

BEFORE THE ARBITRATOR

In the Matter of the Arbitration of a Dispute
Between

CLAYTON COUNTY

and

TEAMSTERS LOCAL NO. 238

RECEIVED
2014 MAY -2 AM 9:17
PUBLIC EMPLOYMENT
RELATIONS BOARD

Appearances:

The Previant Law Firm, S.C., Attorneys at Law, by Jill M. Hartley, appeared on behalf of the Union.

Anderson, Wilmarth, Van Der Maaten, Belay, Fretheim & Zahasky, Attorney at Law, by Richard D. Zahasky, appeared on behalf of the Employer.

ARBITRATION AWARD

Teamsters Local No. 238, herein referred to as the "Union," and Clayton County, herein referred to as the "Employer," jointly selected the undersigned from a panel of arbitrators provided by the Iowa Public Employment Relations Board, to serve as the impartial arbitrator to hear and decide the unresolved terms of their July 1, 2014, to June 30, 2015, collective bargaining agreement pursuant to Sec. 20.22, Iowa Code. The undersigned held a hearing on April 23, 2014 in Elkader, Iowa.

ISSUES

The sole issue at impasse is the across-the-board wage increase effective July 1, 2014. The Employer proposes \$.40 per hour. The Union proposes \$.60 per hour.¹

BACKGROUND

The County has two bargaining units, the sheriff department unit and this secondary roads unit. There are 35 employees in the unit. The vast majority of employees are in the Maintenance Worker II classification. The rest are scattered in the remaining positions. The Maintenance Worker I performs laborer and truck driver duties.

¹ The Employer's offer is 2% of the average wage in the bargaining unit. The Union's offer is 3.1% of the average wage.

The Maintenance Worker II, in relevant part, performs the truck driver, maintainer, operator, and other heavy equipment functions.

DISCUSSION

Standards

The arbitrator is required to select the final offer as to the one impasse item in dispute that is closest to appropriate by evaluating the parties' offers under the following criteria in Sec. 20.22(7), Iowa Code. The standards are:

7. The arbitrator shall consider, in addition to any other relevant factors, the following 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 with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.
 - c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments and the effect of such adjustments on the normal standard of services.
 - d. The power of the public employer to levy taxes and appropriate funds for the conduct of its operations.

The arbitrator has the responsibility to determine the weight to be attached to each factor. Neither party has raised an issue as to factor d or c, except as to the welfare of the public. Comparison to the other units of the county is an "other relevant factor" that is addressed herein.

External Comparisons

The parties generally agree as to the primary comparable counties. They are Allamakee, Bremer, Buchanan, Chickasaw, Delaware, Fayette, Howard and Winneshiek. The parties agree that as of July 1, 2013, the wage rates of unit employees are within the mid-range of the wage rate of employees in similar classifications among the comparables. The following are the comparisons for the Maintenance Worker II:

Clayton Maintenance II	\$19.58
------------------------	---------

Comparables

Allamakee	\$18.56
Bremer	\$20.51
Buchanan	\$19.08
Chickasaw	\$19.28

Delaware	\$20.91
Fayette	\$18.34
Howard	\$19.07
Winneshiek	\$19.54

There are few settlements among the comparables. Most are scheduled increases from multi-year agreements. Fayette is 2% and Chickasaw is 2.5%.

Past Bargaining and Internal Comparison

The parties are completing a three year agreement. That agreement provided for an average increase of 2.5% on July 1 of each contract year. This affected the Maintenance Worker II as follows:

July 1, 2011	This was not specified but would be about \$.48 per hour at 2.5%
July 1, 2012	\$.45
July 1, 2013	\$.50

For the most part, the recent years' settlement trends fell under generally similar economic circumstances. They represent strong comparisons. The Employer's offer is generally closer to this trend than the Union's. These comparisons have substantial weight because they were made under similar or even worse economic conditions.

Internal Comparison

The sheriff's department unit and Employer agreed to a 2.14% average wage increase and were allowed an increase in the amount of unused vacation that can be carried over from year to year. For comparison purposes, the past settlements in that unit were:

July 1, 2011	2.9%
July 1, 2012	1.97%
July 1, 2013	2%

The Interests and Welfare of the Public

Clayton has had inordinate increases in the costs of its health insurance benefits. These are not significantly different than have occurred among the comparable employers. The interests and welfare of the public generally are in favor of granting employees a cost-of-living adjustment comparable to that granted to other employees internally and externally.

Summary and Conclusions

The available evidence supports the conclusion that the Employer's final offer is the most appropriate to give employees a comparable wage increase to that of others. The Employer's final offer is adopted.

AWARD

The parties' 2014-15 agreement shall contained the wage proposal of the Employer.

Dated at Sun Prairie, Wisconsin this 30th day of ~~May~~^{April}, 2014.

Stanley H. Michelstetter
Stanley H. Michelstetter, Arbitrator

CERTIFICATE OF SERVICE

I, Stanley H. Michelstetter II, certify that on the 3rd day of April, 2019, I served the foregoing Award of the Arbitrator upon each of the parties to this matter and the Iowa Public Employment Relations Board by mailing a copy to the m at their respective addresses as shown below:

Jill Hartley, Esq.
The Previant Law Firm
1555 RiverCenter Drive, Suite 202
Milwaukee, WI 53212

Richard Zahasky, Esq
Anderson, Wilmarth, Van Der Maaten,
Belay, Fretheim & Zaharsky
309 Water Street
P.O. Box 257
Decorah, IA 52101

Iowa Public Employment Relations Board
510 East 12th Street, Suite 1B
Des Moines, IA 50319-0203


Stanley H. Michelstetter II, Arbitrator