

STATE OF WISCONSIN  
BEFORE THE ARBITRATOR

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WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION

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In the Matter of the Petition of  
HARTFORD CITY EMPLOYEES UNION,  
LOCAL 1432-B, AFSCME, AFL-CIO

To Initiate Arbitration Between  
Said Petitioner and

CITY OF HARTFORD  
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Case No. 33  
No. 44684 INT/ARB-5797  
Decision No. 26759-A

Appearances:

Ms. Karen M. Christianson, Hartford City Attorney, appearing on behalf of  
the Employer.

Mr. David White, Staff Representative, Wisconsin Council 40, AFSCME, appear-  
ing on behalf of the Union.

ARBITRATION AWARD:

On February 20, 1991, the Wisconsin Employment Relations Commission appointed the undersigned Arbitrator, pursuant to 111.70 (4) (cm) 6. and 7. of the Wisconsin Municipal Relations Act, to resolve an impasse existing between Hartford City Employees Union, Local 1432-B, AFSCME, AFL-CIO, referred to herein as the Union, and City of Hartford, referred to herein as the City or the Employer, with respect to the issues specified below. The proceedings were conducted pursuant to Wis. Stats. 111.70 (4) (cm). Hearings were held at Hartford, Wisconsin, on April 23 and May 6, 1991, at which time the parties were present and given full opportunity to present oral and written evidence and to make relevant argument. The proceedings were not transcribed, however, briefs and reply briefs were filed in the matter. Final briefs were exchanged by the Arbitrator on July 16, 1991.

### THE ISSUES:

At issue in this proceeding is the Union's proposed reclassification of three positions in the bargaining unit. All other matters have been resolved, and the stipulations of the parties have been implemented.

The Union initially proposed reclassifications of seven positions. The City, in its final offer included reclassifications of four positions advocated by the Union. Consequently, the Union proposals that the Ceramic Supervisor move from Range I to Range II; and that Children's Librarian Aides increase 1990 hourly rates by 27¢; and that Library Assistant/Circulation move from Range IV to Range V; and that the DPW Secretary move from Range III to Range V are no longer disputed. Remaining in dispute are the Union's proposed reclassifications for the following:

1. Cashier: Move from Range IV to Range V
2. Receptionist: Move from Range III to Range IV
3. Taxi Driver/Mechanic: Move from Range I to Range II

With respect to the Union's proposed reclassifications for Cashier, Receptionist and Taxi Driver/Mechanic, the Employer proposes that these classifications remain in the ranges to which they had been assigned in the predecessor Collective Bargaining Agreement.

### DISCUSSION:

Wis. Stats. 111.70 (4) (cm) 7 direct the Arbitrator to give weight to the factors found at subsections a through j when making decisions under the arbitration procedures authorized in that paragraph. The undersigned, therefore, will review the evidence adduced at hearing, and consider the arguments of the parties in light of that statutory criteria.

As reflected in the preceding section of this Award, the remaining issues in dispute involve only the remaining three proposed reclassifications contained in the Union final offer. At hearing, the Union presented evidence with respect to the

job requirements of the three disputed positions, focusing primarily on testimony and exhibits that compared present duties of the disputed positions with the duties which were previously included in those same positions. There was also testimony and evidence adduced with respect to comparisons of the responsibilities of the disputed positions with other positions in the range to which the Union proposed the reclassifications.

The Employer submitted evidence with respect to the three disputed positions comparing duties, responsibilities and requirements of the disputed positions. The Employer also adduced evidence with respect to wage rates paid to employees in these same classifications in comparable communities, compared to the wage rates paid by this Employer.

The Union argues that wage rate comparisons for these positions which compare rates paid in comparable communities to those paid by this Employer are immaterial, contending that it is the relationships of the classifications that are to be considered, i. e. the internal comparables or comparisons. The Union also disputes the Employer's selections of the external comparables, if they are to be considered.

The Arbitrator agrees with the Union that reclassifications, if they are to be awarded, will be determined by the internal comparisons and not external. The external comparisons of wage rates paid in comparable communities are significant and often controlling when considering general wage increase. When considering reclassifications, however, the relationship between work performed in the disputed classifications, compared to work performed in the classification assigned to the range which is proposed, is the most significant. External comparables might be persuasive evidence in support of or against the proposed reclassifications, if the evidence were to show that ranking of a position in a comparable community is the same as or different than the ranking of a position proposed by the parties in

the dispute being arbitrated. The evidence presented at this hearing, however, shows only the raw data comparing wage rate for each of the disputed positions in comparable communities, compared to wage rates being paid here. There is nothing in the data to show the relationships of the hierarchy of classifications or ranges in the comparable communities which would then permit a comparison of the same relationships for the instant Employer. Absent that type of showing, the raw data of wage rate to wage rate comparisons are meaningless because it ignores the internal relationships which are paramount in the slotting or ranking of positions. Consequently, the Employer evidence bearing on the external comparisons among comparable communities is unpersuasive. Having determined that it is the internal comparisons that are controlling for these reclassifications, it is unnecessary for the undersigned to resolve the dispute with respect to the appropriate set of external comparables.

The Employer argues that it is the Union that has the burden of proof to support its proposed reclassifications. The undersigned agrees. The proponent of change has the responsibility in interest arbitration matters to establish proof by a sufficiency of the evidence that its proposed changes should be adopted. It follows from the foregoing that the Union carries the burden of proof in this dispute because it is they who have proposed the reclassifications that are at issue here.

One remaining preliminary matter must be considered. The parties have had a previous arbitration over proposed reclassifications. On November 30, 1989, Arbitrator Malamud issued an Award resolving a dispute over the reallocation of a Dispatcher, a Clerk/Typist II, and an Accounting Assistant. The jurisdiction of the Arbitrator in those proceedings, however, differed from the jurisdiction of the Arbitrator in these proceedings. The parties agreed that Arbitrator Malamud had authority under their submission to establish a wage rate for the calendar year 1989

for each of the three disputed positions. They further agreed that the rate set by the Arbitrator could not be less than the City offer nor more than the Union offer. They also specified that the Arbitrator could select the City or Union offer or fix the wage rate at any point between the City and Union offers for each of the three disputed positions. Here, the authority of the Arbitrator is limited to a selection of the final offer of one party or the other, pursuant to the statute controlling these proceedings.

In arriving at his 1989 decision, Arbitrator Malamud set forth criteria which he considered in making his determination resolving that dispute. The Union argues that these same considerations should be adopted by this Arbitrator. Criteria enunciated by Malamud are: 1) knowledge, education and skill to accomplish the duties of the position; 2) degree of supervisory control or employee exercise of independent initiative; 3) the degree of specificity of guidelines to be followed; 4) the scope and effect of the position in question; 5) the complexity of work assignments; 6) with whom and at what level in the organizational structure does the incumbent in the position have personal contact and the degree to which the incumbent in the position has contact with the public; 7) the purpose and importance of these contacts; 8) physical demands on the job; 9) the work environment of the position.

The Employer in its reply brief makes argument based on the foregoing criteria enunciated by Malamud. The undersigned agrees that the aforesaid criteria are proper considerations for the purpose of job evaluation. However, the common denominator for determining whether a position is properly slotted in the range in which it is placed, or whether it should be reclassified to a higher range, requires a showing that the components of the job for which reclassification is being sought are more complex than the components of other positions in the same range as the proposed job is presently classified. Furthermore, in order to justify the re-

classification to the proposed range, it must be shown that the proposed reclassification has the same degree of complexity for its components as the jobs in the range to which the proposed position is advocated. The Arbitrator will hold the Union to the standard of proof requiring it to show that the positions that it seeks to reclassify have components which have significantly higher degrees of complexity than the components of the positions in which they are presently slotted. The Union must also show that the components of the proposed position have complexities equal to the complexities of the positions in the range or rank to which the proposed job is targeted. The Arbitrator will review the evidence to determine whether the Union has carried its burden for each of the positions.

#### THE TAXI-DRIVER/MECHANIC POSITION

The incumbent in the proposed reclassification is an employee presently classified as a Taxi Driver. There are seven taxi drivers in the employ of the Employer. All of them work on a part time basis. The Union proposes that the position be retitled from Taxi Driver to Taxi Driver/Mechanic, and that it be reclassified from Range I to Range II. There is testimony in the record from the incumbent in the position that he performs minor repair duties which other drivers do not perform. There is further testimony from the incumbent that he maintains records and serves as liaison between the commercial garages and the City mechanic which other drivers do not do. The testimony of the incumbent is at least partially refuted by the testimony of the Transportation Programmer, Swanson, who testifies that there are several drivers who perform statistical reports. She further testifies that the liaison between the incumbent and the garages in the area is a result of the fact that the incumbent works a.m.'s and is on duty during the hours when cars are scheduled to go in. She further testifies that in the afternoon it

is the afternoon drivers who pick up those same cars. In her testimony with respect to the incumbent doing diagnostic type work, Swanson testifies that she has had other drivers test drive automobiles for which the incumbent reported problems. She further testifies that a driver fixed a wheelchair lift and one who fixed a mirror on an automobile. In summary, she testifies that in her opinion the incumbent is not doing anything sufficiently different from the duties of other drivers which would warrant a reclassification.

There is also the testimony of Philip Mol, a bargaining unit member and taxi driver, who testifies that he performs vehicle safety checks, pursuant to the check list form supplied by the Employer. The check list requires, among other things, that he check the spare tire, the heater, the defroster, add gas, check oil and add oil as required, and generally perform a myriad of duties checking the reliability of the vehicle. Mol testifies that if he finds something wrong, he calls his boss and reports the problem and then confirms that in writing. He further testifies that he completes the daily operator's log which reports the results of his checks and the actions he has taken with respect to any defects he may have found. He testifies that he keeps the vehicles clean; that he has changed tires from time to time when instructed to do so, if he has a flat; and that he keeps a log of riders as to time, place and mileage, and the number of riders. He concluded his testimony by testifying that he has not talked to the incumbent seeking advice regarding problems with a vehicle.

There is also the testimony of Lou<sup>p</sup> Darin, Director of Public Works for the City. Darin has the responsibility for vehicle oversight for the City. He testifies that it is the mechanic at the city garage who has the responsibility for the maintenance and repair of City vehicles. The drivers, including the incumbent in the position for which the reclassification is sought, have no responsibility for repair of vehicles, nor are they required to perform maintenance tasks such as

oil changes. They are only required to perform duties such as checking the oil levels and adding oil if it is needed.

The undersigned is persuaded from the foregoing recapitulation of the testimony that the Union has failed to establish a case for the reclassification it seeks. It follows that the Union proposed reclassification of the position titled Taxi Driver/Mechanic is denied.

#### THE RECEPTIONIST POSITION

The Union seeks to have the Receptionist position reclassified from Range III to Range IV. A review of the testimony in evidence establishes that the telephone system of the Employer has become more automated, resulting in a reduction in the telephone switchboard responsibilities of the incumbent in the position. Other duties have been added as a result, which include photocopying, routine typing and handling of mail. The evidence establishes that the typing performed by the incumbent in the position is of a routine and uncomplicated nature. For example, the typing includes the preparation of special assessment letters for the City Clerk and collection letters for the City Attorney where the employee inserts names into blanks in form letters and also inserts the amounts owed. Furthermore, the record fails to establish that the additional mail work, filing work and typing work now performed by the incumbent is any more complex than the work she formerly performed when the switchboard operator responsibilities were greater. Furthermore, there is no showing in this record that the complexities of the position exceed the complexities of the other positions which are slotted at Range III. From all of the foregoing, then, the undersigned concludes that the Union has failed to establish the case for the reclassification of the Switchboard Operator/Receptionist.

## THE CASHIER POSITION

The Union seeks to reclassify the position of Cashier from Range IV to Range V. The evidence establishes that the Cashier is required to prepare the monthly utility bills, numbering approximately 4,000 per month. She receives all the tax monies paid to the City and she must credit these amounts to the citizens' accounts as the taxes are paid. She calculates the interest charged for late payment of taxes. The evidence establishes that the Cashier assigns account numbers for entry into the City's computer system. The evidence further establishes that the Cashier uses certain discretion in working out repayment agreements for customers who are late in paying their utility bills, and that she initiates the disconnection process when it is necessary to do so.

In support of the reclassification there is testimony in the record from a former incumbent in the position, Beth David, who is presently classified as a Range V Account Clerk. David testifies that since she left the position she has observed the Cashier work and fills in as Cashier over lunch breaks and to cover vacations and absences. David testifies that the position has changed since she occupied the position full time, stating that it now carries more duties; that there is more volume to be handled; and that the position has more tension connected with it.

There is also testimony in the record from the City Treasurer who testifies with respect to the relationship of duties of positions under his supervision, which include the Cashier position. In Range VI there is the classification of Accounting Assistant. The treasurer testifies that the Accounting Assistant position requires cash management and reconciliation responsibilities. The Treasurer further testifies that there are presently two Account Clerks classified in Range V. He testifies that the Account Clerks require education and experience in accounting principles, equivalent to the attainment of an Associate Degree from a technical in-

stitute. The Treasurer testifies that the Cashier performs duties at the front window, that she is responsible for single entry bookkeeping, and that it is unnecessary for her to have an Associate Degree in accounting or its equivalent. The Treasurer also testifies that at Range III there is an Account Clerk Assistant who performs duties at the window approximately 25% of the time. The Account Clerk Assistant is required to have a basic understanding of single entry bookkeeping, does payroll payables and receivables; and works as an assistant to the bookkeeper. The Treasurer further testifies that the Cashier does not have accounting responsibilities; that she does not need to know debits from credits, nor does she have to understand a double entry system of bookkeeping. The Treasurer testifies that all of this knowledge is required of the Account Clerks. The Treasurer's testimony is unrefuted in the record.

The undersigned has considered all of the evidence and argument and concludes that the Cashier position should not be reclassified to the same range as the Account Clerk position. The testimony of the Treasurer satisfies the undersigned that the complexities of the Cashier position do not compare to the complexity of the Range V positions in which the Account Clerks are slotted. It follows from the foregoing that the reclassification from Range IV to Range V is not supported by the record evidence.

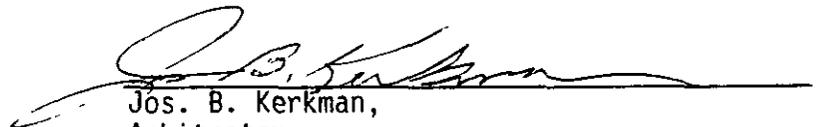
CONCLUSIONS:

The undersigned has concluded that the reclassifications sought by the Union are not supported by the record evidence. It follows from the foregoing that the final offer of the Employer is to be adopted. Therefore, based on the record in its entirety and the discussion set forth above, after considering all of the arguments of the parties and all of the statutory criteria, the undersigned makes the following:

AWARD

The final offer of the Employer, along with the stipulations of the parties as furnished to the Wisconsin Employment Relations Commission, as well as those terms of the predecessor Collective Bargaining Agreement which remained unchanged through the course of bargaining, are to be incorporated into the parties' written *Collective Bargaining Agreement*.

Dated at Fond du Lac, Wisconsin, this 18th day of September, 1991.

  
Jos. B. Kerkman,  
Arbitrator

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