

STATE OF MICHIGAN
DEPARTMENT OF LABOR
EMPLOYMENT RELATIONS COMMISSION

In the Matter of
SCHOOL DISTRICT OF THE CITY
OF HARPER WOODS

-and-

HARPER WOODS FEDERATION OF
TEACHERS LOCAL 1412

On August 27, 1969 the undersigned, Leon J. Herman was appointed by the Employment Relations Commission as its hearing officer and agent to conduct a fact finding hearing relevant to the matters in dispute between the above parties, pursuant to Section 25 of Act 176 of Public Acts of 1939 as amended, and the Commission's regulations. Accordingly, and upon due notice, hearings were scheduled and held on September 3 and 4, 1969 at Harper Woods Junior High School, Harper Woods, Michigan.

Robert P. Van Wiermeersch, Attorney, Joseph H. Gregory, Superintendent; A. David Laudani, President; Donald G. Leuck, Treasurer, John J. Bruneel, Secretary; and Gerald L. Blake, Bruce M. Scott and Carmon A. Cisco, Trustees, represented the Board of Education.

Roger Craig, Attorney; Henry Linne, President, Michigan Federation of Teachers, Charles Page, President, Harper Woods Federation of Teachers, Bill Savallisch, Norman Dueweke and George R. Casari appeared on behalf of the Federation.

At the close of the first day's hearing in this matter the attorney for the Board announced that he had been instructed to apply to the Circuit Court of Wayne County for an injunction and that he would do so the following morning. Both parties, nevertheless, requesting that the fact finding hearing continue the next day and that the fact finder issue a report upon his findings.

Prior to this hearing the Board had submitted a tentative budget showing a total income of \$1,595,380.76. Upon the basis of this budget, it offered a 3% increase in salaries to the teachers. Upon inspection, the Federation found a number of errors in the budget which it called to the Board's attention. The Board thereupon revised its budget to correct the errors which had been discovered, and found that the proper total was \$1,667,841.28, making available for an increase in teacher salaries \$72,460.52. It thereupon increased its offer to 7%. After some discussion at the first meeting, the Board approved a salary package beginning at \$7300 for Bachelor's and \$8000 for Master's. The top figure in each category was \$11,366 and \$13,029.

The Federation rejected the offer, insisting upon a Bachelor's schedule of \$7500 to \$11,700 and a Master's schedule of \$8000 to \$13,700, which would increase the cost to the Board by \$8160.

The Board has refused to increase its offer because any increase would put it in a deficit position, which is illegal. I believe that the teachers would accept an offer of \$100 per category less than their last request, but I have been unable to induce the Board to approve such a figure because of its refusal to endorse an illegal expenditure.

Because of the pending proceeding in the Circuit Court, and because of my own disinclination to recommend a figure which would be in excess of the Board's capacity to pay, I have not proposed a definite salary amount, but have suggested that the parties settle on a figure between \$7300 and \$7500 as the Bachelor's beginning salary, with other salaries to be adjusted in proportion.

I should comment that I am satisfied that the budget prepared by the Board and submitted to the Federation at the first hearing is honestly prepared and as accurate as the Board can make it. At my suggestion, a copy was delivered to the Federation and a study made by the teachers which did not disclose any padding or error of substance. Objection has been raised to certain expenditures which are included by the Board. One is a reservation of funds for an additional maintenance man whom the Federation insists the Board intends to dispense with. However, I am assured by the Board in writing that it does intend to add another custodian and that proceedings are already pending for interviews with applicants. The other matter is the replacement of an oil burner in one of the schools with a gas burner. The project has been postponed for a number of years and the Board feels that it can no longer safely be put off. I make no recommendation concerning the replacement of the boiler, as it is a matter of management judgment which neither the Federation nor I am qualified to determine.

I have been asked to make recommendations with regard to the other issues in dispute between the parties, and I do so now, although I am sure that once the salary issue is settled, and I understand that the court has directed the parties to go back to further bargaining and to provide the Federation with a tentative copy of

the 1968 balance sheet, that these matters will be resolved quickly and without too much haggling. For this reason I am making the following recommendations without enlarged discussion.

The Federation asks for binding arbitration. The Board prefers advisory arbitration. I do not have much faith in advisory arbitration and I strongly recommend that the parties agree to a procedure for binding arbitration under the rules of the American Arbitration Association.

I do not recommend that the grievance process be shortened by permitting the Federation to initiate grievance at a higher step in the standard process. I think it best that the matter be argued out at each step, so that in the higher steps the parties have the advantage of the previous discussions.

The Federation asks that the calendar be amended to reduce Veterans Day to a half day. This was done in previous contracts but was inadvertently dropped from last year's agreement.

I do not recommend such calendar reduction at this time because the late starting of school will make it necessary to get into the calendar every possible full day that can be found. I do agree however, that the elementary school should be closed on the last day of school at midday as is done in other schools unless the Board feels that it must use this last day to fill out its 180 days in which case I recommend that all schools be open for a full day on the last day of school.

I recommend no change in funeral leaves at this time, only because the cost of substitutes would increase the Board's expenditures beyond its available funds.

The Federation asks that absence from work because of mumps, scarlet fever, measles and chicken pox shall be permitted without loss of compensation and not chargeable to sick leave on the ground that these diseases are occupational hazards. This may be true, but it may be equally true that the teacher has caught one of these diseases from his own children. There is no necessary connection between the illness and the children in the teacher's charge. I do not recommend that this be granted.

The Federation desires that no change be made in the department chairman procedure and the Board wishes to review the matter. I am given no information upon which to make a recommendation.

The Federation asks that a personal property fund of \$200 be set up to cover vandalism. If this is a gross fund to cover all the teachers in the school, it is hardly enough to mean very much. If it is to be set up per teacher, then the cost is prohibitive at this time and I cannot recommend it for that reason.

The Federation had asked for an increase in insurance which will cost a total of about \$1400. They agreed during discussions to waive this request and I therefore recommend that the \$1400 be applied to any salary increase that the teachers may be granted.

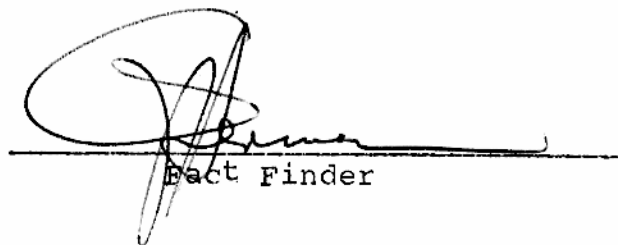
It is recommended that the business co-op coordinator be compensated for a week before school starts. If he is required to work the week before school starts, I recommend that he be paid. If he is not required to spend extra time, then I suggest that this matter be waived.

The secondary librarian has been required to stay a week after school closes in order to complete her inventory. It is proposed

that the additional week be allowed at the beginning of the school year. I recommend only that any extra time beyond the regular school year put in by librarians should be paid whether it be before or after the school year.

No proposals have been made to the fact finder with respect to extra curricular payments except for the proposals submitted to the Board and the Board's responses. I recommend no changes which would increase cost to the Board. Those extra duties which are paid on a percentage basis will automatically be increased by the increase in the base salary.

It is my sincere hope that the current negotiations between the Board and the Federation will produce a contract sufficiently satisfactory to both sides to permit the opening of the school at the earliest possible moment.



Fact Finder

Southfield, Michigan
September 9, 1969