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February 14, 1995

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION

IN THE MATTER OF THE
FACT FINDING BETWEEN:

BERRIEN COUNTY 5th JUDICIAL DISTRICT

AND

TEAMSTERS LOCAL 214

Case No. MERC G93 J-3014

Michigan State University
LABOR AND INDUSTRIAL
RELATIONS LIBRARY

FACT FINDERS REPORT

GENERAL BACKGROUND

The parties have been operating under an agreement effective from January 1, 1993 through December 31, 1995 with provisions for automatic annual continuations unless either party gives 60 days written notice of its desire to terminate and for a wage reopener for 1994 and 1995.

The dispute at hand deals with the wage reopener for 1994. The parties were not able to negotiate a new wage agreement.

The Michigan Employment Relations Commission assigned a mediator to assist the parties resolve their differences. One 3 hour mediation session on February 15, 1994 failed to resolve the differences between the parties.

On May 27, 1994 the Union filed a petition for Fact Finding with the Commission.

On June 28, 1994, MERC, in accordance with Section 25 of Act 176 of the Public Acts of 1939, as amended, and the Commission's

Norman Berkowitz

(Berrien County) 5th Judicial District Court

Regulations, appointed Norman Berkowitz as Fact Finder.

A pre-hearing session was scheduled and held on August 19, 1994 in Grand Rapids, Michigan. Because of new issues presented at the prehearing meeting and the need for further preparations by the parties it was agreed no hearing would be scheduled until the parties notified the Fact Finder.

On November 11, 1994 the Fact Finder requested information on the status of the case. On December 10, 1994 the parties and the Fact Finder agreed on January 23, 1995 and, if necessary, January 30, 1995 to hear the case.

THE HEARING

A formal Fact Finding Hearing was held on January 23, 1995 in the Berrien County Courthouse in St. Joseph Michigan.

In attendance were:

FOR THE UNION:

Dale Majerczyk, Administrative Assistant
Cheryl McAdams, Business Representative
Mary Kay Killian, Alternate Steward
Jane Steebner, Steward
Steve Doak, Chief Steward

FOR THE EMPLOYER

John Dewane, Attorney for the District Court
Susan Greco, Deputy Administrator
Shelly Smith, County Labor Relations Representative
John M. Henry, County Coordinator/Personnel Director

The Employer presented the major part of its case which dealt with the ability to pay issue and the Union completed cross examination on that issue. A short recess was taken to enable the Employer to develop a possible settlement offer. After some additional testimony a further recess was taken and the parties again attempted to reach a settlement.

A tentative agreement was reached. An adjournment was called to give the Union an opportunity to poll its membership. After the membership agreed to the proposal the Hearing remained in recess while the Employer attempted to obtain approval from the necessary authorities. At approximately 4:45pm the Hearing was adjourned until January 30, 1995.

Prior to January 30, the Fact Finder was informed the parties had reached a settlement and the January 30 hearing was canceled and the Fact Finding process was terminated.

A handwritten signature in cursive script, appearing to read "Norman Berkowitz", is written over a horizontal line.

Norman Berkowitz
Fact Finder

Date: February 14, 1995