

BEFORE THE ARBITRATOR

Appointed By

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
CHAUFFEURS, TEAMSTERS, WARE-	:	ARBITRATION AWARD
HOUSEMEN AND HELPERS,	:	
LOCAL NO. 199	:	
	:	
For Final and Binding Arbitration	:	
Involving Law Enforcement Personnel	:	Case XI
in the Employ of	:	No. 20816 MIA-227
	:	Decision No. 14401-A
CITY OF SPARTA (POLICE DEPARTMENT)	:	
	:	

APPEARANCES:

For the Union: Mr. Elmer E. Seebold, Secretary-Treasurer,
and Ms. Helen T. Seebold, Business
Representative

For the City: Mr. J. David Rice, Assistant City Attorney

BACKGROUND

The above entitled matter came on for hearing before the undersigned arbitrator pursuant to Section 111.77 (4) (b) of the Wisconsin Statutes. A hearing was held in the City of Sparta, Wisconsin, on July 20, 1976. The parties were present and afforded full opportunity to present such testimony and evidence as they deemed pertinent. Both parties presented an oral summation of their case at the conclusion of the hearing and waived the filing of briefs.

FINAL OFFERS

Union Final Offer: Forty-five cents (45¢) per hour across the board in all classifications of the Police Department—Radio Operator, Patrolmen and Sergeants.

The employees of the City of Sparta Police Department be allowed to reside within and including a five mile radius of the City of Sparta City Limits.

City Final Offer: Wages. 25¢ per hour across the board increase (for sergeants, patrolmen and radio operators).

Residency. Employees of the City of Sparta Police Department shall reside within the corporate boundaries of the City of Sparta as currently required by City Ordinance.

DISCUSSION

The Union submitted no data into evidence as to rates paid police officers in other locales. The City submitted comparison data of Monroe County, City of Black River Falls and Jackson County with respect to the rates and fringe benefits in effect for such areas for 1976.

The data submitted reflects the following relative standing of Sparta to the three listed comparables.

<u>Municipality</u>	<u>No. of Employees</u>	<u>Average rate (1976)</u>	<u>Increase over 1975</u>
Monroe County	12	4.47	25¢
Black River Falls	8	4.65	29¢
Jackson County	12	4.01	32¢
Sparta (City Offer)	10	4.62	25¢
Sparta (Union Offer)		6.82	45¢

Said City exhibit further revealed that other City of Sparta employees employed in the Department of Public Works received a 24¢ per hour increase for calendar year 1976. Such exhibit also indicated that the Monroe County highway department employees also settled on a 24¢ per hour increase.

The City computed the overall percentage cost of the City's proposal at 6.3% and the Union's proposal at 10.5%. According to the City's computation, the cost of living increased 6.79% on the National series during 1975 (Exhibit D-1)

On the basis of the above percentage calculations it would appear that the City's offer of 25¢ which computes out to a percentage cost of 6.3%, is more compatible to the cost of living increase of 6.79% than is the comparable percentage cost of 10.5% attributable to the Union proposal.

The City's proposal is also more comparable to increases granted other City employees.

It is also evident from a comparison of the only evidence submitted concerning the compensation of other employees performing similar services as above set forth that the City's offer is the most comparable.

In applying the Statutory factors specified in Section 111.77 (6) to the evidence and factual data submitted in this case, the arbitrator is of the judgment that the City's offer concerning wages is the most reasonable and most compatible with such statutory factors.

Both parties presented strong and persuasive arguments concerning the opposing merits applicable to the second issue of residence. The position of both parties is reasonable and based on sound and basic reasoning. The arbitrator's attention was directed to a recent U.S. Supreme Court decision involving the question of whether or not a municipal employer could require residence within the municipal boundaries as a condition of employment. In Francis McCarthy vs. Philadelphia Civil Service Commission 47 L. Ed 2nd 366, (1976), the Court upheld such action by a municipality.

On the basis that the respective merits of the arguments advanced by each party is relatively equal as to the residency issue, the arbitrator finds that the aforementioned finding with respect to the wage issue must control.

It is therefore the conclusion of the undersigned that the total final offer package of the City is the most reasonable and compatible with the evidence presented into the record.

The arbitrator thereby awards as follows:

AWARD