

BACKGROUND

The undersigned was appointed by the State Employment Relations Board as the Fact Finder in the impasse between Mahoning County Child Support Enforcement Agency (hereinafter referred to as the "County") and AFSCME, Ohio Council 8, Local 3577 (hereinafter referred to as "AFSCME" or the "Union").

The fact finding proceedings were conducted pursuant to the Ohio Collective Bargaining Law, and the rules and regulations of the State Employment Relations Board, as amended. The County and the Union previously engaged in the collective bargaining process for a period of time prior to the appointment of a fact finder and additional negotiations were conducted by the parties subsequent to the appointment of the fact finder. During their negotiations, the parties were able to resolve all but the issues listed below. The issues resolved by the parties are therefore incorporated in this fact finding report. In advance of the hearing scheduled in this matter, the Fact Finder received a list of issues from the parties which remained outstanding and in dispute as follows:

1. Article XVI - Hours of Work
2. Article XXXIX - Wages

Prior to the fact finding proceedings, which were conducted on July 2, 1999 at the administrative offices of the Child Support Enforcement Agency located in Youngstown, Ohio, the fact finder offered to attempt mediation of any unresolved issues, but the parties declined at that time. The County was represented by Mr. J. Kevin Sellards, Human Resources Director and the Union was represented by Ms. Jaladah Aslam, Staff Representative. The parties were afforded full opportunity to present testimony and evidence, to cross-examine the witnesses, and to make arguments in support of their respective positions and presentations. At the conclusion of the hearing the record in this case was closed.

FINDINGS AND RECOMMENDATIONS

After consideration and a thorough review of the financial information and documentation supplied by the parties, as well as their presentations and positions, the Fact Finder makes the following recommendations:

ARTICLE XVI - Hours of Work

The County has proposed that the workweek for the unit employees be increased from 38.75 hours to 40 hours inclusive of a 30 minute unpaid lunch break to be consistent with all other units in the County. The Union wishes to retain the current contract language whereby the employees "have a work day of eight (8) hours and thirty (30) minutes, beginning at 8:00 a.m. and ending at 4:30 p.m., inclusive of a 45 minute lunch period" of which 15 minutes is paid.

Recommendation

Based upon the record in this case, it is recommended that the lunch break remain at 45 minutes and that 30 minutes of the lunch period be paid in order to constitute an eight (8) hour work day or a 40 hour work week. The County did not appear to be so concerned about the length of the lunch period. The concern was more directed to making the length of the paid work day or paid workweek uniform. This recommendation would satisfy that concern as well as retaining the 45 minute lunch period for the employees which they had obtained in prior negotiations.

ARTICLE XXXIX - Wages

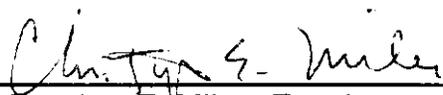
The Union has proposed a wage increase of 7% for the first year of the Agreement to be effective January 1, 1999 and an increase of 6% for the second year to be effective January 1, 2000. The County has offered a wage increase of 3% for each of the two years.

Recommendation

In view of the recommended change in the Hours of Works in Article XVI, which increases the paid lunch period by 15 minutes, as noted above, it is my recommendation that the County's proposed increase of 3% per year be adopted. This recommendation takes into consideration that the cost of living increase for northeast Ohio has not been more than two percent (2%) in recent years and that the employees have also received an additional one-half percent (½%) longevity pay.

CONCLUSION

In conclusion, the Fact Finder submits the Findings and Recommendations as set forth herein.



Christopher E. Miles, Esquire
Fact Finder

July 9, 1999
Washington, Pennsylvania

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

IN THE MATTER OF THE FACTFINDING)

BETWEEN)

**MAHONING COUNTY CHILD SUPPORT
ENFORCEMENT AGENCY**)

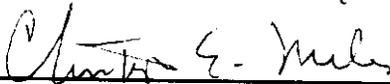
AND)

**AFSCME, OHIO COUNCIL 8,
LOCAL 3577**)

SERB NO. 98-MED-10-0876

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Findings and Recommendations was sent by first class mail to Mr. J. Kevin Sellards, Mahoning County Human Resources Director, 120 Market Street, Youngstown, Ohio 44503 and to Ms. Jaladah Aslam, Staff Representative, AFSCME, Ohio Council 8, Local 3577, 150 South Four Mile Run Road, Youngstown, Ohio 44515, the representatives for the parties in the above referenced case, on the date set forth below.



Christopher E. Miles, Esquire
Fact Finder

Date: July 9, 1999