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In the Matter of Arbitration	:	WISCONSIN EMPLOYMENT
Between	:	RELATIONS COMMISSION
FOND DU LAC COUNTY (DEPARTMENT OF	:	AWARD
SOCIAL SERVICES)	:	
and	:	WERC Case LXVIII No. 29038
FOND DU LAC COUNTY SOCIAL SERVICES	:	MED/ARB 1492
EMPLOYEES ASSOCIATION	:	Decision No. 19404-A

I. HEARING. A hearing in the above entitled matter was held on May 19, 1982, at the Fond du Lac City-County Government Center, Fond du Lac, Wisconsin, commencing at 10 a.m.

II. APPEARANCES.

JAMES C. HERRICK, Jr., Attorney, HERRICK & BILKA, S.C., appeared on behalf of the Association.

RICHARD CELICHOWSKI, Administrative Assistant, Office of the County Executive, appeared on behalf of the County.

III. NATURE OF THE PROCEEDINGS. This is a proceedings in final and binding final offer arbitration under Section 111.70 (4) (cm) 6 of the Municipal Employment Relations Act of the State of Wisconsin. Fond du Lac County (Department of Social Services) on December 22, 1981, filed a petition with the Wisconsin Employment Relations Commission alleging that an impasse existed between it and the Fond du Lac County Social Services Employees Association in collective bargaining for a new agreement. The County asked for the initiation of mediation-arbitration under the above cited section of the statutes. The Commission appointed a staff member, David E. Shaw, to investigate. He submitted a report whereafter the Commission found that the parties were deadlocked, and the parties had on February 16, 1982, submitted final offers and stipulations of matters agreed to.

The Commission concluded that an impasse within the meaning of the statute existed, certified that conditions precedent to the initiation of mediation-arbitration had been met and ordered such mediation-arbitration on February 19, 1982. The parties having selected Frank P. Zeidler of Milwaukee as mediator-arbitrator, the Commission appointed him on March 2, 1982.

A session in mediation was held on May 19, 1982. After a reasonable period for mediation, the arbitrator determined that the parties remained at impasse, and called for a hearing later on the same day. At the hearing the parties were given full opportunity to present evidence, give testimony and make argument. The Association supplied a brief at the time of the hearing. At the hearing it was agreed that the County would supply a brief after thirty days and thereafter the parties would exchange reply briefs directly. The last brief was supplied June 24, 1982.

The matter involves 57 employees (26 social workers and 31 non social workers).

IV. FINAL OFFERS.

A. The following is the final offer of the County:

"Appendix A - Reclassification and Wage Rate Adjustment

"Revise salary range for Income Maintenance Leadworker as follows prior to across the board increases for 1982:

"From: 897 - 949 - 1000 - 1052 - 1106
To: 844 - 897 - 949 - 1000 - 1052

"Red circle present employee (Betty Marx) at \$54/month above the revised maximum rate of pay for an Income Maintenance Leadworker.

"1982 Wage Increase

"Non Social Workers 8% across the board
Social Workers 7% across the board"

B. The following is the final offer of the Association:

"1982 Wage Increase

"Non Social Workers - 8.25% across the board
Social Workers - 7.75% across the board"

V. FACTORS CONSIDERED. Under Section 111.70 (4) (cm) 7, the mediator-arbitrator is to give weight to the following factors:

- a. The lawful authority of the municipal employer.
- b. Stipulation of the parties.
- c. The interests and welfare of the public and the financial ability of the unit of government to meet the costs of any proposed settlement.
- d. Comparison of wages, hours and conditions of employment of the municipal employes involved in the arbitration proceedings with the wages, hours and conditions of employment of other employes performing similar services and with other employes generally in the public employment in the same community and in comparable communities and in private employment in the same community and comparable communities.
- e. The average consumer prices for goods and services, commonly known as the cost of living.
- f. The overall compensation presently received by the municipal employes, including direct wage compensation, vacation, holidays and excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
- g. Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.
- h. Such other factors, not confined to the foregoing which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment.

The arbitrator has given consideration to these factors and notes that consideration in the appropriate issue and discussion thereon.

VI. THE LAWFUL AUTHORITY OF THE GOVERNMENT TO PAY.

There is no issue here as to the lawful authority of the County to meet either offer.

VII. STIPULATION OF THE PARTIES.

The parties have stipulated to all other issues in the 1982 Agreement.

VIII. FINANCIAL ABILITY OF THE EMPLOYER TO PAY.

There is some contention here by the County about its ability to meet the costs of the Association offer.

Association Exhibit 1 showed that the net county levy in 1980 was \$5,173,781. In 1981 it was \$5,044,800, a decrease of \$128,981. The exhibit also showed that the tax rate in 1980 was \$3.019 per thousand dollars of equalized value. In 1981 the rate was \$2.575 per thousand, a decline of \$0.444. The County points out that the 1982 rate was \$2.721 per thousand, an increase of \$0.146 over the 1981 rate. The County says that it is finding it increasingly difficult to maintain the present level of services, though it is not raising the claim of inability to pay.

Weighing the above information, the arbitrator finds that the County has the ability to meet the cost of either offer.

IX. THE INTERESTS AND WELFARE OF THE PUBLIC.

The County contends generally that to meet the terms of the Association offer is not in the interest and welfare of the public, because the County offer on wages compares favorably with existing wages obtained by employees similar to the County's employees but in other jurisdictions.

X. COMPARABLE GOVERNMENTS.

The parties selected different groups of counties for the basis of making comparisons. The County has selected counties for comparison on the basis of adjacency. The counties selected are Dodge, Manitowoc, Outagamie, Sheboygan and Winnebago. Manitowoc and Outagamie Counties do not have common borders with Fond du Lac County but are near it. Green Lake County and Calumet County have common borders, but were considered by the County to have too small a population. Washington County is also adjacent to Fond du Lac County, but the County and comparable union had not settled.

The Association's list of comparables included the counties of Fond du Lac, Calumet, Dodge, Eau Claire, La Crosse, Manitowoc, Marathon, Outagamie, Ozaukee, Sheboygan, Washington and Winnebago.

The arbitrator is of the opinion that the Association list contains counties with only a secondary degree of comparability because the counties are remote enough to be under other economic influences. The arbitrator considers the counties of Eau Claire, La Crosse, Marathon, and Ozaukee to be in this condition.

XI. BASIC WAGES - COMPARISON OF OFFERS.

The Association is proposing an 8.25% across the board increase for non-social workers, whereas the County is proposing an 8% increase across the board, except that in the case of Income Maintenance Leadworkers (IMLW) the County is proposing to revise the basic schedule downward. This matter will be dealt with independently.

The Association is also proposing a 7.75% across the board increase for social workers, whereas the County is proposing a 7% increase.

The following table gives the former top of scale rates and proposed top of scale rates:

Table I

1981 TOP RATES, STEP IV AND PROPOSED 1982 TOP RATES PER MONTH

<u>Classification</u>	1981 Step IV or Top ⁽¹⁾	1982 Step IV Top			
		<u>Association</u>	<u>% Inc.</u>	<u>County</u>	<u>% Inc.</u>
Clerk Typist I	789	854	8.25	852	8
Clerk Typist II	852	922	8.25	920	8
Clerk Typist III	915	990	8.25	988	8
Social Service Aide I	852	922	8.25	920	8
Social Service Aide II	1000	1082	8.25	1080	8
Homemaker I	852	922	8.25	920	8
Homemaker II	1000	1083	8.25	1080	8
Terminal Operator I	854	924	8.25	922	8
Terminal Operator II	915	990	8.25	988	8
Income Maintenance Assistant	852	922	8.25	920	8
Worker	1000	1083	8.25	1080	8
Leadworker ⁽²⁾	1106 ⁽²⁾	1139	8.25	1136	
Social Worker	1448	1560	7.75	1549	7
Senior Social Worker	1581	1703	7.75	1692	7

(1) Source: 1981 Agreement, Jt. Ex. 2

(2) Top rate proposed by the County to be \$1052 for 1982

XII. BASE WAGES - COMPARISON WITH OTHER UNITS OF GOVERNMENT.

The parties supplied exhibits on base wages which yielded information on hourly and monthly rates paid in other governmental jurisdictions. The arbitrator encountered some difficulty in attempting to reconcile different data reported for the same position by the parties. With the assistance of the parties the data was reconciled in some critical aspects through a submission of corrected information. For example, Sheboygan County was reported as being in the negotiating stage,

but then the parties settled in that county, and the parties in this case agree on what wage rates are derived from that settlement. In the case of Dodge County, however, while the parties agree on an hourly wage rate from various classifications, they do not agree on what the total rate should be. In Dodge County social workers work a 40 hour week, and in Fond du Lac they work a 37.5 hour week. The Employer in this case states the wage tops earned in Dodge County to be the amount of money earned in 37.5 hours whereas the Association reports the total pay earned in 40 hours.

The following is a table reconciled as far as the arbitrator can do it. The corrected data will appear in subsequent tables where appropriate.

Table II

COMPARISON OF MINIMUM AND MAXIMUM WAGES FOR 1982
AS REPORTED BY THE ASSOCIATION AND THE COUNTY

County	Classification								IMW		IMLW	
	Social Worker Grades											
	I		II		III		IV		Min.	Max.	Min.	Max.
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Outagamie												
Co. Report	1165	1309	1237	1526	1358	1657	1452	1714	897	1066		
Assn. Report	1165	1309	1237	1526	1358	1657	1452	1714	898	1066	922	1095
Winnebago												
Co. Report	1207	1312	1207	1426	1532	1660	1532	1661	910	1072		
Assn. Report									910	1072		
Dodge												
Co. Report (1)	1063	1254	1203	1394	1315	1506	1455	1582	924	1116		
Assn. Report (2)	1134	1338	1283	1487	1402	1607	1533	1688	986	1191		
Sheboygan												
Co. Report	1138	1229	1186	1328	1285	1736	1401	1890				
Assn. Report	1138	1229	1186	1328	1285	1736	1401	1890				
Fond du Lac												
Co. Report												
Emp. Offer	1254	1549	1254	1549	1525	1692	1525	1692	853	1080		
Assn. Offer	1263	1560	1263	1560	1525	1704	1535	1704	855	1083		
Assn. Report												
Emp. Offer			1254	1549			1525	1692				
Assn. Offer			1263	1560			1535	1703				

(1) Based on a 37-1/2 hr. workweek

(2) Based on a 40 hr. workweek

The following table presents a comparison of hourly and monthly wages for certain classifications of special interest to the parties here. The information is derived in part from Association Exhibits 7 A and B, and information obtained later from the parties after the hearing.

Table III

COMPARISON OF FOND DU LAC OFFERS WITH COMPARABLE UNITS OF GOVERNMENT,
MAXIMUM 1982 HOURLY AND MONTHLY SALARY FOR SELECTED CLASSIFICATIONS

County	Hrs. /Mo.	Inc. Mtce. Worker		Inc. Mtce. LW		Social Worker		Senior Soc. Worker	
		Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.
A. Primary Comparison									
Fond du Lac									
Co. Offer	37.5	6.65	1080	6.99	1136	9.53	1549	10.41	1692
Assn. Offer		6.66	1083	7.37	1197	9.60	1560	10.48	1703
Dodge									
Emp. Report	37.5 ⁽⁴⁾		1116	7.17	1165		1394		1582
Assn. Report	40.0	6.86	1191	7.17	1242	8.57 ⁽¹⁾	1487	9.73 ⁽²⁾	1688
Manitowoc	38	6.64	1093	7.12	1172	9.29 ⁽¹⁾	1530	10.77 ⁽²⁾	1774
Outagamie	40	6.15	1066	6.34	1099	8.06	1526	10.55 ⁽³⁾	1714
Sheboygan	37.5	7.67	1246			8.17	1328	11.63 ⁽²⁾	1890
Washington Co.									
Co. Offer	40	5.19	900			8.25 ⁽¹⁾	1432	9.39 ⁽²⁾	1628
Assn. Offer		5.26	912			8.25	1432	9.39	1628
Winnebago	37.5	6.60	1072	6.92	1125		1426		

- (1) Social Worker II
- (2) Social Worker IV
- (3) Maximum of 3 steps
- (4) Employees worked a 40 hour week. Fond du Lac County used 37.5 hours to make its comparison.

B. Secondary Comparison

Calumet	37.5	6.08	987			10.05	1634	10.68 ⁽³⁾	1735
Eau Claire	40	5.63	977	6.15	1066	8.81 ⁽¹⁾	1527	10.05 ⁽²⁾	1742
La Crosse	37.5	5.61	912	6.28	1021	9.24 ⁽¹⁾	1502	9.74 ⁽³⁾	1583
Marathon	2045/ yr.	6.66	1135	7.34	1250	9.26	1557	10.83 ⁽³⁾	1846
Ozaukee		8.14	1323			9.95	1617	12.42	2018

- (1) Social Worker II
- (2) Social Worker IV
- (3) Maximum of 3 steps.
- (4) Reported in Co. Ex. 1A-F.

Source: Assn. Exhibits 7-A-1, 7-A-2, 7-B-1, 7-B-2

The following information is derived from an inspection of Table III, assuming that the data therein is largely accurate and correct for specific classifications:

Table IV

RANK OF FOND DU LAC OFFERS WITH RESPECT TO
OTHER COUNTIES ACCORDING TO TABLE III (1)

A. Primary Comparison

Offer	IMW		IMLW ⁽²⁾		Social Worker		Sr. Social Worker	
	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.
County Offer	3	3	3	3	1	1	4	4
Assn. Offer	3	3	1	2	1	1	4	4

(1) County and Union offers in Washington County considered as one for this table.

(2) Five counties reporting.

B. Secondary Comparison

Offer	IMW		IMLW ⁽¹⁾		Social Worker		Sr. Social Worker	
	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.
County Offer	3	3	2	2	3	4	4	5
Assn. Offer	2	3	1	2	3	3	4	5

(1) Four counties only.

The comparison of hourly and monthly wages raises a question as to the validity of each type of comparison. It is the opinion that the monthly wage has more value here even though it represents a disparity in hours worked in the various counties. The monthly wage shows what a person in the classification does actually earn.

A table similar to the foregoing and also useful follows. This treats only monthly pay for more of the classifications involved in this arbitration. The table is largely derived from the Association work sheets, Exhibits 11 A-T. In some instances the numbers found in those work sheets are different from those found in County Exhibit 12. Also in some instances data was developed from information supplied after the hearing by the parties on the request of the arbitrator.

Table V

1982 MAXIMUM PAY FOR SELECTED SOCIAL SERVICE POSITION IN SELECTED COUNTIES

County	Classification			
	Clerk II	Soc. Serv. Aide II HM II	Inc. Mtce. Worker	Inc. Mtce. Asst.
A. Primary Group				
Fond du Lac County	920	1080	1080	920
Assn.	922	1083	1083	922
Non-Represented	940			
Dodge Co. Report	1079	1116 ⁽³⁾		
Assn. Report	1085	1163	1163	1085
Manitowoc	998	1093	1093	998
Outagamie	986 ⁽²⁾	1066	1066	986
Sheboygan	1021 ⁽⁵⁾	1061		978
Washington County	846	875		900
Assn.	858	888	888	912
Winnebago	922 ⁽¹⁾	942	1072	1072

Table V - continued

County	Clerk II	Soc. Serv. Aide II HM II	Inc. Mtce. Asst.	Inc. Mtce. Asst.
B. Secondary Group				
Calumet	825 ⁽⁴⁾	987	987	881
Eau Claire	865	974	985	886
La Crosse	832	912	912	783
Marathon	991	1135	1135	991
Ozaukee	1197		1323	

- (1) \$1072 - Co. Ex. 12
- (2) \$1016 - Co. Ex. 12
- (3) \$1042 - Soc. Serv. Aide II, Co. Ex. 12
- (4) Clerk I
- (5) Estimate made by arbitrator from Assn. Ex. 11-N and 11-O

From Table V the following information is derived:

Table VI

RANK OF FOND DU LAC OFFERS IN MAXIMUM PAY FOR SELECTED
NON-SOCIAL WORKER POSITIONS IN SELECTED COUNTIES⁽¹⁾

Offer	Clerk II	Soc. Serv. Aide II HM II	Inc. Mtce. Asst.
A. Primary Comparison			
County Offer	6	3	6
Assn. Offer	5	3	6

- (1) Data reported about Dodge and Washington County grouped as one.

The following information is derived from County Exhibit 8 and Association Exhibit 12:

Table VII

COMPARISON OF PERCENTAGE INCREASES IN WAGES
FOR SOCIAL SERVICE EMPLOYEES

County	Non-Social Workers	Social Workers
A. Primary Comparison		
Fond du Lac		
Assn.	8.25	7.75
County	8	7
Non-Represented Employees	8	7
Dodge	6.9 ⁽¹⁾ 8.12 ⁽²⁾	6.9 ⁽¹⁾ 5.22 ⁽²⁾
Outagamie	7	7
Sheboygan		8 (Eff. Rate = 6.56%) ⁽²⁾
County ⁽¹⁾	8	8
Union ⁽¹⁾	8	9 at 4/1/82 3 at 7/1/82 8.3 aver.

Table VII - continued

County	Non-Social Workers	Social Workers
A. Primary Comparison - continued		
Washington County	8.5 2.5 at 12/31/82	8.5 2.5 at 12/31/82
Union	10 2 at 12/31/82	8.15 3 at 12/31/82
Winnebago	7	7
B. Secondary Comparison		
Calumet	8 at 1/1/82 2 at 7/1/82	8 at 1/1/82 2 at 7/1/82
Eau Claire	8.5	8.5
La Crosse		18 (over 2 yrs.)
Marathon		6 at 1/1/82 2 at 5/1/82 \$20 at 10/1/82

- (1) Assn. Ex. 12
- (2) County Ex. 8

The data furnished by the parties gives two different sums of the overall costs of the wages alone under the various offers. These differences are shown in the following table and are derived from Association Exhibits 14-A and 14-B and County Exhibit 14-A.

Table VIII

ESTIMATES OF TOTAL COST OF 1982 WAGES ONLY

Assn. Calculation	%	County Calculation	%
	Inc.		Inc.
1981		\$728,525	
<u>1982 County Proposal</u>	7.47	<u>1982 County Proposal</u> NSW \$310,118 x 1.08 = \$334,927 SW 437,722 x 1.07 = 468,363 Total \$803,290	10.26
<u>1982 Assn. Proposal</u>		<u>1982 Assn. Proposal</u> NSW \$310,118 x 1.0825 = \$335,703 SW 437,722 x 1.0775 = 471,645 Total \$807,348	10.82
Difference		\$ 3,527	Difference \$ 4,058

Discussion. The parties themselves have not specifically addressed their base wages offers, but rather have concentrated on base wages plus medical insurance and retirement benefits. These matters will be addressed later. However, it is necessary to make certain observations and arrive at certain judgments on base salary offers alone.

From Table IV and Table VI it becomes clear that the offers of the parties do not substantially change the ranking of Fond du Lac County in relation to either the primary or secondary comparison groups of counties. In most classifications selected for examples, Fond du Lac

tends to be in a middle position. Only in the case of the Income Maintenance Leadworker is the Association offer substantially better than the County offer when either the hourly wage or monthly wage is considered. Under the Association offer Fond du Lac would rank first in hourly wage and second in monthly wage among the counties in the primary comparison list.

Concerning percentage increases, a review of the data on non-social worker percentages (Table VII), the County's offer of 8% is again in the middle. It exceeds the percentage increase obtained in two counties which the arbitrator considers very comparable to Fond du Lac County, namely Winnebago and Outagamie Counties. The Employer's offer in Fond du Lac however is exceeded by the increase given in Calumet County, but in this County, according to Table IV, a "catch-up" situation may exist for non-social workers. The arbitrator is of the opinion that with respect to non-social workers, the percentage increases in the base wage of the Employer's offer is reasonable and meets the factor of the statute on comparability.

As far as percentage increases for social workers, the Employer's percentage offer along with the percentage increases obtained in Winnebago and Outagamie Counties is below that of any other county in either the primary or secondary group, and this would indicate that the Employer's offer here is not as comparable as the Association offer which is 0.75% higher. The arbitrator is of the opinion that the Association offer for social workers more nearly meets the factor of comparability which is to be weighed.

Thus a review of actual dollar amounts is necessary to determine which offer is more reasonable in light of the statutory criteria. The information is to be found in Table III in which maximums in selected classifications are listed. The data here are developed from items not easily comparable, as for example in the situation in which there are only two steps for social workers which must be compared to the situation in which there are four or five steps for social workers. This table was developed to compare the classification of Social Worker in Fond du Lac with Social Workers II, and the classification of Senior Social Worker with Social Workers IV, or Social Workers III if that latter step were the top step.

On the basis of the data presented in Table III, the data in Table IV was developed. It can be seen that Fond du Lac County ranks first among seven counties listed in top pay for Social Workers II, but drops to fourth in the Senior Social Worker classification among the counties of primary comparison. In the case of the counties of secondary comparison, Fond du Lac ranks fourth in monthly pay in the Social Workers II groupings, but it drops to fifth rank in the grouping of Senior Social Workers.

A low ranking of Fond du Lac in the clerical positions is also noted in Table VI.

From the foregoing, the arbitrator concludes that the Association offer more nearly meets the criterion of comparability than does the County offer with respect to dollar amounts on base wages, although the County offer is in dollar amounts only slightly lower than the Association offer (Table I). In this regard it should be noted that the cost differences as the parties have estimated it, is about one half of one percent.

XIII. OVERALL COMPENSATION - COMPARABLE COUNTIES.

The parties addressed the issue of overall compensation, but limited their calculations and tables to two fringe benefits. The following information on medical benefits in comparable counties is derived from County Exhibits 7 A-F and Association Exhibits 8 A-B:

Table IX

COMPARISON OF MONTHLY MEDICAL INSURANCE BENEFITS
IN SELECTED COUNTIES

A - Single Plan

<u>County</u>	<u>Total Cost</u>	<u>Contrib. by C'ty</u>	<u>% C'ty Contrib.</u>	<u>Inc. to County over '81</u>	<u>Inc. to Employee over '81</u>
<u>1. Primary Comparison</u>					
Fond du Lac Assn.	53.68	49.12	92.5	11.38	1.83
County				11.38	
Dodge	56	56	100	13.71	-
Manitowoc	NR	NR	100		
Outagamie S.W.	51.41	51.41	100	16.72	-
N.S.W.	51.41	51.41	100	16.72	-
Sheboygan	45.30	45.30	100	9.65	-
Winnebago	62.99	62.99	100	15.29	
Washington	55.00	55.00	100	NR	
<u>2. Secondary Comparison</u>					
Calumet	33.49	33.49	100	NR	
Eau Claire	45.70	45.70	100	NR	
La Crosse	38.85	38.85	100	NR	
Marathon	44.17	44.17	100	NR	
Ozaukee	NR	NR	100	NR	

B - Family Plan

<u>1. Primary Comparison</u>					
Fond du Lac Assn.	147.30	136.24	92.5	30.40	11.08
County					
Dodge	134.94	134.94	100	34.01	
Manitowoc			100		
Outagamie S.W.	132.91	110.00	83	35.00	8.79
N.S.W.	132.91	100.00	75	34.00	9.79
Sheboygan ⁽¹⁾	125.20	125.20	100	26.60	-
Washington	112.00	112.00	100	NR	-
Winnebago	138.92	127.99	92	35.29	- 1.65
<u>2. Secondary Comparison</u>					
Calumet	85.95	81.65	95		4.30
Eau Claire	125.30	125.30	100		
La Crosse	100.21	95.21	95		5.00
Marathon	110.56	99.50	90		11.00
Ozaukee	146.92	146.92	100		

NR - not reported

(1) County contributes \$5.00 to single or family insurance.

The following table is derived from County Exhibits 7 A-F and 9 and Association Exhibits 7 B-1 and 7 B-2:

Table X

COMPARISON OF MONTHLY COUNTY PAYMENTS
TO EMPLOYEE'S RETIREMENT CONTRIBUTION

<u>County</u>	<u>1982 Payment Per Pay Period</u>	<u>\$ Increase 1982</u>	<u>% Inc.</u>	<u>Range of % of Employee Retirement Benefit Paid by Employer</u>
<u>1. Primary Comparison</u>				
Fond du Lac				100 - 75
S.W.		14.08		
N.S.W.		5.42		
Dodge	(100%)	3.66		100
Manitowoc	-	-	-	-
Outagamie				93 - 85
S.W.	73	10.00	14	
N.S.W.	45.75	5.00	13	
Sheboygan		5.60		100.00
Washington				
Winnebago	47 ⁽¹⁾	12.00	26	97.6 - 80

2. Secondary Comparison

Calumet	100.00
Eau Claire	100.00
La Crosse	100.00
Marathon	100.00
Ozaukee	100.00

(1) per month

The following table is also derived from the County brief which used its exhibits as its sources of information. The information is found on page 4 of the brief.

Table XI

COMPARISON OF COMBINED HEALTH INSURANCE AND RETIREMENT BENEFITS
IN SELECTED COUNTIES

<u>County</u>	<u>Health Ins. Single</u>	<u>Ret.</u>	<u>Total</u>	<u>Rank</u>	<u>Health Ins. Family</u>	<u>Ret.</u>	<u>Total</u>	<u>Rank</u>
<u>Social Workers</u>								
Outagamie	51.41	73.00	124.41	1	110.00	73.00	183.00	2
Fond du Lac	51.85	63.92	115.77	2	136.24	63.92	200.16	1
Winnebago	62.99	47.00	109.00	3	127.99	47.00	174.99	3

The following information was developed by the County in its brief from exhibits submitted at the hearing. The information comes from tables found on pages 4 and 6 of the County brief.

Table XII

COMPARISON OF THE DIFFERENCES OF THE INCREASES INCLUDED IN THE EMPLOYER FINAL OFFER TO THE ASSOCIATION WITH RESPECT TO THOSE RECEIVED BY CERTAIN OTHER COUNTIES.

<u>Group</u>	<u>1982 Increases in Health Insurance and Retirement Benefit Contribution</u>		<u>1982 Increase in Wages (%)</u>
	<u>Single</u>	<u>Family</u>	
Social Workers			
Dodge	+\$ 8.09	+\$2.59	+1.78
Sheboygan	+ 10.21	+ 7.06	+0.45
Outagamie	- 1.26	- 5.74	-
Winnebago	- 2.33	- 8.03	-
Non Social Workers			
Outagamie	+\$ 3.74	+ 0.26	+1.00% or +\$8.84 Aver.
Winnebago	- 2.33	- 8.03	+1.00% or +\$8.84 Aver.
Dodge	+ 8.09	+ 1.59	-0.13% or -\$1.15 Aver.

The County developed the information on the total increases paid by selected counties with respect to health insurance and retirement contributions. This table is derived from County Exhibit 9.

Table XIII

COMPARISON OF TOTAL DOLLAR INCREASES IN 1982 MONTHLY HEALTH INSURANCE AND RETIREMENT CONTRIBUTIONS PAID BY SELECTED COUNTIES

<u>County</u>	<u>Combined Benefit w/Single Plan Total Inc.</u>	<u>Rank</u>	<u>Combined Benefit w/Family Plan Total Inc.</u>	<u>Rank</u>
Fond du Lac				
S.W.	25.46	3 ⁽¹⁾	39.26	3 ⁽¹⁾
N.S.W.	16.80	4 ⁽²⁾	30.60	5 ⁽²⁾
Dodge	17.37		37.67	
Outagamie				
S.W.	26.72		45.00	
N.S.W.	21.72		39.00	
Sheboygan	15.25		32.20	
Winnebago	27.79		47.29	

(1) Social Worker comparison

(2) Non-Social Worker comparison

The positions of the parties on these comparisons will be considered after the data presented by the parties on internal comparisons is cited.

XIV. OVERALL COMPENSATION - COMPARISONS WITHIN FOND DU LAC COUNTY.

The parties presented a number of exhibits relating to internal comparisons. County Exhibits 3 A to F and 5, and Association Exhibits 3, 4, 5, and 6 are sources for the following table:

Table XIV

MONTHLY HOSPITAL AND SURGICAL INSURANCES INCREASES
FOR FOND DU LAC COUNTY EMPLOYEES, 1982,
AND SOURCES OF FUNDS

<u>Unit</u>	<u>Premium Incr.</u>	<u>% Incr. over '81</u>	<u>County Contrib.</u>	<u>Cty. % of Incr.</u>	<u>Employee Contrib.</u>	<u>Emp. % of Incr.</u>
<u>Non-Union</u>						
<u>Employees</u>						
Single	11.08	26	11.08	100	-	-
Family	30.40	26	20.40	80	6.00	20
<u>Sheriff</u>						
<u>Prot. Emp.</u>						
Single	11.08	26	11.38	1.03	-0.30	- 3
Family	30.40	26	25.18	83	5.22	17
<u>Non-Pro. Emp.</u>						
Single	11.08	26	11.38	1.03	-0.30	- 3
Family	30.40	26	25.18	83	5.22	17
<u>Rolling</u>						
<u>Meadows</u>						
Single	11.08	26	10.78	97	+0.30	3
Family	30.40	26	25.56	84	4.84	16
<u>Highway</u>						
Single	11.08	26	11.38	1.03	-0.30	- 3
Family	30.40	26	25.18	83	5.22	17
<u>Health Care</u>						
<u>Center</u>						
Single	11.08	26	10.78		.30	
Family	30.40	26	25.56		4.84	
<u>Social Services</u>						
<u>Social Worker</u>						
Single			11.38			
Family			25.10			
<u>Non-Social</u>						
<u>Worker</u>						
Single			11.38			
Family			25.18			

The following information on increased payments toward retirement are abstracted from Association Exhibits 3, 4, 5, and 6, and County Exhibits 3 A to F and 9:

Table XV

COUNTY INCREASED PAYMENTS TOWARD EMPLOYEE'S
CONTRIBUTION TO WISCONSIN RETIREMENT FUND

<u>Unit</u>	<u>Per Pay Period</u>	<u>Per Month</u>	<u>Total Insurance and Retirement Contribution by County</u>	
			<u>Single</u>	<u>Family</u>
<u>Non-Union</u>				
Admin. & Protective	6.00	13.00	24.08	37.40
Clerical	3.00	6.50	17.58	30.60
<u>Sheriff</u>				
Protective	5.00	10.33	21.71	35.51
Clerical	4.00	8.66	20.05	33.85
Rolling Meadows	2.00	4.33	15.11	29.89
Highway	6.00	13.00	24.38	38.18
Health Care Center	2.00	4.33	15.11	29.89
Social Workers (Assn)	6.50	14.08	25.46	39.26
Non-Social Workers (Assn)	2.50	5.42	16.80	30.60

The following information is abstracted from County Exhibit 6 and Association Exhibits 3, 4, 5 and 6:

Table XVI

PERCENT WAGE INCREASE AND RANK
IN COMBINED BENEFITS AND PACKAGE INCREASE

County Unit	% Inc. in Wages		Rank in Combined Health Insurance and Retirement Increases		"Package" with all Benefits (Assn. Claim)
	County Claim	Assn. Claim	Single	Family	
A. <u>Social, Protective and Professional Workers</u>					
Association offer	7.75		1	1	9.5%
Health Care Center	7.50		5	5	
Rolling Meadows	7.50		5	5	9.9%
Employer offer	7.00		1	1	9.0%
Non-Union Admin. and Prof. Employees	7.00	7.00	3	3	
Highway Union	6.93		2	2	9.8%
Law Enforcement Protective	6.25	7.50	4	4	9.9%
		Top			
B. <u>Non-Social Workers</u>					
Association offer	8.25		1	1	
Employer offer	8.00		1	1	
Non-Union Clerical	8.00	8.00	4	4	
Law Enforcement Non-Protective	8.00		3	3	
Health Care Center	7.50		5	5	
Rolling Meadows	7.50		5	5	
Highway Union	6.93		2	2	

From the data it supplied in the hearing the County produced certain tables in the brief with information which is derived from its exhibits. The following table is abstracted from tables on pages 3 and 6 of the County brief. The County refers to these tables in its arguments.

Table XVII

DIFFERENCES OF THE INCREASES INCLUDED IN THE EMPLOYER FINAL OFFER
TO THE ASSOCIATION WITH RESPECT TO THOSE RECEIVED BY
OTHER FOND DU LAC COUNTY GROUPS

Group	1982 Inc. in Health Insurance and Retirement Benefit Contribution		1982 Inc. in Wages (%)
	Single	Family	
Social Workers			
Law Enforcement - Prot.	+\$ 3.75	+\$ 3.75	+0.75
Highway Union	+ 1.08	+ 1.08	+0.07
Non Represented Ad. & Prof. Employees	+ 1.38	+ 1.86	-
Rolling Meadows Union	+ 10.35	+ 9.37	-0.50
Health Care Center Union	+ 10.35	+ 9.37	-0.50

Table XVII - continued

<u>Group</u>	1982 Inc. in Health Insurance and Retirement Benefit Contribution		1982 Inc. in Wages (%)
	<u>Single</u>	<u>Family</u>	
	Non-Social Workers		
Highway Union	+\$ 1.08	+\$ 1.08	+0.07 ⁽¹⁾
Rolling Meadows Union	+ 10.35	+ 9.37	-0.50 ⁽²⁾
Health Care Center	+ 10.35	+ 9.37	-0.50 ⁽²⁾
Law Enforcement Union			
Non Prot. Employees	+ 5.41	+ 5.41	-
Clerical Employees			
Non Represented	+ 7.88	+ 8.36	-

(1) Reported in brief as +1.07%

(2) Reported in brief as +0.50%

XV. WAGES AND FRINGES: POSITIONS OF THE PARTIES. DISCUSSION.

A. The Association Position. The Association notes that from the exhibits, the stipulations between the parties would result in the following increase of cost to the County:

Medical Insurance	\$ 8,500
Retirement Benefits	
Social Workers	4,300
Non-Social Workers	1,480
Reclassification	860
Holidays	<u>3,000</u>
	\$18,140

Increase = 2.1%

The Association states that the total percentage cost of the County's across-the-board proposal plus settled items is about 9%, whereas the Association cost is about 9.5%. The Association notes, however, that it does not have any input into the selection of the carrier or type of coverage, and therefore the family plan for medical and hospital insurance requires that it contribute more than \$1,066 per year for the family plan.

The Association notes that non-union administrative and professional employees have received a benefit of \$6 for retirement per pay period which is better than that received by other classes of employees, where increases in retirement benefits are about the same.

The Association notes that the total package for the Sheriff's Department was 9.9% which included a \$5.00 increase in retirement per pay period, and additional pay for shift duty. The Rolling Meadows employees received a 9.97% increase, and the Highway Department employees received a 10.5% increase with a retirement increase of \$6 per pay period and a \$.50 per hour average hourly increase, plus new classifications and additional vacation benefits.

The Association holds that all of the foregoing indicates that the Association proposal is the more reasonable.

Concerning the data submitted by the Association in its exhibits 7, 8, 9, 10, 11, and 12, the Association says that the following data reveals:

1. Across-the-board wage increase proposals in comparable counties range from 7% to 9% for the year 1982.
2. Most counties pay 100% of insurance cost for employees.
3. Fond du Lac County, as to base wages, is near the middle as to pay for selected positions.
4. That Fond du Lac County lags behind almost all comparable counties as to retirement except for Outagamie and Winnebago. The Association concludes therefore that its proposal is more reasonable.

The Association also argues that wage increases alone, however, should not be the deciding factor, but also notes that fringes must be considered as a statutory requirement. In the fringe benefit of retirement contributions, the Association states that its members lag behind non-union personnel, especially for non-social worker classifications.

The Association takes issue with the County's use of "averages" instead of dollar amounts, and for the County's use of percentage comparison for wages, but dollar amounts for benefits. The Association on its part has lumped benefits and wages to determine a total package and then developed the percentages. When all factors are considered, neither proposal is unreasonable. Using either the County's method or the Association's method, the Association demands are well within the settlement that Fond du Lac County has reached with its other employees for 1982.

B. The County's Position. The County contends that with respect to dollar increases in health insurance and retirement contributions, the Association members receive more under the Employer's offer than for any other settlement in the County. With respect to percentage increases in wages, the Employer offer is better than the settlement made with any other County groups except the unions at Rolling Meadows and the Health Care Center. Here, however, the net dollar increase for the Association social workers is greater when both wages and benefit increases are considered.

The County notes that its offer is better in comparison with the four counties of Dodge, Sheboygan, Outagamie and Winnebago, and is as good as or better except where health insurance and retirement contributions are considered as far as Outagamie and Winnebago Counties. In the latter case when dollar amounts are considered, Fond du Lac County is actually contributing more toward health insurance and retirement than Winnebago and Outagamie Counties except for Outagamie's contribution in health insurance for single coverage.

The County contends that the Employer's offer as pertaining to social workers is more when wages and fringe benefits are combined than that negotiated by all other Fond du Lac unions and more than that granted administrative and professional employees. It is at least comparable to, if not more, than that obtained in the surrounding counties which have settled contracts to date. On the basis of internal county comparison, the Association offer is not justified.

When Fond du Lac County's offer is compared with the current status of social worker wage rates in comparable counties, Fond du Lac County rates are near the top. In comparison with the rates offered in other counties, whether the County data or Association data is used, Fond du Lac rates are near the top. With respect to social workers the County's offer then is more reasonable.

As to wages of non-social workers, the County's offer for non-social workers as far as health insurance and retirement contributions and percentage increase in wages is better in every case than that received by any other of the employee groups in the County. The County offer for non-social workers is also better for dollar increases for health insurance, retirement and wages with respect to Outagamie, Winnebago and Dodge counties; but in the case of Winnebago, the Fond du Lac County for health insurance and retirement contributions are less, and in the case of Dodge County the percentage increase is less. The combining of wages and fringe benefit changes shows that Fond du Lac County is offering a larger total increase than the surrounding counties.

On the basis of the foregoing the County holds that the Association offer is not justified.

The County notes that although non-social worker wage rates are less in Fond du Lac County in many cases, yet the maximum rates are at or near the top for each classification except in the Clerk-Typist ranges. Thus there is no justification for applying the concept of "catch-up".

The County also contends that there is no justification for the claim that every other union in Fond du Lac is getting a higher total compensation than the Association's members. The County argues that the Association cannot substantiate its claims on overall percentage increases and that it would be virtually impossible for the County's offer to be 1% less than the package negotiated by other unions. This is borne out by the fact that the Association members will receive a larger dollar increase in fringe benefits and/or a larger percentage increase in wages.

C. Discussion. From the exhibits and information presented, certain conditions should be noted. With respect to the conditions within Fond du Lac County, a full comparison of total compensation and therefore the full percentage increase of total compensation is not possible to make because of the limited data supplied. The Association holds that every other unit in the County is getting a higher total package increase (see Table XVII), but the source of this information was not made clear. The arbitrator while of the opinion that this is possibly the case, however cannot be certain. Therefore reliance must be placed on such data as has been presented.

The evidence is that the Employer has offered a percentage increase to non-social workers equal to or better than the percentage increase offered to non-social workers in other units (Table XVI). The Employer has offered a percentage increase to social workers 0.50% less than it has offered to Health Care Center and Rolling Meadows professionals, but which is better than that offered other employees, except that in the case of the law enforcement officials there is the opportunity to get a 7.5% lift through a split schedule (Table XVI).

Dividing the employees into professional and social workers on one hand and non-social workers on the other hand in all governmental units, the evidence is that the County offer gives to the Association for social workers in their group and non-social workers in their group, the highest dollar increase when the increases in health insurance and retirement benefits are added (Table XVI).

The arbitrator is of the opinion that the County offer then is reasonable in meeting the factor of comparability with other employees within the County's employment.

With respect to the comparison of Fond du Lac with other counties in total compensation, again it is not possible to make such a comparison because of limited data. Comparison can be made only on wages and medical and retirement benefits.

From Table IX, one ascertains that the County contributes a smaller percentage toward the cost of health insurance under the single plan than any other county in both the primary and secondary comparison groups. Under the family plan, the County offers an insurance plan of higher total value and makes the largest contribution, but pays a lesser percent of the insurance total cost than most counties in both the primary and secondary group.

Table X shows that Fond du Lac County pays a lesser percentage toward the employees' retirement system generally than other counties in the primary and secondary list.

In terms of dollar increases for certain counties within the primary group, in combined benefits increases with the single health insurance plan, Fond du Lac ranks 3rd for social workers and 4th for non-social workers. It also ranks 3rd in combined benefits with the family plan for social workers, but 5th for non-social workers (Table XIII).

With respect to the Fox Valley counties, which the Employer emphasizes here, Fond du Lac County is near the top or at the top in dollar amount of combined benefits (Table XI); and in the middle in the amount of increases which can be ascertained from nearby counties (Table XII).

No data has been supplied as to whether Fond du Lac under either offer would gain status or lose ground in total compensation. In view of this the arbitrator cannot judge whether a catch-up situation exists and whether Fond du Lac County should rank higher. The arbitrator does note that the social workers enjoy a more favorable status in ranking than do the non-social workers, but whether this has been historic, is not readily ascertainable from the evidence submitted.

In view of the situation then about the relative place of Fond du Lac County with respect to comparative counties, and in view of the fact that from the evidence of the exhibits as abstracted into the tables Fond du Lac County usually has a middle position, the arbitrator finds the County offer reasonable in meeting the statutory criterion for comparability in total compensation.

XVI. BASE WAGE FOR INCOME MAINTENANCE LEADWORKER.

A. Data. As noted from the final offer, the 1981 base wage of the position of Income Maintenance Leadworker had this salary range:

\$897 - 949 - 1000 - 1052 - 1106.

The Association proposes to retain this base for 1982 and applied an 8% across-the-board increase to it which would produce the following new salary range:

\$971 - 1027 - 1083 - 1139 - 1197.

The County proposes to change the base for calculating the new increase to the following range:

\$844 - 897 - 949 - 1000 - 1052.

In effect this reduces the 1981 top one level and starts with a new lower step. This base for calculating the new pay range proposed by the County would produce the following new steps:

\$912 - 969 - 1025 - 1080 - 1136.

The County proposes also to freeze employee Betty Marx at the old range, and to place employee Kathleen Toney, who started on February 12, 1982, in the new range. Employee Toney would reach the \$1000 step in the old range and thus would receive \$1136 this year and would be in this step for still another year and would not encounter any adverse effects until February 12, 1984, since she could not advance.

The Association has attempted to show the effect of this capping the range at a lower level by projecting what an Income Maintenance Leadworker who started at the bottom step now would get over a five year span and over a ten year span. The following table is abstracted from Association Tables 9 and 10:

Table XVIII

TOTAL WAGE, RETIREMENT AND MEDICAL INSURANCE BENEFITS
FOR A STARTING INCOME MAINTENANCE LEADWORKER
OVER THE NEXT FIVE AND TEN YEARS IN FOND DU LAC
AND RANK AMONG SELECTED COUNTIES

County	Grand Totals							
	5 Year Term				10 Year Term			
	Single ⁽¹⁾	Rank	Family ⁽²⁾	Rank	Single ⁽¹⁾	Rank	Family ⁽²⁾	Rank
County Offer	66,826	5	71,889	5	141,087	5	151,214	5
Assn. Offer	70,393	3	75,456	3	148,314	3	158,441	3
Difference	3,567		3,567		7,227		7,227	

(1) 6 counties

(2) 7 counties

The Association exhibits of the duties of an Income Maintenance Worker show that this position requires the employee to perform in an independent manner and to handle generally the more difficult cases of income maintenance. The position requires training of Income Maintenance Assistants, responding to complaints, and writing of reports. The employee is expected to have knowledge of economic and social conditions, community resources and eligibility factors. The employee also must have skill in interviewing, in arithmetic, in dealing with different types of people under pressure, and in making judgments.

The Income Maintenance Leadworker is the top level of the income maintenance series of positions. Leadworkers train, assign work and review work of lower levels, and also handle the most difficult and error prone cases. The employee is subject to review by the immediate supervisor. Four years of experience in income maintenance or two years plus two years of higher education are required. The Leadworker has to have the ability to train newer employees in eligibility and budget determination. The employee must examine and evaluate data and have the ability to correctly determine eligibility in the most difficult cases (Assn. Exs. 13 A to C).

A more specific list of duties was furnished by the Association in an exhibit prepared by the present Income Maintenance Leadworkers. This spelled out in considerable details the specific work of the Leadworkers (Assn. 13 D, E.)

Hourly and monthly rates for Income Maintenance Leadworkers have been shown in Table III and the rank in Table IV preceding. The County, however, in its Exhibit 2 presented some data on hourly wages of Income Maintenance Workers and Income Maintenance Leadworkers for 1981 and 1982 of surrounding counties. The following table is abstracted from this exhibit:

Table XIX

DIFFERENTIAL BETWEEN I.M. LEADWORKER AND I.M. WORKER
IN CENTS PER HOUR.

	<u>1981</u>		<u>1982</u>
Fond du Lac	66¢	FDL (Assoc.)	71¢
Sheboygan	53¢	FDL (Employer)	34¢
Manitowoc	44¢	Winnebago**	33¢
Outagamie*	18¢	Dodge	30¢
Dodge	1.2¢	Outagamie*	19.3¢
		Manitowoc & Sheboygan not settled for 1982	

* Outagamie rates include longevity. 1982 rates have been ratified by the Union and are awaiting ratification by the Outagamie Board of Supervisors.

** Winnebago positions are titled "Case Aide II and "Case Aide III Leadworker"

The following is taken from County Exhibit 2:

Table XX

NUMBER OF INCOME MAINTENANCE POSITIONS

<u>County</u>	<u>1981</u>		<u>1982</u>	
	<u>Leadworkers</u>	<u>Wkrs. & Assts.</u>	<u>Leadworkers</u>	<u>Wkrs. & Assts.</u>
Fond du Lac	2	11	2	11
Outagamie	2	12	2	12
Dodge	1	8	1	8
Sheboygan	1	9	1	9
Manitowoc	1	10	1	10
Winnebago	0	20	1	19

B. The Association's Position. The Association cites the 1981 contract which in Appendix A deals with classification. The Association notes that the Appendix deals with "Classification" and "Reclassification" as two different things. The Association notes that "Reclassification" provides that "An employee shall be reclassified to a higher classification in a connected series..." The Association contends here that the Employer is attempting to create a classification within a classification by red circling one employee at a higher rate than it is proposing for another with the same job title. This is a subverting of the contract language relating to reclassification; and it is an attempt to set up two different pay scales within the same class. To accept the County's proposal is to require a change in the language of the Appendix. Assuming the County to be correct that the salary for Income Maintenance Leadworker should be adjusted downward, red circling itself should be subject to collective bargaining. The County's proposal is unreasonable and arbitrary and provides differential treatment.

The Association also holds that the County's proposal to reclassify is not justified on an economic basis. The reclassification of employee Toney will not result in any savings for the County for 1982. There is therefore no reason for this to take place in 1982.

The Association also argues that on the basis of the list of comparables it uses for Income Maintenance Leadworker positions, Fond du Lac County will not be paying the highest wage for such employees. Under the Association proposal such employees would fall in the middle of the range, and they would have the lowest retirement benefits and Employer contribution on a percentage basis toward medical insurance.

The Association notes that the County has not cited any case where the pay of Leadworker has been reduced. Further increases given to Social Service Aides are not material to this issue which deals with another job classification.

As to the County argument that the rate for the Leadworker was set artificially too high when the position was created, the Association states that the pay scale was created in bargaining with the County ten years ago, and now the County is attempting to reduce the pay without a reduction in duties and responsibilities. There is no economic justification for the County's proposal.

C. The County's Position. The County contends that the present maximum rate for an Income Maintenance Leadworker is out of line with pay in comparable counties. The County says that it has a higher percentage of Leadworkers in relation to other Income Maintenance Workers than in any of the surrounding comparable counties, and that the rate of pay exceeded that paid by any of the other counties. The County's final offer in this case would produce a higher rate of pay than in all the surrounding counties with settled contracts with the exception of Dodge County. In the case of Dodge County the Employer's offer here would produce a more comparable rate than the Association's offer would produce. The County also would still be paying one of its two Income Maintenance Leadworkers a rate in excess of the rate listed in the Agreement.

The County notes that its offer would produce a differential in Fond du Lac County between the Leadworker and other maintenance workers more than in any comparable county.

The County asserts that the original reason for the large differential between Leadworker and Income Maintenance Worker was due to the original expectation that the Leadworkers would handle all of the most difficult cases, but this was not borne out by experience. Further employee Toney has testified that the Leadworker does basically the same work as an Income Maintenance Worker with only some additional duties in quality control. Income Maintenance Workers also train new employees.

While the adjustment in the pay range will affect the long range earnings of one of the Association members, yet this is offset because the County has agreed to increase the number of Social Service Aide II's from 4 to 5, meaning an increase in pay which exceeds the decrease for one Leadworker.

The County objects to the method of the Association's computations on the future total compensation for Income Maintenance Leadworkers. It contends that the difference arrived at in five and ten year projections are overstated in that the Association started with the assumption that a Leadworker would be starting at Step 1 of the pay scale. The evidence is that all Leadworkers in the past have started at the fourth step of a five step range, so that the income differences would be less than those stated.

The County also says that while red circling is not a usual practice, one of the Association's present employees has been red circled for several years. The County also argues that the matter is one in which Income Maintenance Leadworkers have been doing the work of Income Maintenance Workers and not the other way around as the Association contends.

D. Discussion. As the Association has noted in its arguments, there are two matters here to be considered. One matter concerns whether the proposal of the County is such that it should be automatically barred and the economic factors not considered, since the proposal is a breach of or a circumvention of the contract in its provisions on classification and reclassification. It is the opinion of the arbitrator that the proposal of the County cannot be considered barred even though the classification and reclassification provisions of the new agreement may have been the subject of stipulations. The contract is not in effect, and therefore the County proposal is permissible as an offer for inclusion in the terms of a new contract. It may be that at sometime in the future a conflict may arise after an agreement has been reached which would bring the County's proposed provision into conflict with other portions of the agreement, but it cannot be held now that there is a conflict since no agreement exists.

Similarly the matter of red circling is a possible condition of an agreement when changes in pay scales are proposed.

As to the economic justification of the County's proposal, one notes from Tables III and IV that the County offer for pay for Income Maintenance Leadworkers places the County 3rd in hourly wages and 3rd in monthly total wages, whereas the Association offer would keep the Fond du Lac Leadworkers 1st in hourly pay, but 2nd in monthly pay. The arbitrator believes that the use of monthly wages is a superior measure here for compensation rather than hourly rates. He concludes that the Association proposal for monthly wages is not so completely out of range from the general middle position of Fond du Lac in other pay scales among comparative counties as to warrant a change to the scale proposed by the Employer.

Further a review of the duties of an Income Maintenance Leadworker as found in Association Exhibits 13 A-E shows that the duties which can be required are substantially more demanding than that of Income Maintenance Worker.

One argument found in favor of the Employer offer is the hourly differential between Income Maintenance Workers and Leadworkers when considered in comparison to the differences in hourly pay in other counties. However, on the whole, the arbitrator is of the opinion that the County did not make its case for reduction of the pay scale on the basis of job duties.

It should be noted that in any event, the difference in actual pay for employee Toney will not be taking effect until 1984 and presumably then only after the matter has been open for review in another period of negotiations.

XVII. COST OF LIVING. The parties submitted no evidence on the cost of living changes.

XVIII. CHANGES DURING THE PENDENCY OF THE HEARING. The only changes to be considered here deal with the cost of living. The June changes for urban clerical workers in the United States indicate a cost of living increase of about 7.1% for all urban consumers over the previous year, but it is rising at an annual rate of about 14%.

XIX. OTHER FACTORS. There were no other substantive factors or issues raised by the parties to be considered.

XX. SUMMARY.

1. There is no issue as to the lawful authority of the County to meet either offer.

2. Other than the issues recited here, the parties have stipulated to all other issues in the 1982 agreement.

3. The County has the financial ability to meet the cost of either offer.

4. The arbitrator finds that the interests and the welfare of the public are not adversely affected by the acceptance of either offer.

5. Of the lists submitted by the parties as to comparable counties, the arbitrator finds that the County list is more significant, because it is based on close proximity and similar economic bases. However, of the counties submitted for comparison by the parties, the arbitrator considers as counties of primary comparison the following: Dodge, Manitowoc, Outagamie, Sheboygan, Washington and Winnebago. Counties of secondary value for comparison are: Calumet (for reasons of small population), Eau Claire, La Crosse, Marathon, Outagamie.

6. The percentage increase offer to base wages for non-social workers in the County's offer is reasonable and meets the factor of the statute on comparability.

7. The percentage increase offer of the Association for social workers more nearly meets the factor of comparability than does the County offer.

8. As to the dollar amounts of wages offered, the offers of the parties are very close, but on the whole the Association offer more nearly meets the factor of comparability than does the County offer because of the low ranking of bottom clerical positions and top social worker positions.

9. In the matter of total compensation, the parties have limited themselves to comparing totals of wages, retirement benefits and medical insurance. The County offer is reasonable in meeting the factor of comparability with the total compensation received by other employees in the County's employ. Also, the County offer in total compensation when compared to other counties is reasonable and meets the statutory criterion for comparability in total compensation.

10. The Association proposal for monthly wages for Income Maintenance Leadworker is not so completely out of range from other pay scales in comparative counties as to warrant the change proposed by the County.

11. The parties did not address the factor of the changes in the cost of living, but it should be noted that the cost of living as reflected in changes in the Consumer Price Index is going up about 7.1% a year as of June 1982.

12. Of the foregoing factors, the most weighty are the matter of actual base wages and the matters of total compensation and comparability within Fond du Lac County, and comparability with comparable counties. In the matter of base wages, the weight resides with the Association, but in the matters of comparability both in total compensation within the County and outside of the County, the weight resides with the County. Total compensation here is more significant; therefore the 1982 agreement between the parties should include the offer of Fond du Lac County.

XXI. AWARD. The 1982 agreement between the Fond du Lac County Social Services Employees Association and the County of Fond du Lac should include the offer of Fond du Lac County as more nearly conforming to statutory factors to be weighed in arbitration.

Frank P. Zeidler

FRANK P. ZEIDLER
ARBITRATOR

DATE

August 1, 1982