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Pursuant to Act 176 of the Public Acts of 1939, as amended, State of Michigan

Fact Finder:

Mark L. Kahn  
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Wayne State University

LABOR AND INDUSTRIAL  
RELATIONS  
Michigan State University

In the Matter of a Labor Dispute

Between

Dexter Community Schools  
Dexter, Michigan

and

Dexter Education Association

REPORT WITH RECOMMENDATIONS

of

Fact Finder

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Hearing held February 22, 1971  
Dexter, Michigan

Dexter Community Schools

Appearances

For the Association:

Paul N. Cousins  
Chief Negotiator

Richard Gray  
Executive Director, No.  
Washtenaw County, MEA

Jean Arnold, Member  
DEA Negotiating Team

James Hollister, Member  
DEA Negotiating Team

Linda Chapman  
President, DEA

For the Employer:

James D. Gray  
Superintendent

William G. Wall, President  
Board of Education

Charles M. Rehms  
Trustee

John Arbour, Principal  
Middle School

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STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION

### REPORT OF FACT FINDER

In October 1971, the Dexter Community Schools and the Dexter Education Association jointly advised the Michigan Employment Relations Commission that they had reached an impasse in their efforts to negotiate an agreement applicable to the 1971-72 school year, despite mediation, and requested fact-finding pursuant to Act 176 of the Public Acts of 1939, as amended.

Appointment of the undersigned to serve as Fact Finder for this dispute was delayed until January 17, 1972 -- the Department of Labor had suspended fact-finding because of a shortage of funds -- and additional efforts by the parties to resolve their differences in the interim were not successful.

On February 1, 1972, the undersigned met informally with the principal spokesman for each party to establish the procedures to be adopted for the fact-finding process. It was then agreed that each party would submit a pre-hearing brief on the issues in dispute on February 14, and that a hearing would be conducted in Dexter, Michigan, on February 22, 1972.

Each party had a full opportunity, during this hearing, to present evidence and argument on each issue. It was also agreed that the principal spokesman for each party would meet jointly with the Fact Finder to review and comment upon a draft of his Report prior to its issuance in final form. This meeting took place on March 24, 1972, at Wayne State University.

#### Background

The Dexter Community Schools district, located northeast of Ann Arbor in Washtenaw County, has 97-1/2 teachers on its payroll and 2,140 students. Washtenaw County contains ten school districts with a total 1971-72 student population of 47,562. These range in size from Ann Arbor (19,894 pupils) to Whitmore Lake (1,182 pupils).

In the fall of 1970, the Dexter Education Association and the Dexter Board of Education executed a two-year collective bargaining agreement. Article XIX of that Agreement provided, however, that six areas would be open for negotiation for 1971-72, the second year of the Agreement. Settlements were reached in two of these areas -- Teacher Evaluation and Curriculum -- and implemented for 1971-72. The remaining issues may be summarized as follows:

- I. Base Salary Schedule. The Board has offered a general increase of 2.3 percent for 1971-72. The Association seeks a general increase of 6.7 percent in the B.A. schedule, slightly larger percentage increases at the M.A. level (up to 7.1 percent), and corresponding increases for other educational categories.
- II. Extra Duty Salaries. There are three Association proposals under this heading:
- (a) That extra pay for extra duty utilize up to the seventh step on the B.A. schedule as an experience factor. (The Board has offered to go from the present fifth step maximum up to the sixth step on the B.A. schedule.)
  - (b) That after-school bus duty be compensated at the rate of \$3.00 for each event after fifteen minutes. (The Board has rejected this item.)
  - (c) That the Audio-Visual Coordinator be granted one hour of daily released time. (The Board has rejected this item.)
- III. Insurance Benefits. The Association has proposed \$5,000 of group term life insurance. (The Board has rejected this item.)
- IV. School Calendar. The Association has proposed the addition of Patriots Day (February 21, 1972) as a holiday. (The Board has rejected this proposal.)

This Opinion will now consider each of these issues in the order they have been listed above. My summary of the arguments of each party on these issues will be extremely brief, because it would serve no useful purpose to recapitulate in detail all of the data and contentions that are part of the record. The parties should understand, of course, that my analysis of each issue -- and of all the issues as a "package" -- is based on all of the evidence and argument presented by each party.

#### I. Base Salary Schedule

The Association urges adoption of its salary schedule proposal as necessary to maintain Dexter's relative position in the County and in the State, a position which has declined since 1966 in money terms, and its traditional ranking among the districts in the County. The Association observes that teacher salaries as a percent of Dexter's operating budget have been declining, and that its proposal would reverse this decline. The Association observes that the Board's proposal falls short of even compensating for the increase in consumer prices since the fall of 1970. Although there is not much disagreement between the parties on the general financial status of the district, the Association rejects the view that none of this year's contingency funds (about \$38,485) will become available. The Association points out that the level of the General Fund Accrual Balance has remained fairly stable since 1966 and was \$101,497 at the end of 1970-71.

The Board argues that its salary offer is sufficient to keep the district competitive in its region. The Board emphasizes that a majority of the teachers have obtained an experience increment for the current academic year, and it computes the full cost of its offer as:

Cost of Experience Increment . . . . .	3.2 percent
Schedule Increase Offered . . . . .	2.3 "
Increased cost of fringes . . . . .	<u>.5</u> "

Total Cost Increase . . 6.0 percent

This, says the Board, exceeds the increase in consumer prices (about 4.0%) as well as the 5.5 percent increase in salary levels approved by the Federal Pay Board for general increases under Phase II (starting November 15, 1971).

The Board maintains that its fiscal position militates against a higher salary adjustment (or other forms of additional teacher costs) than it has offered. The Board is concerned that its General Fund Accrual Balance has fallen steadily since 1966 in relation to the Operating Budget: from 10.51 percent in 1966 to only 5.59 percent in 1970-71. This year's tight cash situation was worsened, first, by the discovery of an error in the calculation of the State Equalized Valuation that has reduced anticipated receipts for 1971-72 (from all sources) by about \$23,000; and, second, the retention, thus far, by the State of Dexter's Contingency Fund of \$38,485, which the State has indicated it may withhold in whole or part to balance the State's budget.

I have inferred from all of the pertinent evidence that the parties have themselves placed considerable reliance in collective bargaining upon comparisons with the nine other school districts in Washtenaw County in regard to salary levels and salary changes. The parties have supplied me with comprehensive data as to the current pay schedules of the nine other school districts in Washtenaw County and the dollar and percentage pay improvements granted by each of these districts for 1971-72. Five of these nine districts granted general increases of 4.5 to 5.5 percent: Ann Arbor (approx. 5.0 percent), Chelsea (4.7%), Lincoln Consolidated (4.99%), Saline (about 4.5%), Whitmore Lake (5.5%). Two districts provided less: Manchester (about 1.9%) and Willow Run (3.6%). And two districts granted more: Milan (about 8.0%, but not effective until November 15, 1971) and Ypsilanti (about 10.0%). Nothing in the record indicates why Ypsilanti's adjustment was so relatively high. It is clear that the prevailing level of general increase in Washtenaw County was about 5.0 percent.

It seems to me that there is an obligation upon the Dexter Board to provide

its teachers with a comparable general increase of 5.0 percent unless the Board can show the existence of such compelling financial constraints that its teachers cannot share in the salary improvements obtained by the teachers in neighboring districts. With this in mind, I have carefully examined all of the financial data in evidence. Although I recognize that this is a relatively tight year, the district appears to be in a basically sound financial situation. An increase of 5.0 percent will cost the Board about \$29,000 above its 2.3 percent offer, and I believe the Board can provide these funds for the important purpose of granting an otherwise appropriate pay adjustment out of its total receipts of \$1,781,230 to \$1,819,715 (depending on the final allocation of the Contingency Fund).

Although I have emphasized, above, the pattern of change within the County, I should add that a general increase of 5.0 percent will also preserve Dexter's relative position roughly midway in the ranking of these ten school districts. This 5.0 percent is, moreover, within the limits promulgated for general pay adjustments by the Federal Pay Board -- an automatic 5.5 percent -- since the Pay Board has expressly excluded established longevity pay increase plans from the 5.5 percent ceiling.

## II. Extra Duty Salaries

### (a) Pay Maximum for Extra Duty Assignments.

Most extra duty assignments, as indicated in Appendix A, Section 6-D of the Agreement, are paid on a specified percentage of Bachelor's degree salary up to a maximum of the fifth step, for example: Head Football, 12%; Audio-Visual Director, 7%; Student Council, 2%. The Association urges that the maximum should not stop at the B.A. fifth step level and should this year rise to the seventh step. The Board has offered to increase the maximum to the B.A. sixth step, and argues that this is competitive with practices at other schools.

The Association has not demonstrated that an increase to seven percent is required to achieve comparability with other school districts or is justified at this time on other grounds. Accordingly, it is my recommendation that the Association accept the Board's B.A. sixth step offer.

### (b) After-School Bus Duty

Elementary teachers are presently required, on an alternating basis, to see that their students are safely boarded on their buses after school. The Association would like to see such custodial functions handled by non-professional per-

sonnel, and it points out that no after-school bus duties are required of teachers at Chelsea, Whitmore Lake and Saline. The Association urges, at this time, that whenever a teacher must remain after school on bus duty for longer than fifteen minutes he/she should be paid \$3.00 for this imposition. The Board considers it to be an appropriate part of the duties of an elementary teacher to see that young children depart school safely, and it also observes that elementary teachers have fewer after-school hours on various activities than do other teachers.

Except, perhaps, in occasional bad-weather situations, I am not persuaded that this after-school bus duty is an onerous task. The Association has failed to persuade me that special payments should be made for those occasional instances when buses may depart more than fifteen minutes after school is out, even though a minority of the districts in the County appear to have eliminated this function as a teacher duty. My recommendation is that the Association should drop this proposal, at least for this year.

(c) Released Time for Audio-Visual Coordinator

The Association seeks one hour of released time daily for the A-V Director in the High School for the remainder of the school year. It argues that he needs more time to work with equipment, to direct teachers to materials and to prepare media for the professional staff. The Association cites a 1968 American Library Association--National Education Association publication on School Media Programs and the role of a media specialist to indicate how far short of a desirable standard is the present situation. The Board responds that the A-V Director has rather limited functions for which his extra duty pay is adequate compensation, and that he is not expected to be the kind of trained media specialist described by the ALA-NEA publication.

This demand of the Association appears, in my judgment, to seek an expansion of media resources beyond their present level for which the responsibility could well justify released time. On the other hand, as an Association spokesman conceded at the hearing, "Released time for what's being done now is not really merited." I do not consider it appropriate for a fact finder to enter into a substantive and qualitative issue of what is essentially a curriculum policy, and if the Board at present does not wish to expand media manpower resources, I must recommend that this Association proposal be dropped.

III. Insurance Benefits

The Association seeks group term life insurance in the amount of \$5,000. It

estimates that this would cost the Board about nine hundred dollars for the period March through August 1972, and it notes that in Washtenaw County group life insurance is already provided by Ann Arbor (\$5,000 - \$10,000), Saline (\$5,000), Whitmore Lake (\$1,000) and Ypsilanti (\$2,500). The Association considers this the "obvious gap" in teacher income protection. The Board points out that only ten out of 42 school districts in MEA Region III presently offer group life insurance, so that it is by no means a widespread practice. Moreover, says the Board, Dexter already provides fully paid hospital-medical insurance for the teacher and his/her family plus an unusual long-term disability insurance program with five years of protection. The Board notes that in Washtenaw County the only school district offering long-term disability protection is Whitmore Lake, and there it is for only 18 months. The Board opposes the group life insurance proposal of the Association, and adds that its teachers can buy term life insurance at low rates through the Superintendent's Office.

I consider this proposed type of protection to be an inevitable and desirable component of a well-rounded fringe benefit program, and it has the virtues of being relatively inexpensive and simple to administer. Nevertheless, primarily because of the emphasis I have placed upon salary improvement, because of the existence of substantial long-term disability insurance (for which Dexter appears to be a pace-setter), and because group life insurance is still a minority practice among school districts in the region, I recommend that the Association withdraw this proposal in relation to the remainder of 1971-72.

#### IV. Patriot's Day

The Association proposes an additional school holiday, Patriot's Day, which this year fell on February 21. It points out that this additional holiday would still leave the school district with the full 180 attendance days required by State law and therefore the adequate educational time as expressed in our public policy. Patriot's Day (or Washington's Birthday) is a legal holiday, says the Association, and it should therefore be a day of non-attendance for teachers and students. The Board objects to eroding the attendance days to the bare minimum required by law (or reducing the present 184 teacher working days to 183). The Board adds that Patriot's Day is not a legal holiday in Michigan.

In my judgment, the Association has not made out a persuasive case for closing school on Patriot's Day and for converting a 180-day legal attendance minimum into a standard. In particular, I have not been provided with any indication that

other school systems are closing down on this particular holiday, nor did the parties discuss how Dexter's 184 working days compares with other systems. I conclude that the Association should withdraw this proposal.

SUMMARY OF RECOMMENDATIONS:

1. A general increase in the salary schedule for 1971-72 of five (5.0) percent. Implementation of this recommendation in line with the practices of the parties produces the following schedule for 1971-71:

	<u>Base</u>	<u>Maximum</u>
B.A.	\$7,770	\$12,390
B.A.+10	7,870	12,490
B.A.+20	7,970	12,590
M.A.	8,400	14,070
M.A.+10	8,660	14,440
M.A.+20	8,925	14,805
M.A.+30 Educ. Sp.	9,240	15,225
Ph.D.	9,765	16,485

As previously, this is an eleven step schedule with ten equal annual increments..

2. Extra duty pay up to a maximum of the sixth step on the B.A. scale.
3. The other proposals of the Association for 1971-72 should be withdrawn.

  
Mark L. Kahn  
Fact Finder

DATED: March 24, 1972