

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LABOR RELATIONS BOARD

IN THE MATTER OF THE EMPLOYES OF :
PERRY COUNTY CHILDREN & YOUTH : PERA-F-13-23-E
AND OFFICE OF AGING :

REPORT AND RECOMMENDATIONS

FACT FINDER: Debra K. Wallet, Esquire

FOR THE EMPLOYER:

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FOR THE UNION:

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BACKGROUND

Pursuant to Section 802 of the Public Employe Relations Act, Act 195 of 1970 (Act), the undersigned was appointed by the Pennsylvania Labor Relations Board [Board] on February 19, 2013 as the Fact Finder in the impasse between Teamsters Local 776 [hereinafter Union] and the Perry County Children & Youth and Office of Aging [hereinafter County].

In accordance with the Board's Order of February 19, 2013, the County filed with the Fact Finder a written statement of the issues in dispute. The Union filed no statement. The parties agree that there are only 2 unresolved issues to be addressed by the Fact Finder:

- (1) A work week of 40 hours as opposed to 35 hours.
- (2) Additional remuneration for becoming a Caseworker 2 at the Perry County Children and Youth Services Agency.

The Fact Finder understands that by agreement all previously bargained issues, with the exception of these two unresolved issues, will be incorporated into the new Agreement. The County made it clear that if the matter should proceed further, the County will take those positions contained in a proposal dated October 2, 2012 (County Exhibit 1) and will not agree to retroactivity to January 1, 2013.

A Fact Finding was held at the Veterans Memorial Building in New Bloomfield, Pennsylvania on March 19, 2013, at which time both Parties were afforded a full opportunity to present testimony, examine and cross-examine witnesses, introduce documentary evidence, and argue orally in support of their respective positions regarding the issues in dispute. Both representatives made professional and courteous presentations to the Fact Finder. The Fact Finder commends the parties for their entirely amicable interactions and compliments them on their attitude toward the other party.

The recommendations which follow constitute the settlement proposal upon which the Parties are now required to act, as directed by statute and Board regulations. Pursuant to statutory authority, this Report will be released to the public if not accepted. A vote to accept the Report does not constitute agreement with or endorsement of the rationale in support of any recommendation, but rather represents only an agreement to resolve all outstanding issues by adopting these recommendations. **The Parties are directed to review the Report and, within ten (10) days of its issuance, notify the Board of their decision to accept or reject the recommendations.**

ISSUES

The Parties agreed that for purposes of this Fact Finding, only two issues are to be decided. The Fact Finder has made recommendations on the following issues:

- (1) A work week of 40 hours as opposed to 35 hours.
- (2) Additional remuneration for becoming a Caseworker 2 at the Perry County Children and Youth Services Agency.

OVERVIEW AND BARGAINING HISTORY

The parties have a current four-year Agreement which expired December 31, 2012. (Jt. Exh. 1). This unit includes approximately ten Caseworkers who investigate reports of child abuse and neglect at three levels, Caseworker 1, 2, and 3¹, with increasing responsibility. Employees of the Office of Aging at Care Manager I, II, and III are also included in the bargaining unit. After bargaining, the parties have been able to reach tentative agreement on most issues, although both parties make it clear that unless a complete Agreement is reached, their respective positions will revert to their original proposals. For purposes of this Fact Finding, it will be assumed by the Fact Finder that all tentative agreements will be incorporated into any new Collective Bargaining Agreement. Both sides have limited the Fact Finding to two issues.

Please note that the specific recommendations of the Fact Finder made in this report on each issue, although discussed separately, were made only after consideration of both issues and their total combined impact upon both parties in this dispute. No single recommendation stands in isolation from the total package.

These issues will be addressed in the order in which they were identified. Recommended additions are shown in **Bold**.

FACT-FINDER'S DISCUSSION AND RECOMMENDATIONS

1. A WORK WEEK OF 40 HOURS AS OPPOSED TO 35 HOURS.

Current Agreement

All Perry County employees in this bargaining unit work 35 hours per week and are paid for 35 hours per week.

Article 5, Section 1 contains the following language: "Normal hours of work for all bargaining unit employees will be 8:00 a.m. to 4:00 p.m., Monday through Friday, except where the County and Union mutually agree to other schedules. Employees will work an eight (8) hour shift, inclusive of a one (1) hour unpaid meal period." (Jt. Exhibit 1, p. 2).

Discussion

The Union is requesting a 40-hour work week which would provide an additional five hours per week at the established wage rate. The Union presented testimony that the caseworkers often find themselves in situations in which investigations cannot be completed within the normal work week and that the current caseloads require 40 hours per week rather than 35.

The Union also presented some evidence that the current caseworker wage rates are not competitive with neighboring counties (Union Exhibit 1) and that historically caseworkers begin their careers at Perry County and quickly transfer to a neighboring county which pays more. The County objected to this testimony as being outside the scope of the two issues presented to the Fact Finder. Because the Union had not presented its own issues in writing and agreed to the issues delineated by the County, the Fact Finder is not inclined to consider any of the testimony regarding the need for higher hourly rates. The undersigned will confine herself to the two issues agreed upon.

It is certainly true that a longer work week would allow for more work and this work is of an admittedly critical nature in protecting the children of the County. However, the County stated that only two groups of County employees work a 40-hour week, namely the 911 employees and correctional officers. All other courthouse employees work a 35-hour week. The County argues persuasively that permitting this bargaining unit to move to a 40-hour work week will begin a tidal wave of other units requesting the same. Fiscally, this is not within the County's ability and presents a financial hurdle over which the County is not prepared to leap at this time.

The Union has not made a persuasive enough argument as to why this bargaining unit should be treated differently from all other courthouse employees. Consequently, the request to move to a 40-hour work week is denied and the Fact Finder's recommendation is that the work week remain at 35 hours.

Recommended New Agreement

No change to the 35 hour work week contained in Article 5, Section 1.

2. ADDITIONAL REMUNERATION FOR BECOMING A CASEWORKER 2 AT THE PERRY COUNTY CHILDREN AND YOUTH SERVICES AGENCY.

¹ The parties appear to use Roman Numerals and numerals interchangeably for the levels of responsibility.

Current Agreement

Both Caseworker 1 and Caseworker 2 are paid at the same hourly rate.

Discussion

A single position description applies to Caseworker 1 and Caseworker 2. (County Exhibit 3). Both Caseworkers 1 and 2 investigate reports of physical and sexual abuse of children and provide for the safety of those children, provide general protective services with home visits, develop family service plans, perform family education and counseling, perform duties such as completing intake forms, determining risks, and maintaining contacts with families to determine risk factors, and perform foster care duties. According to the position description (County Exhibit 3), “[a] Caseworker 2’s duties are similar of those of the Caseworker 1, but the scope is broadened to include a larger number of more complex cases.” This description goes on to note that an individual starting at Caseworker 1 “would generally be promoted to a Caseworker 2 within one year.” The testimony supported these statements.

Neither Union nor County gave clear testimony as to why there exists two levels of Caseworker. Both Parties mentioned that it relates to Civil Service requirements and the ability of a Caseworker 2 to transfer to other counties. This explanation appears to be accurate in that the position description (County Exhibit 3) notes: “[t]his description is not intended to supersede civil service descriptions. Please refer to the descriptions for Caseworker 1 and Caseworker 2 for more detail.” These civil service descriptions were not provided to the Fact Finder.

According to the testimony, movement from Caseworker 2 to Caseworker 3 results in a grade increase. Caseworkers 1 and 2 are at grade 12 and Caseworker 3 is at grade 13. The undisputed testimony was that caseworkers often transfer to neighboring counties when they reach the Caseworker 2 grade level.

Based upon the County’s position description, there appears to be a broadening of the scope of the work upon movement from Caseworker 1 to Caseworker 2. The Caseworker 2 position is akin to journeyman level while Caseworker 1 is the introductory and training position. A step increase upon promotion to Caseworker 2 would recognize the additional responsibility and is justified based upon the testimony presented.

Recommended New Agreement

When a regular, full-time Caseworker 1 receives the Caseworker 2 designation, this employee will receive a one-step pay increase effective with the first full pay period after the designation as Caseworker 2.

ALL OTHER MATTERS

Any agreements mutually made prior to the commencement of the Fact Finding that are not specifically addressed in this Report are recommended to be included in the new Agreement.

Date: April 1, 2013
Camp Hill, Pennsylvania

Debra K. Wallet
Debra K. Wallet, Esq.
Fact Finder