

BEFORE THE ARBITRATOR

**COLUMBIA COUNTY COURTHOUSE AND HUMAN
SERVICES EMPLOYEES' UNION, LOCAL 2698-B,
AFSCME, AFL-CIO**

And

**WERC Case 237, No. 64198,
INT/ARB-10312
Dec. No. 31211-A**

**COLUMBIA COUNTY (COURTHOUSE/HUMAN
SERVICES DEPARTMENT)**

APPEARANCES:

Mr. David White, Staff Representative, 8033 Excelsior Drive, Suite B, Madison, Wisconsin 53717-1903, on behalf of Wisconsin Council 40 of County and Municipal Employees, AFSCME, AFL-CIO.

Attorney Joseph Ruff III, Columbia County Corporation Counsel/Human Resources Director, 120 West Conant Street, P.O. Box 63, Portage, Wisconsin 53901, on behalf of Columbia County (Courthouse/Human Services Department).

Columbia County Courthouse and Human Services Employees' Union, Local 2698-B, AFSCME, AFL-CIO, and Columbia County (Courthouse/Human Services Department (hereinafter referred to as the Union and County, respectively) chose the undersigned through the Wisconsin Employment Relations Commission to hear and decide the above-referenced dispute. Hearing was held on April 20, 2005 in Portage, Wisconsin, where the parties were afforded full opportunity to present oral argument, evidence, and testimony. Post-hearing initial and reply briefs were filed and exchanged by June 25, 2005.

Now, having considered the evidence adduced at the hearing, the arguments of the parties and the record as a whole, the undersigned issues the following Award.

PERTINENT CONTRACT PROVISIONS:

<u>Range</u>	<u>Classification</u>	<u>Start</u>	<u>...</u>	<u>180 Mos.</u>
1	... Chief Deputies ...	\$14.65	...	\$17.13
2	... Deputy Emergency Government Director	\$14.05	...	\$16.27
3	Deputy in Probate ...Deputy Veteran Service Officer ...	\$13.44	...	\$15.48

...

RECLASSIFICATION PROCEDURE

A. A request for reclassification may be initiated by: (1) the employee or (2) the Union. A request for reclassification should include the following supporting documentation: a current job description, organizational chart for the appropriate work unit, suggested classification or pay grade, and reason for the request.

B. In general, reclassification request shall be processed the following manner:

1. An audit will be conducted by the Human Resources Department and presented to the Human Resources Committee to determine what adjustment, if any should be made in the classification.
2. The Human Resources Committee shall act the recommendation contained in the above-referenced audit on.

Reclassification requests will be accepted each year no later than May 15.

...

... The decision of the Human Resources Committee denying one or more request(s) for reclassification will not be the subject of individual grievances but may be reviewed collectively through interest arbitration procedure. In the event interest arbitration shall be invoked, the parties shall commit to writing their respective final offers with regard to the proper classification and/or grade allocation of each position in dispute. ... The arbitrator shall have the authority to determine which party's final offer is to be adopted for each position on an "issue-by-issue" basis. The

arbitrator shall provide each party with his or her written decision which shall be binding upon the parties. ...

There are three primary reasons for considering the reclassification of a position or upgrade of a classification: (1) if it is determined that the position was improperly classified or graded when it was first placed on the salary schedule; (2) if there has been a gradual growth or a major alteration of a position as additional duties and responsibilities are assigned; (3) or internal and/or external comparisons indicate the need to consider a reclassification or upgrade.

It must be understood that the classification is based on the kinds and levels of duties assigned to the position, not the employee's skills or level of performance. Reclassification will not be used as a performance award.

BACKGROUND:

Kathleen Johnson began her employment with the County in 1992 as a part-time Deputy Director of the Emergency Management Office. There was a full-time Director of that department at that time, Tim Carlin. Since Johnson began her employment, the Emergency Government Office has only included herself and the Director, to whom she reports. The Emergency Government Office is responsible for responding to emergencies within the County, such as chemical spills, tornadoes, and floods. During emergencies, the Emergency Government Office coordinates the appropriate agencies. The Department also ensures that various businesses and farms are in compliance with federal and state laws and regulations. The Department performs inspections, writes various reports and grants, and trains the public and employees at facilities regarding the handling of, and the response to, chemicals and disasters.

In 1993 Johnson became full-time. Her position description, entitled Administrative Assistant, Emergency Management Department, states as follows:

JOB SUMMARY

This is a skilled position in the Clerical/Administrative Classification. Under the supervision of the Emergency Management Director or appropriate designee, performs a variety of clerical/administrative functions and is located in the Sheriff's Administrative Office. This is a union position in the courthouse contract local 2698-B AFSCME.

ESSENTIAL DUTIES

- Assists in planning, developing and maintaining county-wide disaster plans which includes field work as well as office work
- receives and dispatches correspondence related to Emergency Management operations and the Superfund Amendment Reauthorization Act (S.A.R.A.) Program
- assists in maintaining files and records related to the entire scope of the Emergency Management operation
- assists in serving as recording secretary to the Local Emergency Planning Committee (L.E.P.C..) and as such, prepares, distributes and files the committee minutes and correspondence
- assists with development and implementation of Emergency Response Plans which includes field work as well as office work
- assists the Director with implementing the S.A.R.A. programs, plans and procedures through MacIntosh P.C. Computer Cameo Program and Hewlett Packard P.C. with Work Perfect 6.0
- maintains appointments and scheduling of the Director
- performs general clerical/administrative practices and maintains organization of the Emergency Management office
- assists in the writing of Federal Grants and accounting functions of implementing the funds
- the individual will be available on an on-call basis outside of scheduled work hours to provide assistance in emergency situations coordinating resources

While she performs the duties in that job description, her job has evolved over time from less of a clerical job to more of a “hands-on” job where she performs most of the duties and responsibilities of the Emergency Management Department, including developing hazardous materials response plans as well as some grant writing. Her duties and responsibilities have increased partly due to her self-motivation. Whenever the Director

is unavailable, she performs in his stead. Deputy Directors of other departments in the County also act in the absence of the Director of those departments.

She has responsibility for 35 large facilities and 149 farms to ensure their compliance with State and Federal requirements. With the enactment of the Patriot Act, the responsibilities of the Emergency Management Office have increased. Johnson often independently uses her judgment in carrying out her responsibilities.

In 1997 Arbitrator Tyson adopted the Union's final offer in AFSCME Local 2698-B and Columbia County, Dec. No. 28997-A, which included, among other issues, the reclassification of the Deputy Emergency Government Director to Pay Range 3. Sometime thereafter the position was again reclassified to Range 2.

Johnson has a high school diploma, but she has been taking classes toward a certification in Emergency Management and is one class short of completing the program. It is roughly equivalent to a bachelor's degree. Former Emergency Management Director Tim Carlin possesses this certification.

On June 14, 2004 Emergency Government Director Carlin was in a very serious car accident and since then has been unable to work. Johnson was immediately notified of the accident, and she then so advised the appropriate County Board member, who directed her to draft a letter from the County stating that she was the Acting Director.

In September 2003 she requested an increase in her wage for her additional acting duties. She received "retro" pay for her work as the Acting Director from June 2003 to September 2003. The Sheriff then became the Acting Director, until February 2004 when Sheriff's Sergeant Patrick Beghin was appointed as half-time Director. Beghin had not previously held such a position, and Johnson trained him in many aspects of the job.

As a result, she has taken on additional responsibilities of the Emergency Department. Since June 2003 she has begun writing certain grant proposals that the Director had previously drafted.

Dane County is an external comparable and has a Hazardous Materials Planner position with a 2005 starting wage of \$21.23 and a maximum rate of \$27.59. That job description states in pertinent part:

DEFINITION

Under general supervision, assists in emergency planning programs with emphasis on hazardous material planning and community disaster exercises; performs related work as required.

EXAMPLES OF DUTIES

Assist in development and implementation of the County's emergency planning program, including community emergency plans; assists local fire departments and other public safety exercises; provides technical emergency planning and training assistance to public safety agencies and industry; assists in revision of County emergency Management Plan; assists in Emergency Management operations including severe weather or other emergencies.

Dane County also has a Population Protection Planner position with wage rates identical to that of the Hazardous Materials Planner position. The Population Protection Planner job description states in pertinent part:

DEFINITION

Under general supervision, assists in emergency planning programs with emphasis on population protection planning, voluntary organization coordination, and emergency resource coordination; performs related work as required.

EXAMPLES OF DUTIES

Assists in development and implementation of the County's emergency planning program; assists local fire departments and other public safety agencies in development of population protection plans and conducting disaster exercise; provides technical emergency planning and training assistance to public safety agencies and industry; assists in revision of County Emergency Management Plan; assists in voluntary organization coordination; maintains comprehensive emergency resource information;

assists in Emergency Management operations including severe weather or other emergencies.

External Comparable Jefferson County has an Emergency Management Coordinator position with a 2005 wage rate ranging from \$19.14 to \$24.61. Its job description generally parallels Johnson's description of her duties.

Rock County's Administrative Assistant position in its Emergency Government department primarily focuses on administrative duties, such as:

Assists the department head in office administration. Develops administrative practices for the clerical staff. Does counter work, receives payments, issues receipts, ... Operates a variety of office machines ...

Jefferson County's Program Assistant position and Dodge County's position are similarly more administrative in focus. The other external comparable counties do not have deputy or assistant positions in their Emergency Government departments.

Johnson testified that she performs similar duties to Dane County's Hazardous Materials Planner and Population Protection Planner positions and Jefferson County's Emergency Management Coordinator position.

The average 2005 starting wage rate for external comparable county positions is \$16.87 with a maximum average wage rate of \$21.17. Columbia County's Deputy Emergency Management Director has a 2005 wage rate ranging from \$14.05 to \$16.27.

On May 7, 2004 Johnson submitted the following written request to reclassify her position:

This letter is a formal request for a reclassification of my position as Deputy Emergency Management Director from range 2 to a range 1.

With the drastic downsizing from a full time director to a half time position in the last couple of months, I strive to make the office run smoothly by giving advice and answering questions both in and out of the office on a regular basis. I am also performing accounting procedures

such as hazmat billing, tracking all grants, including purchases and receipts and I oversee the day-to-day activities in the office in the absence of the director just as other chief deputies do throughout other county offices.

I feel that with downsizing of our office and the knowledge that I have to run the office, we can justify a reclassification for this position. ...

The County denied her request for the reclassification of the Deputy Emergency Government Director from Pay Range 2 to Pay Range 1. Pursuant to the parties' Voluntary Impasse Procedure set forth in the Side Agreement, the dispute was submitted to interest arbitration before the undersigned.

FINAL OFFERS:

Union's final Offer:

The Deputy Emergency Government Director shall be reclassified from Range 2 to Range 1.

County's Final Offer:

The Deputy Emergency Government Director is properly classified and should remain in Range 2. A reclassification from Range 2 to Range 1 is not appropriate.

POSITION OF THE UNION:

The Union argues that the Deputy Emergency Government Director position should be reclassified from Pay Range 2 to Pay Range 1. The Union points to the job description, contending that incumbent employee Johnson is responsible for numerous tasks.

The Union also cites Johnson's testimony. Johnson testified that she is responsible for writing Emergency Response Plans for farms and industrial plants which

address procedures relating to the dangerous chemicals that are stored and used on the premises. She is responsible for 35 large plants and 149 farms and 100 reporting facilities.

The Union further notes that the Emergency Response Plans are used to alert emergency responders of the nature of the chemicals they may come in contact with. One plan on which she is currently working is at a new ethanol plant where she must go out to the facility, review the chemicals used in production, and perform an on-site inspection, considering the topography and watersheds. Johnson then returns to her office to write a plan which identifies vulnerability zones, describes the worst case scenario of a chemical release, estimates the number of people expected in the area, and identifies the hospitals, day care facilities, nursing homes and schools located in the area.

The Union asserts that Johnson is responsible for writing the EMPG, the EPCRA, and HazMat grants. The grants are very important, for they pay for the operation and equipment of the department. She also disseminates information at the facilities where she writes plans.

The Union also points out that the Deputy Emergency Government Director is responsible to serve on-call in the absence of the Director. In the event of a disaster, Johnson reports to the scene and participates in the coordination of resources along with local government officials, including fire departments and law enforcement.

The Union maintains that Johnson's position has evolved over time. She has been employed by the County since she was first employed in the position in 1992. She was first hired as a part-time employee. A year later she became full-time when another part-

time employee left. The evolution has culminated in the instant matter before the Arbitrator.

Following the events of June 2003, the position changed dramatically, the Union claims. The Director of the Department at that time was involved in a serious accident, and he has never returned to duty. Johnson was then the Acting Director until September 2004. The County then made the Sheriff the Acting Director.

In February 2004 a Sheriff's Deputy became the permanent Director, but the position was reduced from full- to half-time. As a result, the Union argues, Johnson retained many of the responsibilities she took on when she was the Acting Director. For example, she is now more involved in the grant writing process than before.

Considering the internal comparable Deputy positions, the Union notes that the Chief Deputy County Clerk and Chief Deputy Register of Deeds job descriptions for the County describe those positions as semi-skilled; whereas the Deputy Emergency Government Director job description describes the position as "skilled." The education and experience between the positions is virtually identical. The Deputy Emergency Government Director appears to have at least as great autonomy and technical responsibility.

Turning to the external comparables, in a previous arbitration decision, Arbitrator Tyson used the counties of Dane, Dodge, Green Lake, Jefferson, Marquette, Rock, and Sauk as the appropriate external comparability grouping. The Union suggests that there appears to be no dispute over the appropriate comparables.

Adams, Green Lake, and Marquette do not have Deputy Director positions. Sauk County has restructured, resulting in elimination of the Deputy position. The appropriate

comparable positions include: two positions each in Dane and Jefferson Counties and one position each in Rock and Dodge Counties.

The Union argues that the data reflects that the Columbia County Deputy Director position is paid well below those of Dane and Jefferson Counties, a little more than Dodge County, and above the Rock County job. The Union notes that the Rock County rate is for 2003.

The Columbia County maximum rate is achieved in 15 years, similar to Dane County which is 16 years, but the Dane County's rate is substantially higher. The maximum rates for Dodge and Jefferson are achieved far sooner.

While the rates generally support the Union's offer, the Union submits that the Dodge County position is clerical. The job description for Rock County is also primarily clerical in nature. In contrast, the Union contends that the job descriptions for the Dane and Jefferson Counties' positions track closely with Johnson's duties. Discounting the more clerical external Deputy positions, the external rates provide an even stronger justification for the Union's offer.

The parties' Voluntary Impasse Procedure calls for reclassifications where justified through evidence that it was incorrectly placed on the schedule initially, of growth of the position, and/or internal and external comparisons. The Union asserts that the second two criteria apply here.

In reply to the County's arguments, while the County contends that the incumbent employee has previously been reclassified, that says nothing about the merits of the claim in the instant matter. An employer should reclassify a position if the scope of the position continues to expand.

The County's contention that the Union is recycling arguments is based solely on the award of the Arbitrator and lacks any evidentiary basis to sustain the accusation. What has been established is that following the elimination of the full-time Director position, more of the Director's responsibilities have been passed on to Johnson.

The County also claims that she is under more supervision because the office is now housed in the Sheriff's Department. However, there is no evidence that shows anyone besides Director Beghin directly supervises her work. While the Emergency Management Department is housed in the Sheriff's Department and her supervisor is a part-time Deputy Sheriff, that does not make the Sheriff the Department Head. The Sheriff was only the Acting Director for a short period.

The Union is not claiming the Director does not do important tasks. Rather, the Union maintains that the Director is taking on new tasks while dropping to half time, so Johnson is necessarily taking on additional responsibilities.

The arbitration awards cited by the County do not apply because they address claimed contract violations, while this is an interest arbitration dispute where the issues are entirely different.

The Union disagrees with the County that Johnson's position should be compared with Rock County's. Rather, her job more closely resembles the Dane County and Jefferson County positions. Though the County argues that Columbia County's Deputy Emergency Director starting wage rate compares well to Rock and Dodge Counties, starting rates are not important comparisons under the issue presented here.

With respect to the internal comparables, while the County asserts the other departments with Chief Deputies have more employees, there is no evidence to sustain

that claim. The record does include the other Chief Deputy job descriptions, which supports the Union's offer.

The County's attempt to minimize the Deputy Emergency Government Director's duties and responsibilities relies on a mischaracterization of the evidence. The record overwhelmingly demonstrates the growth in the Deputy Emergency Government Director position. The internal and external comparables further support the Union's position. The Union's offer rectifies the situation, while the County's offer perpetuates the inequity.

In conclusion, the Union contends that the evidence strongly supports the Union's view that the position has evolved over time such that it is a quasi-professional and/or highly technical position requiring the exercise of considerable judgment, knowledge, and skill. The position's responsibilities are greater. An error in judgment could place the lives of thousands of Columbia County residents in peril. When the position is compared to other Chief Deputy positions in the County, the responsibilities and skills of the Deputy Emergency Government Director position are at least as great. When compared with the appropriate external comparable positions, the duties of the Deputy Emergency Government Director are similar. However, the Deputy Emergency Government Director is paid less. The Union's offer improves the situation somewhat by moving the rates closer to, but not beyond, those of Jefferson and Dane Counties. The Union therefore asks that the Arbitrator adopt the Union's final offer.

POSITION OF THE COUNTY:

The County notes that in 1994 Johnson's original secretarial position was changed to the Deputy Director position. In fact, her position was reclassified again in Arbitrator Tyson's 1997 interest arbitration award, where it was reclassified to Range 3. Sometime thereafter, as the collective bargaining agreement shows, she was reclassified to Range 2.

A review of the evidence shows that Johnson's reclassification request recycles previous arguments, including that she substitutes for the Director, writes and manages various types of Emergency Management Plans, uses some independent judgment in the position, and has pursued, but not completed, some formal training and certification related to her job. Given such a similarity in the request in 1997 and another one thereafter, the conclusion must be reached that a third request for reclassification for the same reasons is not warranted.

Contrary to the earlier requests for reclassification where Carlin requested she be reclassified, there is no evidence here of a recommendation from her supervisor or department head. What the evidence does reflect is that over her 13 years of experience she has developed experience in performing her job more efficiently. While Johnson attempts to characterize her long-established responsibilities of completing templates and forms for State-mandated emergency plans, she admitted that both the format and plans are developed by the State, not Johnson. For local plans, her role is to collect factual information from a list of questions written by the State and "plug it into the program." Grant funding is also clerical in nature. She acknowledged that before she was told what information to put in, but through experience she now knows how to input the information.

The requirement to substitute occasionally for the Director also is not new. There is a longstanding provision in the collective bargaining agreement that provides for on-call pay for the Deputy Emergency Director. The County notes that when she was Acting Director for several months, she received out-of-classification pay.

The primary basis for the reclassification request is that since Director Beghin is now part-time, she has taken on additional program management. This argument fails for it completely overlooks the fact that the Sheriff now has overall responsibility for the Emergency Management Department. Johnson admitted that, while the Sheriff is in charge, Beghin supervises both the emergency government programs. Johnson also testified that Beghin handles major new programs and grants, such as Homeland Security, Wireless 911, and all-hazard mitigation. Johnson's duties include providing administrative support for Beghin.

Other arbitrators have rejected similar arguments. When an employee simply handles some additional information, reclassification is not appropriate. Nor has it been found appropriate based on the overall merit of the employee or where the job has evolved over time and the employee is hardworking and accomplished at the job.

The Union points to an old job description; however, that job description may not be accurate and does not in itself warrant a reclassification.

With respect to the external comparable job descriptions, Johnson testified, neither surprisingly or convincingly, that her duties are similar to the higher paid external comparable jobs but dissimilar to the lower paid external comparable jobs. She simply responded "yes" to questions about her duties compared to those of the external job duties; however, she did "not exactly" know what a population protection plan was.

The external job descriptions show that her job is more closely similar to the Jefferson County Program Assistant and Rock County Administrative Assistant. While the Union asserts she is not even paid as well as external clerical positions, the Union's exhibits demonstrate that the starting rates for comparable positions in Rock and Dodge Counties were lower than in Columbia County. The Columbia County starting rate is virtually the same as the rate for the Deputy Director in Jefferson County.

Internal comparables should carry more weight than external comparables. The Union asserted that all Chief Deputies are in Range 1; however, the Union recognized at the hearing that, in fact, the Deputy Veterans Service Officer is not in Range 1.

Johnson acknowledged under cross-examination that the Range 1 Chief Deputies work in offices with more than two employees. She also acknowledged that she performed no supervisory duties. The Chief Deputies in the County Clerk, Clerk of Court, Register of Deeds, and Treasurer offices act in the place of an elected official when that official is not present. In contrast, the Deputy Veterans Service Officer works as the second person in a two-person office and is classified in Range 3, one range lower than Johnson is currently.

In response to the Union's arguments, the County asserts that the Union has attempted to characterize Johnson's job as incredibly complex and demanding with responsibility for people's lives. However, that is not an accurate characterization of her job.

Contrary to the Union's contention, Johnson has previously been reclassified because of the gradual changes in her job. The record does not contain evidence that

could reasonably justify another reclassification. The internal and external comparables reflect that she is already properly classified.

While emergency government has received more attention since 9-11 than in the past, such a perception does not provide a basis for a pay increase for those who work in that field.

In conclusion, the Deputy Emergency Government Director should not be reclassified from Range 2 to Range 1. There has not been a gradual growth or a major alteration, since additional duties and responsibilities have not been assigned. The internal and external comparables also do not support the claimed reclassification. Johnson has been reclassified at least once before in the same position and on the same grounds. The change of the Director from full- to half-time also has not substantially changed her position. Internal comparables show that she is actually placed too high when compared to the Deputy Veterans Service Officer. The County's final offer should prevail. The County cites arbitral authority in support of its position.

DISCUSSION

The dispute centers on whether the Deputy Emergency Government Director should be reclassified from Pay Range 2 to Pay Range 1. The collective bargaining agreement includes a Voluntary Impasse Procedure for handling reclassification requests. Should the request be denied by the County, the dispute is then submitted to an interest arbitration proceeding to resolve the dispute. The Union's final offer proposes the reclassification of the Deputy Emergency Government Director to Range 1, while the

County's final offer proposes the status quo. Three criteria are set forth in the labor agreement when considering the reclassification of a position:

(1) If it is determined that the position was improperly classified or graded when it was first placed on the salary schedule; (2) if there has been a gradual growth or a major alteration of a position as additional duties and responsibilities are assigned; (3) or internal and/or external comparisons indicate the need to consider a reclassification or upgrade.

Here, the Union contends that Criteria 2 and 3 apply.

The County argues in part that in 1997 Arbitrator Tyson adopted the Union's final offer in AFSCME Local 2698-B and Columbia County, Dec. No. 28997-A, which included the reclassification of the Deputy Emergency Government Director to Range 3, and, therefore, the proposed reclassification should not be reconsidered.¹ The undersigned agrees that changes in the responsibilities of the Deputy Emergency Government Director up to the date of that Award were previously addressed and should not be considered here. However, any changes in the tasks and responsibilities thereafter may properly be considered in this proceeding.

The Union presents a strong argument that since the June 14, 2003 car accident of Emergency Government Director Carlin, Deputy Emergency Government Director Johnson has taken on a number of additional responsibilities. For a period Johnson was the Acting Director and eventually, Sheriff's Sergeant Patrick Beghin was appointed as half-time Director. He started without specific experience in the Emergency Government Department. By necessity, Johnson continued to perform many of the responsibilities previously performed by Carlin, since Beghin serves only part time and did not have prior experience as a Director of Emergency Government. Thus, there has been a

¹ Apparently, sometime thereafter the Deputy Emergency Government Director was again reclassified to Pay Range 2.

“gradual growth or a major alteration of a position as additional duties and responsibilities are assigned,” particularly since June of 2003.

When the external comparables are considered, it is evident that Johnson’s job substantially parallels Dane County’s Hazardous Materials Planner and Population Protection Planner and Jefferson County’s Emergency Management Coordinator. In particular, similar responsibilities include:

“Assist in development and implementation of the County’s emergency planning program, including community emergency plans; assists local fire departments and other public safety agencies in development of hazardous response plans and conducting disaster exercises; provides technical emergency planning and training assistance to public safety agencies and industry; assists in revision of County Emergency Plan; assists in Emergency Management operations including severe weather or other emergencies.” (Dane County’s Hazardous Materials Planner and Population Protection Planner positions.)

“Develops, updates and implements disaster emergency plans including coordination with state plans and programs. Revises and updates Emergency Operation Plan (EOP) ... Coordinates Emergency Management (EM) mitigation. Completes and submits EPCRA, Emergency Management Performance Grant (EMPG) and Homeland Security (HS) grants. Reviews and processes HAZMAT recovery grant applications. Compiles and documents disaster-related expenses for reimbursement and grant assistance. Develops, updates, and implements EPCRA county-wide and facility on-site hazardous materials (HAZMAT) inventory and spill mitigation plans. Participates in directing Department-sponsored training programs and exercises for emergency response personnel. Maintains knowledge of current EM, EPCRA, and HS disaster planning and response rules and regulations. ... Facilitates communication between response agencies. ...Coordinates response and recovery activities during disasters.” (Jefferson County Emergency Management Coordinator position.)

Johnson credibly testified that she performs most of the duties of those positions.

Rock County’s Administrative Assistant position is not a relevant external comparable because it primarily focuses on administrative duties, such as:

Assists the department head in office administration. Develops administrative practices for the clerical staff. Does counter work, receives payments, issues receipts, ... Operates a variety of office machines ...

Jefferson County's Program Assistant position and Dodge County's position include duties that are similarly more administrative in focus.

Considering the wage rates for the relevant external comparable positions, the 2005 rates for Dane County's Hazardous Materials Planner and Population Protection Planner positions range from \$21.23 to \$27.59. The 2005 wage rates for Jefferson County Emergency Management Coordinator range from \$19.14 to \$24.61. In comparison, the 2005 wage rates for Columbia County's Deputy Emergency Government Director range from \$14.05 to \$16.27. The wage rates for the comparable external positions substantially support the Union's final offer to reclassify the Deputy Emergency Government Director to Pay Range 1, with rates from \$14.64 to \$17.13.

With respect to the internal comparables, the labor agreement lists "Deputies" in Range 1 while the Deputy in Probate and the Deputy Veteran Service Officer jobs are listed in Range 3. The record does not comprehensively address the duties of those possible internal comparables to fairly determine whether any of them are at a similar responsibility level to the Deputy Emergency Government Director classification. Simply having "Deputy" as part of those job titles is insufficient. Accordingly, the possible internal comparable job classifications cannot be used to support either side's position.

In conclusion, the record supports the Union's final offer, given the change in responsibilities since June 2003 and the similarity in duties of the Deputy Emergency

Government Director to the relevant external comparable positions. The Union's final offer is therefore found more reasonable and shall be adopted here.

Accordingly, it is my

AWARD

1. The Union's final offer is adopted.
2. The Deputy Emergency Government Director position shall be reclassified from Range 2 to Range 1, effective January 1, 2005.

Dated in Madison, Wisconsin, on July 18, 2005, by

Andrew M. Roberts, Arbitrator