

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LABOR RELATIONS BOARD

In the Matter of Fact-Finding	(Fact-Finding Report
	(and
Between	(Recommendations
	(
Allegheny County	(
	(Case No. PERA-F-13-131-W
and	(
	(Date of Hearing: July 15, 2013
Teamsters Local Union No. 249	(
	(Date of Report: July 29, 2013

William J. Miller, Jr.
Fact-Finder

For the County: Diego Correa, Esq.
1500 Ardmore Boulevard
Suite 506
Pittsburgh, PA 15221

For the Union: Ernest B. Orsatti, Esq.
Jubelirer Pass & Intriery
219 Fort Pitt Boulevard
Pittsburgh, PA 15222-1576

Background

By letter dated June 18, 2013, the Pennsylvania Labor Relations Board (PLRB), pursuant to Section 802 of the Public Employee Relations Act, Act 195 of 1970, appointed the undersigned as Fact-Finder in the impasse between the Allegheny County (hereafter referred to as the "County") and Teamsters Local Union No. 249 (hereafter referred to as the "Union"). The Union represents a unit of approximately 59 bargaining unit members, who work for the County, located in Pittsburgh, Pennsylvania.

The parties to this Fact-Finding have an ongoing bargaining relationship and are parties to a collective bargaining agreement (hereafter referred to as the "Agreement") which was effective by its terms from January 1, 2009 to December 31, 2012. The parties met three times for purposes of negotiating a successor Agreement, but were unable to reach agreement on all issues raised during the course of bargaining. As a result, a Request for Fact-Finding was initiated by the Union.

In accordance with the Board's Order, the parties filed written statements of the issues in dispute with the Fact-Finder, including the following issues:

- | | |
|--------------------|---|
| Issue No. 1 | Health Care |
| Issue No. 2 | Wages |
| Issue No. 3 | Reduction of Truck Driver Classifications |
| Issue No. 4 | Creation of New Classification of Truck Driver--
Laborer |

On July 15, 2013 a formal fact-finding hearing was held in accordance with the Pennsylvania Labor Relations Act before the undersigned in Pittsburgh, Pennsylvania. During the hearing, both parties were afforded a full opportunity to present testimony, examine and cross examine witnesses and introduce oral explanations and documentary evidence in support of their respective positions.

During the Fact-Finding both parties submitted a number of contractually related issues. In all cases, the issues submitted were of significant interest and importance to the bargainers, but in a number of instances, these issues are not the kind of issues which should

preclude a resolution of this labor dispute. Accordingly, the central focus of this report will concern the primary issues, which if resolved, should provide the basis for a contractual resolution of the present labor dispute.

Executive Session discussions were held on June 29, 2013 and July 22, 2013. Through these discussions, this Fact-Finder was given a thorough understanding of each party's position on the outstanding issues.

To arrive at the following recommendations, this Fact-Finder relied upon, among other things, the following criteria:

The reliable and credible testimony provided, the evidence presented at the Fact-Finding Hearing and further clarifications given to questions of this Fact-Finder during Executive Session discussions.

The expiring collective bargaining agreement.

Comparisons of unresolved issues relative to the employees in this bargaining unit and how those issues related to other employers and other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classifications involved.

The interest, welfare of taxpayers, and the ability of the County to finance and administer the issues proposed.

The understanding that each individual issue has been reviewed for its relative individual merit; at the same time, each individual issue has also been reviewed with consideration given to whether or not it appropriately fits into the Agreement created through this process.

ISSUES IN DISPUTE AND RECOMMENDATIONS

Issue No. 1 Health Care

County Position:

It is the position of the County that with appropriate changes in the health insurance plan significant cost savings can be attained. Specifically by entering the newly offered Community Blue program by Highmark, which provides for a limited hospital and doctor network, a 25% cost savings would result.

Union Position:

Regarding its health care proposal, the Union would propose that the health care plan be moved to a Teamster multi-employer Health and Welfare plan which would result in significant cost savings for the County. The Union would be receptive to changing to the program proposed by the County providing substantial cost savings would result.

Recommendation:

It becomes quite evident that a change in the existing health care plan is necessary and appropriate under existing circumstances. It is my recommendation that the County take steps to implement the Highmark Community Blue Network which will result in substantial cost savings to the County, and would provide needed relief. It is also clear that this health plan would provide adequate health care for all members of the bargaining unit.

Issue No. 2 Wages

Union Position:

Regarding wages, the Union proposes that there be a 4% increase during each year of the Agreement.

County Position:

The County proposes that there be no wage increase for 2013, a 1% increase in 2013, a 1.5% increase in 2015 and a 1.5% increase for 2016.

Recommendation:

My recommendation regarding wages is as follows:

2013	2% wage increase
2014	2% wage increase
2015	2.5% wage increase
2016	2.5% wage increase

Issue No. 3
Reduction of Truck Driver Classifications

Union Position:

It is the Union's position there are currently 7 different truck driver classifications. The Union believes this number of classifications are problematical and cause substantial operating issues.

County Position:

While the County recognizes the potential benefit of consolidating classifications, it is concerned this process will take too long of a time to implement. This being the case, the County believes the change being suggested by the Union would not be appropriate.

Recommendation:

I have carefully reviewed the position of the parties. It is my considered opinion that the truck driver classifications should be reduced from seven to four. I believe it would be in the best interest of the County and the Union to reduce the number of classifications. Consolidations would simplify the manner in which the operations are performed and would reduce day to day operating problems.

Issue No. 4
Creation of New Classification of Truck Driver – Laborer

Union Position:

The Union contends the bargaining unit has lost a significant number of its members because of laborers performing bargaining unit work. The Union contends by laborers performing truck driver work there has not been a need to have as many truck drivers. The Union would request that a new position be created which would be truck driver – laborer. The Union would views this as a way to keep the bargaining unit from being reduced further.

County Position:

It is the position of the County that the present system which permits laborers to perform truck driving work on occasion should continue.

Recommendation:

It is my recommendation that a new position be created, within 180 days after the Agreement is executed which would be truck driver – laborer. This position will only be applicable on a prospective basis and would only apply to new employees entering the bargaining unit, once the new position is developed and agreed to. In the event the parties are unable to agree to all terms and conditions of the position, then the matter should be submitted to binding arbitration for final resolution.

CONCLUSION

In conclusion, the parties are directed to review the Fact-Finding report and within ten (10) calendar days from the date of the issuance of this report to inform the Pennsylvania Labor Relations Board and each other if they accept or reject this report.

Confidentiality of the report should be maintained during the ten-day consideration period and until officially released for publication by the Board in the event of a rejection.

The Fact-Finder submits the Findings and Recommendations as set forth herein.

William J. Miller, Jr.
Fact-Finder
Ligonier, Pennsylvania

Issued: July 29, 2013