

**STATUTORY IMPASSE PROCEEDING UNDER THE
AUSPICES OF THE STATE EMPLOYMENT RELATIONS BOARD**

**IN THE IMPASSE BETWEEN
JACKSON TOWNSHIP BOARD OF TRUSTEES**

-AND-

**UTILITY WORKERS UNION OF AMERICA,
LOCAL UNION 583**

SERB CASE NO.: 99-MED-⁰³~~02~~-0137

**FACT-FINDER'S OPINION AND AWARD
FACT-FINDER: DAVID M. PINCUS**

APPEARANCES

For the Employer

Robert J. Tscholl, Esq.

Advocate

For the Union

Donald P. Opatka

Region III Director

Background of Fact-Finding

The bargaining unit consists of individuals working in a variety of departments. They perform duties and responsibilities in the following job classification: General Clerk, Clerk/Secretary, and Executive Secretary. This group of individuals is represented by the Utility Workers Union of America, Local Union 583, hereinafter referred to as the Union. The Union and the Jackson Township Board of Trustees, hereinafter referred to as the Employer, have engaged in negotiation efforts in accordance with specified procedures in Ohio Revised Code Chapter 4117.

In accordance with Ohio Revised Code Section 4117.14(C)(3), the parties selected this Fact-Finder to make recommendations as to all unresolved issues at impasse. The Fact-Finder was appointed on May 28, 1999. Several mediation

sessions were held with the parties in an attempt to resolve several disputed issues. The meetings took place on August 27, 1999 and January 24, 2000.

The parties' and the Fact-Finder's mediation efforts proved fruitful. One issue remains at impasse; it dealt with a compensation schedule for members of the bargaining unit. All other issues have been tentatively agreed to, and are recommended for inclusion in any subsequent agreement ratified by the parties.

The disputed matter was reviewed by the Fact-Finder by employing criteria specified in Ohio Revised Code Section 4117.14(C)(4)(e), Section 4117.14(G)(7) and Section 4117.14(G)(7)(a)-(f). These guidelines include in pertinent part:

1. Past collectively bargained agreements, if any, between the parties.
2. Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those uses related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
3. The interests and welfare to 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;
4. The lawful authority of the public employer;
5. The stipulations of these parties;
6. Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective

bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment.

Each of the above-mentioned factors were considered and given appropriate weight when deemed relevant by the Fact-Finder.

The following reflects the evidence and testimony presented by the parties, and the application of the guidelines previously described. The subsequent portions of this report shall summarize each parties' arguments and evidence pertaining to the issue in impasse; followed by the Fact-Finders finding and recommendation.

The Union's Position

The Union proposes that the wage schedule and rates tentatively agreed to by the parties in September of 1999 reflects a fair and reasonable wage, and should be easily accepted by the Employer. The covered classifications are presently being paid a wage far below like employees in similar job classifications. The wage proposal offered by the Employer is totally inappropriate for another reason. It proposes various rates for those performing work in the same classification. Employees performing similar work must be compensated at an equal rate of pay. Any other rate structure would be totally inequitable and unsupported by the comparables.

The Employer's Position

The Employer proposes a wage structure that it deems to be fair and equitable. Recognizing the limitations of the present structure, the Employer argues its most recent offer be adopted with a proviso. The classifications in question would be jointly evaluated by the parties within six (6) months. If the parties fail to agree on the disputed rates, the matter would be submitted to binding arbitration.

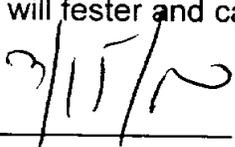
THE FACT-FINDER'S FINDINGS AND RECOMMENDATION

From the evidence and testimony introduced at the hearing, and a complete and thorough review of the record, it is this Fact-Finder's opinion that the most recent proposal offered by the Employer should be accepted by the parties. This recommendation, moreover, recommends the acceptance of the Employer's proposal including the proviso dealing with evaluation and binding arbitration if the disputed matters can not be mutually resolved.

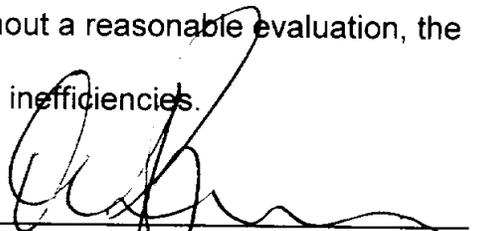
The parties do agree on one important matter. The present wage administration practices are in shambles. Through no fault of anyone in particular, the hiring practices and related wage have been haphazard without any structured or rational approach. People have been hired into classifications at different rates of pay. Other bargaining unit members, within the same job classification, are performing significantly different work requiring greater expertise, but getting paid the same wage rate.

This previously discussed approach might have been bearable, but unwise in the past. With the onset of collective bargaining, many of the past ills have surfaced. Some inequities have led to friction within the bargaining unit as individuals question the equities of the present system.

The Fact-Finder's recommendation serves the parties' joint interests. It provides them with an ample opportunity to review the present situation and devise a rational basis for their wage administration system. Without a reasonable evaluation, the present problems will fester and cause needless inefficiencies.



March 15, 2000
Moreland Hills, Ohio



Dr. David M. Pincus
Fact-Finder