

Before the Arbitrator Josh Tilsen

In the Matter of Interest Arbitration:

Iowa PERB Case CEO: 1172/Sector 1

Woodbury County, Sioux City, Iowa

and

Communications Workers of America, Local 7177 (Sheriff)

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PUBLIC EMPLOYMENT
RELATIONS BOARD

For the County:

Doug Phillips

4280 Sergeant Road #290

Sioux City, IA 51106

For the CWA:

Bonnie Winther, Staff Representative

Kay Pence, Staff Representative

6200 Aurora Avenue, Suite 503E

Urbandale, IA 50322

July 13, 2015

VIA EMAIL AND US POST

STATEMENT OF JURISDICTION

This is an interest arbitration between Communications Workers of America, Local 7177 (CWA or Union) and Woodbury County Iowa, (County or Employer). The parties agreed that this matter was properly before the arbitrator. The two parties are signatory to a collective bargaining agreement effective July 1, 2012, to June 30, 2015 (Joint Exhibit 1 or CBA). The County and CWA engaged in collective bargaining concerning a successor and reached agreement on terms except for the matter identified below. The Union requested arbitration pursuant to Section 20.22 of the Iowa Code (Iowa Public Employment Act). The undersigned was notified of his selection by the parties to hear the issues at impasse. A hearing was held June 30, 2015 in the Woodbury County Courthouse, Sioux City, Iowa. Each party had full opportunity to submit evidence, examine and cross-examine witnesses. The record was closed at the conclusion of the hearing.

In accordance with Section 20.22 of the Iowa Codes the arbitrator has the duty to select from the final offer of each party on the issues(s) at impasse. This selection, together with issues not in dispute will comprise the final contract.

ISSUE AT IMPASSE

At the hearing the Parties stipulated that the sole issue in dispute is the amount of the General Wage Adjustment for the contract period July 1, 2015 to June 30, 2016.

BACKGROUND

Woodbury County is located on the western edge of Iowa along the Missouri River, bordering the state of Nebraska and a small portion of South Dakota. It has a population of about 102,130 (83% urban, 17% rural), and it covers 873 square miles. Woodbury County is the sixth largest county in Iowa by population and the third largest by geographic size. (<http://quickfacts.census.gov/>).

CWA is the certified exclusive collective bargaining representative for an appropriate unit described as: all deputy sheriffs (second class, first class, senior, and master) and Sergeants (PERB Case No. 8260, June 22, 2010).

STAUTORY STANDARDS

Iowa Code 20.22 (7) provides:

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 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 the normal standard of services.
- d. The power of the public employer to levy taxes and appropriate funds for the conduct of its operations.

These factors are described herein as bargaining history, comparability, ability to pay, and power to tax.

Iowa Code 20.17(6) further provides

A collective bargaining agreement or arbitrator's award shall not be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public employer's funds, spending or budget or would substantially impair or limit the performance of any statutory duty by the public employer. A collective bargaining agreement or arbitrator's award may provide for benefits conditional upon specified funds to be obtained by the public employer, but the agreement shall provide either for automatic reduction of such conditional benefits or for additional bargaining if the funds are not obtained or if a lesser amount is obtained.

PERB Rule 621.5(6) provides in relevant portion:

“The arbitration hearing shall be limited to those factors listed in Iowa Code section 20.22(9) and such other relevant factors as may enable the arbitrator to select the most reasonable offer, in the arbitrator’s judgment, of the final offers submitted by the parties on each impasse item. Arbitrators appointed pursuant to impasse procedures agreed upon by the parties shall likewise consider the factors listed in Iowa Code section 20.22(9).”

AGREEMENT OF THE PARTIES

At the hearing the parties agreed that the ability of the County finance either proposed wage settlement was not a factor in this case.

UNION’S POSITION

Increase the wages for Deputies and Sergeants by 3%.

EMPLOYER’S POSITION

Increase the wages for Deputies by 2%, and Sergeants by 3.25%.

UNION ARGUMENTS

The Union asserts that its proposal is more reasonable because Woodbury County Deputies are compensated below the median of the group it proposes as comparable. CWA proposes as comparators the Iowa Counties of, Blackhawk, Johnson, Linn, Polk, Pottawattamie, and Scott; and the Sioux City Police Department.(Note: Union Exhibit 3 also includes Dubuque and Story Counties.) The Union argued that the County has sufficient taxing authority to support the Union’s proposal. The Union made no argument concerning bargaining history.

EMPLOYER ARGUMENTS

The Employer contends that its proposal is more reasonable if Woodbury County Sheriff's Deputies are compared to the Iowa Counties of: Blackhawk, Dubuque, Pottawattamie, and Story. The Employer made no argument concerning the taxing power of the County. The County proposes a higher percentage increase for Sergeants than Deputies, no argument or explanation was presented for the proposed differential.

ANALYSIS

Bargaining History

Union Exhibit 10 displays the wage increases (expressed as a percentage) for the Woodbury County Sheriff's Deputy bargaining unit for fiscal years 2013, 2014, and 2015. This amount is 2% for each year; no other bargaining history information was presented.

Ability to Pay

As noted above the Parties stipulated that the County has financial ability pay either the County or the Union proposed wage increase.

Power to Tax

The only information in the hearing record concerning the County taxing capacity appears in Union Exhibit 8. This document establishes that the tax capacity of the County is adequate to finance either the CWA proposal of a 2% wage increase for all employees in the bargaining unit, or the County proposal of a 2% wage increase for Deputies, and 3.25% for Sergeants.

Comparability

The Union asks that the fact that a number of the proposed comparable public employer groups have longevity pay be considered in comparing the Woodbury Deputies to others. The only issue at impasse presented to the arbitrator is percentage wage increase. Therefore longevity is not within the scope of this

case and will not be considered by the arbitrator in comparisons with other employee groups.

Most of the evidence and argument of each Party was focused on which groups are appropriate comparisons for the Woodbury County Sheriff's Department Deputies, and Sergeants.

The Union's proposed comparable group includes the Counties of Blackhawk, Dubuque, Linn, Johnson, Polk, Pottawattamie, Scott, Story, and the Sioux City Police Department. (As noted above, Dubuque and Story Counties appear only in Union Exhibit 3.)

The Employer's proposed comparable Group consists of the Iowa Counties of Blackhawk, Dubuque, Pottawattamie, and Story.

Of the eight employers whom the Union proposes as comparable, two, Polk, and Linn, have populations more than twice as large as Woodbury. Further, CWA proposes the Sioux City Police Department as comparable, arguing that since they are located within the County and have some overlapping jurisdiction they should be included. The arbitrator rejects the City Police for inclusion among the comparable employers in this case for two reasons; 1) the difference in the size between the Police Department, about 110 officers, and the County, about 36 Deputies and Sergeants; and 2) the hearing record while including some evidence on the topic, fails to persuade the arbitrator that the work of the two agencies (city police and county sheriff's departments) are sufficiently comparable.

In analyzing which sheriff's departments to adopt as comparable, the arbitrator notes that both parties have put forth, Blackhawk, Dubuque, Pottawattamie, and Story Counties. Adopting only four comparable employers in a state with 99 counties is, in the view of this arbitrator, a too narrow sample. For this reason, the list of comparable employers in this case will be the four counties suggested by both parties with the addition of Johnson and Scott Counties. The result will be a comparison of six other Iowa counties with Woodbury. This group has a comparative population ranking as follows:

County	State-Wide Rank and Total Population
Scott	3....171,387
Johnson	4.... 142,287
Blackhawk	5.....132,897
Woodbury	6.....102,271
Dubuque	7..... 96,370
Story	8.....94,073
Pottawattamie	9.....93,128

Woodbury County is thus compared with the three next larger and three smaller Counties by population.

Having adopted these comparators the following information emerges:

County	14-15 hourl rate	14-15 wage rank	15-16 % increase	15-16 % increase rank	15-16 rate	15-16 wage rank
Johnson	\$30.23	1	2.75%	2	\$31.0 6	1
Scott	\$30.18	2	2.2%	5	\$30.8 4	2
Pottawattamie	\$29.15	3	3%	1	\$30.0 3	3
Woodbury Current	\$28.74	4				
Woodbury ER	\$28.74	4	2%	7	\$29.3 1	4
Woodbury CWA	\$28.74	4	3%	1	\$29.6 0	4
Story	\$28.03	5	2.25%	4	\$28.6 6	5
Dubuque	\$28.00	6	2.1%	6	\$28.5 9	6
Blackhawk	\$27.17	7	2.5%	3	\$27.8 5	7

(Employer Exhibits C, D F, and O, and Union Exhibits 3, and 10.)

Note: Pottawattamie increase was 1.5% 01\01\15, and 1.5% 07\01\15, this is a 3% base salary adjustment between the two years but a 2.25% one year cost for the County (Emp. "D" and U#10).

This demonstrates that whichever proposal is adopted, Woodbury County ranked fourth among seven comparators in Deputy hourly wages in 2014-2015, and will remain so in the next contract year, 2015-2016. Applying the same analysis to the overall percentage increase proposed by each party reveals that the CWA proposal, at 3% would be, along with the Pottawattamie County contract, the highest among the comparable Counties. By contrast, the Employer's percentage increase proposal for 2015-2016 of 2% would be lowest among the comparable Counties. During the just ended 2014-2015 contract year, Woodbury County Deputies were paid \$0.05\hour above the average of the comparable counties. Applying the County proposal, these Deputies would fall to \$0.16\hour below the average of the comparable Deputy contracts for 2015-2016. Similar application of the CWA proposal would bring the Woodbury County Deputies to \$0.09\hour above the average of the comparators for the contract period at issue.

Finally, the County proposes to increase the hourly wage for Sergeants by 3.25%, and Deputies 2%. Currently, pay for Sergeants exceeds that of Master Deputies by \$2.07\hour (Master Sgt. \$30.81 – Master Deputy 28.74 = \$2.07; Joint Exhibit 1.) No rationale was presented to support increasing this margin.

CONCLUSION AND FINDING

Weighing all the evidence presented and considering carefully the statutory factors, the arbitrator is persuaded that the CWA proposal is the more reasonable.

AWARD

The wages for all classifications covered by the contract shall be increased by 3% for the contract year beginning July 1, 2015



Josh Tilsen
Labor Arbitrator

Dated at St. Paul, Minnesota
July 13, 2015