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Council 25

AFSCME

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American Federation of State, County and Municipal Employees, AFL-CIO

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Wayne County Bargaining Slated for Fact Finding

The long drawn-out negotiations between AFSCME and Wayne County are entering a new stage: Fact Finding.

Under Michigan law, collective bargaining in the public sector begins with the parties meeting at the bargaining table in the give and take of negotiations. Historically, most contracts have been worked out in this fashion.

If the parties experience difficulty in coming to agreement, the law provides for a state mediator to assist the parties in working out their differences and reaching agreement. The mediator is a neutral who often meets with each side separately and may suggest possibilities for compromise to produce an agreement.

If mediation is unsuccessful, the parties may proceed to fact finding. The fact finder, a neutral third party similar to a grievance arbitrator, holds formal evidentiary hearings (similar to grievance arbitration, but usually significantly longer), at which the two parties present their arguments and supporting evidence. Following the conclusion of these hearings, the fact finder establishes timelines for the parties to submit their briefs (written arguments), and subsequently issues a

report. This process often takes 60 days or more after the hearings have been closed.

After the fact finder has issued his report, the parties are granted a 30 day 'cooling off' period in which to consider the report. The parties typically return to the bargaining table. Under Michigan law, fact finding is not binding on the parties, and neither is obliged to accept the fact finder's recommendation. However, in many cases, the recommendation of the fact finder has proven to be a powerful lever for one side or the other to press on to agreement. Bargaining may resume after the fact finder's report, and continue as necessary to reach an agreement.

AFSCME is now preparing for fact finding on the Wayne County contract. The fact finder is A. Robert Stevenson, an attorney. The fact finder and the parties have agreed upon the following dates: November 12, November 13, November 23 and November 24.

Meanwhile, bargaining continues, and the parties were at the bargaining table today.

Watch for further updates on the bargaining process and issues.