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1713 Fact Finder: Mark J. Glazer FF 1/11/88 JRS v. Pub

STATE OF MICHIGAN
DEPARTMENT OF LABOR
EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Fact Finding Between:

VAN BUREN PARAPROFESSIONAL ASSOCIATION

-and-

VAN BUREN PUBLIC SCHOOLS

MERC Fact Finding
Case No. D86-L-2153

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FACT FINDING AND RECOMMENDATION
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LABOR AND INDUSTRIAL
RELATIONS COLLECTION
Michigan State University

APPEARANCES

For the Association: Dr. Robert S. Kowalczyk

For the Employer: Dr. Elvin Peets

Fact Finder: Mark J. Glazer

Van Buren Public Schools

BACKGROUND

On April 22, 1987 the Van Buren Paraprofessional Association, representing approximately 49 paraprofessionals working in General Education, Special Education and Community Education, petitioned for fact finding. Listed issues included: length of contract, wages, summer school paraprofessional rates, holidays, vacations, and insurance, including vision and dental.

The undersigned was selected as Fact Finder on July 13, 1987. Fact finding meetings were held on September 2 and December 10, 1987. The parties submitted comprehensive exhibits, that included both internal comparability with other Van Buren bargaining units and external comparability with surrounding communities. The documents prepared by the advocates reflected much preparation and analysis, and enabled the Fact Finder to reach a logical result that hopefully will be reflective of traditional collective bargaining.

During the proceedings, the largest bargaining unit in the District, the teachers, settled after a strike. The teachers received scheduled increases of six percent in 1987-1988, six percent in 1988-1989 and seven percent in 1989-1990. Additionally, the teachers obtained unscheduled increases of three percent in 1987-1988, and two percent in 1988-1989.

Further, on November 26, 1987 a fact finding report regarding the Van Buren Administrator's Association, case #D86-K-2111 was issued. That report recommended that the teachers wage increases and

retirement bonuses be adopted for the administrators.

The underlying concern of the District in this proceeding is that Van Buren will lack the ability to pay the proposed increases, particularly in the future. The Association points out that the District currently enjoys a positive fund balance. The District, however, projects continuing declining enrollment and deficits for the future, and believes that fiscal restraint is mandatory to prevent layoffs.

Obviously, economic forecasting is an elusive art, particularly in the school finance area: districts are subject to the vagaries of State and Federal funding and the Michigan economy, which sustains both significant upturns and downturns. It appears to the fact finder, however, that the District does have the ability to pay increases to this bargaining unit commensurate with the increases awarded to the teachers. The District, however, properly requests economic flexibility in dealing with potential cash shortfalls.

Further, the District has shown a willingness to provide equity with comparable communities for its teachers. This was the essence of the teacher settlement. Therefore, a settlement in this case to comport with the precedent set for the teachers and followed in the Administrator Fact Finding should provide equity with comparable communities and provide economic flexibility for the District. With this background, I will now examine each of the issues.

I

WAGES

The Union proposes six percent wage increases in 1986-1987,

1987-1988, 1988-1989 and seven percent in 1989-1990. This is consistent with the teachers settlement and the Administrator Fact Finding. Additionally, it asks for a fifth step on the salary scale commencing in 1986-1987. The District offers a four percent increase for 1986-1987, a three percent increase for 1987-1988 and a three percent increase for 1988-1989.

A review of the District's comparable communities, which include all of the contiguous Districts, reveals that Van Buren will rank in the bottom third of wages, even with the District's proposed increases. An increase of six percent will still keep Van Buren towards the bottom. It is only when the paraprofessionals receive their proposed package is the midpoint of the District's comparables achieved.

The adoption of the paraprofessional's offer achieves the pay equity which is the cornerstone of the teacher settlement. This approach was followed in the Administrator Fact Finding. For the District to be consistent in its approach with this bargaining unit, and to achieve the necessary pay equity, the paraprofessionals' offer should be adopted.

The proposal by the Association on wages exceeds the teacher settlement. The addition of a fifth step would provide for the equivalent of 2.9 percent in the first year, which is lower than the unscheduled teacher increase, but higher in the second and third years with increases of 3.8 percent and 4.9 percent respectively. Moreover, in the fourth year, when the teachers receive seven percent without an unscheduled increase, the paraprofessionals would continue to receive the benefits of a fifth step.

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The teachers in their settlement, in addition to wage increases, also received a benefit improvement in the retirement area. This improvement is also proposed for the administrators. The Association's proposal will achieve equity with these benefit increases, and other increases that are built into the superior benefit packages enjoyed by the teachers and other comparable paraprofessionals. It will also provide the District with flexibility, since it is easier to reduce or eliminate salary increases in the future than it is to take away or reduce benefits.

RECOMMENDATION:

The Association's proposal on wages should be adopted.

II

HOLIDAYS

The Association requests an additional four paid holidays; the District requests the maintenance of the status quo of eleven paid holidays. A review of the comparable communities reveals that Van Buren is in the mainstream with eleven and even exceeds some districts. Insofar as holidays are another form of compensation, and the fact finder has proposed significant wage increases for the Association, it is recommended that the present number of holidays be retained.

RECOMMENDATION:

The current eleven holidays should be retained.

III

VACATIONS

The Association asks that the Contract be changed to provide

for vacation time to be based on one day for each year worked to a maximum of ten. Currently, vacation time is maximized at five days based upon attendance. A review of the comparable communities, and a consideration of the historical settlements of the parties, suggests that the status quo should be maintained.

RECOMMENDATION:

The vacation time should remain at the status quo.

IV

HEALTH INSURANCE

The Association asks for full premium hospitalization coverage in lieu of the present eighty percent family coverage and ninety percent single subscriber coverage. Additionally, it requests a tax sheltered annuity for employees who do not request the coverage. The Board opts for the present Contract language.

An improvement in health care coverage represents a major cost item for the District that is outside of its control, and therefore deprives it of flexibility in the event of an economic downturn. Moreover, the paraprofessionals have made significant economic gains in the wage portion of this fact finding. Accordingly, health care improvements are not justified at this time.

Because of the various eligibility requirements in the comparable districts, exact comparison are difficult. It is the Fact Finder's judgment that the health care benefit should continue as presently written.

RECOMMENDATION:

The current Contract language on health care should be retained.

V

DENTAL

The Association requests effective February of 1988, 80-80-80 Delta Dental coverage. The Board requests that the status quo, which is no dental coverage.

A review of the Board's comparables reveals that Van Buren is in the bottom third with no dental coverage. Eighty percent coverage, however, will place Van Buren Paraprofessionals well ahead of the midpoint and near the top. Dental coverage is a high cost item that is outside of the control of the District. On an equity theory, it would be inappropriate to award the Paraprofessionals dental if they receive their wage proposal.

RECOMMENDATION:

No dental coverage shall be provide.

VI

VISION INSURANCE

The Association requests MESSA VSP II vision insurance. The Employer asks that this benefit be rejected, pursuant to the current Contract language.

A review of the contiguous communities reveals that most do not provide vision insurance. In light of the proposed wage increases, this benefit should not be incorporated into the Contract at this time.

RECOMMENDATION:

The vision insurance proposal should be rejected.

SUMMARY OF RECOMMENDATIONS

I
WAGES

The Association's proposal on wages should be adopted.

II
HOLIDAYS

The current eleven holidays should be retained.

III
VACATIONS

The vacation time should remain at the status quo.

IV
HEALTH INSURANCE

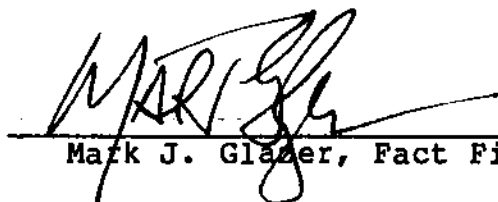
The current Contract language on health care should be retained.

V
DENTAL

No dental coverage shall be provided.

VI
VISION INSURANCE

The vision insurance proposal should be rejected.



Mark J. Glazer, Fact Finder

Dated: January 11, 1988