

Carroll County Sheriff/Teamsters 238

In the Matter of Interest Arbitration between,

Carroll County, Iowa Sheriffs' Department

And

Teamsters Local 238

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2014 MAY 28 AM 8:59
PUBLIC EMPLOYMENT
RELATIONS BOARD

Arbitrator Rosemary J Hayes

REPORT DATE MAY 24, 2014

IMPASSE ITEMS

WAGES

Appearances:

For the Employer

**Renee Von Bokern
Von Bokern Associates
PO Box 3568
Urbandale, IA 50323**

For the Union

**Jill M. Hartley, Attorney
The Previant Law Firm
1555 N. River Center Dr. Suite 202
Milwaukee, Wisconsin 53212**

Introduction

This is an Interest Arbitration case held pursuant to Section 20.22 of the Iowa Public Employment Relations Act. The parties have reached Impasse on only one Impasse Item, Wages.

The parties mutually agreed to select Rosemary J Hayes to decide this dispute. A hearing was held on May 14, 2014 at the Carroll County Courthouse which is located in Carroll, Iowa. The parties stipulated that there were no objections to the arbitrator's jurisdiction or authority to issue a binding and final award. An electronic recording of the proceedings was made by the Arbitrator. At the hearing both parties were given an opportunity to present such evidence and argument as they desired, including an examination and cross examination of all witnesses. The parties presented final arguments at the hearing. At the suggestion of the Arbitrator and mutual agreement of the parties, the case was held open until the close of business on May 15, 2014 due to discrepancies in evidence presented by both sides which needed clarification.

BACKGROUND

Carroll County, Iowa (hereinafter the Employer) is a county in west central Iowa. It is primarily agricultural based. The largest City and the County seat is Carroll, Iowa . The Sheriff's Office is a paramilitary organization that works with local law enforcement agencies to insure the health and welfare of Carroll County residents. The International Brotherhood of Teamsters Local 238 (hereinafter referred to as the Union) represents a Unit of 12 employees comprised of Deputy Sheriffs

and Jailers; within the Sherriff's Department. This Arbitration will affect the contract which will be effective from July 1, 2014 to June 30, 2015

FACTS

The parties have met and bargained all issues to agreement for the contract beginning July 1, 2014 thru June 30, 2015. The parties have stipulated that they have bargained the terms and conditions of this contract and have reached agreement on all items with the exception of wages. There are three other Bargaining Units in the County, the Secondary Roads which is represented by the Teamsters, Ambulance drivers, who are represented by Iowa Association of Firefighters and the Conservation Dept, which is represented by the Association of Federal State and County Municipal workers.

IMPASSE ITEMS

WAGES

<u>Employer Position</u>	Increase wages by 2.34%
<u>Union Position</u>	Increase wages by 3.00%

	Deputy	Jailer
Employer	\$50,776	\$36,137
Union	\$51,103	\$36,370

POSITION OF THE UNION

The Union presented comparability exhibits on both the Five Larger and Five Smaller Counties and Tier (contiguously located) Counties.

1) Five Larger Five Smaller

Mahaska
Washington
Winneshiek
Buchanan
Jones
Carroll
Buena Vista
Fayette
Henry
Jackson
Poweshiek

2) Tier Counties

Sac
Calhoun
Greene
Guthrie
Audubon
Shelby
Crawford

1) This reflects the average total percentage increase effective on July 1 2014 in the Five Larger, Five Smaller Group of 2.65%.

2) This reflects an average total percentage increase on July 1, 2014 in the Tier Counties of 3.38%.

The Union further states that the City of Carroll Police Department will be receiving a 1.5 % increase on 07/01/2014 and an additional 2% increase on 01/01/2015. Which the Union calculates to be 3% in the employees pocket and 3.5%

addition to the employees wage rate. The Union maintains that its proposal of a 3% increase is the most reasonable and the most closely aligned with the increases shown in the Comparables presented.

POSITION OF THE EMPLOYER

The Employer also presented comparability Exhibits listing the Five Larger and Five Smaller in Population and the Tier Counties, as well as total average for all of the Counties listed.

3) Five Larger and Five Smaller 4) Tier Counties

- | | |
|-----------------------|---------|
| Washington | Calhoun |
| Winneshiek | Guthrie |
| Buchanan | Sac |
| Fayette | Carroll |
| Jones | Shelby |
| <u>Carroll</u> | Audubon |
| Buena Vista | Ida |
| Henry | Greene |
| Jackson | |
| Poweshiek | |
| Cedar | |

3) This reflects an average total percentage increase of 2.7 % will go into effect for the employees listed on the Employers Exhibit of the Five Larger Five Smaller Comparability Group

- 4) This is the Employers Comparability used to establish its Exhibit on Tier Counties. The average increase effective on July 1, 2014 for Deputies in these Counties would be 2.8 percent increase and a 2.5 percent increase for the Jailers.

In addition the Employer points out that the other three Bargaining Units in the County will be receiving a 2.34% wage increase effective on July 1, 2014. The Employer points out that there is no increase to the employees this year in Health Insurance premiums and also that several of their comparables had large Insurance premium increases this year which resulted in higher wage increases. The Employer also raises the concern that the current Deputy salaries are in the middle of each Comparability group, a place where the County is comfortable. The Jailers while at the same mid- level in Five Larger/Five Smaller, they are at the top of the Tier County Comparables.

Discussion

In evaluating the parties' final offers on the impasse item, paragraph 7 of section 20.22 of the Iowa Public Relations Act requires the arbitrator to consider, "in addition to any other relevant factors".

- A. Past collective bargaining contracts between the parties including the bargaining that led up to such contracts.
- B. Comparison of wages, hours and conditions of employment of the involved public employees and those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

- C. The interest and welfare of the public, the ability of the public employer to finance economic adjustments and the effect of such adjustments on normal standard of services.
- D. The power of the public employer to levy taxes and appropriate fund for the conduct of its operations.

These statutory factors, as well as other relevant factors discussed below, have been considered by the Arbitrator in determining which of the parties' final offers on the Impasse Issues is most reasonable. In reaching her decision, the Arbitrator has considered all evidence and argument offered at the hearing, even if that evidence and argument is not specifically mentioned or discussed herein.

The Arbitrator reviewed all the factors. The parties said nothing about A. Past History. C. Standard of Service or D. Ability to Pay. Therefore this decision will remain silent on those areas and will focus on;

B. Comparison of wages, hours and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

And to "other relevant factors"

The parties presented similar Comparables: in the two formats of Five Larger/ Five smaller and the Tier Counties. The Five Larger/Five Smaller were nearly identical in that the County put Washington as largest and Cedar as smallest and the Union had Mahaska as largest and Poweshiek as smallest. In the Tier Counties the County added Ida County and the

Union did not. The interesting thing about these two lists is that the comparables are almost identical. Right up to the computations on percentage increases. Other than wanting Ida County out and some questions over the accuracy of the settlement in Sac County, which was clarified, they are virtually the same. I will remove Ida County from the Tier County Exhibit and make my decision accordingly utilizing both lists.

This neutral was inclined to set a Comparability Group of my own, because I don't believe that either one of these accurately reflects comparability for this group. The Five Up/Five Down are primarily located in the Eastern part of the state, Carroll County is on the Western side of the state. The Tier County Exhibits consist of County's much smaller than Carroll. I would think that somewhere in the middle tier of County's would be more appropriate for this group.

Then there are the ***"other relevant factors" that*** may factor into this case; there are two; number one is the wage increase that has already been bargained with the other three bargaining units in the County. Namely the Roads, Ambulance Drivers and Conservation Department. An increase of 2.34% which will be effective on July 1, 2014. Internal comparables definitely require consideration, without taking the risk being accused of participating in "whipsawing or pattern bargaining". The information presented here did not specify the circumstances under which this increase is occurring, was it just bargained, is it part of a multi-year agreement, a re-opener?

The second ***"relevant factor"*** is an Exhibit presented by the Union that reflects the City of Carroll Police Department will receive a 1.50% wage increase on 7/1/2014 and an additional 2% wage increase on 01/01/2015. Again the information given was minimal.

The Comparable presented d by the Employer reflects an Average Increase for the Five Larger /Five Smaller of 2.7%
For the Tier Counties (including Ida) Deputy 2.8%
“ “ (including Ida) Jailers 2.5%

The Comparable presented by the Union reflects an Average Increase For The Five Larger/Five Smaller (w/0 Ida) 2.65%
For the Tier Counties (w/0 Ida) 3.38%

Conclusion

In deciding this case the Arbitrator put a large amount of credence into the average wage increases of the Comparability Groups presented by the parties. These Exhibits were so close that using the average number seemed to be the most appropriate. Due consideration was given to the references to Insurance cost, or lack thereof but the fact still remains that Insurance was not an issue in this Arbitration. There was concern that the Jailers were the highest paid in the comparable, but they are mid-range on the other comparable. All of the averages presented are well above the 2.34% the Employer is offering as a wage increase... The fact that the other Bargaining units in the County are receiving a 2.34%,

without any supporting information about these increases, is not compelling enough to make the Arbitrator consider a wage increase below their comparability average wage groups. The relevant factor regarding City Police Officers Wage increase was not considered in this decision.

ARBITRATION AWARD

Union proposal on Wages is the most reasonable .**Wages: Wage increase of 3% Effective July 1, 2014**

Signed this 27th day of May, 2014

A handwritten signature in cursive script that reads "Rosemary J Hayes". The signature is written in black ink and is positioned above a horizontal line.

Rosemary J Hayes, Arbitrator

CERTIFICATE OF SERVICE

I certify that on the 27th day of May, 2014, I served the foregoing Award of Arbitrator upon each of the parties listed below by mailing a copy to them at their respective addresses as shown below:

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Rosemary J Hayes, Arbitrator