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2009

DE GRASSE (2009), ELMA OFFICERS 16% WAGE INCREASE OVER 3 YEARS

Elma Washington is a town of 3125 located in Grays Harbor County. Its officers recently changed representation from the Teamsters to the Fraternal Order of Police. Their first round of negotiations lead to interest arbitration. Arbitrator Michael de Grasse awarded wage increases of 6%, 5% and 5% in 2008, 2009 and 2010, but rejected all of the remaining proposals offered by the FOP.

The Arbitrator based his wage award on a comparison of top step wages between Elma and 6 comparable towns. He rejected the employer's argument based on a non-existent, hypothetical officer with a BA and found that the top step wage paid Elma's officers was 11% behind the comparables' average top step wage.. His award of a 16% increase is intended to not only bring Elma's officers up to average, but to keep them there over the term of the contract. He noted that the employer made no argument that it could not afford to pay the wage increases proposed by the FOP. The Arbitrator rejected the FOP's proposals to increase longevity and shift differential with little explanation.

The Arbitrator also rejected the FOPs proposals to add new contract language concerning performance evaluations, personnel files and a bill of rights. The primary ground for rejecting these proposals was that the FOP offered no evidence "harm that would be remedied" by its proposals, although he also considered the contracts of the 6 comparable towns.

LANKFORD (2009), SUBSTANTIAL WAGE INCREASE AWARDED IN KING COUNTY WASHINGTON CORRECTIONS INTEREST ARBITRATION

The King County Corrections Guild won a minimum 14.13% wage increase over the term of a four year contract and added critical language addressing mandatory overtime following a four day interest arbitration hearing.

Under Arbitrator Howell Lankford's award wage increases will be 3% in 2007 and 2008, 5.13% in 2009, and 95% of the CPI with a minimum of 3% and maximum of 6% in 2010. The Arbitrator rejected the Guild's reliance on California comparables that do not have dedicated corrections staff. Despite extensive evidence presented by the County concerning its financial difficulties, the Arbitrator concluded that "the County is fiscally sound" although it had suffered a substantial budgetary shortfall. It could afford the Guild's wage proposal. The Arbitrator declared that "no indicator of economic distress is more compelling than layoffs" and noted that the County had laid off some employees (although none from its 2 jails). He found that the County did not have difficulty recruiting and retaining employees.

The County's reliance on mandatory overtime (MOT) to fill staffing vacancies was one of the most hotly disputed issues in the interest arbitration. Due to staffing shortages the County regularly held employees over, many times for an entire additional 8 hours shift. The King County Corrections Guild proposed that members required to work MOT twice within 10 days be paid double time for the second shift of MOT.

The Arbitrator awarded the Guild's double time proposal. The Arbitrator noted that there were over 32,500 hours of MOT in 2008 and that on one occasion in 2007 the entire third shift was required to stay over for mandatory overtime. First, "the use of such frequent and repeated mandatory overtime is neither safe nor efficient. *No County witness contested that fact.*" He described the hazards resulting from exhausted corrections officers both in the jail and in the County's courts. Second, the Arbitrator concluded that the County's reliance on MOT "*is cruel*". He observed "In addition to the increased employee stress level caused by the uncertainty of work schedules, and the continuing frustrations of attempts to schedule one's non-working life, frequent mandatory overtime deprives the employee's entire family of his or her dependable presence."

Editorial Comment: The Guild was represented by David Snyder. While the wage award was less than proposed by the Guild, it was more than the County offered. In addition to winning the mandatory overtime issue, the Guild convinced the Arbitrator to reject the County's proposals to fill special assignments by management choice rather than seniority, reduce sick leave benefits, and amend discipline procedures. The Arbitrator awarded (or modified) the County's proposals regarding installation of recording video cameras and amending the holiday leave bank.

WILLIAMS (2009), COLLEGE PLACE OFFICERS WIN 14-18% WAGE INCREASE AND IMPROVED INSURANCE BENEFITS

Arbitrator Tim Williams awarded 10 officers employed by the City of College Place Washington and represented by Teamsters Local 839 5% wage increases in both 2008 and 2009 plus cost of living increases of 2-4% in 2010 and 2011. The Arbitrator expressed his "trepidation" at making this award "in the midst of the greatest recession since the Great Depression" and noted that employers in California and Oregon were rolling back wages and furloughing employees. Nonetheless, he made his award since wages and benefits for most of the comparables were set

through 2011 and his award was grounded on the statutory criteria. The Arbitrator's analysis was based on top step salary, but he asserted that the total, hourly cost of one hour of police services was important. He accepted the City's argument that its officers "should legitimately lag behind the appropriate comparators" and did not raise their wages to the average. He gave limited weight to internal comparators—settlements with other City unions, particularly the fire fighters.

In addition, the Arbitrator awarded improvements in dental insurance benefits, increased life insurance from \$10,000 to \$50,000, improved uniforms provided by the City (adding a requirement to provide 4 uniforms—one for each shift) and added a time loss benefit. He eliminated shift differential as proposed by the City based on lack of support from the comparables. He increased vacation leave accrual for officers with more than 16 years of service—once again based on comparability.