

FACT FINDING ON THREE-YEAR CONTRACT
BEGINNING SEPTEMBER 1, 1989, FOR THE
MELVINDALE-NORTH ALLEN PARK SCHOOLS

In the Matter of the Fact Finding Between:

MELVINDALE-NORTH ALLEN PARK PUBLIC SCHOOLS

-and-

MELVINDALE-NORTH ALLEN PARK FEDERATION
OF TEACHERS, LOCAL 1051, AFT, AFL-CIO

FACT FINDER:

PAUL JACOBS

MERC CASE NO. D89 1-2146

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
DETROIT OFFICE

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Melvindale - North Allen Park Public Schools

INTRODUCTION:

The parties reached an impasse in their contract negotiations subsequent to the contract, which expired on August 3, 1989. The Melvindale-North Allen Park Federation of Teachers filed a Petition for Fact Finding on September 21, 1989.

The undersigned was appointed as Fact Finder by the Michigan Employment Relations Commission (MERC). Hearings were held on two dates at the Rogers School in Allen Park, Michigan, the first on December 13, 1989, and the second on January 16, 1990.

Each hearing date afforded the parties the opportunity to present witnesses and multiple exhibits. Both parties presented written statements of their position at the end of February 1990.

Present for the Union were:

Henry B. Linne - Sec.-Treas., Mich. Fed. of Teachers
John Schlosser, Jr. - Field Rep. Mich. Fed. of Teachers

Kimberly Soranno - Teacher/Neg. Team Member
Martha Towler - Teacher/Nego. Team Member
Lynden Dawson - Teacher/Neg. Team Member
Sandra Pollack - M-NAP Teacher
Brian Gambino - Teacher/Nego. Team Member
Jim Hall - Teacher/Nego. Team Member
Margaret Stein - Teacher/Pres. Melvindale FofT
Andrea Witkowski - Garden City

Present for the Melvindale North Allen Park Schools were:

Linda Brenneman - Business Manager
Rick Kalvans - Principal - Jr. High
Gerald Wolf - Superintendent
R. James - Attorney

The parties agreed at the beginning of the first hearing that they would present the following four issues for the fact finder's consideration:

1. Salary
2. Length of teachers' school day
3. Length of school year (calendar)
4. Method of counting pupils in six classroom categories (weighting)

BACKGROUND:

The Melvindale-North Allen Park School District (M-NAP) is located in Wayne County, Michigan. The student body comprises about 2,128 students (fourth Friday count, September 1989). The District employs about 133 certified teachers. The District is in close proximity to 16 other districts which the School Board characterizes as downriver districts, and to which districts it sought to limit itself for comparison. The Union urged that the fact finder compare M-NAP with all of the school districts comprising the Wayne-Oakland-Macomb County area (tri-county).

This school district is out of formula for State aid and must therefore rely on voter-approved millage, which is currently 40.9 mills. A very small sum is received from the State. There is currently a substantial fund equity (surplus). The Board is concerned, however, that very shortly it will be operating in a deficit position, contrary to State law.

It was interesting to observe the spirited and knowledgeable presentation of their respective cases by the Superintendent of Schools and the Union Secretary-Treasurer. Apparently, the Superintendent and the Secretary-Treasurer had been on the same negotiating team during prior contract negotiations. Each had a thorough knowledge and understanding of the District's and the Union's prior history of collective bargaining.

1. SALARY

The School Board has proposed a salary increase of four (4) percent for each of three years, commencing with the current school year. The Union has asked for a six (6) percent increase for each of the three years.

Both parties have used the same approximate criteria for determining a salary increase; e.g., ability to pay and comparability, although the Superintendent stated that ability to pay and fairness have always been the major determining factors considered by M-NAP Schools.

The Board presented testimony indicating that in prior years there were financial difficulties and no raises were given, but when finances improved, as they did three years ago, the teachers received an 8% salary increase for each year of the current contract to compensate for past inequities.

The Board presented testimony and spreadsheets showing a 12% revenue increase during the last five years with a corresponding 40% increase in expenditures.

The Board believes that even with an anticipated 5% increase in State equalized value of real property in the District and its 4% salary offer, the fund equity which the District currently enjoys will be depleted by the end of the 1992-1993 contract year.

These figures, of course, are based upon a certain amount of speculation, the impact of the Headlee Amendment as it relates to the rate of inflation, the actual State equalized value, and the voters' willingness to assess themselves more taxes. In turn, unless the voters are willing to pay for services, they may find the teachers are unwilling to work.

The Board believes that 6% is also unrealistic in light of the current 4.7% rate of inflation. Each of the parties must be realistic. The Board, on behalf of the children and parents, must see to it that there is value received for money spent, and, likewise, the teachers must render services to

student and parent that will make their value to the community so readily apparent that their salary requests will be considered reasonable and will be met with whatever reasonable tax increase is necessary. Likewise, they are entitled to receive a wage increment that will allow them to keep pace with inflation.

I agree that it is appropriate to look to the tri-county teacher salary schedules for an overview, but I cannot agree that this should be the determining factor in recommending a salary increase. It is difficult enough, with all the variances in the 17 downriver districts, to make a salary comparison among those districts. Is it the amount of dollars spent per child for salary? Is it the number of students per classroom? Is it the type of program each district's parents require? Is it the MEAP scores? Is it the amount of teacher participation outside the classroom? Is it the demographics of the teacher population?

Suffice it to say that I have not listed all the variables, nor are they all equal. Certainly, not all parties would concur with my list of questions, but I do believe that it is unnecessary to go beyond the downriver districts for comparison.

I believe, based upon what I heard the parties say, what they presented in their exhibits, the unknowns, and the District's history of desiring to keep their teachers in a salary range above the middle, that all parties can accept a salary

increase of 4.7% for each of the three years. This increase would not only be in line with the cost of living, but would give the Board ample opportunity to plan for the avoidance of any significant fund deficit at the end of the contract.

2. LENGTH OF TEACHERS' SCHOOL DAY

Currently, the school year consists of 183 days in M-NAP. Other districts commonly have a 185-day school for their teachers.

The issue raised here is a request by the Board that the teachers who currently work 1,281 hours per year, be required to spend an additional 20 hours per year in professional development and after-hour activities, without any salary increase. That any hours over the additional 20 be compensated at the rate of \$32 per hour. Of the 17 downriver districts, only M-NAP and Trenton do not require any additional hours. During the course of the school a 183-day school year, this equates to 7½ additional minutes per day.

This is one area where comparison with other districts proves no useful purpose. The Board likes to cite the average hourly rate of \$34.59 received by M-NAP teachers. The Union likes to talk about duty-free, 30-minute lunch hours.

Neither party really addressed the subject of professionalism and the ongoing need of professionals to keep

fully informed and abreast of current problems and trends. This is not the place for, nor should I deliver, a lecture on professionalism. I am certain that the teachers are fully aware of their professional status. Greater community respect and larger salaries will come with a greater investment by the teachers in their profession and the community which they serve. I note, sadly, the examples of lack of teacher involvement cited on page 6 of Richard G. James' Brief for the Board.

It is my recommendation that the teachers accept the Board's proposal that they devote 20 hours per school year for professional improvement as requested by the Board. I also believe that the Board should give the teachers reasonable notice of when they will be involved in professional development and community service.

3. LENGTH OF SCHOOL YEAR (CALENDAR)

The Board states that it is management's right to set the calendar. The Board does not challenge the Union's right to strike, but does challenge its attempt to shorten the calendar this year so that its members will suffer no pecuniary loss.

It appears that school opened as scheduled in September 1989, even though the teachers went on strike. The Union now seeks to avoid any economic loss for its teachers by reason of the strike. It would be hard put to present its position in any other fashion; however, to state that extending

this school year, as they urge, would cause "little or no inconvenience to anyone," is a matter of conjecture.

The real issue is whether, at this late date in the 1989-1990 school year, there is any benefit to be derived by the extension, other than the economic benefit to the teachers. I heard no discussion on this subject.

We all know, the benefits derived from a strike do not always include an improvement in the economic position of those who choose to strike. There are many, many other intangible benefits which may accrue and, thus, do not deter Union members from withholding their services in order to achieve their goals.

It is my recommendation that the calendar, as adopted by the Board, remain in place.

4. METHOD OF COUNTING PUPILS IN SIX CLASSROOM

CATEGORIES (WEIGHTING)

The parties listed six categories of student that give rise to what is commonly known as mainstreaming:

1. Learning disabled
2. Emotionally impaired
3. Educably mentally impaired
4. Unusually impaired
5. Hearing impaired
6. Prosthetic devices

Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as Amended, prohibit discrimination, among other things, on the basis of physical or mental handicap where federal funds are involved.

In some school districts, weights are assigned to the various types of handicapping conditions, depending on the nature and severity of the handicap. See Board Exhibit 43.

The purpose of the Act is to mainstream (place the student in the least restrictive environment) those with handicaps, when appropriate, in a regular classroom.

Mainstreaming can cause several problems for the classroom teacher, as attested to by teacher, Sandra Pollack, who felt that her teaching duties were unduly burdensome by reason of the problems she was encountering with six LD and one EI mainstream students. She related the behavioral problems encountered in her particular classroom, the greater need to utilize teaching skills than in a normal classroom, the need to spend more time with parents, and the inability to devote adequate time to the regular education students because of these and other problems arising from the federal mandate for mainstreaming. Hers was apparently the only M-NAP classroom with that many mainstream students.

The Union also called Andrea Witkowski, Director of Special Services, Garden City Board of Education, to testify on

the subject of mainstreaming. She spoke of the problems encountered in "salt and peppering" the classroom and said there must be additional support staff and teaching assistance. She testified that you can never predict what, if any, problems the handicapped child will create until actually placed in a classroom, but that she had not recommended weighting in Garden City

The Board cited a case presented to the Office for Civil Rights, *Association for Retarded Citizens of Washington v Spokane School District No. 81*, #10801039.

The evidence revealed that the contract provisions in question are improperly limiting integration of handicapped students into the regular educational environment and that other factors, as discussed below, are also contributing to the District's failure to integrate all handicapped students into the regular educational environment to the maximum extent appropriate to their need.

This is not the intent of the Union's demand of M-NAP schools. However, the Union fails to take into account the special assistance provided these students and the classroom and teacher in the furnishing of the LIC, teacher aides, self-contained EI rooms, and other assistance.

The Office of Civil Rights warns of the possibility of creating hostility toward the handicapped because of weighting in that it could needlessly antagonize the nonhandicapped

children and their parents against handicapped children. The Office of Civil Rights states further, "This creation of an unfavorable, hostile environment for learning is, itself, illegal."

The State does not mandate weighting, nor does it count any student more than once in its First Friday Count.

The problems of mainstreaming cannot be solved one classroom or school district at a time. The mandate is there, and until such time as the problems of mainstreaming are discussed in greater depth and resolved by the profession and the federal government, then society and the schools will have to cope as best they can. Patchwork solutions will only create more problems

I recommend that there be no weighting of mainstream students in M-NAP at this time.

SUMMARY OF RECOMMENDATIONS:

SALARY

The recommendation is 4.7% for each year of the three years of the new contract.

LENGTH OF TEACHERS' SCHOOL DAY

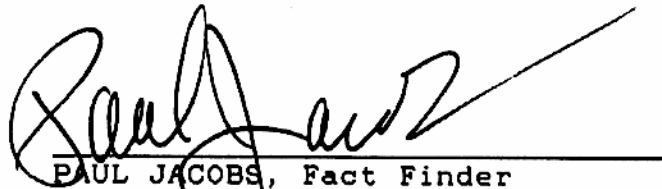
The recommendation is that the teachers accept the Board's proposal for the use of the additional 20 hours per school year.

LENGTH OF SCHOOL YEAR (CALENDAR)

The recommendation is that the calendar, as adopted by the Board, remain in place.

METHOD OF COUNTING PUPILS IN SIX CLASSROOM CATEGORIES (WEIGHTING)

The recommendation is that there be no weighting of mainstream students in M-NAP at this time.

A handwritten signature in black ink, appearing to read "Paul Jacobs", is written over a horizontal line.

PAUL JACOBS, Fact Finder
4000 Town Center, Suite 910
Southfield, MI 48075
(313) 352-2040

March 20, 1990