

STATE OF WISCONSIN  
BEFORE THE ARBITRATOR

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AUG 9 1983

EMPLOYMENT RELATIONS DIVISION  
RELATIONS SECTION

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In the Matter of the Petition of	:	
	:	
WEYERHAEUSER TEACHERS FEDERATION	:	
LOCAL 3454 WFT, AFT, AFL-CIO	:	
	:	Case VIII
To Initiate Mediation-Arbitration	:	No. 29854
Between Said Petitioner and	:	MED/ARB-1712
	:	Decision No. 20045-A
WEYERHAEUSER AREA SCHOOL DISTRICT	:	
	:	
----- X	:	

APPEARANCES

Kenneth Cole, Wisconsin Association of School Boards, Inc., on behalf of the District

Fred Skarich, on behalf of the Union

On November 18, 1982 the Wisconsin Employment Relations Commission (WERC) appointed the undersigned Mediator-Arbitrator pursuant to Section 111.70(4)(cm) 6 b. of the Municipal Employment Relations Act (MERA) in the dispute existing between the Weyerhaeuser Area School District, hereafter the District, and the Weyerhaeuser Teachers Federation Local 3454, WFT, AFT, hereafter the Union. Pursuant to statutory responsibilities the undersigned conducted mediation proceedings between the parties on January 6, 1983, which failed to result in voluntary resolution of the dispute. The matter was thereafter presented to the undersigned in an arbitration hearing conducted on the same date for final and binding determination. Post hearing exhibits and briefs were filed by both parties by May 31, 1983. Based upon a review of the evidence and arguments and utilizing the criteria set forth in Section 111.70(4)(cm), Wis. Stats., the undersigned renders the following arbitration award.

SUMMARY OF ISSUES

This dispute covers the agreement between the parties for the 1982-1983 school year. The salary schedule is the only issue in dispute.

The Board's offer amounts to approximately a 7.8% total package increase while the Union's offer amounts to approximately 11.6%.

District Proposal

<u>EXPERIENCE</u>		<u>BA</u>	<u>MA</u>
0		11,975.00	12,875.00
1		12,345.00	13,245.00
2	370	12,715.00	13,615.00
3		13,085.00	13,985.00
4		13,455.00	14,355.00
5		13,850.00	14,750.00
6	395	14,245.00	15,145.00
7		14,640.00	15,540.00
8		15,035.00	15,935.00
9		15,455.00	16,355.00
10	420	15,875.00	16,775.00
11		16,295.00	17,195.00
12		16,715.00	17,615.00

State Teacher Retirement per teacher 5% of salary  
 Extra-Curricular 10% increase

Lines to MA	1/4	1/2	3/4	MA
Courses approved by District Administrator	225.00 more	450.00 more	675.00 more	900.00

Union Proposal

		BA	MA
	0	12,000	13,200
	1	12,400	13,600
400	2	12,800	14,000
	3	13,200	14,400
	4	13,600	14,800
	5	14,100	15,300
	6	14,600	15,800
500	7	15,100	16,300
	8	15,600	16,800
	9	16,200	17,400
	10	16,800	18,000
600	11	17,400	18,600
	12	18,000	19,200

State Teacher Retirement per teacher 5% of salary

Planes to MA

1/4	1/2	3/4	MA
300	600	900	1200

\*Courses approved by District Administrator

## Comparability

The parties are essentially in agreement that the school districts of the Lakeland Athletic Conference constitute the most appropriate set of comparables.

### District Position

The instant dispute cannot be decided on the basis of comparable school district settlements because there are, at most, only half the settlements in for 1982-1983 in these districts.

The District believes that the arbitrator must also recognize that the District is, with the exception of one district, the smallest of the comparable districts. Additionally, the District has the third highest per pupil costs of these districts. The District's operational levy rate is also among the highest of the comparable school districts. Finally, the workload of bargaining unit members as measured by the pupil/teacher ratio is among the lowest of the comparable school districts. In fact, on the basis of workload, the District can justify salaries that are between 6% and 12% less than many of the comparable school districts. This fact alone is sufficient to support the selection of the District's offer.

In addition, the District's 1981-82 settlement was in excess of 12%, a fact that was not disputed by the Union, and the Clayton settlement for 1982-83 was only 8.18%. These facts further support the reasonableness of the District's offer.

Further, the District believes that existing economic conditions do not support the Union's position. In Rusk County, unemployment was as high as 14.2% in December, 1982. In fact, the rate of unemployment was approximately 16-30% higher in Rusk County in any given month than was the case in the State of Wisconsin, if unemployment rates are compared on a monthly basis. Furthermore, the amount of delinquent property taxes has increased from approximately 12% in 1979 to over 33% in Rusk County for 1981. In all likelihood, this problem was even more severe in 1982.

Finally, the District believes that its offer is in accord with settlements in the public sector as reflected in Board Exhibit #29, which indicates that such settlements have averaged approximately 7.4%.

### Union Position

The Board may argue that the taxpayers of the District will suffer undue hardship if required to pay the Union's final offer. In this regard the Union asks the arbitrator to look at the relative effort of taxpayers in the comparable districts most similar in size. Only four districts listed on District Exhibit #4 are very close in size to the District. Those districts are Birchwood, Clayton, New Auburn and Prairie Farm. The next closest district in size is Siren and it has almost twice as many students as the District.

The pupil-teacher ratio in the District is 14.57 pupils per teacher. The average in the four districts closest in size is 13.07, or one and one-half fewer students per teacher. The average for all comparable districts is 14.86 or 0.29 more students per teacher than the District. The District has maintained a pupil-teacher ratio very nearly equal to the ratio in districts twice as large. The tired argument about a light workload at the District vis-a-vis comparable districts is simply not supported by data.

Additionally, while the cost per member, tax levy and total mil rate is higher in this District than the average of all comparable districts, all are lower than the average for the four smallest districts. The higher total cost per member exceeds the average by only \$108, it should be noted. Moreover, although the total mil rate exceeds the overall average, the relative standing is to a great extent the result of a high debt service which was encountered with capital expenditures for construction.

Moreover, the effect of arbitration on the interest of the taxpayer should be the direct effect of the actual increased expenditures attributed to the final offers. It should not be a function of the appreciated gain of employees. For example, the actual cost increase for salary and benefits in 1981-1982 was less than 8.5%. Similarly, the 1982-83 cost increases will not equal the appreciated gain because of further cuts and staff turnovers.

It is especially noteworthy that the District Administrator testified that the Union's final offer would fit within the budget. Consequently, the Union's final offer will not increase the taxpayers' burden above that already established by the Board outside of the collective bargaining process.

It would appear that the Board also would have the arbitrator believe that current unemployment rates justify a lower salary increase. Teachers are not immune from unemployment. The District reduced the faculty from 21 FTE teachers in 1981-82 to 19.075 this year. That reduction approximates unemployment in the entire economy.

Furthermore, employment figures submitted by the Board regarding the area are misleading. It should be obvious to the arbitrator, having driven to the District, that the District is a farming area, which is distinguishable from communities with more non-farm employment which are included in the unemployment reports for Rusk County submitted by the District.

The District continues to lag far behind comparable districts in teachers' salaries. Unfortunately, the District's final offer would see the teachers lose even more ground to teachers in comparable districts. The Union's final offer, on the other hand, provides some catch up, but will still leave the District behind most comparable districts. Under the District's final offer, the gap would widen. The Union's final offer would narrow, but not close, the gap.

Finally, the CPI increased 5.8% from August, 1981 to August, 1982, the most relevant CPI period for this dispute. If the salaries paid in the District were comparable, the Union's final offer would not be justified. Salaries in the District, however, are much lower than in comparable districts. In fact, the District's proposal is so low that teachers at the BA Maximum would receive less than a 4.4% increase over 1981-82. None of the other increases above 1981-82 even comes close to the CPI increase of 5.8%. Thus, the argument for "catch up" overshadows the relative weight of the recent downward trend of the CPI.

#### Discussion

Based upon the evidence contained in this record, some of which may be of questionable reliability, it would appear that seven of the fifteen districts in the Lakeland Athletic Conference have completed agreements for the 1982-1983 school year. Although these districts do not constitute a majority of the districts in the Conference, they are, in the undersigned's opinion, of sufficient number to constitute a relatively reliable sample of comparable school districts to utilize herein. The following table indicates that of the seven districts which have 1982-1983 agreements, three are comparable in size to Weyerhaeuser, and they will therefore be considered, for purposes of this proceeding, the primary set of comparables. Those districts are Birchwood, Clayton, and Prairie Farm. All seven settled Conference districts will be considered a secondary set of comparables since this population includes districts which are substantially larger than Weyerhaeuser. The additional four settled Conference districts are Bruce, Clear Lake, Flambeau, and Siren.

Since the District's ability to pay is not at issue herein, no detailed comparison of the District's relative ability to support its educational program is included herein, although it must be conceded that the District appears to support its educational program in an extremely competitive manner, when it is viewed in

comparison with other Conference districts.

The record evidence also indicates that the pupil-teacher ratio in the District, when compared with the ratio in the primary and secondary set of comparable districts, also is quite competitive.

Both of the foregoing conclusions indicate that the District is not terribly distinguishable from the comparable districts which have 1982-1983 agreements, and therefore, there appears to be little justification for a significant disparity between the District's salaries and those paid similarly situated teachers in these comparable districts.

COMPARABILITY DATA  
1981-1982

	<u>Teacher-Pupil Ratio</u>	<u>Enrollment</u>	<u>FTE</u>
Birchwood	10.13	241	23.8
Clayton	14.63	316	21.6
Prairie Farm	14.33	387	27.00
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Average	13.03	315	24
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Bruce	16.08	844	52.5
Clear Lake	15.85	649	40.95
Flambeau	15.96	798	50
Siren	14.18	539	38
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Total Average	14.45	539	50
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Weyerhaeuser	14.08	278	19.75

Based upon the foregoing rationale and utilizing five salary benchmarks which are traditionally utilized as a basis for comparison in proceedings such as this, the undersigned has constructed the following tables to assist in an analysis of the parties' salary proposals. The undersigned would have preferred comparing additional benchmarks at intermediate steps in the schedule, however, data to make such comparisons was not available in this record.

BA BASE

	1981-82		1982-83		Increase	
	\$		\$		%	\$
Birchwood	12,024		12,926		7.5	902
Clayton	11,810		12,350		4.6	540
Prairie Farm	11,825		12,802		8.3	977
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Average*	11,886		12,693		6.8	806
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Bruce	11,817		12,821		8.5	1,004
Clear Lake	11,975		12,963		8.3	988
Flambeau	11,979		12,877		7.5	898
Siren	12,182		13,096		7.5	914
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Total Average**	11,945		12,834		7.5	889
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Weyerhaeuser	11,275	Bd.	11,975		6.2	700
		Assn.	12,000		6.4	725
+/- Average*	- 611	Bd.	- 718		- .6	-106
		Assn.	- 693		- .4	- 81
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+/- Average**		Bd.	- 858		-1.3	-189
		Assn.	- 834		-1.1	-164
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Rank Among Smallest Four Districts	4	Bd.	4			
		Assn.	4			
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Rank Among 8	8	Bd.	8			
		Assn.	8			

BA Maximum (w/o longevity)

	1981-82	1982-83	Increase	
	\$	\$	%	\$
Birchwood	17,096	18,379	7.5	1,283
Clayton	17,450	17,990	3.1	540
Prairie Farm	17,028	18,434	8.3	1,406
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Average*	17,191	18,268	6.3	1,076
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Bruce	16,543	17,949	8.5	1,406
Clear Lake	16,765	18,148	8.2	1,383
Flambeau	17,747	19,093	7.6	1,346
Siren	17,541	18,857	7.5	1,316
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Total Average**	17,167	18,407	7.2	1,240
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Weyerhaeuser	16,015	Bd. 16,715 Assn. 18,000	4.4 12.4	700 1,985
+/-Average*	- 1,176	Bd. -1,553 Assn. - 268	- 1.9 6.1	- 376 909
+/-Average**	- 1,152	Bd. -1,692 Assn. - 407	- 2.8 5.2	- 540 745
Rank Among Smallest four Districts	4	Bd. 4 Assn. 3		
Rank Among 8	8	Bd. 8 Assn. 6		



MA Base

	1981-82	1982-83	Increase	
	\$	\$	%	\$
Birchwood	12,585	13,530	7.5	945
Clayton	12,770	13,310	4.2	540
Prairie Farm	12,681	13,728	8.3	1,047
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Average*	12,679	13,523	6.7	844
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Bruce	12,601	13,672	8.5	1,071
Clear Lake	12,625	13,667	8.3	1,042
Flambeau	13,068	14,048	7.5	980
Siren	13,147	14,133	7.5	986
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Total Average**	12,782	13,727	7.4	944
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Weyerhaeuser	12,175	Bd. 12,875	5.7	700
		Assn. 13,200	8.4	1,025
+/-Average*	- 504	Bd. - 648	-1	- 144
		Assn. - 323	1.7	181
+/-Average**	- 607	Bd. - 852	-1.1	- 244
		Assn. - 527	1	81
Rank Among Smallest four Districts	4	Bd. 4		
		Assn. 4		
Rank Among 8	8	Bd. 8		
		Assn. 8		

MA Maximum (w/o longevity)

	1981-82	1982-83	Increase	
	\$	\$	%	\$
Birchwood	19,550	21,017	7.5	1,467
Clayton	18,530	19,070	2.9	540
Prairie Farm	19,272	20,863	8.3	1,591
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Average*	19,117	20,317	6.2	1,199
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Bruce	18,649	20,234	8.5	1,585
Clear Lake	19,695	21,320	8.3	1,625
Flambeau	20,383	21,916	7.5	1,533
Siren	20,074	21,580	7.5	1,506
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Total Average**	19,450	20,857	7.2	1,406
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Weyerhaeuser	16,915	Bd. 17,615	4.1	700
		Assn. 19,200	13.5	2,285
+/-Average*	- 2,202	Bd. -2,702	-2.1	- 499
		Assn. -1,117	7.3	1,086
+/-Average**	- 2,535	Bd. -3,242	-3.1	- 706
		Assn. -1,657	6.3	879
Rank Among Smallest four Districts	4	Bd. 4		
		Assn. 3		
Rank Among 8	8	Bd. 8		
		Assn. 7		

Schedule Maximum (w/o longevity)

	1981-82	1982-83	Increase	
	\$	\$	%	\$
Birchwood	20,061	21,567	7.5	1,506
Clayton	18,530	19,070	2.9	540
Prairie Farm	20,119	21,780	8.2	1,661
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Average*	19,555	20,806	6.2	1,236
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Bruce	19,229	20,863	8.5	1,634
Clear Lake	20,319	21,995	8.2	1,676
Flambeau	20,383	21,916	7.5	1,533
Siren	20,887	22,454	7.5	1,567
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Total Average**	19,926	21,378	7.2	1,445
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Weyerhaeuser	16,915	Bd. 17,615 Assn. 19,200	4.1 13.5	700 2,285
+/-Average*	-2,640	Bd. -3,191 Assn. -1,606	- 2.1 7.3	- 536 1,049
+/-Average**	-3,011	Bd. -3,763 Assn. -2,178	- 3.1 6.3	- 745 840
Rank Among Smallest four Districts	4	Bd. 4 Assn. 3		
Rank Among 8	8	Bd. 4 Assn. 7		

The foregoing comparisons should provide a relatively reliable portrait of how well the teachers in the District will fare under each party's final offer, in terms of their actual salaries and the size of their salary increases, when compared to similarly situated teachers in comparable districts.

These comparisons indicate dramatically that the District's salaries in 1981-1982 lagged appreciably behind both sets of comparable districts, particularly at the top end of the schedule. The District's proposal herein exacerbates that problem, while the Union's proposal alleviates it somewhat, although still leaving the District at the low end of the comparables at all of the benchmarks in question.

Clearly at the BA base the Union's proposal is most comparable both in terms of actual salaries and the size of the proposed increases. At the MA base the Union's proposed actual salary is also significantly more comparable. Since the size of the proposed increases of both parties are both moderately comparable, the Union's proposal at this benchmark is also deemed to be the more comparable of the two. At the BA maximum, MA maximum, and Schedule maximum the Union's proposals are clearly more comparable when actual salaries are compared, however the District's proposal is the more comparable of the two when the amount of the proposed increases are compared, in terms of both percentages and dollars. Under such circumstances it becomes necessary to determine whether the District's salaries are sufficiently out of line with the comparables to justify the less comparable increases. In this instance, it would appear that they are. At these benchmarks, the District's teachers in 1981-82 were earning between approximately \$1,100 and \$3,000 less than the average similarly situated teacher in comparable districts. Under the District's

proposal, this discrepancy would increase to a range between \$1,500 and \$3,700. Such differences cannot be justified as reasonable absent demonstrated circumstances distinguishing the District from its comparables, which circumstances have not been proven herein. In fact, as indicated above, this record indicates that the District is quite comparable in terms of average teacher workload and in its overall support of its education program. Further, evidence does not support a conclusion that the District is less able to pay competitive salaries based upon its relative ability to pay or upon unique circumstances pertaining to local economic conditions. While it must be conceded that the record indicates that the District's citizenry have not escaped the impact of the recession which most of this State has recently experienced, there is no persuasive evidence in the record indicating that the economic lot of the District's residents differs substantially from that of the taxpayers in surrounding communities who have been able to pay their teachers significantly more than is the case in Weyerhaeuser. Furthermore, in this same regard, the record does not indicate that adoption of the Union's proposal will have any significantly harmful impact on the budget, the District's educational programs, or upon the taxpayers who must support such programs.

In light of all of the foregoing circumstances, even though the Union's proposals at these benchmarks are really not very comparable in terms of the size of the proposed increases, they are still more reasonable than the District's proposals at these benchmarks since they do not exacerbate the existing problem as does the District's proposal, they make the District's salaries at these benchmarks at least somewhat more comparable, and they do not attempt to significantly or unreasonably change the relative rank of the District among the comparables, thereby leaving the District in its traditional position as a follower rather than the leader of the pack. While slightly smaller proposed increases at these benchmarks might have made the Union's proposal somewhat more comparable, when they are contrasted with the District's proposals at these benchmarks, it is the undersigned's opinion that they are clearly the less unreasonable of the two sets of proposals submitted herein.

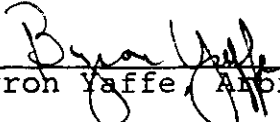
Lastly, it should be noted that the evidence in this record does not portray what the total package settlements were in the comparable districts, so no comparisons may be made in this regard. While presumably the Union's total package proposal is relatively high, if it were compared with comparable settlements, under the circumstances present herein, which have been discussed above, the value of the Union's total package, though perhaps somewhat high, is less unreasonable than the total value of the District's total package proposal, when the non-competitive status of the District's salaries is taken into consideration.

Based upon all of the foregoing considerations the undersigned hereby renders the following

#### ARBITRATION AWARD

The final offer submitted by the Union herein shall be incorporated into the parties' 1982-1983 Agreement.

Dated this 8<sup>th</sup> day of August, 1983 at Madison, Wisconsin.

  
Byron Yaffe, Arbitrator