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VOLUNTARY LABOR ARBITRATION
OPINION AND AWARD

WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

In the Mediation/Arbitration
between
INDEPENDENCE EDUCATION ASSN.
and
INDEPENDENCE SCHOOL DISTRICT

CASE 9
NO. 35978
MED/ARB - 3628
Decision No. 23496-A

Hearings Held

Appearances

July 28, 1986
August 19, 1986
Independence High School

For the Board:
Shannon E. Bradbury
Wisconsin Association of
School Boards
122 W. Washington, Room 700
Madison, WI 53703

Arbitrator

For the Association:

Steven Briggs
3612 N. Hackett Ave.
Milwaukee, WI 53211

James C. Bertram
Executive Director
Coulee Region United Educators
P.O. Box 684
La Crosse, WI 54602-0684

BACKGROUND

The undersigned was notified by an April 17, 1986, letter from the Wisconsin Employment Relations Commission of his selection as Mediator/Arbitrator in an interest dispute between the Independence School District (Board) and the Independence Education Association (Association). The dispute essentially concerns salaries, extra-curricular pay and insurance premium payout to be included in the parties' 1985-1986 collective bargaining agreement covering all teaching personnel but excluding therefrom the district administrator and any full-time principals.

Pursuant to statutory responsibilities, mediation was conducted on July 28, 1986. A settlement did not result. An arbitration hearing was held on August 19, 1986, during which time both parties were afforded full opportunity to present evidence and argument in support of their respective positions on the issues. Both parties filed timely Posthearing Briefs and Reply Briefs, and the record was declared closed on October 11, 1986. Based upon a detailed consideration of the record, and relying upon the criteria set forth in Section 111.70 (4)(cm), Wisconsin Statutes, the Arbitrator has formulated this Award.

ISSUES

There are three issues submitted to arbitration, with the most significant being teacher salaries. The Board's salary offer reflects a salary increase of 6% per cell on the existing salary schedule; the Association's salary offer

includes a 7% increase per cell on the existing schedule. The same respective increases are proposed for extra-curricular payments, and neither party wishes to change the list of extra-curricular duties. The third issue concerns a total insurance premium payment of less than \$500.

DISCUSSION

Comparability Pool

Association Position. The Association relies primarily upon the Dairyland Athletic Conference as the appropriate comparables group. It also asserts that a secondary group of comparable districts settled for 1985-1986 should be used, based upon their size and geographic proximity to Independence. The size dimension includes a range of districts no larger or smaller (FTE's) than Dairyland Conference schools, and the geographic dimension covers a radius from Independence no farther than the greatest distance between schools in the Conference.

Board Position. The Board maintains that the group of school districts used for comparability purposes should be limited to the Dairyland Athletic Conference. It notes that since eight of the twelve Conference schools have settled for 1985-1986, there should be no need to search beyond Conference boundaries for additional comparable school districts.

Analysis. Since both parties have relied upon the Dairyland Athletic Conference (Conference) as the primary comparables group, it will be used by the undersigned as well. The Association's proposed inclusion of a secondary group is rejected. First, there have been sufficient 1985-1986 settlements in the Conference to obviate the need for additional comparables. Second, the additional group proposed by the Association enlarges the comparability area beyond the boundaries of the local labor market. That is, it is unlikely that teachers in Independence would resign and drive approximately 65 miles one way to another school district for what might be perceived as "better" employment conditions. Comparable school districts should be limited to those which compete with Independence for teachers.

The following districts have been adopted as the comparability group for the purposes of deciding this dispute:

COMPARABLE SCHOOL DISTRICTS (DAIRYLAND ATHLETIC CONFERENCE)

Alma
Alma Center
Augusta
Blair
Cochrane-Fountain City
Eleva Strum
Gilmanton
Melrose-Mindoro
Osseo-Fairchild
Taylor
Whitehall

Teacher Salaries

Association Position. The Association believes that its salary offer is the more appropriate, especially when a comparison of benchmark salaries (BA Base, BA 7th Step, BA Maximum, MA Base, MA 10th Step, MA Maximum, Schedule Maximum) is made. It argues that its salary offer maintains traditions at Independence and the ranking of Independence teachers among their peers across Conference districts.

Board Position. The Board maintains that its offer compares well with Conference settlements on benchmark salaries.

The Board also notes that its offer is preferable to the Association's when compared against the cost of living criterion. It notes that its 7% salary offer to Independence teachers is more than most of the rural area taxpayers around Independence have enjoyed over the last few years. And the Board points out that the Consumer Price Index for nonmetropolitan areas rose only 1.1% over the fiscal year ending in June, 1986.

Analysis. Juxtaposition of the parties' salary offers on commonly accepted benchmark levels against settlements in the Conference was accomplished through construction of Tables 1-7 below:

TABLE 1
DAIRYLAND ATHLETIC CONFERENCE
BA BASE

District	84-85	85-86	\$incr.	%incr.
Alma	14780	15400	620	4.2
Alma Center	14225	15250	1025	7.2
Augusta**	14375	15243	868	6.0
Cochrane	14100	15610	1510	10.7
Gilmanton	13725	15025	1300	9.5
Melrose-Mindoro	14275	15450	1175	8.2
Osseo-Fairchild	15050	15809	759	5.0
Taylor	13925	14555	630	4.5
Blair*	14200	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Eleva Strum*	13811	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Whitehall*	14560	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Independence	14525	15397(B)	872	6.0
		15542(A)	1017	7.0

* = Not settled for 1985-86.

** = 85-86 salary annualized due to 2-month delay in schedule implementation.

TABLE 2
DAIRYLAND ATHLETIC CONFERENCE
BA 7TH STEP

District	84-85	85-86	\$incr.	%incr.
Alma	17660	18820	1160	6.6
Alma Center	16655	18250	1595	9.6
Augusta**	17825	18901	1076	6.0
Cochrane	16650	18480	1830	11.0
Gilmanton	16185	17755	1570	9.7
Melrose-Mindoro	17154	18500	1346	7.8
Osseo-Fairchild	18662	19603	941	5.0
Taylor	16392	17027	635	3.9
Blair*	17122	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Eleva Strum*	17123	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Whitehall*	18020	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Independence	17864	18936(B) 1072	6.0	
		19114(A) 1250	7.0	

* = Not settled for 1985-1986.

** = 85-86 salary annualized due to 2-month delay in schedule implementation.

TABLE 3
DAIRYLAND ATHLETIC CONFERENCE
BA MAXIMUM

District	84-85	85-86	\$incr.	%incr.
Alma	19580	21100	1520	7.8
Alma Center	18680	20750	2070	11.1
Augusta**	18975	20122	1147	6.0
Cochrane	19200	21005	1805	9.4
Gilmanton	19055	20940	1885	8.9
Melrose-Mindoro	20238	21750	1512	7.5
Osseo-Fairchild	19264	20235	971	5.0
Taylor	17625	19499	1874	10.6
Blair*	19997	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Eleva Strum*	20987	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Whitehall*	21020	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Independence	19700	20882(B) 1182	6.0	
		21079(A) 1379	7.0	

* = Not settled for 1985-1986.

** = 85-86 salary annualized due to 2-month delay in schedule implementation.

TABLE 4
DAIRYLAND ATHLETIC CONFERENCE
MA MINIMUM

District	84-85	85-86	\$incr.	%incr.
Alma	16305	17000	695	4.3
Alma Center	15355	16550	1195	7.8
Augusta**	16099	17072	973	6.0
Cochrane	15000	16960	1960	13.1
Gilmanton	14725	16025	1300	8.8
Melrose-Mindoro	15504	17000	1496	9.6
Osseo-Fairchild	15825	16809	984	6.2
Taylor	15116	15585	469	3.1
Blair*	15440	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Eleva Strum*	15311	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Whitehall*	15782	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Independence	16027	16989(B) 962	962	6.0
		17149(A) 1122	1122	7.0

* = Not settled for 85-86.

** = 85-86 salary annualized due to 2-month delay in schedule implementation.

TABLE 5
DAIRYLAND ATHLETIC CONFERENCE
MA 10TH STEP

District	84-85	85-86	\$incr.	%incr.
Alma	20940	22400	1460	7.0
Alma Center	19450	21725	2275	11.7
Augusta**	21900	23223	1323	6.0
Cochrane	19500	21855	2355	12.1
Gilmanton	18415	20120	1705	9.3
Melrose-Mindoro	20084	23010	1926	9.6
Osseo-Fairchild	21522	22860	1338	6.2
Taylor	18815	19293	478	2.5
Blair*	20640	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Eleva Strum*	20819	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Whitehall*	21445	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Independence	21592	22888(B) 1296	1296	6.0
		23103(A) 1511	1511	7.0

* = Not settled for 85-86.

** = 85-86 salary annualized due to 2-month delay in schedule implementation.

TABLE 6
DAIRYLAND ATHLETIC CONFERENCE
MA MAXIMUM

District	84-85	85-86	\$incr.	%incr.
Alma	23515	25400	1885	8.0
Alma Center	20815	23450	2635	12.7
Augusta**	24479	25958	1479	6.0
Cochrane	23000	25335	2335	10.2
Gilmanton	20005	21940	1885	9.4
Melrose-Mindoro	22256	24370	2114	9.5
Osseo-Fairchild	24687	26222	1535	6.2
Taylor	21281	22589	1308	6.1
Blair*	23625	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Eleva Strum*	23879	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Whitehall*	22759	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Independence	23596	25012(B) 1416	6.0	
		25248(A) 1652	7.0	

* = Not settled for 85-86.

** = 85-86 salary annualized due to 2-month delay in schedule implementation.

TABLE 7
DAIRYLAND ATHLETIC CONFERENCE
SCHEDULE MAXIMUM

District	84-85	85-86	\$incr.	%incr.
Alma	24035	26010	1975	8.2
Alma Center	21505	24250	2745	12.8
Augusta**	25349	26881	1532	6.0
Cochrane	24260	26560	2300	9.5
Gilmanton	20305	22190	1885	9.3
Melrose-Mindoro	23004	25560	2556	11.1
Osseo-Fairchild	25680	27374	1694	6.6
Taylor	22114	23206	1092	4.9
Blair*	22935	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Eleva Strum*	25439	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Whitehall*	23573	n/a (B) -----	-----	-----
		n/a (A) -----	-----	-----
Independence	24079	25543(B) 1446	6.0	
		25784(A) 1687	7.0	

* = Not settled for 85-86.

** = 85-86 salary annualized due to 2-month delay in schedule implementation.

As reflected in Table 1, both parties' final offers fall within the BA Base settlement range in percentage and dollar terms. The last voluntary settlement between the parties was 1984-1985, so that year has been used throughout this analysis as a reflection of their mutual intent with respect to the appropriate relative ranking of Independence teachers across the Conference. The Board's offer would change the relative position of new teachers at Independence from third place (1984-1985) to fifth place (1985-1986) among the eight settled districts. The Association's offer would retain their third place status, but it would advance them on a dollar basis within that third place position. But ranking in and of itself can be a misleading indicator, since teacher salary at a given level can move hundreds of dollars away from its former relative dollar placement and still retain the same positional ranking. It is therefore appropriate to compare the parties' offers against average settlements (eight districts settled) at that level for 1985-1986 and to compare the Independence salary for 1984-1985 against the average 1984-1985 salary for those same districts. In 1984-1985 Independence teachers at the BA Base were \$229 above the \$14,296 average. Under the Association offer for 1985-1986, new Independence teachers would be \$249 above the settlement average of \$15,293. Under the Board's offer they would be \$104 above the average. The Board's offer therefore seems to move newly hired Independence teachers slightly farther from the relative dollar position they would have enjoyed in 1984-1985 than does the Association's offer.

Table 2 reflects benchmark salaries for the BA 7th step (on the salary schedule in the instant case this is shown as BA 6th). Again, both parties' offers are within the range of settlements in percentage and dollar terms. Furthermore, while the Association's offer would not change the relative position of Independence teachers at this level across the eight settled Conference districts, the Board's offer would move them from second to fourth. Again, though, it is more meaningful to consider relative absolute dollars than positional ranking. In 1984-1985, Independence teachers in the BA 7th cell were \$588 above the average across the eight settled districts (\$17,276); in 1985-1986 they would be \$519 above the average (\$18,417) under the Board's offer and \$697 above it under the Association's offer. Thus, even though the ranking changes under the Board's offer, in absolute dollar terms the Board's offer more closely approximates the status quo than does the Association's.

On the BA Maximum cell (Table 3), both offers are within the settlement range, again in dollar and percentage terms. The Board's offer would cause teachers at this level to move from second to third in rank among settled Conference districts; the Association's would leave their present ranking unchanged. Comparing both offers' distance from the average of the settlements again favors the Board. In 1984-1985, Independence teachers at the BA Maximum were \$173 above the average for the eight districts (\$19,527). For 1985-1986, they would be \$404 above the average (\$20,675) under the Association's offer and \$207 above under the Board's offer. Thus, even under the Board's offer they would advance vis-a-vis their peers across the settled districts.

The Association's offer for the MA Minimum (Table 4) would change the relative ranking of Independence teachers at this level from third place among the settled Conference districts to first. The Board's offer would move them from third to fourth. Again, however, the more meaningful comparison is against the average salary for the eight

settled districts. In 1984-1985, Independence teachers in the MA Min. cell were \$486 above the average (\$15541). In 1985-1986 they would be \$524 higher than the average (\$16,625) under the Association's offer and \$364 under the Board's. Thus, the Association's offer more closely maintains the former position than does the Board's.

At the MA 10th step (MA 9th on the parties' schedule), both parties' offers are within the settlement range. At this level on the schedule, Independence teachers were in second place in 1984-1985, running \$1165 over the eight-district average (\$20,427). Under the Association's offer for 1985-1986, Independence teachers would remain in second place among the settled Conference districts, but would be \$1417 above the average (\$21,686). The Board's offer would move Independence teachers to third place among the settled districts, but they would still be about the same distance (\$1202) above the relevant average as they were in 1984-1985. Thus, it appears that in dollar terms the Board's offer more closely approximates the 1984-1985 relative position of Independence teachers at the MA 10th step.

From Table 6, both offers would change the relative position of Independence teachers at the MA Maximum level from third place among settled Conference districts to fifth. The Association's offer would put them \$804 over the eight-district average (\$24,408), while the Board's would put them \$604 above. In 1984-1985, Independence teachers at this level received a salary \$771 above the \$22,825 average. It therefore appears that the Association's offer does the most toward maintaining the status quo for teachers at this level, since the differential from the average the prior school year (which was settled voluntarily) is lower than under the Board's offer.

At the Schedule Maximum (Table 7), both parties' offers are within the range of conference settlements in percentage and dollar terms. However, the Board's offer is the second lowest among the eight settled districts. Moreover, its offer changes the relative position of Independence teachers at this level from third place to sixth. The Association's offer also lowers their relative position, but only to fifth place. The average 1984-1985 salary at this level in the eight districts settled for 1985-1986 was \$23,608, with Independence teachers at \$24,079 (\$471 above the average). For 1985-1986, the Association offer would put them \$530 above the average (\$25,254); the Board offer would put them \$289 above the average. Thus, in dollar terms the Association's offer moves Independence teachers at the Schedule Maximum less distance from their prior relative position than does the Board's.

On balance, and in consideration of the foregoing analyses on all of the benchmarks, the record does not clearly support adoption of either offer. The Board's is preferable on three benchmarks (BA 7th, BA Max & MA 10th), while the Association's is the more reasonable on four (BA Min, MA Min, MA Max & Schedule Max).

The Cost of Living. Both of the parties' offers are well above the cost of living as measured by the Consumer Price Index. The Board's offer seems more appropriate when considered against this criterion, since it is closer to any recent CPI measure than is the Association's.

The Public Interest. Both parties presented a plethora of information about tax delinquency rates in the area surrounding the Independence School

District, and the undersigned scrutinized it in detail. A limited amount of information regarding other public sector settlements was presented as well. On the whole, analysis of the parties' arguments on this criterion has not convinced the undersigned that it would be in the public interest to adopt the Association's offer. For example, there is no evidence that the District has difficulty attracting or retaining competent teachers. And since both offers are well in excess of any recent CPI indicator, it is more reasonable when considering the public interest to adopt the lower of the two.

Summary. Based upon the foregoing analysis, the Arbitrator has determined that the salary offer of the Board is the more appropriate. All statutory criteria were considered, but only those on which the parties presented significant evidence were discussed herein.

Extra-Curricular Payments

Comparison of extra-curricular payments from one school district to another is extremely hazardous. For example, in one district a Yearbook Advisor may be responsible for taking yearbook photographs; in another that particular duty may be assigned to a student. The parties did not introduce sufficient information into this record for the undersigned to reach an informed conclusion as to the appropriateness of their respective offers on extra-curricular assignments.

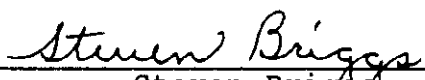
The Insurance Payment

As mentioned at the outset of this Report, resolution of this issue will have a total impact upon the parties of less than \$500. Accordingly, detailed analysis of the parties' offers on the insurance payment was not deemed necessary. By far the most important issue before the Arbitrator is the salary schedule, and its resolution carries the two lesser issues in its wake.

AWARD

The Board's final offer shall be incorporated into the parties 1985-1986 collective bargaining agreement, along with all of the provisions of the previous agreement which remain unchanged and along with the stipulated changes agreed to by the parties.

Signed by me at Milwaukee, Wisconsin, this 8th day of January, 1987.


Steven Briggs