

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA LABOR RELATIONS BOARD

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IN THE MATTER OF THE FACT FINDING BETWEEN

CAPITAL AREA EDUCATION	:	
ASSOCIATION, PSEA/NEA	:	
	:	FACT FINDING REPORT
and	:	CASE NO. ACT 88-11-1-E
	:	
CAPITAL AREA	:	
INTERMEDIATE UNIT	:	

**HEARING:** February 19, 2011  
Lemoyne, PA

**FACT FINDER:** John M. Skonier, Esq.

**FOR THE ASSOCIATION:**

Mr. Marc C. Kornfeld

**FOR THE INTERMEDIATE UNIT:**

Kim R. Smith, Esq.

## **Procedural History**

Pursuant to Act 88 of 1992 (Act 88) and the Public Employee Relations Act, Act 195 of 1970 (PERA), notice was received by the Pennsylvania Labor Relations Board (PLRB) from the Bureau of Mediation that no agreement had been reached between the Capital Area Education Association, PSEA-NEA (hereinafter Association) and the Capital Area Intermediate Unit (hereinafter CAIU). By letter dated January 25, 2011, the PLRB appointed the undersigned to act as a fact finder, vested with the statutory authority set forth above. Subsequent to such notice, the parties were duly notified and a hearing was held on Saturday, February 19, 2011, in Lemoyne, Pennsylvania; at which time both parties were afforded a full opportunity to present testimony, examine and cross-examine witnesses, and introduce documentary evidence in support of their respective positions. The matter is now ready for issuance of the subject Report.

The instant impasse involves unresolved issues with various sub-issues. This Report contains "recommendations" for these issues which constitute the settlement proposal upon which the parties are now required to act, as directed by statute and PLRB regulations.

Pursuant to statutory authority, this Report will be released to the public if not accepted. A vote to accept the Report does not constitute agreement with or endorsement of the rationales, but rather represents only an agreement to resolve the issues by adopting the recommendations. The parties are directed to review the Report and, within ten days of its issuance, notify the PLRB of their decision to accept or reject the recommendations.

The instant fact finding involves an Intermediate Unit rather than a School District. Established in 1971 by the Pennsylvania General Assembly, the 29 Intermediate Units within the State operate as regional educational service agencies providing cost-effective, management-efficient programs to Pennsylvania's 501 public school districts and over 2,400 non-public and private schools. School Districts are funded by local assessed property taxes, a basic education subsidy and various grants and programs from the Commonwealth, and some monies from federal resources related to poverty and other federal initiatives. While the mixture of funding sources may vary between IU's, none of the IU's have a consistent source of tax revenues nor do the IU's have an ability to increase taxes as do School Districts.

In this context, the undersigned offers the following recommendations.

## **RECOMMENDATIONS**

### **Term**

The District proposes a 2 year contract and the Association proposes a 4 year contract. Under the current economic conditions and in consideration of the fact that much of the first year has elapsed, a recommendation of a 3 year contract will be made.

#### Recommendation:

The term of this Agreement shall begin on July 1, 2010 and shall continue in full force and effect until June 30, 2013.

### **Salary and Health Care**

#### **Association:**

The Association seeks to increase the 189-day salary schedules in the 2006 to 2010 contract by 4.5% plus the cost of the step increment in each year of a four-year agreement, beginning with the 2010-2011 contract year. The Association seeks full retroactivity to July 1, 2010 and that any horizontal movement shall be recognized as in the past and shall take place at the appropriate point when the credit level was achieved, with full retroactivity. The 205 and 229 day schedules are to be based upon the 189-day schedule. Those positions not paid on one of the salary schedules currently in the contract shall be increased the same percentage rate as that used to increase the 189-day salary schedule.

The Association rejects any conversion of their health care insurance premium share to a percentage. The Association rejects any increase of their current rate of health care insurance premium share.

#### **Board:**

The Board provided two options for salary and healthcare in a two-year contract:

Option 1:

There shall be a 2.5% salary increase in year one of the contract inclusive of step increment. There shall be a 2.75% salary increase in year two of the contract inclusive of step increment.

In year one, employee contribution to health care shall be 6% of premium for professional employees and 3% for paraprofessional employees. In year two, employee contribution to health care shall be 6% of premium for professional employees and 3% for paraprofessional employees. Employee co-pay for the medical plan in year two shall be \$25 for general and \$50 for special.

Option 2:

There shall be a 3% salary increase in year one of the contract inclusive of step increment. There shall be a 3% salary increase in year two of the contract inclusive of step increment.

In year one, employee contribution to health care shall be 8% of premium for professional employees and 4% for paraprofessional employees. In year two, employee contribution to health care shall be 10% of premium for professional employees and 5% for paraprofessional employees.

Recommendations:

Salary:

The role of the fact finder is to try to fashion recommendations that will resolve the dispute. After a careful review of the arguments and all of the evidence presented into the record, the following recommendations are made. These recommendations are based on the agreed upon salary matrix.

In the 2010-2011 school year, there shall be an across-the-board increase in "new money" to the salary schedule of 3.2%.

In the 2011-2012 school year, there shall be an across-the-board increase in "new money" to the salary schedule of 3.2%.

In the 2012-2013 school year, there shall be an across-the-board increase in "new money" to the salary schedule of 3.3%.

There shall be compaction of the salary schedule to 15 steps but no additional columns shall be added to the salary schedule.

The recommended salary schedules for the professional and paraprofessional employees are attached hereto as Exhibit "A" and Exhibit "B" respectively.

Health Care:

In the first year of the contract there shall be no increase in health care premium cost sharing by the bargaining unit.

In the second year of the contract, professional employees shall contribute the flat dollar equivalent of 6% of the premium for their health care insurance. Paraprofessional employees shall contribute the flat dollar equivalent of 3% of the premium of their health care insurance.

In the third year of the contract, professional employees shall continue to contribute the same flat dollar amount that they contributed in the second year of the contract to their health care insurance premium. The paraprofessional employees shall continue to contribute the same flat dollar amount that they contributed in the second year of the contract to their health care insurance premium.

**Supplementary Pay**

The Association asserts that transition plans, treatment plans and hospital reports are the equivalent of IEP writing and should be recognized as such. As there is not always sufficient time within the work day for employees to perform these tasks, time needs to be provided to complete these tasks and payment needs to be provided for the work performed. The Association seeks to add mental health transition plans/treatment plans and hospital discharge reports to the Article IX, B-1

and B-2, Supplemental Services in the parties' contract. The Association proposes that the rate of \$26 per hour be increased to \$36 per hour and the number of compensated hours be increased from 15 per year to 25 per year.

The Board rejects the addition of mental health transition plans/treatment plans and hospital discharge reports. The Board rejects any increase in the hourly rate and any increase in the annual compensated hours. The Board proposes adding language to the existing relevant contract provision(s) clarifying the types of reports and/or duties that are to be included as supplementary work.

Recommendation:

That the annual compensated hours be increased from 15 per year to 20 per year.

**Licensing Fees**

The Association proposes that the current contractual maximum reimbursement to bargaining unit members for fees for the specialist licenses that these professionals need to provide the service they are required to perform be increased from a cap of \$40.00 to \$75.00.

The Board would increase the maximum monies available for actual costs in obtaining licensing fees from \$40.00 to \$50.00.

Recommendation:

Increase the maximum allowable reimbursement for actual costs attributable to licensing fees to \$60.00.

**Personal Days**

The Association seeks to increase the number of personal days available each year from the current 3 days to 4 days.

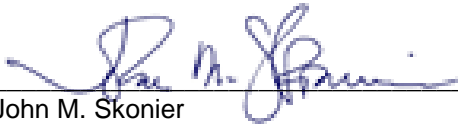
The Board rejects any increase in the number of personal days.

Recommendation:

No change.

Aside from editorial changes regarding the updating of relevant dates and corresponding contractual language by mutual agreement of the parties, all provisions of the contract for which no recommendation for change has been made in the subject Report should remain as is.

Having conducted a Fact Finding hearing pursuant to Act 88 and Act 195, having taken testimony under oath, and having considered the evidence to better understand the respective positions of the parties, I respectfully submit this Report.

  
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John M. Skonier  
Fact Finder

March 7, 2011

## Exhibit "A"

### CAIU #15 Professionals 2010-2011

<u>To Top</u>	<u>Steps</u>	<u>Bachelors</u>	<u>Masters</u>	<u>M+15</u>	<u>M-30</u>	<u>M-45</u>	<u>M-60/PhD</u>
14	1	42,346	45,128	46,519	47,910	49,301	50,691
13	2	42,653	45,435	46,826	48,217	49,608	50,998
12	3	43,536	46,318	47,709	49,100	50,491	51,882
11	4	44,546	47,328	48,719	50,110	51,501	52,891
10	5	45,682	48,464	49,855	51,245	52,636	54,027
9	6	46,944	49,726	51,117	52,507	53,898	55,289
8	7	48,332	51,114	52,505	53,896	55,287	56,677
7	8	49,847	52,628	54,019	55,410	56,801	58,192
6	9	51,487	54,269	55,660	57,051	58,442	59,832
5	10	53,254	56,036	57,427	58,818	60,208	61,599
4	11	55,147	57,929	59,320	60,711	62,101	63,492
3	12	57,166	59,948	61,339	62,730	64,121	65,512
2	13	59,312	62,093	63,484	64,875	66,266	67,657
1	14	61,524	64,303	65,693	67,082	68,472	69,861
Top	15	63,787	66,560	67,947	69,333	70,720	72,107

### CAIU #15 Professionals 2011-2012

<u>To Top</u>	<u>Steps</u>	<u>Bachelors</u>	<u>Masters</u>	<u>M+15</u>	<u>M-30</u>	<u>M-45</u>	<u>M-60/PhD</u>
14	1	43,892	46,716	48,128	49,540	50,952	52,364
13	2	44,199	47,023	48,435	49,847	51,259	52,671
12	3	44,506	47,330	48,742	50,154	51,566	52,978
11	4	45,516	48,340	49,752	51,164	52,575	53,987
10	5	46,651	49,475	50,887	52,299	53,711	55,123
9	6	47,913	50,737	52,149	53,561	54,973	56,385
8	7	49,302	52,126	53,538	54,950	56,362	57,773
7	8	50,816	53,640	55,052	56,464	57,876	59,288
6	9	52,457	55,281	56,693	58,105	59,517	60,929
5	10	54,223	57,047	58,459	59,871	61,283	62,695
4	11	56,117	58,940	60,352	61,764	63,176	64,588
3	12	58,136	60,960	62,372	63,784	65,196	66,608
2	13	60,281	63,105	64,517	65,929	67,341	68,753
1	14	62,494	65,315	66,725	68,136	69,547	70,957
Top	15	64,756	67,572	68,979	70,387	71,795	73,203

### CAIU #15 Professionals 2012-2013

<u>To Top</u>	<u>Steps</u>	<u>Bachelors</u>	<u>Masters</u>	<u>M+15</u>	<u>M-30</u>	<u>M-45</u>	<u>M-60/PhD</u>
14	1	45,734	48,608	50,045	51,481	52,918	54,355
13	2	46,041	48,915	50,352	51,788	53,225	54,662
12	3	46,348	49,222	50,659	52,095	53,532	54,969
11	4	46,655	49,529	50,966	52,402	53,839	55,276
10	5	47,791	50,665	52,101	53,538	54,975	56,412
9	6	49,053	51,927	53,363	54,800	56,237	57,674
8	7	50,441	53,315	54,752	56,188	57,625	59,062
7	8	51,956	54,829	56,266	57,703	59,140	60,576
6	9	53,596	56,470	57,907	59,343	60,780	62,217
5	10	55,363	58,237	59,673	61,110	62,547	63,984
4	11	57,256	60,130	61,566	63,003	64,440	65,877
3	12	59,275	62,149	63,586	65,022	66,459	67,896
2	13	61,421	64,294	65,731	67,168	68,605	70,041
1	14	63,633	66,504	67,940	69,375	70,810	72,246
Top	15	65,896	68,761	70,193	71,626	73,058	74,491

## Exhibit "B"

### CAIU #15 Paraprofessionals 2010-2011

<u>To Top</u>	<u>Steps</u>	<u>HS</u>	<u>HS+15</u>	<u>HS+30</u>
15	1	13,673	14,272	14,868
15	1	13,673	14,272	14,868
14	2	14,417	15,049	15,678
13	3	14,734	15,367	15,995
12	4	15,054	15,685	16,314
11	5	15,373	16,003	16,631
10	6	16,189	16,821	17,450
9	7	17,005	17,638	18,267
8	8	17,823	18,455	19,083
7	9	18,640	19,273	19,901
6	10	19,458	20,090	20,718
5	11	20,275	20,908	21,536
4	12	21,091	21,724	22,351
3	13	21,910	22,541	23,169
2	14	22,734	23,342	23,970
1	15	23,528	24,159	24,787
Top	16	23,528	24,975	25,602

### CAIU #15 Paraprofessionals 2011-2012

<u>To Top</u>	<u>Steps</u>	<u>HS</u>	<u>HS+15</u>	<u>HS+30</u>
14	1	14,614	15,259	15,893
14	1	14,614	15,259	15,893
13	2	14,931	15,577	16,210
12	3	15,251	15,895	16,529
11	4	15,570	16,213	16,846
10	5	16,386	17,031	17,665
9	6	17,202	17,848	18,482
8	7	18,020	18,665	19,298
7	8	18,837	19,483	20,116
6	9	19,655	20,300	20,933
5	10	20,472	21,118	21,751
4	11	21,288	21,934	22,566
3	12	22,107	22,751	23,384
2	13	22,931	23,552	24,185
1	14	23,725	24,369	25,002
Top	15	23,725	25,185	25,817

### CAIU #15 Paraprofessionals 2012-2013

<u>To Top</u>	<u>Steps</u>	<u>HS</u>	<u>HS+15</u>	<u>HS+30</u>
14	1	14,871	15,532	16,171
13	2	15,178	15,839	16,478
12	3	15,498	16,157	16,797
11	4	15,817	16,475	17,114
10	5	16,633	17,293	17,933
9	6	17,449	18,110	18,750
8	7	18,267	18,927	19,566
7	8	19,084	19,745	20,384
6	9	19,902	20,562	21,201
5	10	20,719	21,380	22,019
4	11	21,535	22,196	22,834
3	12	22,354	23,013	23,652
2	13	23,178	23,814	24,453
1	14	23,972	24,631	25,270
Top	15	23,972	25,447	26,085