

RESOLUTION #10-0505-08

Liberty Township - IAFF Local 3754 Grievance Response

Whereas, the Liberty Township Fire Department employees are affiliated with the International Association of Firefighters (IAFF) Local 3754 collective bargaining unit, and

Whereas, the IAFF Local 3754 filed Grievance #01-2010 dated 3/29/10 with the Liberty Township Board of Trustees regarding the Board's passage of Resolution 10-0315-03 which entailed changes to employees healthcare benefits, and

Whereas, the Board met on May 5, 2010 in public session where Grievance #01-2010 was discussed and by unanimous vote was denied,

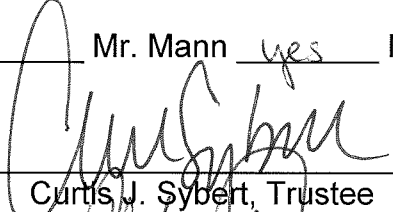
NOW, THEREFORE, BE IT RESOLVED, by the Liberty Township Board of Trustees of Delaware County, Ohio, that the IAFF Grievance #01-2010 dated 3/29/10 was denied.

This Resolution shall be in force and become effective immediately upon its execution.


Motion made by Sybert and seconded by Mann.

Vote: yes Ms. Carducci yes Mr. Mann yes Mr. Sybert

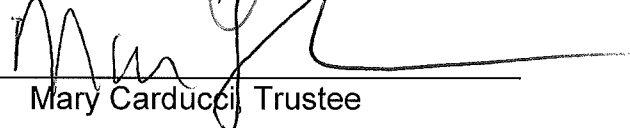
5-5-10
Date



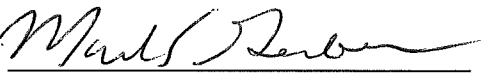
Curtis J. Sybert, Trustee



Robert Mann, Trustee



Mary Carducci, Trustee

CERTIFIED BY:


Mark S. Gerber, Fiscal Officer

[LIBERTY TOWNSHIP LETTERHEAD]

May 7, 2010

Brian Niemet, President
International Association of Fire Fighters Local 3754
P.O. Box 1556
Powell, OH 43065

RE: *IAFF Local 3754 v. Liberty Township Trustees*

Dear Brian:

This letter shall serve as the response of the Board of Trustees of Liberty Township to Grievance #01-2010, dated 3/29/10 ("Grievance"), and shall satisfy the second requirement of Step Three, Section 2 of Article XXV of the collective bargaining agreement. The first requirement was met when the Board convened a meeting in public session on Monday, April 25, 2010, and heard the Grievance.

The Grievance alleges that the passage and implementation of Resolution No. 10-0315-03, effective April 1, 2010, violated the collective bargaining agreement to the extent it increased the monthly premium contributions from \$15.00 for single and \$25.00 for family to \$25.00 for single, \$35.00 for employee plus one dependent, and \$45.00 for employee plus two or more dependents through payroll deduction method. As referenced in the Grievance, Resolution No. 10-0315-03 implemented the change for ALL Township employees and elected officials.

First, the Board of Trustees observes that the contract between the IAFF Local 3754 and Liberty Township expired on December 31, 2009, and no extensions have been agreed upon. Second, the Board is informed that Article XXV has been the subject of extensive, months-long negotiations and that no temporary agreement to current or new provisions of that Article have been arrived upon. In fact, the negotiations over that Article are at impasse. Third, the matter of the changes in the insurance program offered to employees was referred to the Advisory Committee referenced in Section 2 of Article XXV, not less than 45 days prior to the passage of Resolution No. 10-0315-03.

The Board of Trustees notes that it had reserved the right, in its sole and absolute discretion, to determine the type and level of insurance coverage to all employees of the Township, in Article XXV, Section 2. Resolution No. 10-0315-03 made changes to the type and level of insurance coverage offered to all employees of the Township as required in Article XXV, Section 1. The Members of the Union recognized, in Article XXV, Section 3, that they would have to contribute a portion of the premium costs through the payroll deduction method, because of budgetary and cost factors. To the extent it still applies, the Board of Trustees has followed the procedural prerequisites to change types and levels of insurance.

Brian Niemet, President
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The Board of Trustees has gone to great lengths to provide all employees of the Township with quality, cost-effective health insurance. The Board feels that Resolution No. 10-0315-03 was passed in a manner which complies with Article XXV of the expired collective bargaining agreement, even assuming it has any ongoing application at this point. The changes in insurance were made as required by the contract and the Members of Local 3754 are required to make the same contributions as all other employees in the Township.

The Grievance is denied.

Sincerely,

BOARD OF TRUSTEES OF LIBERTY TOWNSHIP

By: _____
David Anderson, Administrator

Per authority of Resolution No. _____