

C. Allen Pool
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FINDINGS & RECOMMENDATIONS
PURSUANT TO
GOVERNMENT CODE SECTION 3505.5

| | | |
|--|---|-------------------------------|
| In the matter of a Controversy Between |) | |
| |) | |
| County of Tuolumne |) | Collective Bargaining Impasse |
| |) | |
| Employer |) | Fact Finding |
| |) | |
| and |) | PERB Case No. SA-IM-137-M |
| |) | |
| Operating Engineers Local Union 3 |) | |
| |) | |
| Union |) | |

FACT FINDING PANEL

For the Employer:

Tracie Riggs, Deputy County Administrator
County of Tuolumne
2 South Green Street
Sonora, CA 95370
209-533-5511

For the Exclusive Representative:

Darren Semore, Business Representative
Operating Engineers Local No. 3
1916 North Broadway
Stockton, CA 95205
209-628-7197

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APPEARANCES:

Ann Fremd
Human Resources/Risk Manager
Chief Negotiator
County of Tuolumne
2 South Green Street
Sonora, CA 95370
209.533.6632

Craig L. Pedro
Tuolumne County
County Administrator
2 South Green St.
Sonora, CA 95370

Mike Eggener
Business Representative
Operating Engineers Local No. 3, AFL-CIO
1916 North Broadway
Stockton, CA 95205

BACKGROUND

Faced with the economic crisis stemming from the "Great Recession", the County of Tuolumne made the decision to make structural changes to how the County would prepare and develop operating budgets then and in the future. The purpose and intent of the new policies and procedures were to create and adopt future budgets that were balanced, would allow the County to perform its essential functions, minimize the impact on employees wages, save jobs, meet its financial obligations, pay down its debts, and avoid new debts.

Working within the constraints of Federal and State statutes, rules and regulations, mandated liabilities, and diminishing revenue sources, the County cut costs where possible and targeted all one-time money to pay down the County's debt. It was impressive that this was being done and had been accomplished with the willing cooperation of the Unions. The good relationship between the Unions

and the County was and continues to be a critical factor in implementing the new policies and procedures now and in the future.

In February 2013 with the expiration date of the MOU nearing, the Union requested negotiations for a successor agreement. After four negotiating sessions, the parties came an agreement on all language and elements of an agreement with the exception of salary adjustments/COLA. The Union took exception to the County's offer of a five percent salary increase to the 20 or so miscellaneous employees within the Sheriff's Department. These non-sworn employees included persons working as desk clerks, crime scene techs, evidence custodians, etc. The Union contended that it was only fair and equitable that its 290 bargaining unit members also be offered a five percent salary increase.

An impasse was declared on September 17, 2013. As required, the parties entered into the mediation phase and met on two occasions with the mediator. No agreement was reached and the dispute moved to this Fact Finding hearing.

The Fact Finding hearing was conducted on Wednesday January 24, 2014 in Sonora, CA. After taking evidence and arguments from the County and the Union, the Panel met in executive session to discuss options and a possible resolution to the dispute. No resolution was reached. However, the County, in an effort to have a balanced budget for the FY-2014, modified its offer to include a 1% salary increase to June 30, 2014 and an additional 2% salary increase commencing July 1, 2014 the beginning of the 2014-1015 Fiscal Year. The Union rejected the offer.

RECOMMENDATIONS

It is the Panel's recommendation that the Union's request for a 5% salary increased be denied and that a reasonable resolution to this impasse is for the Union to accept the County's offer of a 1% salary increase for this fiscal year and a 2% salary increase effective July 1, 2014.

The Fact Finding Panel was not persuaded that the impact of a 5 percent salary increase for the 290 members of the union would be minimal. It would result in an increase in the operating budget for FY2013-2014 resulting in an unbalanced budget for the fiscal year. Moreover, the continuing costs would carry over and likely have a negative impact on the next fiscal year's operating costs.

In coming to this recommendation, it was significant to the Panel that the 5% salary increase offered to the miscellaneous employees in the Sheriff's department was made possible because of the voluntary concessions of the Deputy Sheriffs' Association (DSA) to assist the non-sworn employees of the department.



C. Allen Pool, Neutral Panel Member Panel

Darren Semore: Union Appointed Panel Member:

Concur: Yes ___ No X

Tracie M. Riggs: County Appointed Fact Finder Member

Concur: Yes X No ___

January 30, 2014