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STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION

IN THE MATTER OF

KINGSLEY EDUCATIONAL SUPPORT PERSONNEL
ASSOCIATION/MEA/NEA, the Union

AND

KINGSLEY AREA SCHOOLS, the Employer

MERC Case No. L01 D-9023
Fact Finder: Robert L. Chiaravalli

REPORT AND RECOMMENDATION
OF THE FACT FINDER

Appearing on behalf of the parties:

For the Employer:

Ronald Fite, Consultant
Mike Jurgensen, Superintendent

For the Union:

Kathleen Betts, Uniserve
Don Hakala, Uniserve
Terry J. Cox, Uniserve
Pat Thompson, Employee

The Commission's letter dated February 6, 2003 assigned the instant case to the Fact Finder. A public hearing was conducted on March 19, 2003 at the Kingsley High School in accordance with the statute and rules of the Michigan Employment Relations Commissions. The parties submitted written briefs in support of their respective positions by April 15, 2003 .

Statement of the Issues and Finding of Facts

The parties stipulated to the outstanding issues for the Fact Finder on which to issue recommendations. They are:

- Personal Leave Days
- Bereavement Leave
- Terminal Leave Pay
- Unpaid Leaves of Absence
- Longevity
- COLA
- Salary Schedules

The parties also presented evidence on the appropriate school districts for comparisons to the outstanding bargaining issues at the Kingsley Area Schools.

For the Union	For the Employer
Benzie County Central Schools Buckley Community Schools	Alba Public Schools Bellaire Public Schools Benzie County Central Schools Buckley Community Schools Elk Rapids Public Forest Area Community Frankfort-Elberta Area Glen Lake Community Leland Public Northport Public
Kalkaska Public Schools Mancelona Public Schools Manton Consolidated Schools Mesick Consolidated Schools Suttons Bay Public Schools Traverse City Area Public Schools	Kalkaska Public Schools Mancelona Public Schools Manton Consolidated Schools Mesick Consolidated Schools Suttons Bay Public Schools Traverse City Area Public Schools

The Union argued, among other things, that its comparable districts were the appropriate comparison based on size and commute. The Employer argued, among other things, that its comparable districts were the appropriate comparison based on relevant labor market and more comprehensive picture of labor settlements in the relevant labor market.

The Fact Finder has determined to include in the districts for comparison all of the districts proposed by the Union and certain additional districts proposed by the Employer. The composite list of comparable districts used by

the Fact Finder are based on geographic proximity, size and similarity of bargaining units and are:

- Benzie County Schools
- Buckley Community Schools
- Elk Rapids Public Schools
- Forest Area Community Schools
- Glen Lake Community Schools
- Kalkaska Public Schools
- Mancelona Public Schools
- Manton Consolidated Schools
- Mesick Consolidated Schools
- Suttons Bay Public Schools
- Traverse City Area Public Schools

Recommendations and Reasoning on Issues in Dispute

The Union argued, among other things, that the Employer has the ability to pay for the Union's proposals because of adequate funds available to the Kingsley Area Schools, and that given its relative size should provide a settlement commensurate with its rank among the comparable districts. The Employer, on the other hand, argued, among other things, that on the outstanding issues it is at or above settlements among the other comparable districts.

The Fact Finder has considered the arguments and evidence and makes a recommendation that is based on a probable settlement range for labor negotiations among the comparable districts. Although the Fact Finder has considered the Union's argument regarding internal comparisons, it has not been as compelling as external comparisons. The nature and type of work differs significantly from the work done in the bargaining unit classifications.

As it relates to Personal Leave Days, Terminal Pay, Unpaid Leave of Absence, Longevity and COLA I recommend no change to the current collective bargaining agreement. In the case of Personal Leave Days and Terminal Pay the Kingsley Area Schools rank within a reasonable range of settlements among the comparable districts, and the Fact Finder believes that the range of settlements among the comparable districts are a good indication of what the labor market would support. With regard to Terminal Pay the Fact Finder found it compelling that the uncapped percentage made for a favorable comparison to the other districts that limited the amount of terminal pay based on caps. The Fact Finder does not agree with the Union that the Employer has a greater ability to pay for an increased benefit here because of unused leave. Costing in an area such as this normally is based on actual utilization patterns. As for the Unpaid Leave of Absence change that the Employer proposed, although the districts have

language different from the Kingsley Area Schools, they are not significantly different in that the Kingsley Area Schools include an important proviso for leaves that are disruptive.

The Fact Finder found the Union's argument compelling with respect to Bereavement Leave and recommends a change for secondary family members from 3 to 4 days for two reasons. First, the comparable districts did make similar provisions at the 4-day level. Second, the total days of leave entitlement among the districts supports a recommendation that an additional day of total leave is within the settlement ranges of the relevant labor market that are represented by the comparable districts.

As for Longevity, COLA and Wages, the Fact Finder recommends no change to the structure of the current way of compensating the bargaining unit members. As to the substantive positions of these three issues the Employer stands above the comparable for longevity and COLA, but arguably on the low side of a potential settlement range for a general wage increase. The Fact Finder believes that the settlement range for a general wage increase with no other changes would reasonably be in the 2.5 to 3.5 percent range. Accordingly, the Fact Finder issues no finding of fact on the specific general wage increase, but does find that a settlement between 2.5 and 3.5 percent, inclusive is appropriate. Therefore, the Fact Finder remands the issue of general wage increase back to the parties for further negotiations.



Robert L. Chiaravalli
Fact Finder

Dated: May 30, 2003
West Bloomfield, Michigan