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STATE OF MICHIGAN

**DEPARTMENT OF LABOR
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

**MERC FACT FINDING CASE
NO. L97 J-7010**

**FINAL REPORT
AND
RECOMMENDATION**

Mason County Road Commission

**RESPONDENT EMPLOYER
MASON COUNTY ROAD COMMISSION**

**PETITIONER
TEAMSTERS LOCAL 214**

**FACT FINDER
CARL D. KEREKES**

September 14, 1999

STATE OF MICHIGAN

**DEPARTMENT OF LABOR
EMPLOYMENT RELATIONS COMMISSION
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FACT FINDING CASE No. L97 J-7010

Fact finders Final Report and Recommendation

September 14, 1999 1999

MERC Fact Finding Case No. L97 J-7010.

This case grew out of a Contract Impasse at Mason County Road Commission. The parties failed to reach agreement for renewal of a Contract which expired on December 31 1997.

**Respondent Employer
For Mason County Road Commission**

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**Petitioner - Labor Organization
For Teamsters Local 214**

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STATEMENT OF FACTS

MERC Fact Finding Case No. L97 J-7010 was brought on for hearing before **Carl D. Kerekes Fact Finder**. A Pre Hearing conference was held at Grand Rapids. The Fact Finding hearing was conducted at Ludington on July 15, 1999 and remained in session for 17 continuous hours.

A. Parties

Respondent-Employer was the Mason County Road Commission, (hereinafter referred to as Road Commission).

Teamsters Local 214 referred to as (the Union) is the plaintiff..

B. General Background

Negotiations to replace an expired 1997 contract failed to reach agreement. Although a number of tentative agreements were reached many issues remained in dispute. State mediators were called in to assist the parties. This effort failed to motivate resolution. Ultimately the Union petitioned for Fact Finding on December-23,-1998.

Fact Finding hearings consisted of a pre-hearing conference held at Grand Rapids. The Fact Finding Public Hearings were conducted at Ludington, Michigan. A total of 52 Exhibits were introduced discussed and accepted. The Fact Finder is indebted to Messrs. Robert White and Michael Kluck who were chief advocates for the Labor Organization and Employer respectively. These gentlemen and their bargaining teams worked tirelessly to clarify and present several thousand pages of data. The documentation in this case is superb. All of the facts, exhibits, and transcript of testimony have been carefully reviewed.

C. General Principals.

Mason County Road Commission and Members of Teamsters Local 214 are in a period of economic adversity, duration of which is unknowable. Issues of immediate concern are; insufficient revenues in relation to increasing costs of materials, heavy equipment replacement and maintenance.

The Union has a compelling motivation to preserve it's legal right to represent the membership while advancing their compensation and security interests.

The Employer places great value upon ease of administration and strongly resists restrictions which inhibit productivity.

D. Summary of progress achieved during the extended Fact Finding meeting.-

Prior to opening formal discussions the Union withdrew to meet together without the Fact Finder to determine if they could narrow the issues in dispute. During the course of the day the parties met with each other to further refine and narrow unresolved issues. There were informal moments of contact and exchanges of progress reports between the Fact Finder and negotiators. The Parties continued to negotiate throughout the day and into the night. At 12:40 A.M. on the 16th of July the parties reported to the Fact Finder that the parties had substantially reached a tentative agreement.

The parties proceeded to review and refine detailed contract language which had been negotiated during the course of the day and night covering 62 issues. Each of the issues were reviewed in detail together with questions and answers with the bargaining committee and Fact Finder. This review and discussion continued until approximately 2.30 A.M. on July 16.

SEE NEXT PAGE FOR FINAL RECOMMENDATION.

Fact Finder Recommendation

MERC CASE No. L97 J -7010

General Comment

On August 13, 1999 the Fact Finder was presented with a full copy of a proposed Tentative Agreement which had been substantially developed during the Fact Finding meeting and subsequently refined thereafter.

FACT FINDER RECOMMENDATION

I am pleased to recommend adoption of this new agreement without change.

REASON

The proposed tentative agreement is in line with the finest tradition of contract negotiation.

Compensation, working conditions and benefits for employees have been improved.

The Road Commission's ability to serve the public through simplified procedures and productivity improvement have been improved.

Closing Comment

This concludes my report. I am pleased to express profound appreciation to the advocates and members of the joint bargaining teams who crafted and extraordinary document of great complexity by sticking to it through a very long and arduous period of continuous bargaining. The Fact Finder observes that several Mason County Road Commission members were present during the hearing. Their presence undoubtedly proved to be of great assistance to the success of these negotiations.

Respectfully Submitted,



**Carl D. Kerekes
Fact Finder.**