3%) PERCENT.

EFFECTIVE 1 AUGUST 2000, INCREASE EXISTING BARGAINING UNIT WAGE CLASSIFICATIONS BY THREE AND ONE-HALF (3 ½%) PERCENT.

RATIONALE:

On balance and in consideration of all comparative data proffered, including current relevant comparable Agencies, CPI experience and County COLA adjustments, that recommended is realistic and fair. This is especially so given the financial position of record which is suspect as to its long-term viability to support these increases. I would hasten to add, however, that the action of the Commissioners to roll back the County sales tax by .25%, in and of itself, was not weighed heavily

in arriving at the afore-recommendations. That business/political decision simply cannot serve as a sole basis for arguing an inability to pay. In any event, I would iterate that the record before me suffices to establish the soundness of the afore recommendations, especially in light of wage adjustments being granted elsewhere in this State. As for the claimed impact of "SETS" procedure upon bargaining unit positions, proffered testimony simply did not show that associated changes would be unit wide or represent anything other than "more of the same." In any event, the parties' Agreement appears to provide the vehicle through which the Union may challenge the "pay or classification assignment" of "new" positions.

LONGEVITY PAY

RECOMMENDATION:

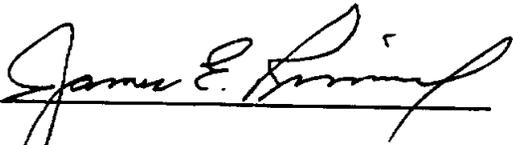
AT THE POINT IN TIME DURING THE TERM OF THE PARTIES' 1998/2000 AGREEMENT THAT A SIMPLE MAJORITY OF BARGAINING UNITS (NOT BARGAINING MEMBERS) HAVE THEIR LONGEVITY BENEFIT INCREASED BEYOND THE PRESENT \$2.00 LEVEL, THAT BENEFIT FOR THIS UNIT WILL BE INCREASED BY THE AVERAGE INCREASE NEGOTIATED IN THE OTHER UNITS RECEIVING INCREASES.

RATIONALE:

Stated simply, the most controlling piece of evidence before me is that of the current eleven (11) bargaining units whom the Commissioners pass upon, nine (9) have a longevity schedule of \$2.00 per year commencing with the fifth year. There is, in addition, two (2) other newly organized

units who presently have no such benefit. As for the Mahoning County CSEA, the evidence proffered by both sides concerning that agency simply was lacking, and materially so, as to know whether that comparison is relevant or not.

Respectfully Submitted,

By 

JAMES E. RIMMEL
FACT FINDER

ENDNOTE

1. At the outset of the hearing, the Agency raised the issue of whether I could rightly entertain any evidence-in-chief from AFSCME in light of AFSCME's claimed failure to tender an appropriate pre-hearing statement in accord with OAC Section 4117-9-05. In light of the recommendations proffered in this report, I need not resolve the correctness of the Agency's Motion.