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STATE EMPLOYMENT  
RELATIONS BOARD

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FACTFINDING REPORT

STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD

May 10, 2000

In the Matter of:

Cuyahoga County Board of Commissioners )  
Child Support Enforcement Agency )  
and )  
Truck Drivers Union Local 407 )

Case No. 99-MED-04-0454

APPEARANCES

For the Employer:

Egdilio Morales, Chief Negotiator  
Marty O'Donnell, Deputy Director  
James L. Viviani, Management Services Manager  
Mark Jonson, Research Coordinator

For the Union:

Susan Jansen, Attorney for Local 407  
Timothy L. Robertson, Secretary-Treasurer, Local 407  
Bob Wenger, Retired, Local 407  
Janett S. Cabrere, Bargaining Team

Factfinder:

Nels E. Nelson

## BACKGROUND

The instant dispute involves the Child Support Enforcement Agency of the Board of Cuyahoga County Commissioners and Truck Drivers Union Local 407. The agency was formed in 1987 by combining child support collection units in the Prosecutor's Office, the Department of Human Services, and the Domestic Relations and Juvenile Courts. On May 25, 1994, Local 407 became the representative of the approximately 265 employees in the agency.

The collective bargaining agreement between the parties expired on December 31, 1999. A tentative agreement on a successor agreement was reached but it was rejected by the union membership. The parties contacted the Factfinder on February 14, 2000, and a hearing was held on March 29, 2000. When efforts to resolve the dispute through mediation failed, this report was prepared.

The recommendations of the Factfinder are based upon the criteria set forth in Section 4117-9-05(k) of the Ohio Administrative Rules. They are:

- (a) Past collectively bargained agreements, if any, between the parties;
- (b) Comparison of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (c) The interest and welfare of the public, and 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;
- (d) The lawful authority of the public employer;
- (e) The stipulations of the parties;
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agreed upon dispute procedures in the public service or in private employment.

## ISSUE

The sole issue before the Factfinder is Article 35 - Wages. The Factfinder will summarize the positions of the parties, present a brief discussion of the issue, and offer his recommendations.

Union Position - The union argues that its demands ought to be recommended. First, it seeks 4% wage increases effective the first day of the first pay period of January 2000, 2001, and 2002. Second, it proposes that effective January 1, 2001, the wage rates of employees in the Mail Clerk/Messenger, Clerk, and Storekeeper classifications be raised to \$9.25. Third, union seeks to have the wage rate of employees in the Information Processor 1 and Information Processor 2 increased to \$10.00 effective with the first day of the first pay period in January 2002. Fourth, it demands that effective with the first pay period of January 2000, 2001, 2002 the starting rate of pay be raised by 3% for all job classifications in pay ranges 1 through 4 and by 2% for all other pay ranges. The union contends that the wages of employees are very low. It stated that in some cases the earnings of employees fall short of what it costs them to live. The union presented the following wage data in support of its claim:

<u>Classification</u>	<u>Average Wage</u>	<u>No. of Employees</u>
Clerk 1	\$8.87	9
Mail Clerk/Mess.	7.98	1
Storekeeper	7.98	1
Data Processor 2	10.47	18
Payments Proc. 1	10.47	14
Word Proc. Spec	9.82	3
Data Processor 3	12.17	5
Support Officer 1	12.36	114
Support Officer 2	13.60	48

The union maintains that employees are paid less than child support enforcement agencies in comparable counties. It furnished data on the minimum and maximum wage rates for five classifications in Franklin County, 11 classifications in Hamilton County, and 12 classifications in Montgomery County. The union notes the following wage rate comparisons:

<u>Classification</u>	<u>Cuyahoga Min/Max</u>	<u>Franklin Min/Max</u>	<u>Hamilton Min/Max</u>	<u>Montgomery Min/Max</u>
Data Proc. 2	\$8.93/10.50	NA	\$9.24/11.81	\$10.92/12.51
Payment Proc. 1	8.93/10.50	8.80/9.54	NA	NA
Support Officer 1	11.99/14.10	10.62/12.13	9.24/11.82	NA
Support Officer 2	13.01/15.30	NA	9.73/12.44	12.34/14.92

The union objects to the county's proposal to red-circle some employees. It indicates that it would result in the wages of 39 employees being frozen. The union contends that this would create morale problems as well as turnover.

County Position - The county argues that its proposal ought to be adopted. First, it offers 3% wage increases effective with the first pay period of 2000, 2001, and 2002. Second, the county suggests a bonus of \$250 for Support Officers and \$150 for all others to be paid upon ratification. Third, it seeks to red circle employees who are paid more than the maximum rate for their classification and offers them lump sum payments of 3% in 2000, 3% plus \$500 in 2001, and 3% plus \$750 in 2002. Fourth, the county offers to increase the wages for Mail Clerk/Messenger, Clerk, and Storekeeper classifications to \$9.25 in 2001 and to increase Information Processors to \$10.00 in 2002.

The county maintains that its wage offer is supported by comparisons to other counties. It supplies the following starting wage rates for 2000 for the Support Officer 1 classification or its equivalent:

<u>County</u>	<u>Job Title</u>	<u>Hourly Rate</u>
Franklin	Support Officer	\$11.31
Hamilton	Income Mainten. Wrkr	11.97
Lucas	Income Mainten. Wrkr 2	11.40
Mahoning	Support Specialist	10.85
Montgomery	Human Services Spec.	13.27
Summit	Senior Child Supp. Spec.	9.28
County Proposal	Support Officer 1	12.10

The county offers the following comparisons of maximum rates for Support Officer 2:

<u>County</u>	<u>Job Title</u>	<u>Hourly Rate</u>
Franklin	Support Officer	\$13.82
Hamilton	Income Mainten. Wrkr 3	14.25
Lucas	Income Mainten. Wrkr 2	13.47
Mahoning	Support Specialist	14.95
Montgomery	Human Services Spec.	16.12
Summit	Senior Child Supp. Spec.	10.69
County Proposal	Support Officer 2	16.98

The county claims that its offer is consistent with the wage increases received by other county bargaining units. It points out that in 2000 10 units received wage increases of 3%; Firemens & Oilers Local 32 got an increase of 3.32%; and AFSCME Local 3637

(Public Defender's Office) got an increase of 19.90%. The county notes that in 2001 eleven units got 3% increases and SEIU Local 47 (custodians and window washers) got a 3.27% increase. It reports that in 2002 six units got 3% increases and two units got slightly more and two got slightly less.

The county stresses that employees have received large wage increases in the past. It states that wages have increased as follows:

<u>Year</u>	<u>Ave. Wage Increase</u>
1994	5%
1995	0%
1996	6%
1997	3%
1998	8.78%
1999	4.45% (Includes Merit Bonus)

The county contends that the bonus that it proposes compares favorably with the bonuses granted to other bargaining unit. It observes that four of the 12 bargaining units got bonuses. The county reports that for the four units that received bonuses that they ranged from \$150 to \$250 with an average of \$185. It notes that a majority of the employees are Support Officers so they will receive \$250 bonuses.

The county argues that the small rise in the consumer price index supports its position. It indicates that between 1990 and 1999 the annual increase in the CPI for the Akron, Cleveland, and Lorain ranged from 1.26% to 4.18%. The county emphasizes that the average annual increase was only 2.48% -- less than the average increase in wages.

The county maintains that it is necessary to red-circle employees who are making more than the maximum wage for their classification. It acknowledges that freezing the

base wage could impact morale but asserts that it would be destructive of internal equity to have one employee earn 30% more than an employee in the same classification.

Analysis - The parties are in agreement on several significant changes regarding wages. They have agreed as follows:

- The wages of all employees who are in the Mail Clerk/Messenger, Clerk, and Storekeeper classifications at the time of the ratification of the agreement shall be increased to \$9.25 effective the first pay period of 2001.
- The Data Processor 2, Payment Processor 1, and Word Processor Specialist 1 classifications shall be combined in the new Information Processor 1 and the Data Processor 3, Payment Processor 2, and Word Processor Specialist 2 classifications shall be combined in the new Information Processor 2 classification. The wages of employees in the new classifications at the time of the ratification of the agreement shall be increased by 1.5%.
- The wages of all employees who are in the Information Processor 1 and 2 classifications at the time of the ratification of the agreement shall be increased to \$10.00 effective the first pay period of 2002.
- The starting wages for all classification in pay ranges 1 through 4 shall be increased by 3% effective the first pay period of 2000, 2001, and 2002. The starting wages for all other classifications shall be increased by 2% effective the first pay period of 2000, 2001, and 2002.
- Upon ratification of the agreement Support Officers shall be paid a bonus of \$250 and all other classifications shall be paid a bonus of \$150.

Two issues related to wages were not resolved by the parties. First, the union demands general wage increases of 4% in 2000, 2001, and 2002. The county offers wage increases of 3% in each of the three years. Second, the county seeks to red circle employees who exceed the maximum wage for their classification and pay them a 3%

lump sum payment in 2000, a 3% lump sum payment plus \$500 in 2001, and a 3% lump sum payment plus \$750 in 2002.

A key consideration in recommending a general wage increase is a comparison of wages to wages in similar jurisdictions. While the parties in factfinding frequently disagree on the appropriate comparisons, there is no dispute in the instant case. Both the county and the union refer to the child support enforcement agencies in the six largest counties in Ohio -- Franklin, Hamilton, Lucas, Mahoning, Montgomery, and Summit Counties. The difficulty here is that the job titles vary between counties and the job duties associated with the same job title probably vary as well. The data submitted by the parties, however, does present a clear picture of compensation in the county compared to the other large counties in Ohio.

A majority of the employees in the bargaining unit are Support Officers -- 154 of the 244 employees in the unit. The data submitted by the county reveal the following with respect to wages paid to Support Officers in 2000:

<u>County</u>	<u>Minimum</u>	<u>Rank</u>	<u>Maximum</u>	<u>Rank</u>
Franklin	\$11.31	5	\$13.82	4
Hamilton	11.97	3	14.25	4
Lucas	11.40	4	13.47	6
Mahoning	10.85	6	14.95	3
Montgomery	13.27	1	16.12	2
Summit	9.28	7	10.69	7
AVERAGE	11.35		13.88	
County*	12.52	2	17.57	1

\* Includes a 3.5% increase over the 1999 wages.

The data indicate that the Support Officers are well paid compared to similar employees in other counties. The county's first year wage for the Support Officer 1 classification is considerably higher in the county than the average for the other six counties and ranks second behind only Montgomery County. The maximum salary is also significantly higher than the average for the comparable counties and ranks first amount the comparable counties.

Of the remaining classifications, the largest are Word Processor 1 with 34, Data Processor 2 with 16, and Payment Processor 1 with 16. With the data supplied by the union, a number of comparisons are possible. The data are as follows:

<u>County</u>	<u>Word Processor 1 Min/Max</u>	<u>Data Processor 2 Min/Max</u>	<u>Payment Processor 1 Min/Max</u>
Franklin	NA	NA	\$8.80/10.50
Hamilton	10.32/13.20	9.24/11.82	NA
Montgomery	11.15/13.06	10.92/12.51	NA
Cuyahoga*	10.40/12.29	10.40/12.29	10.40/12.29

\* The starting rate includes the agreed upon 1.5% increase due to the consolidation into the Information Processor 1 classification plus a 3% wage increase. The maximum rate includes the agreed upon 1.5% increase due to the consolidation into the Information Processor 1 classification plus a 3 1/2% wage increase.

Clearly, the wages for these classifications compare favorably with employees in the other large counties in Ohio.

While the data does not support an extraordinary wage increase, employees are entitled to receive similar raises to those being granted to other employees. The average wage increase for other county bargaining units for 2000, 2001, and 2002 is approximately 3%. However, the SERB Quarterly for the first quarter of 2000 indicates that the statewide average wage settlement for 1999 was 3.66%. It also reports that in

multi-year agreements the first year wage settlement were 4.10% followed by increases of 3.54% and 3.30%.

The Factfinder believes that the above facts and the other statutory criteria suggest that wages should be increased 3.5% in 2000, 3% in 2001, and 3% in 2002. This will provide wage increases in excess of recent increases in the cost of living and allow employees to keep pace with similar employees in other counties and with other Cuyahoga County employees.

The remaining issue is the county's demand to red circle employees who are paid more than the maximum for their classification. Although the Factfinder understands the position of the county, he cannot recommend freezing the wages of these employees. First, the high salaries at issue are the result of the consolidation of employees performing the child support enforcement function in several county departments into one agency. Some of the employees came from departments with much higher salaries than other departments. It could be argued that those employees should not be denied a wage because of the county's lack of a consistent salary structure. Second, the red circle problem will disappear over time. Employees earning more than the maximum will retire or otherwise leave the agency. Third, the union stressed that the red circling of employees would create a major morale problem and was a major factor in the rejection of the tentative agreement.

**Recommendation** - The Factfinder recommends the following contract language:

**ARTICLE 35  
WAGES**

**Section 1.** Wage increases for 2000 shall be as follows:

**(a)** Three and one-half percent (3 1/2%) increase to wage rates

effective retroactively to the first date of the first pay period in January 2000, with retroactive pay to be paid only to employees who are actively employed in the bargaining unit as of date of ratification of new agreement.

(b) \$250 one-time bonus payment (before tax amount of \$250) to be paid to all employees who are classified as Support Officer 1 and Support Officer 2 and are actively employed in the bargaining unit as of date of ratification of new agreement.

(c) \$150 one-time bonus payment (before tax amount of \$150) to be paid to all other employees who do not received the bonus listed in paragraph (b) above and are actively employed in the bargaining unit as of date of ratification of new agreement.

Section 2. Wage increases for 2001 shall be as follows:

(a) Effective the first date of the first pay period in January 2001, wage rates of bargaining unit employees shall be increased by three percent (3%).

(b) Effective the first date of the first pay period in January 2001, the wage rates of employees who were actively employed in the bargaining unit as of the date of ratification in the following job classifications shall be increased to \$9.25: Mail Clerk/Messenger, Clerk, and Storekeeper.

Section 3. Wage increases for 2002 shall be as follows:

(a) Effective the first date of the first pay period in January 2002, wage rates of bargaining unit employees shall be increased by three percent (3%).

(b) Effective the first date of the first pay period in January 2002, the wage rates of employees who were actively employed in the bargaining unit as of the date of ratification in the Information Processor 1 and Information Processor 2 classifications shall be increased to \$10.00.

Section 4. The County may develop a proposal for a performance based compensation system for the entire bargaining unit for 2001 and/or 2002. If the county decides to implement performance-based compensation, the parties will conduct discussions beginning as soon as reasonably practicable. There

will be no dispute resolution process and no right to strike in connection with these discussions. If the parties do not mutually agree upon a performance based compensation system, no such system will be implemented.

Section 5. Starting rates of pay for all classification in pay ranges one through four (1-4) shall be increased by three percent (3%) in January 2000, three percent (3%) in January 2001, and three percent (3%) in January 2002. Starting rates of pay for all other classification shall be increased by two percent (2%) in January of each year of the contract.



Nels E. Nelson  
Factfinder

May 10, 2000  
Russell Township  
Geauga County, Ohio