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State of New York Public Employment Relations Board Decisions from October 29, 1978

New York State Public Employment Relations Board

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STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of the Impasse between
THE LEVITTOWN UNITED TEACHERS
-and-
THE BOARD OF EDUCATION OF LEVITTOWN UNION
FREE SCHOOL DISTRICT.

Whereas, the Public Employment Relations Board, on Sunday, October 29, 1978, at the State Office Building, Hauppauge, New York, has convened and conducted an inquiry into the impasse between the Levittown Board of Education and the Levittown United Teachers; and

Whereas, said impasse has lasted some thirty-four (34) days, resulting in immeasurable destructive effect upon the School District, the Teachers' Association and individual teachers, the community at large and, most assuredly, the student body of 10,000; and

Whereas, pursuant to Section 209.3(d) of the Public Employees' Fair Employment Act, the Public Employment Relations Board "has the power to take whatever steps it deems appropriate to resolve the dispute;" and

Whereas, we have determined:

(1) that the present impasse must be terminated immediately;

(2) that the parties themselves have demonstrated that they are unable to resolve the dispute;

NOW, THEREFORE, BE IT RESOLVED:

(a) That the following recommendation of this Board shall be the settlement in toto between the parties and shall be reestablishing the beginning step of/a harmonious relationship between the parties;

(b) Recognizing that there may be some 10,000 students whose futures may depend upon an immediate cessation of the impasse, it is urgently recommended that the impasse terminate and all teachers report for their normal duties on Monday, October 30, 1978;

(c) The memorandum of agreement dated October 23, 1978 shall be adopted except for the following amendment:

We are cognizant that the Board of Education had originally sought a wage freeze for two full years, and thereafter, in the spirit of negotiations, reduced that period to 18 months.

We also recognized that recently advanced proposals by the President of the United States call for voluntary salary limitations of 7%, and that to ask the teachers, in this day of spiraling costs, to accept a freeze in wages for an 18 month period could produce an undue financial hardship.

We acknowledge the severe fiscal problems of the Levittown School District, as well as the economic concerns of the teachers and deem a 16 month freeze and a salary modification as an equitable and sound basis for an immediate settlement of the salary impasse.

The salary portions of the settlement shall be as follows:

1978-79 There shall be a wage freeze in the 1978-79 school year - the salaries for all teachers for the 1978-79 school year shall be the actual salaries paid said teachers during the 1977-78 school year.

1979-80 Effective October 30, 1979, the salary of each teacher shall be increased by 4%.

1980-81 Effective July 1, 1980, each teacher salary shall be increased by 5%.

1981-82 Effective July 1, 1981, each teacher salary shall be increased by 5%.

(d) The remaining impasse concerns ratio for special subject area teachers. As to this, the Board of Education asserts that this is a non-mandatory subject of negotiations, and that, therefore, we should not make any contractual recommendation with regard to it. However, we have not previously determined that such a proposal is, in fact, a non-mandatory subject of negotiations. While there may well be merit to the Board of Education's objections, we would call to its attention that merely because an item is labeled as being "non-mandatory", it is still a permissive subject of negotiations; only matters that clearly contravene existing law are prohibited for purposes of negotiations. We have been made aware of ongoing discussions between the parties concerning this matter and it is the intent of this recommendation that the

parties continue their discussions. To facilitate their discussions, we recommend the formation of a joint committee. This committee shall be convened within 30 days after the return to work of the teachers, and it shall be subject to its own rules and regulations.

Dated, Hauppauge, New York
October 29, 1978

Harold R. Newman
HAROLD R. NEWMAN, Chairman

David C. Randles
DAVID C. RANGLES, Member