

Marysville Public School District
Marysville Education Association
Case No. D78-F1713

Opinion and Findings

New Article, Rights of the District

The position of the District with respect to a separate Article on the Rights of the District, is adopted. This article would parallel Article II, Teacher and Association Rights, in the 1976-1978 Agreement.

Article IV, G.

The following findings are made with respect to class size:

- (1) Grades K-6 - Maximum 30;
- (2) Art 6th Grade - Maximum 30;
- (3) Choir - Maximum 40 is adopted;
- (4) Study hall - Maximum 40 is adopted.

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The class size provisions listed above are lower than, and, in one case, the same as all other school districts in St. Clair County, with one exception for the Yale School District which has a limit of 28 (K-Early Elementary) and 30 (later Elementary). In fact, one school district has no class size limit.

The fact finder recognizes that inequities may result in particular cases upon members of the teaching staff because of disparities in class sizes. Accordingly, the fact finder recommends the adoption of an additional subparagraph to Article IV as follows:

"L. The District, through its Administrators, will make a continuing effort to balance work loads among its teaching staff."

Article IX, J.

The fact finder does not adopt the new subsection as proposed. However, the fact finder recommends that the following new section be added to Article IX:

"J. No teacher shall be discharged, disciplined, reprimanded, reduced in compensation or rank, nor deprived of professional advantage without just cause. Cases of this kind shall be subject to the professional grievance procedure hereinafter set forth. The discharge of a probationary teacher is not subject to such grievance procedure."

The fact finder concurs in the spirit of the amendment, but finds that in this context the concept of "due process" may be related to the specific grievance procedures to which the parties have agreed. All teachers, whether or not tenured are included under the recommended language against discharge and similar action. However, only tenured teachers may resort to the grievance procedure in the case of discharge. In the view of the fact finder, this is consistent with the position of the Michigan courts on this issue of discharge of a probationary teacher.

Article XIV, F.

The fact finder adopts the proposed amendment to Article XIV, F. This

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amendment is added to the existing language in Article XIV, F.

Under the present contract, it appears that a teacher can lose a grievance for failure to adhere to the time limits. The District and the Board should also be under some definite time limits in order to assure that grievances will be brought to timely conclusions.

XVI, A.

The fact finder adopts the proposed revision of the Article XVI as proposed by the District, and rejects the proposed method of computing terminal pay as proposed by the Association. The District's proposal increases terminal pay by about fourteen percent (14%) for the 197879 school year and thirteen percent (13%) for the 197980

Article XVII

Subparagraph A. The fact finder adopts the position of the District as to revision of the schedule of monthly payments.

Subparagraph "B" in Association Proposal. The fact finder adopts the proposal of the Association. In other words, the District shall provide payment for the insurance designated in Paragraph A for the twelve month period of October through September.

"B" In District Proposal, "C" in Association Proposal. The fact finder adopts the proposal of the District with respect to contractual teachers not desiring health care protection.

"D" The fact finder adopts the proposal of the District with respect to group term life insurance benefits.

"E" The fact finder adopts the proposal of the Association with respect to long-term disability insurance.

"F" The fact finder adopts the proposal of the District with respect to dental care insurance.

"G". The fact finder adopts the position of the District with respect to optical care coverage.

"H" The fact finder adopts the language proposed by the District.

"I" The fact finder adopts the position of the District with respect to coverage of part time teachers.

"H" In Association proposal. The fact finder adopts the position of the Association with respect to continuation of fringe benefits throughout balance of contract year.

Article XVIII, A and Proposed "J"

The fact finder adopts the proposed title change made by the District, for Article XVIII, and the proposed language change for Paragraph A.

The fact finder rejects the proposed addition dealing with longevity pay to Article XVIII made by the Association.

Article XVIII,A

The fact finder rejects the proposed change dealing with cost of living allowances in Article XVIII, A , made by the Association.

Article XVIII, Salary Schedule

The fact finder adopts the proposed teacher salary schedule proposed by the District, and rejects the proposed salary schedule proposed by the Association. The fact finder adopts said schedules as proposed for the 1978-79, and 1979-80 school years.

The proposed increase will result in an increase of seven percent (7%) for teachers at each level and classification; administrative personnel will, according to Exhibit submitted by the Association, receive a seven percent (7%) increase; and, a seven percent (7%) increase is within the pay standard guidelines of the Wage and Price Standards of the Council on Wage and Price Stability.

Schedule 2

The fact finder adopts the proposed pay schedule for extra duties as proposed by the Association, paragraphs 1 - 10, inclusive.

Schedule 3

The fact finder adopts the proposed pay schedule for certain extra duties as proposed by the District, paragraphs 1 - 4, inclusive.

Schedule 4

The fact finder adopts the proposed pay schedule of the Association for summer programs. Because the fact finder has found for a two year contract, as proposed by District, and the Association has made a proposal for the summer session 1979 only, the fact finder finds that the proposed pay schedule of the Association be effective in the 1979 and 1980 summer school programs.

Schedule 5

The fact finder adopts the rate change proposed by the Association.

Article XIX

The fact finder adopts the revision of former paragraph C as proposed by the District.

Article XX

The fact finder adopts the new Article XX as proposed by the District.

Exhibit 2

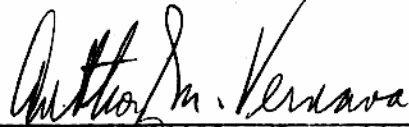
Adopted as stated. The adoption of this calender is consistent with the finding of a two-year contract by the fact finder.

Article XXI

The fact finder adopts the duration of the Agreement as proposed by the District.

Article XIV

The fact finder adopts the revision of Article XIV as proposed by the District.



Anthony M. Vernava

March 12, 1979