

EDWARD B KRINSKY ARBITRATOR  
2021 CHAMBERLAIN AVENUE  
MADISON, WISCONSIN 53705  
(608) 257-1060 OR 231-1898

DEC 17 1982

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION

\* \* \* \* \*  
\*  
In the Matter of Mediation-Arbitration \*  
Between \*  
Waunakee Teachers Association \*  
-and- \*  
Waunakee Community School District \*  
\* \* \* \* \*

Case VI  
No. 29771  
Med/Arb 1677  
Decision No. 19698-A

Appearances: A. Phillip Borkenhagen, UniServ Director, for  
the Association

David R. Friedman, Staff Counsel, Wisconsin  
Association of School Boards, for the District

On July 7, 1982, the undersigned was appointed as mediator-  
arbitrator in the above-captioned case. Mediation took place  
on August 5, 1982, which failed to resolve the outstanding  
issues. An arbitration hearing was held at the District's  
office on October 4, 1982. Thereafter post-hearing briefs  
were submitted which were received on November 15, 1982.

The following are the certified final offers of the parties,  
certified by the WERC, from which the arbitrator must choose one  
in its entirety.

ASSOCIATION OFFER

1. All tentative agreements reached by the parties  
to date - 6/16/82
2. Salary schedule proposal for 82-83 school year  
\$13,300 base with 4% increments going down, 3%  
going across.

| Step | BA     | BA+10  | BA+20  | BA+30  | MA     | MA+10  | MA+20  |
|------|--------|--------|--------|--------|--------|--------|--------|
| 1    | 13,300 | 13,699 | 14,098 | 14,497 | 14,896 | 15,295 | 15,694 |
| 2    | 13,832 | 14,231 | 14,630 | 15,029 | 15,428 | 15,827 | 16,226 |
| 3    | 14,364 | 14,763 | 15,162 | 15,561 | 15,960 | 16,359 | 16,758 |
| 4    | 14,896 | 15,295 | 15,694 | 16,093 | 16,492 | 16,891 | 17,290 |
| 5    | 15,428 | 15,827 | 16,226 | 16,625 | 17,024 | 17,423 | 17,822 |
| 6    | 15,960 | 16,359 | 16,758 | 17,157 | 17,556 | 17,955 | 18,354 |
| 7    | 16,492 | 16,891 | 17,290 | 17,689 | 18,088 | 18,487 | 18,886 |
| 8    | 17,024 | 17,423 | 17,822 | 18,221 | 18,620 | 19,019 | 19,418 |
| 9    | 17,556 | 17,955 | 18,354 | 18,753 | 19,152 | 19,551 | 19,950 |

|    |        |        |        |        |        |        |        |
|----|--------|--------|--------|--------|--------|--------|--------|
| 10 | 18,088 | 18,487 | 18,886 | 19,285 | 19,684 | 20,083 | 20,482 |
| 11 | 18,620 | 19,019 | 19,418 | 19,817 | 20,216 | 20,615 | 21,014 |
| 12 | ---    | 19,551 | 19,950 | 20,349 | 20,748 | 21,147 | 21,546 |
| 13 | ---    | 20,083 | 20,482 | 20,881 | 21,280 | 21,679 | 22,078 |
| 14 | ---    | 20,615 | 21,014 | 21,413 | 21,812 | 22,211 | 22,610 |
| 15 | ---    | 21,147 | 21,546 | 21,945 | 22,344 | 22,743 | 23,142 |
| 16 | ---    | 21,679 | 22,078 | 22,477 | 22,876 | 23,275 | 23,674 |

DISTRICT OFFER

1. Tentative agreements agreed upon by the parties.
2. Salary schedule attached
3. Tentative agreements and salary schedule retro-active to July 1, 1982

| Step | BA     | BA+10  | BA+20  | BA+30  | MA     | MA+10  | MA+20  |
|------|--------|--------|--------|--------|--------|--------|--------|
| 1    | 13,200 | 13,600 | 14,000 | 14,400 | 14,850 | 15,300 | 15,750 |
| 2    | 13,700 | 14,100 | 14,500 | 14,900 | 15,350 | 15,800 | 16,250 |
| 3    | 14,200 | 14,600 | 15,000 | 15,400 | 15,850 | 16,300 | 16,750 |
| 4    | 14,700 | 15,100 | 15,500 | 15,900 | 16,350 | 16,800 | 17,250 |
| 5    | 15,200 | 15,600 | 16,000 | 16,400 | 16,850 | 17,300 | 17,750 |
| 6    | 15,700 | 16,100 | 16,500 | 16,900 | 17,350 | 17,800 | 18,250 |
| 7    | 16,200 | 16,600 | 17,000 | 17,400 | 17,850 | 18,300 | 18,750 |
| 8    | 16,700 | 17,100 | 17,500 | 17,900 | 18,350 | 18,800 | 19,250 |
| 9    | 17,200 | 17,600 | 18,000 | 18,400 | 18,850 | 19,300 | 19,750 |
| 10   | 17,700 | 18,100 | 18,500 | 18,900 | 19,350 | 19,800 | 20,250 |
| 11   | 18,200 | 18,600 | 19,000 | 19,400 | 19,850 | 20,300 | 20,750 |
| 12   |        | 19,100 | 19,500 | 19,900 | 20,350 | 20,800 | 21,250 |
| 13   |        | 19,600 | 20,000 | 20,400 | 20,850 | 21,300 | 21,750 |
| 14   |        | 20,100 | 20,500 | 20,900 | 21,350 | 21,800 | 22,250 |
| 15   |        | 20,600 | 21,000 | 21,400 | 21,850 | 22,300 | 22,750 |
| 16   |        | 21,100 | 21,500 | 21,900 | 22,350 | 22,800 | 23,250 |

FACTS

The parties are in agreement about the other school districts which should be used for comparison: the Capital Athletic Conference, and perhaps Mount Horeb, which will be joining that conference. The parties agree that it makes little difference whether Mount Horeb is included, however. Because the arbitrator desires to use the same school districts in all comparisons, and because the data for Mount Horeb are not presented prior to 1982-83, the arbitrator has not included Mount Horeb. The data are also not complete for Lodi and Wisconsin Heights for 1982-83, and thus they have also not been included.

TABLE I

| <u>1981-82</u>  | <u>BA</u><br><u>Base</u> | <u>Waunakee</u><br><u>Rank</u> | <u>BA</u><br><u>Max</u> | <u>Waunakee</u><br><u>Rank</u> | <u>MA</u><br><u>Base</u> | <u>Waunakee</u><br><u>Rank</u> | <u>MA</u><br><u>Max</u> | <u>Waunakee</u><br><u>Rank</u> | <u>Scheduled</u><br><u>Max</u> | <u>Waunakee</u><br><u>Rank</u> |
|-----------------|--------------------------|--------------------------------|-------------------------|--------------------------------|--------------------------|--------------------------------|-------------------------|--------------------------------|--------------------------------|--------------------------------|
| <u>District</u> |                          |                                |                         |                                |                          |                                |                         |                                |                                |                                |
| Columbus        | 12,150                   |                                | 19,227                  |                                | 13,400                   |                                | 20,477                  |                                | 20,977                         |                                |
| DeForest        | 12,050                   |                                | 13,978                  |                                | 13,555                   |                                | 20,601                  |                                | 21,515                         |                                |
| Lake Mills      | 12,350                   |                                | 17,167                  |                                | 13,956                   |                                | 21,632                  |                                | 23,125                         |                                |
| McFarland       | 12,449                   |                                | 17,927                  |                                | 13,561                   |                                | 21,155                  |                                | 23,255                         |                                |
| Verona          | 12,000                   |                                | 15,840                  |                                | 13,769                   |                                | 20,381                  |                                | 23,833                         |                                |
| Waunakee        | 12,521                   | --- 1                          | 17,246                  | --- 3                          | 13,752                   | --- 3                          | 21,606                  | --- 2                          | 22,266                         | --- 4                          |

TABLE II

| <u>1981-83</u>  | <u>BA</u><br><u>Base</u> | <u>Waunakee</u><br><u>Rank</u> | <u>BA</u><br><u>Base</u> | <u>Waunakee</u><br><u>Rank</u> | <u>MA</u><br><u>Base</u> | <u>Waunakee</u><br><u>Rank</u> | <u>MA</u><br><u>Base</u> | <u>Waunakee</u><br><u>Rank</u> | <u>Scheduled</u><br><u>Max</u> | <u>Waunakee</u><br><u>Rank</u> |
|-----------------|--------------------------|--------------------------------|--------------------------|--------------------------------|--------------------------|--------------------------------|--------------------------|--------------------------------|--------------------------------|--------------------------------|
| <u>District</u> |                          |                                |                          |                                |                          |                                |                          |                                |                                |                                |
| Columbus        | 13,075                   |                                | 20,691                   |                                | 14,400                   |                                | 22,016                   |                                | 22,546                         |                                |
| DeForest        | 13,100                   |                                | 15,196                   |                                | 14,740                   |                                | 22,410                   |                                | 23,404                         |                                |
| Lake Mills      | 13,150                   |                                | 18,279                   |                                | 14,860                   |                                | 23,033                   |                                | 24,622                         |                                |
| McFarland       | 12,715                   |                                | 19,009                   |                                | 13,940                   |                                | 22,722                   |                                | 25,482                         |                                |
| Verona          |                          |                                |                          |                                |                          |                                |                          |                                |                                |                                |
| Assn.           | 12,800                   |                                | 16,896                   |                                | 14,686                   |                                | 21,730                   |                                | 25,409                         |                                |
| Board           | 12,600                   |                                | 16,632                   |                                | 14,457                   |                                | 21,393                   |                                | 25,011                         |                                |
| Waunakee        |                          |                                |                          |                                |                          |                                |                          |                                |                                |                                |
| Assn.           | 13,300                   | --- 1                          | 18,620                   | --- 3                          | 14,896                   | --- 1                          | 22,876                   | --- 2                          | 23,674                         | --- 4                          |
| Board           | 13,200                   | --- 1                          | 18,200                   | --- 4                          | 14,850                   | --- 2                          | 22,350                   | --- 4                          | 23,250                         | --- 5                          |

Thus, comparing Waunakee's salary ranking in 1982-83 to 1981-82 at the specified benchmarks, the Association's offer maintains four of the five rankings and improves one of them. The District's offer maintains one of the rankings, improves one, and results in a lower ranking in three others.

The arbitrator has compared Waunakee's 1981-82 salary with the mean salary and median salary of the comparison schools, and has done the same thing for 1982-83 for both the Association's and District's final offers. These data are as follows:

TABLE III

|   | <u>BA Base</u>      | <u>BA Max</u>        | <u>MA Base</u>       | <u>MA Max</u>        | <u>Schedule Max</u>   |
|---|---------------------|----------------------|----------------------|----------------------|-----------------------|
| Waunakee Relationship<br>in 1981-82 to<br>mean salary                   | +321.20             | +418.20              | +103.80              | +756.80              | -275.00               |
| Waunakee Relationship<br>in 1982-83 to mean A*<br>(change from 1981-82) | +332.00<br>(+10.80) | +605.80<br>(+187.60) | +370.80<br>(+267.00) | +493.80<br>(-263.00) | -618.60<br>(-343.60)  |
| 1982-83<br>to mean B*<br>(change from 1981-82)                          | +372.00<br>(+50.80) | +658.60<br>(+240.40) | +416.60<br>(+312.80) | +561.20<br>(-195.60) | -539.00<br>(-264.00)  |
| 1982-83<br>to mean C*<br>(change from 1981-82)                          | +232.00<br>(-89.20) | +185.80<br>(-232.40) | +324.80<br>(+221.00) | -32.20<br>(-789.00)  | -1042.60<br>(-767.60) |
| 1982-83<br>to mean D*<br>(change from 1981-82)                          | +272.00<br>(-49.20) | +238.60<br>(-179.60) | +370.60<br>(+266.80) | +35.20<br>(-721.60)  | -963.00<br>(-688.00)  |

\*A = Waunakee Association final offer and Verona Association final offer.

\*B = Waunakee Association final offer and Verona Board final offer.

\*C = Waunakee Board final offer and Verona Association final offer.

\*D = Waunakee Board final offer and Verona Board final offer.

Example: BA Base: In 1981-82 Waunakee's salary was \$321.20 above the mean of the comparison schools. Using mean C for 1982-83, the Waunakee Board final offer is \$232.00 above the mean for the comparison schools using the Verona Association final offer. Thus, using mean C for 1982-83, Waunakee, while still above the mean, is \$89.20 less above the mean than it was in 1981-82.

TABLE IV

|   | <u>BA Base</u> | <u>BA Max</u> | <u>MA Base</u> | <u>MA Max</u> | <u>Schedule Max</u> |
|---|----------------|---------------|----------------|---------------|---------------------|
| Waunakee Relationship<br>in 1981-82 to<br>median salary | +371.00        | +79.00        | +191.00        | + 1005.00     | -859.00             |
| Waunakee Relationship<br>in 1982-83 to<br>median A*     | +225.00        | +341.00       | +210.00        | +466.00       | -948.00             |
| (change from 1981-82)                                   | (-146.00)      | (+262.00)     | (+19.00)       | (-539.00)     | (-89.00)            |
| 1982-83<br>to median B*                                 | +225.00        | +341.00       | +439.00        | +566.00       | -948.00             |
| (change from 1981-82)                                   | (-146.00)      | (+262.00)     | (+248.00)      | (-539.00)     | (-89.00)            |
| 1982-83<br>to median C*                                 | +125.00        | -79.00        | +164.00        | +60.00        | -1372.00            |
| (change from 1981-82)                                   | (-246.00)      | (-158.00)     | (-27.00)       | (-945.00)     | (-513.00)           |
| 1982-83<br>to median D*                                 | +125.00        | -79.00        | +393.00        | +60.00        | -1372.00            |
| (change from 1981-82)                                   | (-246.00)      | (-158.00)     | (+202.00)      | (-945.00)     | (-513.00)           |

\*A, B, C, D = See note to Table III and example.

The parties also presented data looking at total compensation paid by the districts. This includes salary, health insurance, dental insurance, long-term disability benefits and life insurance. The arbitrator has used the comparative data for teachers with the family insurance benefits, since typically many more teachers have family benefits than single benefits. The comparisons are shown for a BA teacher at the beginning of the schedule, and an MA+12 teacher at step 12. This information is presented in Table V on the next page.

The arbitrator has compared Waunakee's total compensation in 1981-82 with the mean total compensation and median total compensation of the comparison schools, and has done the same thing for 1982-83 for both the Association's and District's final offers. These data are presented on page 7 in Table VI and on page 8 in Table VII.

TABLE V

| <u>1981-82</u>  |  |                          | <u>1982-83</u>                                    |                          |  |                          |
|-----------------|--|--------------------------|---|--------------------------|--|--------------------------|
| <u>District</u> | <u>Total Compensation<br/>BA Teacher</u> | <u>Waunakee<br/>Rank</u> | <u>Total Compensation<br/>MA + 12<br/>Step 12</u> | <u>Waunakee<br/>Rank</u> | <u>Total Compensation<br/>BA Teacher</u> | <u>Waunakee<br/>Rank</u> |
| Columbus        | 14,094                                   |                          | 21,688  |                          | 15,385                                   |                          |
| DeForest        | 13,198                                   |                          | 22,137  |                          | 14,371                                   |                          |
| Lake Mills      | 14,107                                   |                          | 23,856  |                          | 15,286                                   |                          |
| McFarland       | 13,903                                   |                          | 21,966  |                          | 14,294                                   |                          |
| Verona-Assn.    |  |                          |   |                          | 14,689                                   |                          |
| Verona-Bd.      | > 13,491                                 |                          | > 22,753  |                          | 14,488                                   |                          |
| Waunakee-Assn.  | > 13,573                                 | --- 4                    | > 21,535  | --- 6                    | 14,835                                   | --- 3                    |
| Waunakee-Bd.    |  |                          |   |                          | 14,734                                   | --- 3                    |

Thus, comparing Waunakee's total compensation ranking in 1982-83 to 1981-82, the offers the ranking for a beginning BA teacher from 4th place to 3rd, while the offers of both place ranking at the MA + 12, 12th step.

TABLE VI

|   | <u>BA + 0/Step 0</u> | <u>MA + 12/Step 12</u> |
|---|----------------------|------------------------|
| Waunakee Relationship in<br>1981-82 to mean total<br>compensation                             | -185.60              | -945.00                |
| Waunakee Relationship in<br>1982-83 to mean A* total<br>compensation<br>(change from 1981-82) | +30.00<br>(+215.60)  | -947.20<br>(-2.20)     |
| 1982-83 to mean B* total<br>compensation<br>(change from 1981-82)                             | +70.20<br>(+225.80)  | -879.80<br>(+65.20)    |
| 1982-83 to mean C* total<br>compensation<br>(change from 1981-82)                             | -71.00<br>(+114.60)  | -1295.20<br>(-350.20)  |
| 1982-83 to mean D* total<br>compensation<br>change from 1981-82)                              | -30.80<br>(+154.80)  | -1227.80<br>(-282.80)  |

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\*A, B, C, D = See note to Table III and example

TABLE VII

|   | <u>BA + 0/step 0</u> | <u>MA + 12/step 12</u> |
|---|----------------------|------------------------|
| Waunakee Relationship in<br>1981-82 to median total<br>compensation                             | -330.00              | -602.00                |
| Waunakee Relationship in<br>1982-83 to median A*<br>total compensation<br>(change from 1981-82) | +146.00<br>(+476.00) | -789.00<br>(-187.00)   |
| 1982-83 to median B*<br>total compensation<br>(change from 1981-82)                             | +347.00<br>(+677.00) | -654.00<br>(-52.00)    |
| 1982-83 to median C*<br>total compensation<br>(change from 1981-82)                             | +45.00<br>(+375.00)  | -1137.00<br>(-535.00)  |
| 1982-83 to median D*<br>total compensation<br>(change from 1981-82)                             | +246.00<br>(+576.00) | -1002.00<br>(-400.00)  |

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\*A, B, C, D - See note to Table III and example.



The parties agree that in 1981-82 there were 112.46 FTE teachers in the bargaining unit, and 111.57 FTE in 1982-83. They differ somewhat regarding the method of costing of their packages. The District calculates the cost of its package to be 9.12%, and it calculates the Association's package at 11.07%. The Association's figures are 8.46% and 10.42%. Thus the parties cost calculations differ by .65%.

It is the case, also, that the teachers in Waunakee have a longer working year than do teachers in the comparison districts. The five comparison districts have a mean of 189.4 contract days and a median of 191 contract days for new teachers, including in-service. Waunakee new teachers have 194 contract days, not including in-service. Returning teachers in the comparison districts have a mean of 188.4 contract days and a median of 190 contract days, including in-service. Waunakee returning teachers have 190 contract days, not including in-service.

This dispute concerns salaries for 1982-83. The change in the Consumer Price Index from August, 1981 to August 1982, the year preceding the effective date of the 1982-83 cost package, was 5.8%.

#### DISCUSSION

In making his decision the mediator-arbitrator is directed to use the criteria specified in 111.70(4)(cm)7, Wis. Stats. There is no issue in this case involving "(a), the lawful authority of the municipal employer." The mediator-arbitrator has considered "(b), stipulations of the parties."

There is also nothing in the record which indicates that criteria (c) is an issue, i.e., that either final offer would run counter to "the interests and welfare of the public and the financial ability of government to meet the costs of any proposed settlement." The District draws attention to the sorry state of the economy, of which the arbitrator is aware, but there is nothing in the record to show that government in Waunakee, or the taxpayers of the school district are any better or worse off than their counterparts in other areas or that there is any issue with regard to the District's ability to pay the costs of either party's final offer.

The parties have addressed criteria (d) and (f) by presenting comparative salary and total compensation data for Waunakee and the other districts which are agreed upon as a sound basis of comparison. Both final offers maintain or improve Waunakee's ranking at the beginning end of both the BA and MA schedules. The Association's offer maintains Waunakee's ranking at the upper end of the schedule, whereas the District's offer results in deterioration from 3rd place to 4th at BA max, 2nd place to 4th at MA max, and 4th place to 5th at schedule max.

This deterioration in Waunakee's offer is more evident in terms of dollars. Using the District's offer, and assuming for arguments's sake the implementation of the Board offer in Verona [mean D\* and median D\* in the tables], Waunakee's relationship to the mean of the comparison districts in 1982-83 drops \$721.60 at MA-max and \$688 at schedule-max compared to 1981-82. Even the Association's offer, again assuming implementation of the Verona Board offer, drops \$195.60 at MA-max and \$264 at schedule-max compared to 1981-82.

The District's offer would still leave it above the mean for 1982-83 at all but schedule-max, but much less so than was the case in 1981-82.

A similar analysis using median figures shows a similar result. At the upper end of the schedule, the District's relationship to the comparison median drops substantially between 1981-82 and 1982-83 using the District's offer. It drops \$158 at BA-max, \$945 at MA-max and \$513 at schedule-max. It also drops \$271 at BA base. Using the Association's offer there are also decreases at BA-base, MA-max and schedule-max, but not as much.

These figures show clearly that the District's offer represents a substantial deterioration of Waunakee's salary position in comparison to the other districts in the conference. It does not mean that Waunakee's offer is not a responsible one, or a substantial one. It would be difficult to say in today's economy that a package increase of 8.46 or 9.12 is not responsible because it is too low, or that it is not substantial. It means, however, that Waunakee's offer does not keep up with its neighbors' offers, something which the statute suggests should be done.

While acknowledging some deterioration in salary in its offer, the District points to a large increase in health insurance premiums which required that a large proportion of available funds be put into the benefits area.

Tables V, VI and VII above show that at the top end of the schedule the District's offer also results in deterioration of Waunakee's comparative position in terms of total compensation. Assuming calculations using the District's offer and the Verona Board offer, the result in 1982-83 is to put Waunakee \$1227.80 below the mean, or a drop of \$282.80 in relationship to the 1981-82 mean at MA + 12/step 12. Making the same assumptions, Waunakee, under the District's offer is \$1002.00 below the 1982-83 median, or a drop of \$400.00 in relationship to the 1981-82 median. There is substantial improvement at the beginning of the schedule, under both parties' offers, but much less deterioration at the top under the Association's offer.

The arbitrator has considered the salary schedule in terms of the dollar amounts that each final offer would generate. One difference in the offers is that the Association's offer is indexed, with 4% vertical increments and 3% horizontal increments, whereas the District's offer is expressed in dollars, with \$500 vertical increments, \$400 horizontal Bachelors increments, and \$450 horizontal Masters increments.

The arbitrator notes that the comparison districts generally use percentage increments, but the arbitrator does not view this as a significant issue. What is more significant is what dollars are generated by whichever system is used.

The District contends that its 9.12% offer for 1982-83 is more in line than is the Association's offer with the percentage increase granted by the comparison districts. It suggests, in its Exhibit #23, that the other figures are Columbus-9.3%, DeForest-9.7%, Lake Mills-9.52%, McFarland-8.97%, Verona Board offer-8.69%. The Association takes issue with the accuracy of these figures, and in fact their accuracy is not adequately determined in the record. Even if they are correct, however, the way in which the District has allocated its offer has the deteriorating effect at the upper end of the schedule, and especially at the Masters level, which reduces the comparative significance of the percentage cost figure, in the arbitrator's opinion. The District's offer, even though it may be relatively high in percentage terms, results nonetheless in deterioration of ranking and relationships to mean and median salaries of the comparison districts, especially at the upper end of the schedule.\*

Another statutory criterion to be considered is (e), the cost-of-living factor. The cost of living change as measured by the CPI and reported in the Government Employee Relations Reporter during the period August 1981 - August 1982 was 5.8% for Urban Wage Earners and Clerical Workers. This factor would weigh in favor of the District's offer, since it is closer to the 5.8% figure. Obviously, both offers are well in excess of the rate of increase in the cost of living.

The arbitrator has considered all of the evidence in the record, and the statutory criteria including (g) and (h) which have no particular application to this dispute. He is required to make his decision in favor of one total package offer or the other. It is with considerable reluctance that he has decided

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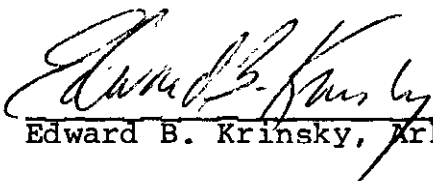
\*The District contends that its longevity payments are significantly higher than those paid in comparison districts. The arbitrator does not dispute that claim. The data presented to him about longevity, however, are now shown in a manner which demonstrate that the effects of longevity payments are significant enough to offset the salary deterioration discussed above.

in favor of the Association's position, which is most reasonable in terms of the statutory criteria, in his opinion. The reluctance is caused by awarding a settlement of the magnitude of 10.42% or 11.07% in today's depressed economy. It is the offer which is best supported by the record before the arbitrator, however.

Based on the above facts and discussion the arbitrator hereby makes the following AWARD

The arbitrator selects the Association's final offer.

Dated at Madison, Wisconsin this 16<sup>th</sup> day of December, 1982.

  
Edward B. Krinsky, Arbitrator