

MINUTES OF THE ONE HUNDRED TWENTY-FOURTH MEETING
April 1, 1958

Pursuant to bylaws, the Ohio Turnpike Commission met in regular session in the Departments of State Building in Columbus, Ohio at 11:00 a.m. Eastern Standard Time on April 1, 1958 with the key members of its staff, representatives of the Consulting Engineers, of the Trustee, the Secretary to the Governor, members of the press and others in attendance.

The meeting was called to order by the Chairman, the roll was called and the attendance was reported to be as follows:

Present: Teagarden, Beightler, Chastang, Shocknessy.

Absent: Director of Highways. The Secretary to the Governor represented the Director of Highways.

The Chairman announced that a quorum was present.

A motion was made by Mr. Teagarden, seconded by General Beightler, that the minutes for the meetings of December 9, 1957 and January 7, 1958 which had been examined by the Members of the Commission and on which the corrections suggested by the Members had been made be approved without reading.

A vote by ayes and nays on the approval of the minutes of December 9, 1957 was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Teagarden, Beightler, Chastang, Shocknessy.

Nays: None.

The Chairman said the minutes of December 9, 1957 stood approved.

A vote by ayes and nays was taken on approval of the minutes of January 7, 1958 and all Members present responded to roll call. The vote was as follows:

Ayes: Teagarden, Beightler, Chastang, Shocknessy.

Nays: None.

The Chairman declared the minutes of January 7, 1958 stood approved.

The Chairman reported to the meeting that since the last meeting the Annual Report of the Commission had been presented to the Governor and also had been distributed widely throughout the United States. He congratulated the Director of Information and Research and all other members of the Commission's staff who had had anything to do with the report for its form and content. He said it was a fine report.

The Chairman reported further that revenue from the Ohio Turnpike during March 1958 would be approximately \$1,210,000 and would exceed the revenue from the turnpike during March 1957 by about \$23,000. He said the Commission's revenue experience for the first quarter of 1958 was also more favorable than for the first three months of 1957. He said income from all sources for the first quarter of 1958 would be approximately \$3,234,200 as compared with \$3,114,000 for the like period of 1957. He said that while the revenues for March and for the first quarter exceeded the revenues for the same periods of 1957 it could not be overlooked that fewer vehicles by approximately 5% had made use of the turnpike during the first quarter. He said the favorable income position of the Commission for the quarter, therefore, "in all honesty" must be ascribed to the increase in toll rates for passenger cars which became effective May 28, 1957. The Chairman said also that the comparison, while favorable from the standpoint of income, reflected a lesser use due no doubt both to the severity of the winter and to the inescapable impact of the economic trend. He said it was hoped that the ensuing months of the current quarter would belie the experience and appearances of economic recession and demonstrate that the adjustment in the first quarter was due to weather and not to economics.

The Chairman reported further that during March the State Auditor's office had become concerned that there was a mistake in figures on the Commission's December 31, 1957 balance sheet but that it had been found that there was not a mistake. He said Mr. Raymond J. Bartholomew of the State Auditor's office was present and he would like Mr. Bartholomew to be furnished a copy of the report of the Comptroller to the Chairman with respect to the \$27,800 which had been at issue.

The Chairman reported also that the revenue funds of the Commission were being examined as to prospective income to the Commission therefrom by the Committee on Budget and Finance of which Mr. Chastang was Chairman.

The Chairman reported also that in view of the Commission's reduced income during the first quarter he had advised the Executive Director and all department heads to give consideration immediately to reduction in expenses. He said he had advised that no further increases in salaries for executive personnel would be considered by the Commission. He said he was recommending to the Executive Director that immediate steps be taken to reduce the Commission's expenses in all areas and in all departments. The Chairman said also that with income falling the Commission must re-examine its budget and he specifically asked the Chairman of the Budget and Finance Committee to re-examine the budget and consider the application the Commission's income, as it appeared from the first few months, might have to the Commission's budget.

The Chairman said that in the absence of any questions the Chairman's report would be recorded accordingly.

The Assistant Secretary-Treasurer reported for the Secretary-Treasurer that since the last meeting the following had been sent to all Members:

Auditors' Report for period ending December 31, 1957.

Financial Reports as of December 31, 1957, January 31, 1958 and February 28, 1958.

Traffic and Revenue Reports for December 1957, January 1958 and February 1958.

Detail of Investment Transactions for January, February and March 1958.

Cost and Budget Report for the year 1957.

Draft of the minutes of the December 9, 1957 and January 7, 1958 meetings of the Commission.

The Assistant Secretary-Treasurer reported further that he had a letter from Mr. H. W. Stevenson, Vice President, National of Hartford Group, Hartford, Connecticut addressed to the Chairman. He read the letter as follows:

"March 27, 1958

"Dear Mr. Shocknessy:

"An item in the Wall Street Journal of March 26, 1958

shows that Ohio Turnpike operating expenses during February increased 26% above the like month's total last year. February's expenses were about \$504,400 while the February 1957 total was just under \$370,900.

"Our company owns \$500,000 Ohio Turnpike Bonds. Would you please let us know the cost of snow removal and sanding for February 1958 and for February 1957 which has been included in the expense figures mentioned above. Do you consider either February 1958 or February 1957 as a reasonably normal period from the standpoint of weather conditions.

"Very truly yours,

"H. W. Stevenson

"Vice President"

The Assistant Secretary-Treasurer said he was not sure the Commission had been in business long enough to have developed a normal. He said that of the \$130,000 increase of which Mr. Stevenson wrote, \$122,000 was associated with snow and ice control. He said snow and ice control materials used during February 1958 increased \$90,000 in cost compared with February 1957. He said the cost of labor for applying those materials during February 1958 increased \$21,000 and cost of equipment for the program increased \$11,000 over February 1957. He said the remainder of the \$130,000 increase consisted of numerous items, each relatively small. The Assistant Secretary-Treasurer said also there were only four days in February 1958, the period from the 23rd through the 26th, during which there was not a storm requiring attention and expense somewhere on the turnpike. He said that on almost half of the days in February, the storms covered at least half of the turnpike. He said the Ohio Turnpike Commission was not alone in the matter of increased expense for snow and ice control during the month of February. He said that from articles, releases and reports it was evident that other turnpikes also had had increases in operating expenses, particularly the Pennsylvania Turnpike Commission, the Massachusetts Turnpike Authority and the New Jersey Turnpike Authority.

General Beightler asked whether the use of cinders had been halted and whether more salt than cinders was being used. The Executive Director replied that more salt, which was more costly than cinders, had been used in February 1958 due to the character of the storms. He said

there had been borderline situations involving freezing rains which required the use of salt to prevent formation of ice on the roadways. He said the many such storms during February were out of balance with the general pattern of storms.

General Beightler said it was quite evident to him that unless economic conditions should change soon the Commission would not realize the increase in revenue it expected during 1958. He said he strongly endorsed what the Chairman had said about the necessity of immediately doing everything possible consistent with good operations to curtail expenses and costs in operations. He said the staff should come up with some recommendations whereby the Commission could cut its costs.

The Chairman said the principal thing the Commission had to do with respect to its budget was to address it quite realistically with respect to the Commission's prospective income. He said the budget might have been adopted with more optimistic prospects than the Commission could then legitimately expect and the Commission would be derelict should it not make an effort to reduce expenses consistent with reduction in income. He said the Commission might not only have underestimated the severity of the winter but might also have been more liberal with itself prospectively because of the hearty experience it had in 1957 than was justified currently in view of the prospective experience of 1958.

The Assistant Secretary-Treasurer reported further that a letter had been addressed to the Chairman under date of March 28, 1958 from Fiscal Counsel, Squire, Sanders & Dempsey, which had to do with resolution number 30-1955 adopted May 17, 1955 providing for the allocation of proceeds received from the disposition of certain property. He read the letter as follows:

"Squire, Sanders & Dempsey
Counsellors at Law
Union Commerce Building
Cleveland

"March 27, 1958

"Mr. James W. Shocknessy
Huntington National Bank Building
17 South High Street
Columbus 15, Ohio

"Re: Disposition of Sale of Property
Repeal of Resolution No. 30-1955

"Dear Sir:

"Reference is made to our previous discussions with regard to the proceeds of sale of property and the application of Section 713 of the Trust Agreement. In this connection it has come to our attention that the standing provisions of Resolution No. 30-1955 provide for and require the use of the proceeds of the sale of property for the replacement of such property and then the surplus to the Reserve Maintenance Fund.

"Because the Commission may from time to time wish to direct other disposition of the proceeds of property depending upon the circumstances of particular cases, it is my recommendation that resolution 30-1955 be repealed, and in accordance with your request I have prepared and enclose herewith a proposed resolution for this purpose, sending a copy also to Mr. Thompson.

"A further question is presented. Under Resolution 23-1955 the Director is authorized to exchange property and such an exchange would pro tanto limit the amount of cash received by the Commission which would be subject to application under Section 713 of the Trust Agreement. It is therefore suggested that consideration be given to an amendment of Resolution 23-1955 to limit the power of the Director to make exchanges to transactions having had prior Commission approval, or to cover the matter by some directive to the Executive Director so that exchanges will not be made in circumstances where the Commission would feel that its best interests are served by a sale for cash of its property with the opportunity to apply the cash proceeds under Section 713.

"There may arise cases where it is necessary in the operation of the turnpike that an exchange be made or that the proceeds of a sale be applied, before the next meeting of the Commission and if this is likely to occur, some provision should be made to cover this situation.

"Very truly yours,

"Squire, Sanders & Dempsey

HC/pb

cc: Hon. Lockwood Thompson"

The Chairman said it should be explained that the resolution which was referred to in the letter was rather inflexible as to funds to

which revenue from the disposition of property should be dedicated and accordingly Fiscal Counsel was suggesting that from time to time the Commission might decide which funds should benefit by sale of property. He said the matter arose because it appeared that the Commission might be selling the patrol cars if it should go into a leasing arrangement and in that event the funds derived from the patrol cars under the existing resolution would go to one fund whereas under the proposed resolution, which had been drafted by Fiscal Counsel, the Commission might direct where the funds would go. He said that under the existing resolution the funds would go to the revenue fund whereas in fact the construction fund should be reimbursed because the patrol cars were purchased from the construction fund.

A resolution providing for the repeal of resolution No. 30-1955 adopted May 17, 1955 which provided for the allocation of proceeds received from the disposition of certain property was moved for adoption by General Beightler, seconded by Mr. Teagarden, as follows:

Resolution No. 2-1958

"WHEREAS the Commission may, from time to time, sell, exchange or otherwise dispose of machinery, fixtures, apparatus, tools, instruments or other movable property in accordance with the provisions of Section 713 of the Trust Agreement dated June 1, 1952, entered into between it and the Ohio National Bank of Columbus, as Trustee, and the National City Bank of New York (now the First National City Bank of New York) as Co-Trustee;

"WHEREAS the Commission by Resolution No. 23-1955 authorized its executive director to sell, exchange or otherwise dispose of such property and by Resolution No. 30-1955 directed the disposition to be made of the proceeds of such property so sold; and

"WHEREAS the Commission determines that it is in the best interests of the Commission that determination be made by it from time to time with regard to the proceeds from the disposition of any such property depending upon the facts and conditions then existing;

"NOW, THEREFORE, BE IT

"RESOLVED that Resolution No. 30-1955 be, and the same hereby is, repealed;

"FURTHER RESOLVED that the executive director report to the Commission periodically the disposition of properties made by him

pursuant to Resolution No. 23-1955 and the amount of the proceeds thereof, so that the Commission may make determination pursuant to said Section 713 of the Trust Agreement as to the funds or accounts to which such proceeds shall be credited. "

The Chairman directed that the record show that the resolution was recommended by Fiscal Counsel.

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Beightler, Teagarden, Chastang, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted with the four Members present voting in the affirmative. The resolution was identified as No. 2-1958.

The Chairman said the Secretary-Treasurer's report was accepted as offered.

The Chairman of the Committee on Service Plazas, General Beightler, reported that on the ninth and tenth days after Howard D. Johnson Company began operating six restaurants on the Ohio Turnpike on January 14, 1958 he had visited nine restaurants on the turnpike from Toledo eastward including several being operated by the Johnson Company. He reported further that he had held a meeting of the Committee on January 23, 1958 to discuss various matters related to operation of the restaurants and to give instructions to the Restaurant Supervisor to check the operations of the several restaurant operators regularly. He said the Restaurant Supervisor was able to spend all of his time on the various restaurant operations following the taking over of six restaurants from the Commission by the Johnson Company. The Chairman of the Committee reported further that he had found little to criticize in the operations of any of the three restaurant concessionaires. He said there had been a considerable improvement in those operations.

At the request of General Beightler the Executive Director reported further for the Committee that the operators of the A. B. C. and Holiday House restaurants on the turnpike had inaugurated employee training programs. He said the programs had shown results.

The Chairman said that in the absence of questions the report of the Committee on Service Plazas would be accepted.

The Chairman of the Committee on Budget and Finance, Mr. Chastang, said that in view of the discussion earlier in the meeting about the budget, the expenses during the month of February, and suggestions as to further study of expenses, no further report of the Committee on Budget and Finance was needed. The Chairman thanked Mr. Chastang.

The Executive Director reported that bids received on three items of materials would mean a reduction in the cost of those materials. He said the low bid for furnishing 17,040 gallons of white reflectorized zone paint and 16,080 gallons of yellow reflectorized zone paint was \$1.99 per gallon for the white paint and \$2.39 per gallon for the yellow paint as compared to 1957 bids for the same paint of \$3.05 and \$3.30 respectively. He said the lower price would result in a saving of more than \$19,500 in 1958. He said also that the low bid for furnishing commercial fertilizer was \$58.02 per ton as compared to the 1957 price of \$67.50 per ton. He said the savings on commercial fertilizer would be approximately \$500.

The Executive Director reported further the Commission had received approval of the State Records Commission for disposal of used toll tickets, recorder tapes and concession records. He said the approval was dated March 5, 1958 and permitted disposal immediately after receipt by the Commission of the report of the Auditor of the State of Ohio and the report of the Auditor designated pursuant to Section 712 of the Trust Agreement to the effect that said Auditors had no further need for the examination of the used toll tickets, recorder tapes and concession records. He said approval of the Auditors had been obtained for the disposition of used toll tickets for the period from the opening of the Eastgate Section to and including December 31, 1957. He said there were approximately 57 tons of used toll tickets stored in the Berea Administration Building and 7 and one-half tons stored in the Canfield Maintenance Building.

The Executive Director reported further that bids had been received on March 19, 1958 for rental of 42 patrol cars. He said Spitzer Leasing, Inc. submitted a bid of \$209 per month per car or \$105,336 per year for 42 Plymouth cars. He said Spitzer Leasing, Inc. submitted a bid of \$217 per month per car or \$109,368 per year for 42 Dodge cars. He said Transportation Lease Company submitted a bid of \$229.35 per month per car or \$115,592 per year for 42 Ford

Custom 300 cars. He said the rental contract, in addition to requiring the furnishing of 42 patrol cars, provided for the furnishing by the lessor of all mechanical service, tires, oil, anti-freeze and washing. He said the Commission would furnish gasoline only.

The Executive Director said also that before considering an award to the lowest and best bidder on the rental agreement it was necessary that the Commission determine the advisability of a rental arrangement as opposed to the purchase and maintenance of patrol cars. He said the greatest advantage of the rental plan was economic. He said the actual cost of maintenance, repair and fuel for the patrol fleet in 1957 was \$189,807.71. He said that to that figure must be added the depreciation. He said a conservative estimate of depreciation would be \$500 per car per year or a total of \$21,000 for the fleet. He said that brought the gross cost of operating the fleet to \$210,807.71 of which \$54,000 was spent for gasoline. He said the net cost of owning and maintaining the 42 vehicles, less fuel, was \$156,807. He said that comparing the low bid for rental with the net cost of owning and maintaining the fleet during 1957 resulted in a difference of \$51,471 in favor of rental. He said the Indiana Toll Road Commission leased patrol cars at \$153 per month per car from Transportation Lease Company. The Executive Director said also there were important differences between the Indiana lease contract and the proposed Ohio lease contract. He said the Indiana contract provided for a car for each patrolman plus one spare car for each patrol post. He said the Ohio contract provided two cars for each three patrolmen. He said that under comparable daily use the cars on the Ohio Turnpike would be driven 50% more miles than cars on the Indiana Toll Road for any given period. He said the specifications for the cars were different in the two contracts. He said the Ohio specifications provided for a motor of not less than 332 cubic-inch displacement in comparison to the Indiana specification of 318 cubic-inch displacement. He said the Ohio specifications provided for an automatic transmission and required that the cars be able to maintain an actual speed of 115 miles per hour for at least 10 minutes. He said the Indiana specifications provided for a heavy duty standard shift transmission and were silent with respect to performance.

The Executive Director said further that the bids had been examined and analyzed by the Equipment Superintendent, the Deputy Executive Director and the Consulting Engineers. He said he had reviewed their findings and the consensus was that the rental of cars would be more economical than the owning and maintaining of cars and that an award ought to be made to Spitzer Leasing, Inc. for rental of Plymouth patrol cars at \$209 per month per car.

During a discussion of the bids it developed that the specification of automatic transmission in the Ohio Turnpike patrol cars had been requested by the Ohio State Highway Patrol. It developed also that adoption of a rental system for the cars would result in the release of four mechanics and one clerk from the maintenance forces of the Commission at an annual savings of approximately \$25,000 in wages. It developed also that the cost to the Commission in 1957 for materials for maintaining the patrol cars was approximately \$132,000 and that each car required at least one new motor and approximately 10 sets of tires in a year.

The Consulting Engineers said it was to the advantage of the Commission to lease patrol cars rather than to own and maintain such equipment. The Consulting Engineers suggested that the Commission consider the possibility of arranging with the Ohio State Highway Patrol to use patrol cars owned by the Ohio State Highway Patrol and to pay the Highway Patrol a per-mile rental. The Consulting Engineers said the Pennsylvania Turnpike Commission some years previous had adopted the policy of renting patrol cars from the Pennsylvania Highway Patrol.

The Chairman said the Commission was not disposed to accept the bids at that time. He suggested that the Executive Director, the Comptroller, and the Consulting Engineers look further into the economics of the operation of patrol cars and advise the Commission of their findings. He suggested that the Executive Director talk with the Superintendent of the Ohio State Highway Patrol about the possibility of leasing cars from the Highway Patrol.

The Director of Information and Research reported for the Chairman of the Committee on Employee Relations, General Counsel Lockwood Thompson, that the Committee had submitted a report to the Executive Director under date of February 26, 1958 on requests with respect to conditions of employment brought to the attention of the Commission at its meeting on November 5, 1957 by a spokesman for Local Union No. 166 of the American Federation of State, County and Municipal Employees AFL-CIO. He presented the report, which follows:

"The spokesman for Local Union No. 166, Edward P. Dailey, presented the following requests to the Commission when he appeared before it on November 5, 1957:

"1. That holiday pay be included among the working conditions for toll collectors.

"2. That the status of the Commission's employees as to

whether or not they were state employees be clarified.

"3. That maintenance employees on the western part of the turnpike be paid at the rate of time and one-half for work done in excess of eight hours in one day on all occasions on which they should be entitled to be so paid.

"4. That overtime work, when required, be given to full-time employees of the Commission rather than to call-out or temporary employees.

"5. That one-man operation of toll booths be eliminated.

"6. That the grievance procedure provided in the employee's manual be altered to provide final appeal to the Commission rather than to a committee of three top administrative employees.

"7. That the Commission require its supervisory employees not to make anti-union statements or express anti-union views and that it recognize organizations of its employees and extend such organizations the everyday courtesies and acknowledgments practiced by other agencies of government in Ohio.

"The Commission, through the Chairman, directed the Executive Director to report to it on the matters dealt with in the requests submitted by Mr. Dailey. The Executive Director in turn requested the Committee on Employee Relations to advise him concerning the status of those matters.

"The Committee on Employee Relations has made the study requested by the Executive Director and presents herewith the results.

"1. HOLIDAY PAY FOR TOLL COLLECTORS

"The practice of the Commission with respect to holiday pay in general is one which reflects increasing benefits granted as experience has shown that it was possible and practicable to do so.

"The Commission, on July 9, 1953 by Resolution No. 301-1953, adopted a Code of Bylaws of which Article IV, Section 5, read as follows:

"The following shall be observed as holidays:
New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving

Day and Christmas Day. When New Year's Day, Memorial Day, Independence Day or Christmas falls on a Sunday, the following day shall be observed as a holiday. '"

"This holiday policy originally applied to the Columbus office of the Commission, since that was the only place of employment the Commission had at that time.

"With the employment of personnel in November 1954, for the operation and maintenance of the Eastgate Section of the Ohio Turnpike, one of the conditions of employment for toll collectors and maintenance custodians was that they would follow a work schedule which treated Saturdays, Sundays and holidays the same as any other day. The employees of maintenance not assigned custodial duty worked eight (8) hours per day, five (5) days per week and, if a holiday fell on a normal work day, the employees could have the holiday off, providing their services could be dispensed with on that day, receiving straight hourly compensation for the eight (8) hours whether they worked or did not work. For any hours worked in excess of the first eight (8) hours, the employee received compensation in money at straight time, or compensatory time off.

"On May 4, 1955, in consideration of maintenance employees' grievances, the then Executive Director, by memorandum to the Eastgate Manager, revised the holiday policy for maintenance employees as follows:

"1. That employees scheduled to work on paid holidays take compensatory straight time as early as possible thereafter, subject to the approval of the foreman.

"2. That employees called out for emergency work receive straight pay for hours worked in addition to the eight hours holiday pay. '"

"On November 17, 1955, the then Executive Director, the Comptroller and the then Project Manager modified Item 2 above to provide as follows:

"That all hourly employees who would normally work on a holiday, should receive eight (8) hours of pay for the holiday and that, if an hourly employee actually worked on the holiday, he was entitled to straight hourly pay in addition to the eight (8) hours

holiday pay for the first eight (8) hours and time and one-half for all hours in excess of the first eight (8) hours worked. '"

"Following the establishment of the Labor Management Committee (now Committee on Employee Relations) on September 26, 1956, the Committee undertook the study of the problem of premium holiday pay for toll collectors. In its report to the then Executive Director under date of October 31, 1956 the Committee recommended that 'collectors scheduled to work on holidays receive double their normal compensation for the scheduled hours worked.' In his report to the Commission under date of November 3, 1956 the then Executive Director turned down the recommendation with the statement, 'It is my opinion that, in a schedule which treats Saturdays and Sundays as a normal work day, no extra compensation should be paid when one of the scheduled work days falls on a holiday as defined in the Bylaws of the Commission.'

"Requests for holiday pay for toll collectors and others required to work on holidays continued to arise on numerous occasions.

"Again, in December 1957, the question of holiday pay for toll collectors was referred to the Committee on Employee Relations for reconsideration of the previous recommendation. The Committee recommended, under date of December 17, 1957 the following:

"A full time, non-supervisory employee, scheduled to work on a holiday and required to work on a holiday, shall receive his normal compensation for the day and, in addition thereto, shall receive pay at his hourly rate for the first eight (8) hours of work or any part thereof and one and one-half (1-1/2) his hourly rate for any overtime hours of work.'

"That recommendation was adopted by the Executive Director after consultation with the Members of the Commission. It became effective December 23, 1957. The adoption of the recommendation provided holiday pay for toll collectors, radio operators and maintenance custodians on the same basis as had been previously provided for other non-supervisory personnel of the maintenance forces.

"The holiday pay policy is now uniform for all non-supervisory employees.

"2. STATUS OF THE COMMISSION'S EMPLOYEES.

"On several occasions, employees of the Commission have raised the question of their status, particularly as to whether or not they are State employees. To date, no court has directly decided this question.

"It is to be noted that the employees of the Commission, as public employees, receive the benefits of Workmen's Compensation which the Commission was empowered to obtain under the provisions of the Ohio Turnpike Act, R. C. Sec. 5537.04 (N), and which the Commission, by resolution (Resolution No. 53-1952), took the necessary legal steps to secure. The Franklin County Common Pleas Court, as a result of an act of the 101st General Assembly, and court action thereunder for declaratory judgment brought by the Commission, ruled that employees of the Commission, although not public employees within the meaning of that term under the Public Employees Retirement Act prior to June 29, 1955, became public employees for the purpose of the Public Employees Retirement Act and were entitled to coverage thereunder from and after June 29, 1955. The Commission has likewise declared that its employees, as public employees, are covered by the Ferguson Act.

"While the courts alone can ultimately determine the status of turnpike employees, it can for present purposes be stated, and it has in fact been stated by the Commission through its Chairman, that the employees of the Commission are public employees of an agency of the State of Ohio.

"3. UNIFORM OVERTIME PAY FOR MAINTENANCE EMPLOYEES.

"The policy of the Commission with respect to overtime pay for all non-supervisory employees was expressed in a memorandum issued by the Project Manager with the approval of the Executive Director on October 4, 1955 advising that, effective October 1, 1955, all personnel, except professional, executive and supervisory personnel, would be paid for overtime work on a time and one-half basis. The policy was reiterated in the Employees' Manual, under date of September 9, 1956. The following excerpts are from the manual under 'Overtime Work':

"All employees, other than supervisory employees, shall be entitled to pay for overtime hours worked at the rate of one and one-half (1-1/2) times their regular hourly wage---. All hours worked in excess

of eight (8) hours in any one work day, shall be considered overtime hours and all hours worked in any one work week by an employee in excess of the total standard, regularly scheduled, straight time hours for a work week, shall be considered to be overtime hours. '

"The regularly scheduled, straight time hours for a work week are either 40 hours per week or an average of 40 hours per week over a four-week period.

"Only one incident of incorrect application of the overtime pay policy has ever been cited by employees or their spokesmen. Investigation developed that the employee concerned was entitled to some overtime pay which he had not received and he was thereupon compensated accordingly.

"4. OVERTIME OPPORTUNITIES FOR FULL-TIME EMPLOYEES.

"Early in the operation of the Ohio Turnpike it was learned that, because of the great fluctuations in both daily and seasonal volumes of traffic, the toll collection force had to be supplemented at times with part-time employees. The term 'call-out' collector was used for this supplemental group.

"The basic reasons for having these call-out collectors are (1) to provide a reserve for supplementing the full time toll collectors during the peak traffic volume periods and (2) to fill vacancies caused by sickness or vacation.

"It is important that call-out collectors work with reasonable frequency in order to maintain proficiency and familiarity with the job. For example, they are used to relieve the full-time toll collectors one day out of every four-week period. This relief became necessary when the toll collectors' average work week was reduced from 42 hours to 40 hours.

"This group of call-out collectors is also an excellent source for replacement whenever a vacancy occurs among the full-time toll collectors. To date, 17 call-out collectors have become full-time toll collectors.

"In spite of the fact that call-out collectors are frequently used, there remains a significant amount of overtime opportunities for the full-time collectors. For example, during the month of August 1957, 71 full-time collectors were compensated for 371 overtime hours and even in January 1958, one of the lowest-traffic months, 13 full-time collectors were compensated for 88 overtime hours.

"The J. E. Greiner Company, in its report to the Chairman on 'Economies and Efficiencies in Maintenance and Operation', under date of April 3, 1956, recommended as follows under 'Fare Collection' and 'Maintenance Personnel':

"Fare Collection - 'It is our recommendation that to accommodate these more or less seasonal and unusual but nonetheless reasonably predictable occurrences that, to the extent possible, arrangements to employ emergency call-out personnel be effected.

"We appreciate the difficulty of developing and maintaining a roster of dependable emergency employees at certain of the interchanges. At such locations, we therefore suggest that unusual peaks be accommodated by having the permanent collectors work overtime and that they be compensated accordingly.'

"Maintenance Personnel - 'The question then becomes one of staffing each roadway section with sufficient permanent roadway maintenance personnel to accommodate routine maintenance requirements for the eight-month period March 15 through November 15 and augmenting such permanent forces with emergency call-out employees during the four winter months.'

"The use of call-out personnel in maintenance is not so great as in toll collection. However, each maintenance section foreman attempts to maintain a call-out list for use during emergency periods such as prolonged snow and ice storms, etc.

"The Committee on Employee Relations considered this grievance in October 1956 and recommended as follows:

'This Committee recommends that use of call-out collectors be an administrative matter and handled accordingly.'

"Since the opening of the turnpike, experience in both Toll Collection and Maintenance has demonstrated the use of call-out personnel to be indispensable for the safe and efficient operation of the Ohio Turnpike.

"5. ONE-MAN OPERATION OF TOLL PLAZAS.

"The practice of operating low-traffic-volume interchanges with one toll collector during the midnight-to-8:00-A.M. shift eight (8) hours per day, was first tried out at the Wauseon Interchange during the first winter of operation of the Ohio Turnpike. The experiment proved successful, economically and otherwise.

"Subsequent thereto, the one-man operation for the early morning shift was made effective progresively at other interchanges. At the present time such one-man operations are scheduled at the following interchanges:

"Bryan-Montpelier
"Wauseon
"Fremont-Port Clinton
"Lorain-Elyria
"Warren
"Niles-Youngstown

"The one-man program was further extended, during the summer of 1957, at the Bryan-Montpelier and Wauseon Interchanges to provide one-man operation during 16 hours of each day. This was accomplished by scheduling one man for each normal shift period and then supplementing the schedule with a second man on a special shift to handle the daily peak period hours. An example of this arrangement is as follows:

"Midnight to 8:00 A.M.	-	1 Man
"8:00 A.M. to 4:00 P.M.	-	1 Man
"4:00 P.M. to Midnight	-	1 Man
"10:00 A.M. to 6:00 P.M.	-	1 Man

"The one-man operation, after being in effect for awhile, has been readily accepted by the toll collectors except for a few at the Niles-Youngstown Interchange. There the toll collectors objected on the grounds that it was dangerous to have only one man on duty at a place where cash is kept inasmuch as it would be a temptation for robbery. Robbery at toll booths has never occurred on the Ohio Turnpike nor, to the best of our knowledge is it a problem on any other toll road or toll bridge.

"Traffic volume at each interchange has been the controlling factor in determining the number of toll collectors required and scheduled for the various shifts thereby effecting maximum economy in

the use of manpower consistent with the efficient handling of traffic. This is an administrative matter and should be handled accordingly.

"6. GRIEVANCE PROCEDURE AVAILABLE TO EMPLOYEES.

"The Employee Manual, including a section dealing with grievance procedure, has been revised from time to time and presently is in process of being revised to reflect adequately Commission policies with respect to employment.

"The present Employee Manual outlines a grievance procedure under which the employee discusses a grievance with his immediate supervisor. If the disposition of the grievance by the immediate supervisor does not satisfy the employee, he may, by written request to the Project Manager, obtain a hearing with the superintendent of the division. If this recourse proves unsatisfactory, the employee may submit a written request to the Project Manager to have the grievance heard by the Project Manager's Grievance Committee consisting of the Project Manager and his assistant, the Maintenance Engineer, the Superintendent of Toll Collections, and a representative of the headquarters staff. This procedure is still in use and has resulted in the adoption of various clarifications and modifications of working conditions and of solutions of grievances.

"The current revision of the manual is taking into account the fact that the Deputy Executive Director, in addition to other duties, has taken over the responsibilities of the Project Manager and the fact that the Project Manager's Grievance Committee has been replaced, in fact, by what might be identified as the Deputy Executive Director's Grievance Committee which is comprised of the Deputy Executive Director, the Maintenance Engineer and the Superintendent of Toll Collections. Since the procedures outlined in the manual with reference to grievances of employees do not cover the case of a former employee whose services have been terminated, it would appear that some consideration should be given to this situation in preparing the revisions relating to grievance procedures.

"Any suggestion that the Deputy Executive Director's Grievance Committee should not be the final authority in the matter of disposition of a grievance fails to take into account the fact that a former employee always has an opportunity to seek to approach the Commission directly.

"7. THE COMMISSION'S RELATIONS WITH ITS EMPLOYEES.

"The Commission policy with respect to employees' organizations has been set forth in the Employee Manual, under date of September 9, 1956, a portion of which is quoted herein below:

"Employees of the Ohio Turnpike Commission have the unquestioned right to join or not to join any organization as they see fit. Employees of the Commission should understand that the Commission, in its capacity as employer as an agency of the State of Ohio under the law, cannot enter into collective bargaining agreements with any organization of employees.'

"At meetings of Senior Toll Collectors and Maintenance Foremen, these supervisory employees have been instructed to avoid, if possible, making any remarks regarding union activities or, if a remark is necessary, to limit it to Commission policy as set forth in the Employee Manual.

"By memorandum under date February 11, 1958 the Deputy Executive Director instructed one administrative employee, who was accused of making an anti-union remark later verified by witnesses, to refrain from making any remarks concerning the Commission's employee relation policies.

"The Commission through its staff has met on numerous occasions with its employees and also, upon request, with representatives of unions. The following is a list of such meetings:

- "a) February 8, 1955 - Meeting of the maintenance employees of the Eastgate Section with the Eastgate Manager and Maintenance Supervisor at the Canfield Building.
- "b) October 21, 1955 - Meeting with Antonino A. Fiorello, National Staff Representative of Government and Civic Employees Organizing Committee - CIO. Meeting was held at the Commission's headquarters in Columbus, Ohio with the Chairman and several members of the Commission's staff in attendance.

- "c) December 15, 1955 - Meeting on terms of employment with Mr. Fiorello and several employees of the Commission represented to be officers of a turnpike employees' union. Meeting was held at the Commission's headquarters in Columbus, Ohio with the Executive Director and other members of the Commission's staff present.
- "d) January 13, 1956 - Meeting on terms of employment with 48 employees of the Commission. Representatives of several unions were present. The meeting was held at the Commission's operating headquarters in Berea, Ohio with a committee consisting of General Counsel, Director of Information and Research, Project Manager and Personnel Director representing the Commission.
- "e) January 27, 1956 - Meeting on terms of employment with 34 employees of the Commission. Representatives of several unions were present. The meeting was held at the Swanton Maintenance Building with a committee consisting of General Counsel, Director of Information and Research, Project Manager and Personnel Director representing the Commission.
- "f) October 17, 1956 - Meeting with employees designated as spokesmen by the employees of their respective toll plazas or maintenance buildings to discuss requests for changes in wages and salary schedules and certain working conditions. Meetings were held at the Amherst Maintenance Building - a morning session with toll collectors and an afternoon session with maintenance employees. The Commission's Committee on Employee Relations consisting of the General Counsel, Deputy Executive Director, Director of Information and Research, Project Manager, Maintenance Engineer and Superintendent of Toll Collections heard the spokesmen.
- "g) February 27, 1957 - Meeting at the Commission's headquarters at Berea between Mr. Edward P.

Dailey, Regional Director of the American Federation of State, County and Municipal Employees AFL-CIO and the Executive Director and other members of the Commission staff.

- "h) March 19, 1957 - Meeting attended by Mr. Dailey and Commission employees represented to be officers of Local 166, of American Federation of State, County and Municipal Employees AFL-CIO and the Executive Director and other members of the Commission's staff. Meeting was held at the Commission's headquarters, Berea, Ohio.
- "i) May 8, 1957
(Same conferees and place as on March 19, 1957)
- "j) July 16, 1957
(Same conferees and place as on March 19, 1957)
- "k) September 5, 1957
(Same conferees and place as on March 19, 1957)
- "l) November 5, 1957 - Mr. Dailey, accompanied by several employees represented to be officers of Local 166, addressed the Commission at its 121st meeting at Berea.
- "m) February 4, 1958 - The Commission's Committee on Employees Relations heard two discharged employees at the Commission's headquarters, Berea, Ohio. Also present were Mr. Dailey and an attorney, the latter representing the former employees.
- "n) February 6, 1958 - The Commission's Committee on Employee Relations met at the Canfield Maintenance Building to interview employees who had previous association with the two discharged employees mentioned above.

"In conclusion, it should be stated that the wages and working

conditions and fringe benefits of full-time employees of the Commission have frequently been reexamined by the Commission since it first employed a staff in August of 1952. An impressive list of improvements and additions to the wages, conditions and benefits have resulted, as follows:

"1. VACATION.

"Ten working days of paid vacation per year after first year of employment. The vacation policy as it applies to toll collectors have been liberalized to permit collectors to take a portion of their vacation during the summer months.

"2. MILITARY LEAVE

"Fifteen calendar days leave per year with full pay for military purposes.

"3. WORKMEN'S COMPENSATION

"The Commission makes employer's contribution to the Bureau of Workmen's Compensation and the Industrial Commission of Ohio.

"4. SICK LEAVE

"Includes 5-day credit at time of employment and additional credit of 1-1/4 days of leave per month of employment, cumulative to a total of 90 days.

"5. RETIREMENT

"The Commission contributes an amount equal to 7.35% of each employee's wage to the Public Employees' Retirement Fund.

"6. GROUP HOSPITALIZATION AND SURGICAL INSURANCE

"The Commission pays the premium for coverage of all employees. Any employee may take out at his own expense similar protection for his dependents.

"7. GROUP LIFE

"The Commission pays approximately two-thirds of the premium for coverage for employees desiring to participate. Coverage includes dismemberment provisions.

"8. WAGE AND SALARY SCHEDULES

"Schedules making possible six step-increases related to merit over a four-year period cover all non-supervisory employees. The schedules have been revised upward commensurate with cost of living increases.

"9. PAY FOR OVERTIME WORK

"Non-supervisory employees are compensated at the rate of time and one-half for overtime work as defined by the Employee Manual.

"10. HOLIDAYS

"The Commission's bylaws recognize seven holidays each year. Non-supervisory employees scheduled and required to work on a holiday receive normal compensation for the day plus straight hourly pay for the first eight hours worked on the holiday.

"11. EMERGENCY CALL-OUT WORK

"Minimum pay of two hours at time and one-half is provided for such work.

"12. WORK WEEK

"The regularly scheduled work week for non-supervisory employees is forty hours; toll collectors and radio operators average forty hours per week over a four-week period.

"13. SPLIT SHIFT COMPENSATION

"One hour travel-time compensation is provided for employees required to work a split shift.

"14. GRIEVANCE PROCEDURE

"Employees are provided a procedure whereby their grievances can be heard. A decision on a grievance can be appealed by the

employee through several steps up to the Deputy Executive Director's Grievance Committee.

"15. PROMOTIONS

"Qualified persons within the organization are given opportunities to fill higher vacancies.

"16. EMPLOYEE MANUAL

"Employees are furnished a manual which sets forth terms and conditions of employment.

"17. UNIFORMS

"Both winter and summer uniforms worn by toll collectors are furnished by the Commission.

"18. PROTECTIVE CLOTHING AND SAFETY EQUIPMENT

"These are furnished employees performing assignments requiring their use.

"19. CLEANING OF TOLL BOOTHS AND UTILITY BUILDINGS

"Janitorial service for such cleaning has been provided.

"20. ROTATION OF MAINTENANCE ASSIGNMENTS

"Each maintenance employee subject to non-scheduled call-out is given advance notice with respect to the alert periods during which he is subject to possible call-out.

"21. BULLETIN BOARDS

"Employees are permitted use of bulletin boards for employees' organization announcements.

"COMMITTEE ON EMPLOYEE RELATIONS

"/s/ Lockwood Thompson, General Counsel, Chairman

"/s/ James D. Hartshorne, Executive Assistant to
the Chairman, Secretary

"/s/ Russell S. Deetz, Deputy Executive Director

"/s/ L. G. Byrd, Maintenance Engineer

"/s/ Heber Minton, Superintendent of Toll Collections"

Members of the Commission commented that the report of the Committee on Employee Relations to the Executive Director was a good report. The Chairman said there was nothing in the report that required action by the Commission. He said that in the absence of any further questions the report of the Committee would be accepted as offered.

The General Counsel reported that he had distributed to the Members prior to the meeting the quarterly report of the Legal Department for the quarter ending March 31, 1958. He said the Commission had been making inroads on its case load. He said that during the quarter the number of cases pending had decreased from 53 to 45 and that only one new case had been filed during the period.

The General Counsel reported further that attorneys for the Village of West Unity, which maintained a fire department jointly with Brady Township in Williams County, had addressed a letter to the Commission under date of February 10, 1958. He read from the letter as follows:

"Inasmuch as no part of the turnpike, including the plazas, pays any taxes to maintain the local fire department, our clients have instructed us to inform you that on and after March 1, 1958 they can no longer be relied upon to answer calls for fires on the turnpike right of way or service plaza located near West Unity."

The General Counsel said that he had replied to that letter by letter dated February 25, 1958, as follows:

"Mr. Wayne E. Shaffer
Newcomer & Shaffer
121 West Butler Street
Bryan, Ohio

"My dear Mr. Shaffer:

"Under date of February 10, 1958 you addressed a letter to the Ohio Turnpike Commission stating that your office represents the Village of West Unity, Ohio which maintains a fire department jointly with Brady Township, Williams County. You state that as of March 1, 1958 the Village of West Unity can no longer be relied upon

to answer calls for fires on the turnpike right-of-way or at the service plaza located near West Unity. Your letter raises certain legal questions which I shall be very glad to sit down and confer with you about. Meanwhile, however, I want to point out that the somewhat abrupt notice you have served on us about discontinuance of service involves persons and property other than that of the Ohio Turnpike Commission. I shall willingly give this matter prompt attention but meanwhile I feel that the Village of West Unity, which maintains the fire department jointly with Brady Township, should continue to furnish the service it has been providing in the past.

"You have recourse to Opinions of the Attorney General of Ohio, and I have certain Opinions of the Attorney General which would indicate that the Village is required to furnish its fire fighting services to property within the territorial limits bounded by the Village. I understand that the township, if it provides fire fighting service at all, must also provide service free of charge to all of the territory of the township.

"Do you have available to you Informal Opinion No. 220 of the Attorney General of Ohio rendered on January 22, 1953 in response to a request from the Prosecuting Attorney for Green County? That particular Opinion states that if a township maintains a fire department it is as much its duty to furnish protection to a public building located within its limits as it would be to furnish such protection to privately owned buildings. The Attorney General goes on to state that fire protection is not for certain individuals or properties, but for all within the corporate territory. I find in the same Opinion a reference to Informal Opinion No. 21 for 1946, stating that the fire department of the city of Napoleon, which had contracted to furnish fire protection to the entire township in which it was located, was required to afford such protection to a County Home located outside of the city but within the boundaries of the township.

"I am particularly concerned about the protection of the public during the period that you and I are in process of trying to reach a solution as to the responsibilities of the Village of West Unity and Brady Township. May I have your reply by return mail that the protection presently existing will be continued while you and I are discussing this matter further? You may also in your letter set a date for an appointment convenient to you when we can discuss this matter more fully. I

would suggest that meanwhile you may also wish to take the matter up with the office of the Attorney General of Ohio.

"Yours very truly,

"Lockwood Thompson
"General Counsel

"cc: Chairman
Executive Director
"LT/dc"

The General Counsel said also that promptly upon receipt of his letter the Attorneys for the Village of West Unity responded by letter under date of February 26, 1958 from which he read the following excerpt:

"We have informed our clients of the receipt of your letter and have requested that they continue to answer calls on the Turnpike until we have had an opportunity to negotiate this matter with you. "

The General Counsel said also that at the suggestion of the Chairman he had inquired about the amount of fines and costs collected in the Mayor's Court in West Unity on cases originating on the Ohio Turnpike in 1957. He said he had been informed by Mayor R. R. Newcomb of West Unity that the amount of fines, costs and bond forfeitures totaled \$3,349.37. The General Counsel said he had arranged to confer with the attorneys representing the Village of West Unity.

The Chairman said the villages along the Ohio Turnpike whether they admitted it or not did benefit from the existence of the turnpike in that they were all collecting fines and part of their expenses were being borne from revenues which they derived from fines. He suggested that it be determined how much the operation of a fire department cost the Village of West Unity and how far the \$3,349.37 went toward that cost.

The General Counsel said the Commission honored and promptly paid any bills rendered for fire protection outside the territorial limit of a political subdivision providing such protection. He said the Commission did not pay in cases where political subdivisions supplied such aid within their territorial limits. He said the opinions of the Attorney General of Ohio were very clear on the point that political subdivisions were required to furnish fire protection for state property just as for

any other property within their territorial limits.

The Chairman said the report of General Counsel was accepted as offered.

The Chairman of the Committee on Claims, Mr. Teagarden, reported that there were 13 claims before the Committee and seven claims had been disposed of satisfactorily since the meeting of the Commission in January, 1958. He said that of the remaining claims several involved claims of sub-contractors against prime contractors which were trying to pass the claims along to the Commission. He said he thought it was just a question of time until quite a few of those would be settled.

The Chairman said he thought great progress had been made. He said the report of the Committee on Claims was accepted as offered.

The Director of Information and Research reported that the Department of Information and Research was intensifying its efforts to promote traffic for the turnpike. He said the Calumet Skyway Bridge which joined onto the western terminus of the Indiana Toll Road and carried on north seven and one-half miles toward downtown Chicago was to be opened to traffic on April 16, 1958. He said the effect of the new facility should be to increase traffic on the Ohio Turnpike as people learned to take advantage of the added convenience and time saving it would afford in traveling between New York and Chicago.

The Chairman said the report of the Director of Information and Research would be accepted as offered.

Mr. Edward P. Dailey, representing the American Federation of State, County and Municipal Employees Local 166, was granted permission to address the Commission. He took exception to several portions of the report of the Committee on Employee Relations to the Executive Director and said the turnpike employees were still at a level below that of the general public employees of the State of Ohio. The Chairman directed that Mr. Dailey be given a copy of the report of the Committee on Employee Relations to the Executive Director.

A resolution ratifying actions of administrative officers was moved for adoption by Mr. Teagarden, seconded by General Beightler, as follows:

Resolution No. 3-1958

"WHEREAS the executive director, deputy executive director, chief

engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller, maintenance engineer, and the director of information and research of the Commission have, by various written and oral communications, fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting, and the Commission has duly reviewed and considered the same;

"NOW, THEREFORE, BE IT

"RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on January 7, 1958, hereby are ratified, approved, and confirmed."

A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Teagarden, Beightler, Chastang, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted. The Resolution was identified as No. 3-1958.

There being no further business to come before the Commission a motion was made by Mr. Chastang, seconded by Mr. Teagarden, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Chastang, Teagarden, Beightler, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 1:18 o'clock p.m.

Approved as a correct transcript of
the proceedings of the Ohio
Turnpike Commission



Robert S. Beightler, Secretary-Treasurer