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In the Matter of Factfinding Between the
School District of the City of Detroit and
The Organization of School Administrators and Supervisors,
Local 28, AFL-CIO
Edward Simpkins

BACKGROUND

The School District of the City of Detroit and the Organization of School Administrators and Supervisors are presently engaged in negotiating a successor agreement. Although the previous agreement expired on July 1, 1978, several issues have sustained an impasse between the parties. The Union petitioned for factfinding and the undersigned was named by the Michigan Employment Relations Commission. Having met with the parties on 12/15, 12/16, 12/19, 12/20, 12/23, 12/29 and 12/30, the following report and recommendations are submitted. The recommendations are intended to facilitate the effectuation of an agreement.

There were five areas of disagreement: (1) provision on residency, (2) salary, (3) stipend for athletic director, (4) formula for administrative services, and (5) assignment of assistant principals in Middle Schools.

APPEARANCES

Board

George Bell
Gary L. Bennett
Craig W. Lange
Dennis J. Makulski
Fred Martin
Salem Nahhat
George T. Roumell, Sr.
Clem Sutton
Lenora Thomas

OSAS

Robert E. Baker
Robert Boyce
Walter Jenkins
Roslyn McClendon
Leonard Minkwic
Douglas Rutherford
Donald F. Sugerman, Esq.
Johnnetta Trammell

Relating School District

Michigan Employment Relations Commission

Residency

Proposed Language: To be eligible for a promotion into the unit or within the unit, employees must establish and maintain residency within the limits of the City of Detroit

ARGUMENTS

The Board argues that middle management in the Detroit Public Schools has the responsibility to support the product that it produces. OSAS members should live where they can exercise leadership that will benefit the schools and the communities which they serve. Much good can be accomplished, the Board asserts, when administrators upon leaving their professional duties undertake lives which bring them into interaction with other people who reside in Detroit. Ideally, the Board states, administrators would elect to pay property taxes in Detroit and to use the services of the school programs which they oversee. Parents, pupils and other community leaders respond to school leaders who are not only administrators employed by the schools but residents of Detroit. This, states the Board, is particularly true during millage campaigns.

The Board agrees with OSAS that there is no correlation between the quality of work performed and the residence of the employee. It argues instead that there is an opportunity to enhance the quantity of one's effectiveness as a resident and potential community leader which is present to a lesser degree if one is a non resident. Every superintendent of schools has attempted to set an example by maintaining a city residency, the Board points out. Presently all executive staff are required to live in the city. As evidence of the effectiveness of its policies the Board argues that it was able to pass three millages in the period of one year. The President of the School Board, George Bell, testified that this board believes there is a greater commitment among people who work where they live and where their children attend school.

It is for this reason, he pointed out, that a policy of preferential promotion was put into effect two years ago. That policy has helped to

generate a more positive feeling between the schools and the people in the various school communities of Detroit.

Deputy Superintendent Norman Fuqua testified that the school district lost five millage issues in 1972 over the course of three elections. In the recent elections, he argued, the various communities worked with millage people who were known not only in their professional roles as school staff but also as people with whom they interacted in other activities within the city. Through their varied activities, testified Fuqua, these persons fulfilled many role model functions, helped to enrich the life of the city and were known for having a general interest in responding to the problems of the city.

Even outstanding administrators, he continued, cannot vote on the millage if they are non-residents. Nor can they claim to be voting for a tax which will fall equally upon them, Fuqua argued. Non-resident OSAS members, he concluded, contribute to a pattern which equates success with non residency in the city. This image does not attract support. No matter how good an administrator may be as a non resident, he or she would be even more effective as a resident, Fuqua argued. He also testified about his personal experiences as a community resident and principal at Roosevelt. He stated that his general knowledge of the community's concerns helped him in his role as a principal who was called upon to harmonize problems that sometimes arose within the Roosevelt student body or staff and between these bodies and the community.

ARGUMENTS BY THE UNION

OSAS opposes the Board proposed policy on residency. As early as March 12, 1974 the Board of Education, OSAS points out, announced its intentions to implement a policy on residency. At that time several unions, including the Organization of School Administrators and Supervisors, reminded the Board of its obligation to negotiate such a policy prior to putting it into effect. During its current negotiations with OSAS the Board did propose that future promotions into the OSAS unit as well as promotions within the unit would be limited to persons holding

residence in the City of Detroit, (See Union Exhibit 1 and Board Exhibit IIA, B and 12) The Union opposed this proposal. It argued in part that the number of OSAS members residing outside the City is already declining. For some time now, the Union pointed out, the Board has been pursuing a policy of preferential promotion. Given equal qualifications, the Board has tended to promote residents over non-residents. Since this policy is working so well and gradually achieving the resident to non-resident ratio that the Board wants, there is no need for a stronger policy, the Union argues. Over the past five years, it points out, its non resident members have declined from fifty per cent (50%) to thirty-eight per cent (38%).

Principal Robert Boyce testified in behalf of the OSAS position that he has always resided in the city but did not believe that his place of residence was essential in any way to the quality of his work. He expressed the belief that people should have the right to live anywhere they can afford to live and stated that in his experience of many years he had observed that some of the most reliable members on his staff were non residents of Detroit who drove many miles daily but were always on time and never missed an assignment.

Boyce's children attended school in Detroit and one is currently at Hampton. He expressed the belief that children need the experience of working with staff who live outside the city as well as those persons who reside within.

Two other witnesses for OSAS provided related testimony. Johnnetta Trammell testified that she is a Southfield resident whose husband has a business in Oakland County. She has been a highly successful employee and is now on the list for promotion to Assistant Principal. The policy proposed by the Board would make it impossible for her to advance further within the school system although she has met all of the qualifications and is, in fact, presently on the list for promotion. She is a Detroit property owner and has been a Detroit resident. Presently her Southfield residence facilitates travel to and from work for both her and her husband.

OSAS argued that the role which professionals such as Trammell have played in integrating previously all white communities is thwarted in part by the Board's proposal.

Walter Jenkins, Principal at Cooley High School, testified that he has not lived in the city for many years although he was born in Detroit and completed high school there. The record shows that Jenkins has been rated outstanding by his superiors on a number of occasions. Presently he lives in Southfield. Previously he lived in Inkster and in Southgate. He has been honored by the Detroit Common Council (in 1968) and awarded recognition as the outstanding principal in the Detroit Public Schools in 1978 by the Booker T. Washington Business Association. He testified that his ties to the city are close. Approximately forty of his relatives are Detroit residents, a number which includes sisters, nieces, nephews and cousins. He served as campaign chairman for the recently passed millage and was previously voted the outstanding coach in the city. His is one of several black families who integrated a complex of two hundred homes in Southfield. He expressed the opinion that a policy which prevents his further advancement in the system because of where he lives is unfair.

OSAS argued further that the Board's proposal will create hardship for husbands and wives who reside in municipalities that have similar residency requirements.

The unfairness, argues OSAS, is even more pronounced because the Board has no factual foundation upon which to base its residency policy. In dealing with employees in the AFSME unit, the Union pointed out, the Board did not go as far as it proposes to go with members of OSAS. It did not prohibit promotions within the unit but only into the unit. What is proposed for administrators is so restrictive, OSAS argues, that many good staff people will leave the school system.

DISCUSSION AND FINDINGS

The question of residency is largely a political one as the Union has claimed. The Union argues and the Board concurs that no known correlation exists between the quality of an administrator's work and his or her place of residence. Instituting a policy that is aimed at encouraging more administrators to reside within the City of Detroit, then, is justified primarily as a political response. It is the belief of one of the parties that such a policy will result in a political advantage for the schools whose financing derives from a process which is political.

The fact finder is persuaded that the question of whether all school staff, some school staff or no school staff should be required to live in the City of Detroit probably cannot be answered one way for all time. Depending on the circumstances confronting the school district, and depending upon the district's needs, today's "right" answer may be completely inappropriate at some future time. This being the case it seems reasonable for those persons charged with exercising wisdom and foresight in formulating policy to examine existing policies and practices from time to time to determine whether they are continuing to serve the school district's interest or even to achieve the same ends which they once achieved. Such an examination has occurred and the Board of Education has determined that the old policy of permitting members in the OSAS unit to reside wherever they choose has been causing a loss of citizen support for the schools. In its wisdom the Board wishes to institute a new policy that will require residency of all staff employees. In phasing in the new policy it has elected to attach a residency requirement to promotions within the OSAS unit.

The Union argues that this is unfair because it limits certain individual rights which OSAS members have always enjoyed. In addition to this the Union alleges that the contract language that is proposed in the Board's agreement with OSAS is different from that which is included in the recently settled contracts between AFSCME employees and the Board.

Finally the Union argues that the Board has advanced a policy which abrogates individual rights but for which there has been no studied or demonstrated need.

The Fact finder notes that although the phenomenon of OSAS non residency appears to be abating, the situation as of September, 1978 was one in which thirty-eight per cent (38%) of the district's department heads were non residents; forty-one percent (41%) of the district's assistant principals were non residents and thirty-six per cent (36%) of the district's principals were non residents. In other categories the non resident population stood thusly:

Supervisors	75%	non resident
Admin. Assistants	35%	" "
Jr. Admin. Assistants	26%	
Personnel Admin.	62.5	" "
Div. Directors	50.5	" "
Region Assistants	63%	" "
Directors	57%	" "

In March, 1978 residency patterns for OSAS members were as follows:

Wayne County

Allen Park	5
Belleville	5
Canton	1
Dearborn	24
Dearborn Heights	5
Detroit	779
Ecorse	1
Garden City	1
Gibraltar	0
Grosse Ile	2
Grosse Pointe	29
Grosse Pointe Farms	3

Grosse Pointe Park	5
Grosse Pointe Shores	0
Grosse Pointe Woods	10
Hamtramck	0
Harper Woods	13
Highland Park	5
Inkster	5
Lincoln Park	0
Livonia	44
Melvindale	1
Northville	7
Plymouth	5
Redford Twp.	17
River Rouge	1
Romulus	1
Southgate	2
Taylor	1
Trenton	3
Wayne	3
Westland	4

Oakland

Berkley	1
Birmingham	18
Bloomfield Hills	7
Clawson	1
Farmington	20
Farmington Hills	7
Ferndale	3
Franklin	3
Hazel Park	1
Holly	1
Huntington Woods	6

Lathrup Village	7
Madison Heights	4
Milford	1
Novi	7
Oak Park	24
Orchard Lake	1
Pleasant Ridge	1
Rochester	3
Royal Oak	12
Southfield	76
Troy	15
W. Bloomfield	13
<u>Macomb</u>	
Clinton Twp.	1
E. Detroit	2
Fraser	3
Mt. Clemens	13
Roseville	1
St. Clair Shores	8
Warren	15
Monroe	0
Others	18

Assuming an average salary of \$25,000 and added fringe costs, the Board's investment in its OSAS unit is at least thirty-four million dollars per year. Since the school district is co-terminous with the City of Detroit the district regards its economic welfare as being intertwined with that of the City. Economically these corporate bodies are sustained by a common tax base. Middle and upper income citizens who buy into the Detroit housing market support the City and its schools simultaneously. In addition they are positioned to exercise

voting privileges on matters relating to the welfare of the City and the schools. They can offer support to local businesses, take part in local neighborhood activities and provide leadership and technical assistance to local organizations. Within the metropolitan area there is competition for the kind of citizen comprising the membership of the OSAS unit. This is understandable for such citizens carry into those communities where they elect to live, better than average purchasing power. They tend to attract more business and to promote better services where they live thus producing a situation which is economically beneficial to their city of residence as well as to the schools within such cities.

On the other hand OSAS unit personnel are in the employment of a District which faces problems that tend to discourage middle class residency. In the past some OSAS members have freely elected alternative locales in which to reside. The Board has viewed this freedom of residency choice as exacerbating the district's problems. Social Science literature is replete with studies which detail the pattern of America's urban crisis. Hence the factfinder does not regard a study of the Detroit situation as a prerequisite to formulating an appropriate policy. For the most part the nation's white middle class generally begins an exodus from the cities. Upon its departure the remaining black and minority populations become the majority. In Detroit, as in most cities, the process commonly called "white flight" may well be accelerated by court mandated busing and efforts at school desegregation. Added to these social challenges are the positive inducements of new luxury housing in the City's surrounding suburbs. Frequently within these suburbs there is an absence of busing to achieve desegregation, cheaper insurance rates, higher pupil achievement in the schools and an appreciation of housing and land values which an investment conscious population is tempted to select over the slower appreciation value of land and housing within the City. Generally there is an absence of such negative inducements as

redlining and high insurance rates. The black middle class, equally attracted by positive inducements, increasingly elect the economic advantages that accompany non residency within the major cities, given the economic means to do so. However, as the Board has argued, this isolation from living within the City which non-residency produces may have negative political consequences at this time in the district's history. The legitimate self-interests of the primary school authorities represented by OSAS may well be viewed as denoting leadership indifference by the clients who use the schools' services. As what was once a pattern of "white flight" becomes a pattern of general middle class flight from residency within the City, it is reasonable for a school system to search for ways to maintain some degree of economic class balance on its staff with which to serve its own political needs. The Board clearly believes that its clients have a general distrust of a leadership corps that resides outside of the City. Hence it has made the exercise of individual freedom to live where one chooses subordinate to the Board's need to maintain good relations with clients of the schools. Norman Fuqua observed that this distrust of school leadership was most acute a few years ago when five millage issues were lost over the course of three elections. All three of the Board's witnesses on this issue expressed the belief that the antagonism between the schools and their clients have become less acute as the Board has moved to adopt policies addressing residency of school staff. There is now less of a tendency for the OSAS membership to move out of the city, millage elections are attracting more support, hence the political course established by the Board appears to be achieving its desired end.

Why then, asks OSAS, is there a need for a more stringent policy than that which is already in place? Again, the Board's witnesses testified that during the recent millage campaigns promises were made to citizens that the Board would work to establish a policy which would ultimately result in all employees residing within the City of Detroit.

This pledge was made again at the Board's Annual Meeting in July, 1978, (Board Exhibit 1). The factfinder notes that the present proposal does not require such residency of all OSAS unit members but does make residency a major criterion in promotion within the unit or into the unit. Recognizing the worthwhile end which the Board hopes to achieve the factfinder recommends concurrence with the proposal as modified below. To ameliorate the problems which have been pointed out by the members of OSAS the factfinder has made further recommendations.

RECOMMENDATIONS

1. Employees within all OSAS unit classifications must establish and maintain residency within the limits of the City of Detroit in order to be eligible for a promotion or in order to retain promotion upon entry into the unit.
2. Upon ratification of the contract by the parties all OSAS unit members whose names were listed on a promotions roster prior to January 10, 1979 shall be exempt from this provision until after appointment to the position for which they have qualified.* Subsequent promotions of such persons shall be covered by the terms of this provision; and further
3. A committee shall be designated by OSAS, having at least two members designated by the Board, to resolve problems arising from relocation of OSAS members from outside the City or to assist OSAS members in developing relocation alternatives within the City.

*This provision means that Trammell and the class of on-the-list employees that she represents shall be promoted and that there is to be no requirement that employees in this class alter their residence to retain their promotions. For subsequent promotions Trammell and other on-the-list employees are subject to the terms of the residency policy.

4. The Board with the advice of OSAS shall attempt to establish a reasonable reciprocity agreement with any jurisdiction where OSAS members reside and which have similar policies requiring residency.
5. In the event of any disputes arising under terms of this provision the Board shall save and hold harmless from any settlement ensuing therefrom the OSAS, its officers and agents acting on its behalf.

DISCUSSION AND RECOMMENDATIONS

The second year salary issue impasse between the parties is tied to the Board's demand for a cap that will be tied to the teachers' master's maximum salary. The Union demands the same per cent increase that will be awarded teachers in the second year of the Agreement. Board exhibits 21 through 23 provide comparable daily rate data on selected OSAS classifications. Annual salary comparisons have not been provided for nine month or twelve month employees. The Board's position is spelled out in Board exhibit 7 and is expanded upon in Board exhibits 18 and 19. The Board has argued that the removal of the caps which it has proposed will cost approximately an additional sixty-five thousand dollars in OSAS salaries for each per cent of raise which teachers receive.

The factfinder's recommendations follow:

Salary

Year 1 Salary schedules for all members of the OSAS unit shall be adjusted upward 6% across the board. Fringes accruing to teachers as a result of their current contract settlement shall also accrue to members of the OSAS unit. Specific details for implementing this provision is remanded to the parties.

Year 2 Salary schedules for all members of the OSAS unit shall be adjusted upward on the same percentage basis awarded teachers except that a cap shall be established at \$1500 for 10 month employees and \$1800 for 12 month employees.

DISCUSSION AND RECOMMENDATIONS

Stipend for Athletic Directors

The Union argues that there is a defacto classification of Athletic Director. In one school, it argues, an Assistant Principal performs these duties. The role requires someone to put in approximately fifteen to twenty hours a week beyond the school day. Various tasks include the procurement and supervision of the following casual employees for scheduled athletic events: referees, time keepers, ticket sellers, security guards, and doctors or para medics. OSAS is demanding a differential for the after school functions performed by Physical Education Department Heads responsible for these functions. OSAS refers to these as Athletic Director functions.

The Board argues that Athletic Directors have never been recognized as an official classification. Most of the duties described by the Union as functions of the Athletic Director have always been subsumed under the Department Head's responsibilities, the Board maintains. Physical education department heads generally have reduced teaching load, the Board argues; hence the assignments involving the selection and supervision of casual employees are compensated for through reduced assignments during the school day.

The factfinder acknowledges the validity of the major arguments of both parties on this question. The only conflict is on the issue of whether the designation of Athletic Director was ever sanctioned as an item in the classification taxonomy. It is clear that no official listing of the title was ever rostered. However, the work was done in conjunction with a practice that also permitted Physical

Education Department Heads to coach. Recently a restriction was imposed against limiting the coaching option but maintaining many of the ancillary duties relating to coaches. Such duties as those detailed above appear to the factfinder to be more related to the coaching functions and co-curricular activities of the school than to the main instructional purposes. They include such activities as procuring the services of ticket takers, hiring scorekeepers, having doctors on hand, etc. These duties do appear to be ancillary in nature to what one normally regards as regular school supervisory, planning and evaluative functions. Their existence tends to sustain the argument by OSAS, hence:

RECOMMENDATION 3

A stipend of \$1500 per year shall be paid to Physical Education Department Heads who perform hiring and supervisory duties comparable to those described above.

DISCUSSION AND RECOMMENDATIONS

Formula for Administrative Services

During the factfinding the parties reached an understanding on changes in Article 8.06, Subsection 5 B. In light of these understandings the factfinder recommends the following changes on page 19 of the current Agreement.

RECOMMENDATION 4

Senior High School Unit Head Allocation

<u>Number of Persons</u>	<u>Administrative Service</u>
1400 - 2499 = 7	1400 - 1699 = 3.4
2500 - 2899 = 8	1700 - 1899 = 3.6
2900 - 3899 = 9	1900 - 2099 = 3.8
3900 - 4899 = 10	2100 - 2299 = 4.0
	2300 - 2499 = 4.4
	2500 - 2699 = 4.2
	2700 - 2899 = 4.8
	2900 - 3099 = 5.0

RECOMMENDATION 4 (cont'd.)Administrative Service

3100 - 3299 = 5,2
3300 - 3499 = 5,4
3500 - 3699 = 5,6
3700 - 3899 = 5,8
3900 - 4099 = 6,0
4100 - 4299 = 6,0
4300 - 4499 = 6,0
4500 - 4699 = 6,0
4700 - 4899 = 6,0

DISCUSSION AND RECOMMENDATIONAssistant Principals in Middle SchoolsRECOMMENDATION 5

Where possible the philosophy for establishing assistant principalships in elementary schools shall be followed in the middle schools.

* * *

The above language is to be included in the successor agreement.

1/9/79
Date

Edward D. Smith
Factfinder