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**STATE OF MICHIGAN
LABOR MEDIATION BOARD**

Michigan State University
LABOR INDUSTRIAL
RELATIONS LIBRARY

IN THE MATTER OF BIRMINGHAM PUBLIC SCHOOLS

and

BIRMINGHAM EDUCATION ASSOCIATION

9-11-67 Harry N. Casselman

REPORT OF FACT FINDING HEARING OFFICER

APPEARANCES:-

For Birmingham
Public Schools

John Blackwell Smith - Superintendent
Richard Zwieback - Dir. of Personnel Relations
Al Peters - Director of Finance
Paul H. Lehto - Asst. to Superintendent
Kenneth Magley - Director of Personnel

For Birmingham
Education Association

Edward H. Garlitz - Executive Board
Arza M. Swart - Vice President
Phyllis Hassberger - Past President
Ronald L. Miller - Salary Chairman
Donald Cameron - Executive Secretary
Curtis Lather - MEA
Morris D. Andrews - MEA
Patricia Kennaally - BEA Negotiating Team
Phil Keils - BEA Negotiating Team
John Kish - BEA Negotiating Team
Warren Williams - MEA

Birmingham Public Schools

This is a Fact Finding Report under the provisions of Section 25 of Act 176 of the Public Acts of 1939, as amended. In accordance with the Michigan Labor Mediation Board's Rules and Regulations relating to Fact Finding procedures, the undersigned was designated on August 17, 1967, to conduct a Fact Finding Hearing concerning the matters in dispute between the parties and to make recommendations for their resolution.

By agreement of the parties, the hearing was commenced on August 31, 1967, at the Birmingham House Motel, Birmingham, Michigan. At the suggestion of the Hearing Officer, intensive mediation efforts were undertaken between August 31 and September 2, 1967, which failed to resolve the deadlock, but brought the parties somewhat closer together on economic issues.

The formal hearing began on September 2, 1967, and was completed on September 6, 1967. Many witnesses testified and forty-five separate exhibits, comprising several hundred pages of statistical, financial and other data were received in evidence during the course of the formal hearing.

The Petition for Fact Finding alleged disagreement on the following points:

1. Salary schedules.
2. Health and accident and life insurance.
3. Extra pay for extra curricular duties of teachers.
4. Non-economic items.

Previous to initiation of Fact Finding, the BEA demands for salary schedule improvements and insurance benefits were estimated to cost an additional \$1,400,000.00 for the 1967-68 school year. The Hearing Officer estimates the offer of the Board of Education for increases in amount of salary schedule would cost between \$120,000.00 and \$125,000.00. The Board made no offer on any fringe items.

During mediation sessions prior to formal hearing, the BEA pared its proposal for salary and insurance to a total cost of \$670,000.00. The Board of Education increased its offer of improvement in salary schedule to a salary schedule costing approximately \$200,000.00 or roughly an increase over last year's schedule

of approximately an average of \$207.00 per teacher for the school year.

The undersigned was impressed with the fact that both parties exhibited a deep seated intransigence that went far beyond the economic issues. Therefore, it was felt that the economic issues must be quickly resolved in order to permit the parties to restore normal relations. On September 6, 1967, at the conclusion of the formal hearing and in an effort to return the teachers to the classrooms and permit the parties to resolve a very serious dichotomy in communications and avoid further damage to future relations, the Hearing Officer made the following interim recommendations:

1. The parties agree to a binding Fact Finding Report or agree to the appointment of a five-member Board, with each party selecting two members who are not on either negotiating team, with the Fact Finder as Chairman. The five-man Board would review the evidence and the findings of a majority of the Board would be binding on both parties.

2. Upon acceptance of the principle of Paragraph 1, the teachers would return to normal classroom activity.

3. Both parties were asked to respond to the interim recommendation by 6:00 P.M., Friday, September 8, 1967.

4. The undersigned would retain jurisdiction of the proceeding.

On September 8, 1967, the Birmingham School Board and the BEA advised the Hearing Officer that the interim recommendations were rejected.

The extensive evidence presented in this proceeding has been reviewed and in an effort to present the parties with timely and meaningful recommendations, the undersigned confines this Report to recommendations for the resolution of this serious disruption in a vital sector of community life. The detailed position of the parties on each aspect of the dispute and the rationale of the Hearing Officer on each of the issues is left for a supplemental report. It should be apparent from the volume of the evidence

presented that the physical task of writing the complete report surpasses reasonable time limitations in the present posture of the parties.

The recommendations which follow are made on the basis of the entire record and reflect the considered judgment of the Hearing Officer on

1. An equitable adjustment for Birmingham teachers, the School Board and the public in the light of conditions at the Birmingham Schools, total settlements in comparable school districts, including wages and fringes;
2. Birmingham's competitive position for new teachers and equity for tenure teachers at all steps;
3. The financial ability of the Birmingham School Board to make the adjustments recommended based on paragraphs 1 and 2 from funds now available in the 1967-68 budget without additional millage;
4. The viability of the recommended settlement on present and future relations between the parties.

RECOMMENDATIONS OF THE HEARING OFFICER

1. The Birmingham Board of Education should offer a total package of \$400,000.00 to cover salary schedule improvements and health and accident insurance coverage for teachers only (not full family).

The Hearing Officer recognizes that fringe proposals are not open for negotiations under the terms of the present three-year agreement, but the agreement does provide for the addition of benefits by mutual agreement at any time. Since Birmingham is one of the few comparable districts without insurance benefits, it is recommended that this important benefit be included as a part of the \$400,000.00 expenditure at the option of the Board of Education.

2. If the Board of Education wishes to limit its economic offer to salary improvements only, as it has a contractual right to do, the following schedule which closely approximates

the \$400,000.00 limitation is recommended for the school year
1967-68 ---

<u>STEP</u>	<u>BA</u>	<u>MA</u>	<u>MA+30</u>	<u>Ph.D</u>
0	\$ 6,200.00	\$ 6,700.00	\$ 7,000.00	\$ 7,500.00
1	6,450.00	7,000.00	7,300.00	7,900.00
2	6,700.00	7,350.00	7,650.00	8,400.00
3	7,050.00	7,700.00	8,000.00	8,800.00
4	7,350.00	8,000.00	8,350.00	9,200.00
5	7,700.00	8,400.00	8,700.00	9,600.00
6	8,250.00	8,800.00	9,100.00	10,000.00
7	8,650.00	9,200.00	9,550.00	10,400.00
8	9,000.00	9,700.00	10,100.00	10,850.00
9	9,400.00	10,250.00	10,600.00	11,250.00
10	9,800.00	10,700.00	11,100.00	11,700.00
11	10,250.00	11,200.00	11,600.00	12,250.00

This salary schedule reduces the steps from 13 to 12, which brings the district closer in line with other comparable districts which have fewer steps on the average.

The schedule is not based on an index between steps since an index was not mutually acceptable and is not imperative under the circumstances.

3. No recommendation is made for change in extra curricular duties, since this subject is not open for negotiations under the agreement and the Board of Education has not been willing to make an offer in this area.

4. There was no evidence offered on the school calendar because of time limitations and the fact that it was not specifically mentioned in the petition. However, this subject is unresolved and should not present a serious barrier to settlement. It is recommended that the parties continue negotiations on this issue.

5. Although not expressly before the Hearing Officer, the serious problem in the area of communications must be met, otherwise acceptance of the above recommendations will not resolve the differences between the parties and continued failure to resolve incipient problems will lead to further deterioration of relations.

I recommend that the parties establish a panel of teacher representatives and administrators and principals, separately, for

elementary and secondary schools, to meet bi-monthly (or more often if necessary initially) to resolve problems that arise and thereby avoid formal grievances.

Whenever it is mutually decided to be feasible, based on reduced numbers of problems, such meetings to be held monthly rather than bi-monthly.

DATED: September 11, 1967

Harry H. Casselman
Harry H. Casselman,
Hearing Officer