

STATE OF WISCONSIN

Before the Wisconsin Employment Relations Commission

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In the Matter of Final and Binding  
Arbitration Between

FOND DU LAC COUNTY TRAFFIC OFFICERS AND  
RADIO OPERATORS, AFSCME, AFL-CIO,  
LOCAL 1366 C AND LOCAL 1366 E

Case XXXVIII  
No. 20098 MIA-224  
Decision No. 14353-A

and

FOND DU LAC COUNTY, WISCONSIN

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AWARD IN ARBITRATION

HEARING. A hearing on the above entitled matter was held on May 3, 1976, at the Courthouse, Fond du Lac, Wisconsin, beginning at 10 a.m.

APPEARANCES. Principal appearances for the parties were made by:

FOR THE COUNTY: ROBERT J. MUELLER, Attorney at Law,  
119 Monoa Ave., Madison, Wisc., 53703

FOR THE UNION: JAMES L. KOCH, 433 South Marr Street,  
Fond du Lac, Wisc.

BACKGROUND. This is a matter involving two similar contracts between Fond du Lac County and Local 1366 C and Local 1366 E of the American Federation of State, County and Municipal Employees. These Locals have two different contracts with the County. The Local 1366 C contract covers Traffic Officers, and the Local E contract covers Radio Operators. The contracts, both executed February 10, 1975, call for their continuance unless the parties call for a modification. The parties had three negotiation sessions and one mediation session on these contracts, after which the Union filed a petition on January 27, 1976, with the Wisconsin Employment Relations Commission for final and binding arbitration under Section 111.77 of the Wisconsin Statutes.

The Commission concluded that there was an impasse, certified that conditions precedent to the initiation of compulsory final and binding arbitration as required by Section 111.77 of the Municipal Employment Relations Act existed, and ordered compulsory final and binding final offer arbitration. The Commission did this on February 20, 1976. Thereafter, the parties selected Frank P. Zeidler, Milwaukee, Wisconsin, as the Arbitrator, and he was appointed impartial Arbitrator on March 5, 1976. The hearing was held on May 3, 1976, as noted.

The parties submitted final offers, and the issues were narrowed to three: holidays, wages, and shift starting time. The issues are as follows:

I.

UNION PROPOSAL - HOLIDAYS. Article VII Holidays

"7.06 In addition to the eight (8) holidays listed in Section 7.01 all regular full-time employees shall be granted one (1) 'floating holiday' to be taken at the employee's discretion subject to seniority, wherever practical and provided it does not adversely affect the operations of the Employer."

Radio Operators, Local 1366 E

January 1, 1976                 \$47.00 across the board  
July 1, 1976                    \$32.00 across the board

COUNTY PROPOSAL - WAGES.

Traffic Officers, Local 1366 C

January 1, 1976                 \$38.00 across the board  
July 1, 1976                    \$20.00 across the board

Radio Operators, Local 1366 E

January 1, 1976                 \$34.00 across the board  
July 1, 1976                    \$18.00 across the board

III.

UNION PROPOSAL - WORK WEEK AND OVERTIME.

There should be no change in Article IX, Work Week and Overtime.

COUNTY PROPOSAL - WORK WEEK AND OVERTIME.

Section 9.02 concerning shift starting time should read:

12 A.M. to 8 A.M.	2 Officers
7 A.M. to 3 P.M.	3 Officers
8 A.M. to 4 P.M.	2 Officers
3 P.M. to 11 P.M.	3 Officers
4 P.M. to 12 A.M.	2 Officers
11 P.M. to 7 A.M.	3 Officers

There are fourteen Traffic Officers and four Radio Operators involved. The Traffic Officers patrol in three districts. They work on a schedule of 6-2, 6-2, 6-2, 6-2, 6-3, 5-3. They work from 7 a.m. to 3 p.m.; 3 p.m. to 11 p.m.; and 11 p.m. to 7 a.m. They have eight holidays. Top wages for Patrolman after 30 months is \$900.00.

Radio Operators work the same schedule. Their shift starting times begin at 6:30 a.m.; 2:30 p.m.; and 10:30 p.m. Their top salary is \$775.00 after 18 months of service.

STATUTORY GUIDELINES. The following guidelines are set forth in Section 111.77(6) of the Wisconsin Statutes:

"In reaching a decision the arbitrator shall give weight to the following factors:

"a) The lawful authority of the employer.

"b) Stipulations of the parties.

"c) The interests and welfare of the public and the financial ability of the unit of government to meet these costs.

"d) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally:

"1. In public employment in comparable communities.

"2. In private employment in comparable communities.

"e) The average consumer prices for goods and services, commonly known as the cost of living.

"f) The overall compensation presently received by the employees, including direct wages compensation, vacation, holidays and

excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

- "g) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.
- "h) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment."

These guidelines will be followed by the Arbitrator.

1. The lawfull authority of the employer. There is no question here about the lawful authority of the employer to pay or not to pay either offer.

2. Stipulations of the parties. There were no major stipulations by the parties, except that there were changes to which they had agreed.

3. The interests and the welfare of the public. The Union has stressed that it is not in the public interest to have County Traffic Officers working out of the same building in the city of Fond du Lac in which Fond du Lac Police Officers work, who receive a much higher monthly salary.

The County has stressed the fact that it has been the locus of two major prolonged strikes, which have placed a heavy burden on the County for food stamps with 3,243 people being served in February 1976 as compared to 894 people in February 1974. The aid for dependent children went up from 402 families in February 1974 to 635 families in February 1976, and the aid for dependent children of unemployed persons went from 11 families in February 1974 to 151 families in February 1976. The County states that the persons receiving aid are not only persons involved in one of the strikes, but also there has been a decline in the economy.

4. The financial ability of the unit of government to meet the costs of the proposals. The County makes no argument on inability to pay but points to taxpayer resistance to rising governmental costs, which has compelled it to keep down the cost of government.

5. Comparison of wages and hours with comparable employees in public employment in comparable communities. Both parties submitted exhibits to make comparisons of the wages of traffic officers, Sheriff's deputies and/or police in other communities. A summary of the Union's Exhibit XXIX for wages is given.

TABLE 1

WAGE COMPARISON IN SELECTED JURISDICTIONS FOR PATROLMEN, 1975

<u>JURISDICTION</u>	<u>POPULATION</u>	<u>AVERAGE HOURS</u>	<u>SHIFT HOURS</u>	<u>TOP WAGE</u>	<u>HOURLY PAY</u>
Fond du Lac-County	84,567	40.01	8	\$ 900.00	\$5.19
Fond du Lac-City	35,515	38.61	8½	962.58	5.75
Mayville-City	4,139	39.7	8	920.00	5.34
Washington Co. (Sheriffs)	63,839	40	8	1,051.00	6.06
Manitowoc Co. Traffic	82,294	37.4	8	920.00	5.67
Manitowoc Co. Sheriffs	82,294	37.4	8	950.00 (1976)	5.86
Calumet County Traffic	27,604	39.63	8	927.40	5.40
Dodge County Traffic	69,004	39.63	8	922.00	5.36
Waupun	7,946	39.3	8	914.62	5.38

TABLE 2

WAGE COMPARISONS IN SELECTED JURISDICTIONS - RADIO OPERATORS

<u>JURISDICTION</u>	<u>POPULATION</u>	1975		<u>TOP WAGES</u>	<u>HOURLY RATES</u>
		<u>AVERAGE HOURS</u>	<u>SHIFT HOURS</u>		
Fond du Lac-County	84,567	40.01	8	\$775.00	\$4.47
Fond du Lac-City	35,515	38.61	8½	557.42	3.33
Calumet County	27,603	59.63	8	765.05 (1976)	
Dodge County	69,004	39.6	8	887.00	

The County in its Exhibit II provided a table of "Comparison of Average Total Annual Compensation of Traffic Police and Radio Operators." It developed this table by taking 1975 agreements of the jurisdictions involved, estimating the 1976 earnings which would be provided, placing the present Fond du Lac County personnel in those contracts, determining their individual compensation, and thus determining what the average compensation for the personnel would be under each contract. This table is as follows:

TABLE 3

COMPARISON OF AVERAGE TOTAL ANNUAL COMPENSATION  
(Placing Fond du Lac County Personnel in Other 1975 Contracts)

<u>JURISDICTION</u>	<u>TRAFFIC POLICE</u>	<u>RADIO OPERATOR</u>
Outagamie	\$11,826.02	\$10,495.59
Winnebago	11,641.38	6,239.01
Fond du Lac	11,562.19	9,455.90
Dodge	11,501.68	10,563.16
Manitowoc	11,355.16	Not Specified in Contract
Sheboygan	10,422.78	5,778.37

It is useful to develop tables of 1975 and 1976 rates for top Patrolmen and Radio Operators, plus the dollar changes and percentages for these rates.

TABLE 4

MONTHLY 1975 RATES, 1976 RATES, DOLLAR CHANGES, AND  
PERCENTAGE CHANGES FOR PATROLMEN AND RADIO OPERATORS

<u>JURISDICTION</u>	<u>1975 RATE</u>	<u>A. PATROLMEN</u>		<u>DOLLAR CHANGE</u>	<u>PERCENT CHANGE</u>
		<u>1976 RATE</u>			
Fond du Lac-County					
County Offer	\$900.00				
1/1/76		\$938.00		\$38.00	4.2%
7/1/76		958.00		20.00	6.4%
Average		948.00		48.00	5.3%
Union Offer	\$900.00				
1/1/76		950.00		50.00	5.5%
7/1/76		985.00		35.00	9.4%
Average		967.50		67.50	7.5%
Fond du Lac-City					
Police	962.58				
Mayville City	920.00	985.00		65.00	7.1%
Washington County	1,051.00				
Manitowoc County					
Traffic	920.00				
Deputy Sheriffs	950.00				

Calumet County				
1/1/76	927.48			
7/1/76	955.30			
Dodge County	922.00			
1/1/76		972.00	50.00	5.4%
7/1/76		1,007.00	35.00	9.2%
Average		989.50		7.3%
Kewaskum City	1,006.00	1,076.00	70.00	7.0%
Waupun City	936.00	988.00	52.00	5.55%

B. RADIO OPERATORS

Fond du Lac-County				
County Offer	\$775.00			
1/1/76		\$809.00	\$34.00	4.4%
7/1/76		827.00	18.00	6.7%
Average		818.00	43.00	5.5%
Fond du Lac-County				
Union Offer	775.00			
1/1/76		822.00	47.00	6.1%
7/1/76		854.00	32.00	10.2%
Average		838.00	63.00	8.1%

TABLE 4

B. RADIO OPERATORS

<u>JURISDICTION</u>	<u>1975</u> <u>RATE</u>	<u>1976</u> <u>RATE</u>	<u>DOLLAR</u> <u>CHANGE</u>	<u>PERCENT</u> <u>CHANGE</u>
Fond du Lac-City	\$557.92			
Washington County	986.00			
Calumet County				
1/1/76		\$765.00		
7/1/76		788.00		
Dodge County	887.00			

The Union supplied a chart on wage cost differences in its Exhibit XXVIII. Information in this exhibit for wages alone is summarized here.

TABLE 5

COST COMPARISON OF WAGES ONLY IN FINAL OFFERS

SOURCE OF OFFER	1975 BASE	INCREASE 1/1/76	INCREASE 7/1/76	MONTHLY AVERAGE INCREASE	PERCENT INCREASE	YEARLY
						INCREASE 12 MONTHS 14 T.O.'S
Union	\$892.14	\$50	\$35	\$67.50	7.56%	\$11,340
County	892.14	38	20	48.00	5.38%	8,064
					Difference:	\$ 3,276
<u>B. RADIO OPERATORS</u>						YEARLY
						INCREASE 12 MONTHS 4 R.O.'S
Union	\$759.00	\$47	\$32	\$63.00	8.30%	\$3,024
County	759.00	34	18	43.00	5.66	2,064
					Difference:	\$960

UNION'S POSITION. The Union states that its Exhibit XXIX shows that Fond du Lac Traffic Officers and Radio Operators have been paid less than their counterparts in jurisdictions around Fond du Lac. It states that this exhibit shows that they work more hours for less wages than similar employees elsewhere.

It notes that in the 1976 settlements, Mayville City, Dodge County, Waupun City, and Kewaskum are going to pay higher rates. It states that in 12 comparisons of other law enforcement agencies in and surrounding Fond du Lac County, from information supplied by both parties, Fond du Lac is in the low group. Out of five counties on which there is information about Radio Operators, two counties pay less and in these two counties the Radio Operators do not function in the same capacity as in Fond du Lac County, one of the Operators being a Typist-Radio Dispatcher.

The Union is critical of County Exhibit II in which the County averages the total wages which would be received by the Traffic Officers and Radio Operators if they would have been working in other counties. It states that different conclusions are arrived at when one takes the top Patrolmen and puts them into the other contracts. In this case, the top Patrolmen in Fond du Lac would get considerably more if located in another county.

The Union stresses that the greatest weight should be given to law enforcement comparisons with Fond du Lac County. It states that the same kind of law enforcement procedures and practices are found in each of the jurisdictions, and cites the testimony of one of its witnesses, who worked for a police department before working for the Fond du Lac Traffic Department. The Union states that it agrees with management that a Traffic Officer is not a detective, but that such Officers do a considerable amount of investigative work.

The Union states that special stress must be placed on the fact that County Traffic Officers work out of the same building as City police and at times share their duties. Further, while the City police cover a jurisdiction of 35,515 people in about 16 square miles, the County Officers are responsible to 84,567 people in 724 square miles. The Union notes with emphasis that when a contract agreement has been settled between the City and its police, it is reasonable to expect that the County, the Union, the employees, and the City of Fond du Lac will see a direct comparison in wages and benefits between the City police and the Traffic Officers, who both are supplying the same services.

COUNTY'S POSITION. The County states that the Union submitted numerous exhibits of other contracts and that many of these are not germane to the issue. It states further that there are enough differences between County Traffic Officers and City Patrolmen and between County Radio Operators and City Radio Operators to invalidate any attempt to classify these positions as comparable.

The County states that the differences in wages between City of Fond du Lac Patrolmen and County Traffic Officers is fairly representative of differences in wage rates between similar City and County employees of other municipalities and counties. The County states that Traffic Officers are primarily concerned with handling traffic and related problems, while the Patrolmen have more varied duties and responsibilities. Traffic Officers are limited by State Statute to enforcement of laws related to highways and their use, and if they go beyond this, they are acting as Deputy Sheriffs. Fond du Lac County, in an attempt to reduce the incidents in which a Traffic Officer must act as a Deputy, has created three additional Deputy Sheriff positions. The County states that there is the same kind of difference between Radio Operators in City and County Departments.

The County also states that there is difficulty in trying to compare City and County employees because in comparing Patrolmen, for example, the City is \$66.25 ahead of the County; but as to Radio Operators, the County is \$233.33 ahead.

The County objects to comparing Fond du Lac County Traffic Officers with police in only three positions in the Kewaskum department. Further, the County states that the pay of Traffic Officers was comparable to that of other counties in 1975.

The County states that it does not consider either Calumet County or Washington County comparable. Rates in Washington County are influenced by its proximity to the Milwaukee metropolitan area, and Fond du Lac County far exceeds Calumet County in rates.

6. Comparison of wage and hours with other employees in public employment generally. The County supplied some information on the settlements reached or benefits given other employees of Fond du Lac County. From these the Arbitrator makes the following table for wages alone in terms of percentage.

TABLE 6

## PERCENTAGE WAGE INCREASE FOR FOND DU LAC COUNTY EMPLOYEES

<u>EMPLOYEE GROUP</u>	<u>AVERAGE RATE</u>	<u>DOLLAR INCREASE</u>	<u>PERCENT INCREASE</u>
Institution	\$3.43/Hr.	\$0.15	4.5%
Non-represented	\$871.92/Mo.	\$39.08	4.2%
Highway Department	\$4.74/Hr.	\$0.18	3.8%
Social Service Assn.	\$770.09/Mo.	\$40.40	5.53%
Traffic Police			
County Offer, Average	\$900/Mo.	\$48	5.3%
Union Offer, Average	\$900/Mo.	\$67.50	7.5%
Radio Operators			
County Offer, Average	\$775/Mo.	\$43	5.5%
Union Offer, Average	\$775/Mo.	\$63	8.1%

UNION'S POSITION. The Union's position is that it is not meaningful to compare wage settlements of other County employees with those of Traffic Officers and any such comparison should not control. This is because of the fact that civilian employees are employed on a different basis and work under different conditions. It cites several recent arbitration decisions to this effect. It states that what is relevant to this case is comparison of similar law enforcement officers, and it is by this standard the serious inequities exist.

COUNTY'S POSITION. The County considers its wage offer more than fair when it is considered with other increases and especially when it is weighed against the wage increases granted other employees of the County.

7. Comparison of wages offered to Traffic Officers and Radio Operators with wages of private employees. The Union gave one exhibit on the comparison of wages of public employees and private employees. This was Exhibit XXVI, which was a table on "Manufacturing Employment in Wisconsin and Selected Areas of the State, Estimated Employees, Earnings and Hours, March, 1976". Table 5 of this exhibit showed that there were 6,800 manufacturing employees in the County. Their average weekly earnings were \$243.57 in March 1976; they averaged 42.3 hours a week and earned \$5.75 per hour. Fond du Lac County Traffic Officers earned \$5.19 per hour in 1975; Radio Operators earned \$4.47 per hour.

UNION'S POSITION. The Union notes that the private sector does not have a police force and comparisons are difficult to make. Nevertheless, its Exhibit XXVI shows that manufacturing employees generally earned more than Traffic Department employees, and they do not have to work on holidays and weekends as do Traffic Department employees.

COUNTY'S POSITION. The County does not comment on the comparison of wages offered with outside employees but notes that many private employees have been out of work because of the economy and strikes.

8. Average consumer prices and the cost of living. The Union submitted two exhibits, Nos. XXII and XXIII on the Consumer Price Index. From these the following information was developed.

TABLE 7

## PERCENT INCREASE, C.P.I.

<u>TIME</u>	<u>INCREASE</u>
1/1/73 to 1/1/74	9.5%
1/1/74 to 1/1/75	11.2%
1/1/75 to 1/1/76	6.8%

From this, the Union developed the information that between 1973 and 1975 there was a 4.54% loss in real earnings for the Fond du Lac County Traffic Department for wages for Patrolmen, and a 2.89% loss in real earnings for Radio Operators.

UNION'S POSITION. The Union states that the cost of living is not a major issue in the Union's attempt to correct inequities of Fond du Lac County Traffic Department employees in comparison to surrounding agencies. The Union states that the proposed increases of the County's offer as they appear in the County's exhibit, do not begin to rectify the existing inequities of the Fond du Lac County traffic employees as compared to surrounding law enforcement employees.

COUNTY'S POSITION. The County states that the maximum rate it is offering for Traffic Officer is 6.4% above the 1975 maximum, and the maximum rate it is offering for a Radio Operator is 6.7% above the 1975 rate. These percentages, the County states, compare very favorably with the CPI percentage change of 6.79% reported in Union Exhibit XXII. When this wage increase is added to the other costs absorbed by the County, the County's final offer amounts to an increase of 8.74% for Traffic Officers and 9.45% for Radio Operators.

The County adds that although the Union contends that its members have lost ground in the past two years as a result of changes in the CPI, yet they have ignored the total benefits which the employees received in improved health insurance coverage, increases in payments toward the retirement fund, improved vacation benefits, and so on. The County states that it does not contend that it has kept pace with the increases in the cost of living, but the employees have not suffered as much as the Union indicates.

9. Fringe Benefits - Holidays. One of the issues in this matter is the request of the Union for one day as a "floating holiday." The Union has eight holidays now. The County is opposed to granting this further holiday. Union Exhibit XXIX reveals the following holidays existed in 1975 in the jurisdictions named:

TABLE 8

HOLIDAY BENEFITS IN 1975, SELECTED JURISDICTIONS

<u>JURISDICTION</u>	<u>HOLIDAYS</u>	<u>FLOATING DAYS</u>
Fond du Lac County	8	None
Fond du Lac City	7½	1
Mayville City	8	1
Washington County	8½	1
Manitowoc Co. Traffic Dept.	8	1
Manitowoc Sheriffs	8	1
Calumet County	8½ and Easter Sunday if worked	
Doge County	9	None
City of Waupun	9	1

According to Union Exhibit XVII all other departments in the County get 9½ holidays. The Union states that this exhibit shows that the Traffic Department employees get 9½ days also, but this is incorrect.

The County cites adjacent counties as to the number of holidays and this list is as follows:

TABLE 9

<u>JURISDICTION</u>	<u>HOLIDAYS</u>
Outagamie	8
Winnebago	7½
Dodge	9
Manitowoc	9
Sheboygan	8½

for an average of 8.4 days

As to the cost of these days, the County calculates that under the Union offer, the cost would be \$48.40 for the extra day. It also calculates that, as a result of increased wages, Traffic Officers will get a total of \$36.70 additional pay for holidays

UNION'S POSITION. The Union believes that even if the employees are granted the floating holiday, they will get less holiday time than other employees and the Union feels strongly that the employees deserve to be treated fairly with other employees, especially those under the same governing body.

COUNTY'S POSITION. The County has two primary reasons for rejecting the Union's request for an additional floating holiday. The first reason is that this holiday would result in a lack of Traffic Officers on duty for certain shifts. The County states that the Union had complained about too few personnel on duty on certain shifts, and this request would aggravate this condition. This lack of personnel for shifts was due in part to increased vacation time achieved by the Union in the 1975 contracts, which results in increased time off.

The County also holds that this additional holiday would be too costly when taken into consideration with other changes contemplated in the 1976 contract. The County states that Union Exhibit XXVIII shows that the cost for the extra holiday for the Traffic Officers would be \$41.18 per year and \$35.03 for Radio Operators. The County states that it computed its estimate of cost by adding the hourly increase at the top level requested by the Union to the average present hourly rates based on total compensation. It states that this method of computation does not take into account all fringe benefit costs, such as vacation, sick leave, etc. Further, if an employee has to be replaced, another employee would have to be paid time and one-half to replace him.

10. Fringe Benefits Generally. The Union in its Exhibit XXIX provided fringe benefits along with wage benefits in comparison. Wage benefits have been given earlier. Given on Page 10 is a table of benefits:

UNION'S POSITION. The Union states that an inspection of the list of fringes shows that except for Sheboygan County all other enforcement agencies are superior in most of the benefits. The Fond du Lac County Traffic Officers not only work more hours and receive less annual wages and holidays, but they do not get night shift premium, must still pay a portion of their Wisconsin Retirement Fund premium, must still pay a portion of life insurance premium, and still pay a portion of their medical insurance premiums.

COUNTY'S POSITION. The County notes it is offering \$75.85 a month for health insurance, \$575 longevity pay after 30 years, and \$5.00/month for every three credits up to \$60.00 a month for education compensation for Traffic Patrolmen. Its other benefits are noted in the discussion on total benefits in wages and fringe benefits.

11. Overall Compensation. The matter of overall compensation and the costs of wages and benefits must be considered, including percentage increases of such total benefits. From County Exhibit #1, a table has been developed by the Arbitrator.

TABLE 11  
TOTAL COSTS IN WAGES AND FRINGE BENEFITS FOR 1976

TRAFFIC OFFICERS - UNION OFFER

Wages		\$	910.00	
Holiday Pay			36.70	
Additional Floating Holiday			48.40	
Hospital and Surgical Insurance			286.20	
Roll-up Costs on Fringe Benefits				
Municipal Share of Wis. Retirement	13.80%			
Municipal Share of Social Security	5.85%			
Workmen's Compensation	.70%			
	Total		20.35%	
20.35% of \$846.70				
Total Annual Increase			172.30	
Average Total Annual Compensation		\$	1,353.60	
Percentage Increase			11,562.19	11.71%

(Continued Page 11)

TABLE 10

## FRINGE BENEFIT COMPARISONS IN SELECTED JURISDICTIONS, 1975

<u>JURISDICTION</u>	<u>LONGEVITY</u> <u>YR./\$</u>	<u>VACATION</u> <u>TOP</u> <u>DA./YR.</u>	<u>SHIFT</u> <u>PREMIUMS</u>	<u>RETIREMENT</u>	<u>LIFE</u> <u>INS.</u>	<u>HEALTH</u> <u>INS.</u>
Fond du Lac Co.	30/575	14/24	None	\$25.50	\$8.00	\$52.00
Fond du Lac City	15/900	20/20	.10 & .15	100%	100%	\$44.86
Mayville City	15/4%	15/20	None	100%	100%	100%
Washington Co. Sheriffs	Aft. 5 yrs. \$3/mo to max of \$30 /mo aft. 15 yrs.	15/20	None	100%	100%	100%
Manitowoc Co. Traffic	20/25	20/24	\$15 Nite \$10 Rot.	Up to \$360	11/12 of Prem.	\$43.16
Manitowoc Co. Sheriffs	20/25	20/24	\$15 Nite \$10 Rot.	Up to \$360	11/12 of Prem.	\$43.16
Calumet Co. Traffic	None	15/20	.10 & .15	100%	100%	\$50.00
Dodge Co. Traffic	Max \$39/Mo	20/20	.15 & .20	100%	90%	100%
Waupun City	15/150	25/25	.12 & .18	100%	100%	100%

TRAFFIC OFFICERS - COUNTY OFFER

Wages	\$	576.00	
Holiday Pay		25.76	
Hospital and Surgical Insurance		286.20	
Roll-up Costs of Fringe Benefits (See above)			20.35%
20.35% of \$601.76		122.46	
Total Annual Increase		1,010.42	
Average Total Annual Compensation		11,562.19	
Percentage Increase			8.74%

RADIO OPERATORS - UNION OFFER

Wages		756.00	
Holiday Pay		34.21	
Additional Floating Holiday		40.02	
Hospital and Surgical Insurance		286.20	
Roll-ups in Fringe Benefits = 12.65%			
12.65% of 790.21		99.96	
Total Annual Increase		1,216.39	
Average Annual Compensation		9,455.94	
Percentage Increase			12.86%

RADIO OPERATORS - COUNTY OFFER

Wages		516.00	
Holiday Pay		23.09	
Hospital and Surgical Insurance		286.20	
Roll-ups in Fringe Benefits = 12.65%			
12.65% of 539.09		68.19	
Total Annual Increase		893.48	
Average Annual Compensation		9,455.94	
Percentage Increase			9.45%

The Union, in its Brief, supplied some information as to the difference in annual costs between the Union offer and the County offer, using County tables. The information is summarized here.

TABLE 12

<u>EMPLOYEE CLASSIFICATION</u>	<u>ANNUAL INCREASE</u>	
Traffic Officers - Union offer	\$1,353.60	
" " - County offer	1,010.42	
Difference	343.18	
\$343.18 x 14 employees =	\$4,804.52	Total Cost
Radio Operators - Union offer	\$1,216.39	
" " - County offer	893.48	
Difference	322.91	
\$322.91 x 4 employees =	\$1,291.64	Total Cost
Total Difference between offers:		
\$4,804.52 + \$1,291.64 =	\$6,096.16	

UNION'S POSITION. The Union stresses that there are inequities in the compensation for members of the Fond du Lac County Traffic Department, that an attempt should be made to correct these inequities, and that the arbitrator should recognize that the cost of correcting an inequity is not proof against the Union's position. The Union cites an arbitration decision in City of Dodgeville, WERC Case I, No. 18479, MIA-122, Decision No. 13217 A to this effect. The Union states that it has not stressed "total package" as the County has, but that all comparisons must be taken into consideration. When this is done, it is evident that the employees of the Traffic Department have experienced inequities of treatment as compared to other law enforcement officers.

COUNTY'S POSITION. The county notes that its proposed overall increases of 8.74% for the Traffic Officers and 9.45% for the Radio Operators far exceed the actual percentage

increase in the cost of living experienced during 1975 of 6.79%. The County takes issue with the Union contention that its employees lost ground during the past two years because because, when all other benefits employees received during this period such as improved hospital and surgical insurance, increased County participation in the employee's share of the Wisconsin Retirement Fund and increases in vacation benefits are considered, the employees have had greater benefits than their exhibits would indicate.

12. Changes in circumstances during the pendency of the arbitration proceedings. No basic changes were reported in any of the foregoing circumstances except that the Consumer Price Index for May, 1976, was reported to have risen 0.6 of 1% with a projected annual increase of 7.2%.

13. Other factors: change in shift starting time. The County wants written into the agreement changes in the shift starting time in order to have some officers on the road at the time of shift changes. It feels that this will enable officers to get to the scene of incidents more quickly. The Union is opposed and states that in any event the County has this power under the present contract. The Union asks that this factor be given no consideration as a weight in favor of the County's total proposal.

DISCUSSION. A review of the foregoing information indicates that there are two propositions to weigh against each other: the overall percentage increase offered to the employees by the County as compared to the overall increase offered by the Union; and the wage relationships, considered by themselves, of the Fond du Lac Traffic Officers as compared to wages within the County and wages of Patrolmen in comparable communities.

The County offer, when compared to what other employees received in the County, is comparable, and the Union offer is higher according to Table 6. The Union insists that this should not govern because law enforcement officers should be compared to law enforcement officers.

In comparing law enforcement officers, the question arises as to whether all law enforcement officers should be compared together; whether those in Fond du Lac County should be compared as the main basis for determination of fairness; or whether law enforcement officials of a similar status in different counties should be compared.

The arbitrator feels that the greatest weight should be placed on comparability of the same kind of law enforcement officers in counties most comparable. This requires an inspection of counties near Fond du Lac as to their comparability in population, full value assessment, and area. For this purpose, the following table derived from the Wisconsin Blue Book for 1975 is useful.

TABLE 13  
AREAS, POPULATION, AND FULL VALUE ASSESSMENTS  
OF COUNTIES NEAR OR ADJACENT TO FOND DU LAC COUNTY

<u>COUNTY</u>	<u>AREA SQ. MI.</u>	<u>1974 POP.</u>	<u>FULL VALUE ASSESSMENT (000,000)</u>
Calumet	322	29,148	285
Dodge	889	72,140	731
Fond du Lac	725	87,700	838
Green Lake	354	17,363	221
Manitowoc	590	82,960	762
Outagamie	634	123,783	1,208
Sheboygan	505	99,659	982
Washington	429	75,233	815
Winnebago	448	130,523	1,323

An inspection of this table indicates that Fond du Lac County is similar in population, area, and valuation to Dodge, Manitowoc, Sheboygan and Washington counties. Calumet and Green Lake are smaller in area, population, and valuation; Winnebago and Outagamie have larger populations and larger valuations.

In reviewing the data supplied in the various tables, one notes Table 2 which shows that the 1975 wage pattern for Traffic Officers in Fond du Lac County was lower than in Dodge and Manitowoc Counties. This table was derived from a Union exhibit. In Table 3, however, which was derived from a County exhibit, it would appear that when salary, longevity, holidays, and educational incentives are added and averaged over all the employees, Fond du Lac offers better compensation than Dodge and Manitowoc.

The effort to compare the 1976 increases offered in Fond du Lac, Dodge, Sheboygan, Manitowoc, and Washington counties can not be made as adequately as one would like with the data furnished to the arbitrator. The most complete data is furnished for Dodge County. This County settled with its employees, according to Union Exhibit XIV for the same split wage pattern proposed by the Union: \$50 on January 1, 1976, and \$35 on July 1, 1976, with an overall cost including roll-up of 11.37%.

The arbitrator feels that it is more proper to compare Dodge County Traffic Officers with Fond du Lac County Officers than it is to compare Fond du Lac County Officers with Fond du Lac Police, or with other employees within Fond du Lac County; and further, apart from the information on average rates furnished by the County and abstracted in Table 3 here, there is insufficient data to make adequate comparisons with other comparable counties.

The question then resolves itself to the problem of whether or not the overall package asked for by the Traffic Officers is too high if their wages request as a single item alone is considered most reasonable. The Consumer Price Index rose 6.8% between January, 1975, and January, 1976. The County is offering an increase in the total package of 8.74% for the Traffic Officers and 9.45% for Radio Operators, whereas the Union is asking for a 11.71% increase of Traffic Officers and a 12.86% increase for Radio Operators. The total package above must also be weighed with two other conditions.

One of these conditions is that the three settlements for wages, reported in Table 4 for 1976 were each above the settlement rate for wages proposed by the County for Traffic Officers. This is especially true of Dodge County, the one comparable county which settled for an average increase of 7.3% with a top of 9.2%.

The other factor is that the two Union groups here, Traffic Officers and Radio Operators have had a lesser number of holidays as compared to similar employees in Washington, Manitowoc, and Dodge counties. The prevailing pattern is to have 9 holidays. The arbitrator recognizes the problems of scheduling and costs that will accrue to the County if another holiday is granted; but the pattern for holidays in traffic departments of counties, shown by the exhibits, is for about nine days, and the arbitrator believes that the guidelines for settlement support the Union offer on this issue.

In light, then of the settlement for 1976 in Dodge County, a comparable county for which information is available; in light of the information on settlement patterns for wages in 1976 representing a rise of 7% in the area; and in light of the pattern of about nine holidays in traffic departments in adjacent and comparable counties, the arbitrator concludes that the Union offer more nearly meets the statutory guidelines of comparability for Traffic Officers.

As for Radio Operators - there are four of these - their contract is quite similar, and they have had a relationship in wages with the Traffic Officers as established in their past contracts. It is the opinion of the arbitrator that for these operators to maintain a comparable relationship to the Traffic Officers in the same department, the Union's offer should be included in their contract.

As to the matter of shift starting time, the contract terms place this authority in the hands of management, and the changes can be made by management. The arbitrator is reluctant to rule that fixed starting times should appear in the contract as this produces an inflexible condition for management when conditions require change.

As to the relationship of the Union and County offers to previous increases granted to or achieved by other employees of the County, there should be some concern that there is also some comparability here. The County offer is comparable; the Union offer is higher. However, two factors lend some support to the Union offer. The first of these are the working conditions for employees in the Traffic Department. They have basically a "six-two" work cycle, which means that they can not count on having week-ends off. The other is the matter of having one holiday less.

Weighing the actions of a comparable county, Dodge County, on one hand with the working conditions of the employees in the Traffic Department against comparability within the County, the arbitrator believes that the greatest weight lies with the former set of conditions, and the Union offer on these terms also more nearly meets the guidelines of the Statutes.

AWARD. The offers of Local 1366 C and Local 1366 E should be included in their contracts with Fond du Lac County as more nearly conforming to the guidelines set forth in the Municipal Employment Relations Act.

Frank P. Zeidler /s/  
Frank P. Zeidler

Arbitrator

July 6, 1976