

BEFORE THE MEDIATOR-ARBITRATOR

In the matter of the Arbitration	:	
of an Impasse Between	:	
MADISON METROPOLITAN SCHOOL DISTRICT	:	
And	:	Decision No. 19819-A
MADISON MUNICIPAL EMPLOYEES, LOCAL 60	:	
WCCME, AFSCME	:	

Appearances:

Ms. Susan Hawley, Labor Contract Manager, for the Municipal Employer.
Mr. Darold O. Lowe, District Representative, for the Union.

ARBITRATION DECISION

The undersigned Mediator-Arbitrator was selected by the above-captioned parties and appointed by the Wisconsin Employment Relations Commission pursuant to Sec. 111.70(4)(cm)6 of the Municipal Employment Relations Act.¹

Mediation was conducted by the undersigned on September 28, 1982. By a letter dated September 29, 1982 the undersigned notified the parties that, in his view, they had failed to reach a voluntary settlement after a reasonable period of mediation.

An arbitration meeting was held on November 8, 1982. A transcript was made. The exchange of briefs ended on January 3, 1983.

THE FINAL OFFERS:

Both of the parties' offers refer to the period June 20, 1982 through June 19, 1983. The Union would increase the wages of the bargaining unit by 7.5% over their 1981-1982 levels. The Municipal Employer would raise them by 6.3%. There is no other material difference between them. They have agreed upon all of the other provisions of their collective bargaining agreement for said 1982-1983 term.

BACKGROUND:

There are approximately 210 employees in this unit which is comprised of regular full-time and regular part-time employees engaged in custodial, maintenance and related duties, exclusive of clerical, craft, professional, confidential, supervisory and administrative employees.

The average salary earned by these employees under the parties 1981-1982 agreement is \$18,500.

According to calculations by the Municipal Employer the increase represented by its offer plus agreed-upon provisions is approximately 9.5%, whereas the Union's position provides an approximate 10.7% rise.

¹ Case CXXVII, No. 2991, MED/ARB-177, Decision No. 19819-A.

THE UNION'S POSITION:

The Union emphasizes comparisons with certain City of Madison and Dane County bargaining units. It contends that other public employers in the area surrounding the District are rural and have much smaller student populations. The "wage increase patterns" among these public employee units, which include similar employee classifications, have been at the 7.5% level or higher.

As an alternative, the Union urges that its offer compares better to the settlements in the State's other large school districts. The data available regarding such districts for 1982-1983 indicate that they have settled at the 7% level or higher.

Regarding the Municipal Employer's emphasis upon declining inflation and high rates of unemployment, the Union contends that such factors should not be important because the Municipal Employer does not contend that it is unable to fund the Union's offer. The Union stresses that the instant determination should reflect 1981-1982 inflation rates and recognize the relatively low unemployment level in Dane County.

THE MUNICIPAL EMPLOYER'S POSITION:

The Municipal Employer emphasizes comparisons to the wage levels of custodial employees of the City of Madison, Dane County and the State of Wisconsin, as well as those of such workers at the fifteen largest Wisconsin school districts, and at eight relatively large Dane County private sector employers.

Compared to their City, County and State counterparts, the members of the instant unit are either the highest paid or nearly so. The District's offer would maintain that status and, in the main, place these employees even further ahead. Likewise, the members of this unit enjoy wage levels considerably above their local private sector counterparts. Looking to the other large school districts, to the extent that there are contemporaneous data, it is found once again that these employees are paid at the highest rates.

The District also stresses that its offer provides for a 9.5% increase when considered with the provisions already agreed upon, and that this exceeds the two settlements which it had already reached with the bargaining agents for two other units. It further contends that the entire array of benefits provided for these employees ranks extremely high when compared to those of similar employers.

It is also urged by the Municipal Employer that the instant workers enjoy "greater continuity and stability of employment than many private sector employees" and that current economic factors including cost-of-living indicators and unemployment militate in favor of its offer.

DISCUSSION:

The undersigned has considered the foregoing, as well as the record as a whole, in view of the factors specified at Sec. 111.70(4)(cm)7 of the Municipal Employment Relations Act and determined that the offer of the Municipal Employer should be selected.

The most impressive aspect of the parties' contentions has been the Union's emphasis upon "settlement patterns", i.e., increase percentages among the units it regards as comparable, as contrasted to the Municipal Employer's reliance upon the wage rates actually provided by the employers that it believes are relevant. (The District does not concede that it is falling behind when settlement percentages are considered. It also argues that there are insufficient data.)

The undersigned agrees with the District that where, as here, a Municipal Employer is in a leadership position regarding the matter in issue, and proposes to maintain that position in the main, it should not suffer for not offering a percentage of increase as great as those of employers who may be obligated to "catch-up". The contrary argument would price the labor of the unit members far beyond their counterparts for no reason grounded upon the market for their work.

Secondarily, it is not inappropriate, in the judgment of the undersigned, to consider such current economic indicators as cost-of-living, inflation and unemployment. Here, all of these factors suggest lower settlements than have prevailed in the past. This, not because the District is unable to fund higher levels, but because the District's taxpayers are undergoing hard times.

DECISION

It is the decision of the undersigned Mediator-Arbitrator to adopt the final offer of the Municipal Employer.

Signed at Madison, Wisconsin this 27th day of April, 1983.

Howard S. Bellman

Howard S. Bellman
Mediator-Arbitrator