

AN ANALYSIS OF THE 1977-78 AND 1978-79
PUBLIC SCHOOL FACT FINDER REPORTS IN
THE STATE OF KANSAS

By

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CHAPTER I

INTRODUCTION

Professional Negotiations in Kansas

Professional negotiations in Kansas have had an effect on the way school districts operate. Prior to the 1970 enactment of the Professional Negotiations Law, some Kansas school districts had agreements or policies relative to meeting and conferring with employees. However, the predominant mode of operation was that the Board of Education unilaterally offered contracts and determined terms and conditions of employment.¹

The professional negotiations issue was studied during the summer of 1969 by an Interim Subcommittee of the House Committee on Education. That Subcommittee directed the preparation of a bill which was subsequently introduced to the full House in 1970 by the Education Committee. After revision by the 1970 Legislature, the bill was enacted.²

Interim legislative studies on the topic of professional negotiations were conducted in the summers of 1971, 1973 and 1975. The substance of the 1970 Professional Negotiations Law was not amended significantly until 1977. Minor amendments were added in 1976 and 1979.

The original enactment, applicable to school districts and community junior colleges, was limited to the "meet and confer"

approach to collective bargaining. It defined certain terms; provided for the right of exclusive representation of professional employee units; contained rudimentary provisions for unit determination, recognition of an organization as the exclusive representative of employees, and resolution of recognition disputes; contained negotiated agreement ratification requirements; authorized negotiation of procedures for binding arbitration of contract interpretation disputes; reinforced the existing prerogatives of School Boards; and stated that the law was not to be interpreted as authorizing professional employees to strike.

The law defined "professional negotiation" to mean: "Meeting, conferring, consulting, and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service."³

Amendments to the 1970 law are the following:⁴

1976 Session. The definitions section was amended for the purpose of ensuring that certain area vocational-technical schools were included within the law.

1977 Session. The following major changes were made:

1. Impasse procedures were added, including impasse declaration, mediation and fact-finding.
2. "Terms and conditions of professional service," for the first time, were defined.
3. Responsibilities for resolving unit determination and recognition questions and for performing certain administrative duties in connection with the new impasse resolution process were assigned to the Secretary of Human Resources.

4. Prohibited practices of the employer and employee organizations were added.
5. Administrative employees were excluded from coverage under the law.
6. Negotiation sessions were required to be open to the public.

The amendments assigned responsibility to the District Court for declaring that an impasse in negotiations exists. When such a declaration is made, the Secretary of Human Resources is notified. The Secretary then appoints an impartial mediator who attempts to assist the parties in resolving the impasse. The mediation activity normally occurs during a seven-day period. If mediation fails, the Secretary appoints a fact-finding board (composed of a maximum of three members) which conducts investigations and, ultimately, recommends the final position of either the employer or employee on each issue at impasse. The fact-finding board normally functions within a ten-day period. If the fact finding process has been completed and the impasse has not been resolved, the school governing board takes such unilateral action as it deems to be in the public interest, including the interest of the professional employees involved.

In the 1979 legislative session, the impasse declaration procedure was changed to permit the professional employees' organization and the Board of Education, when they agree that an impasse in negotiations exists, to petition the Secretary of Human Resources jointly to begin impasse resolution procedures. This allows the parties, when in agreement that they are at impasse, to bypass petitioning the District Court for a declaration of impasse.

During the 1977-78 and 1978-79 school years, a total of 17 public school districts in Kansas utilized the fact-finding procedure as provided in the law. The size of the school districts ranged from the largest school system in the state, which has approximately 2,850 teachers, to a district which has 28 teachers represented by its bargaining unit.

Statement of the Problem

There appears to be a difference of opinion as to whether the fact-finding procedure in Kansas creates an atmosphere conducive for settlement in the negotiations process. In spite of the available data concerning fact-finding, very little has been done to analyze the procedure since the legislation creating it was passed. Furthermore, no systematic comparisons exist which might reveal common elements and issues among the reports of fact-finding procedures.

According to Rehmus, fact-finding has less "sex appeal" than the other common forms of neutral party participation in labor-management disputes.⁵ Fact-finding is composed of different elements than either mediation or arbitration. Fact-finding has never been closely associated with the artistry that is allegedly the skilled mediator's art; and it lacks the certainty and clout of binding arbitration. Then what are the reasons that the fact-finding procedure exists and is found in both of our major federal private sector enactments for resolving emergency disputes, (i.e., in the national emergency procedures of the Taft-Hartley Act and in the emergency board procedures of the Railway Labor Act)? More than 25 states have created fact-finding procedures to resolve an impasse in public

sector collective bargaining. Under some of these Statutes, fact-finding is mandatory if the parties have not been able to reach an agreement within a designated period of time prior to the budget submission date. For example, Section 89-11(d)(2) of the Hawaii Act provides that if a "dispute continued 15 days after the date of impasse, the Board shall appoint . . . a fact-finding board . . ." Any device that is so widely utilized and has such great appeal to legislators is worthy of our careful consideration.⁶

Purpose of the Study

This study was designed to report the issues that Kansas fact finders considered and decided upon in public school bargaining during the 1977-78 and 1978-79 school years.

The initial purpose of this study was to ascertain what items were presented for fact-finding during the two years since the implementation of the procedure by Kansas Statute in 1977. After a preliminary review of the fact finders' reports, several categories appeared to be natural groupings for the items reviewed. These were Financial Remuneration, Fringe Benefits, Working Conditions, Job Security or Tenure, Grievance Procedures, Professional Work Day, Written Agreement Terminology, Leaves or other items dealing with association privileges or rights.

The second purpose of this study was to analyze the categories of items submitted for fact-finding in each of the fact finder's reports to determine the extent of uniformity throughout the state with regard to the decision or recommendation of the fact finder on these items.

The third purpose of this study was to analyze each of the fact finders' recommendations and to determine if they were adopted, modified, or rejected, by Boards of Education.

Also, an effort was made to determine from the analysis of a questionnaire submitted to fact finders whether Boards of Education and teacher units take reasonable positions, in the opinion of the fact finder, and whether the contending parties seem to want to reach agreement on the issue of teacher salary.

The fourth purpose of this study was to analyze the qualifications of each fact finder appointed during the two years studied. An effort was also made to query each appointed fact finder, by means of a mailed survey technique, to determine his/her attitudes regarding the fact-finding process.

Other factors examined were age, sex, highest level of education, area of concentration for highest degree, as well as how each became involved as a fact finder. Additional questions about training, past and current experience in selected organizations, positions, and offices held were also examined.

Research Questions

This study was designed to answer the following questions:

1. What items were held to be at impasse and submitted for fact-finding during the 1977-78 and 1978-79 school years in Kansas public schools?
2. Could items submitted for fact-finding in the 1977-78 and 1978-79 school years by the Kansas public schools be categorized into these groupings: Financial Remuneration,

Fringe Benefits, Working Conditions, Job Security or Tenure, Grievance Procedures, Professional Work Day, Written Agreement Terminology, Leaves or Association Privileges or Rights?

3. Does there exist in the fact finders' reports for the Kansas public schools in the 1977-78 and 1978-79 school years similar items which appear to have been recommended with some degree of uniformity either for the Boards of Education or the local bargaining unit?
4. Were the recommendations of the fact-finding reports for Kansas public schools in school years 1977-78 and 1978-79 adopted, modified, or rejected by the local Boards of Education?
5. What are the demographic profiles of the individuals selected by the Kansas Public Employee Relations Board and appointed to serve as fact finders for Kansas public schools during the 1977-78 and 1978-79 school years?
6. What are the relevant opinions toward fact-finding held by the individuals appointed to serve as fact finders for the Kansas public schools in the 1977-78 and 1978-79 school years?
7. What were the most important criteria used by fact finders when comparing salaries among school districts?
8. What were the most important factors which might have influenced the recommendation on salary?

Significance of the Study

If the results of the study indicate that there is indeed a great deal of similarity not only among the items which reach impasse and are submitted for fact-finding in Kansas, but also which position on those items is recommended by the fact finder, then the data may imply to Board of Education and teacher organizations how to better prepare for the fact-finding process. In addition, a study of the opinions of actual fact finders on the ranking of selected criteria for comparing salaries of one school district with the salaries of another school district may reveal some common criteria utilized by these officials in reaching recommendations on certain specific items submitted. If there does indeed exist some uniformity in the criteria utilized by the fact finders to compare school districts and some similarity in recommendations on positions of specific items submitted to them, this, too, would have a beneficial effect for both public and union officials in the preparation of statistical data to support a position submitted to a fact finder.

Furthermore, a descriptive study of this nature will provide the reader with an analysis of the mechanics of fact-finding as utilized in Kansas public schools during the 1977-78 and 1978-79 school years. The data provided by a study of actual written fact finders' reports may also provide the Kansas Legislature with some insight as to how the Kansas Professional Negotiations Act, which includes fact-finding, worked during the first two years of its implementation. Did the inclusion of the fact-finding process in the Kansas Negotiations Law mean that Boards of Education would not unilaterally issue contracts

based solely on their last positions at or during the impasse procedure, or would Boards of Education indeed adopt the positions recommended by the fact finder? Also, a study of this nature could have significance by aiding in a more thorough understanding of the fact-finding process which in turn could create a more orderly and less emotionally-charged negotiations atmosphere.

A study which analyzes any position or recommendation which may have an economic impact on an institution that is supported by tax dollars is of value to those persons in charge of preparing or evaluating budgetary concerns. It is also possible that not only the quantity but also the quality of the educational offerings and personnel employed by that district would be affected. This would mean that those items submitted for fact-finding may indeed affect the children involved in a district which is found to be at impasse in negotiations; therefore, this study may indirectly have some significance to the quality of education in Kansas.

In examining individuals selected for fact finders and their attitudes toward the fact-finding process, many significant questions could be answered:

1. Do the variables age, sex, college degrees or previous fact-finding experience affect the selection of the fact finder?
2. Do fact finders perceive their role as one of active mediation, or as one of conducting a hearing at which opposing parties define the issues at dispute and propose their prospective resolutions for settlement?

3. What material facts, arguments, or criteria which might have been submitted to fact finders on the issue of salary would have had the greatest influence, in the opinion of the fact finder, in arriving at a recommendation of whether to adopt the Board's or teachers' position on salary?

The answers to all of these questions can be used by both parties involved in fact-finding to prepare oral and written positions during the fact-finding process. Additionally, Interim Committees of the Kansas Legislature might use the findings of this study to suggest changes in the rules and regulations and Statutes which govern the fact-finding process. Furthermore, information from this study might be utilized by the Kansas Public Employee Relations Board in the training and selection of future fact finders.

FOOTNOTES

¹Memo to Special Committee on Education from Kansas Legislative Research Department, Topeka, Kansas, June 25, 1979.

²Ibid., p. 2.

³Kansas Statutes Annotated 1977 Supplement. 72-201, 72-5413, (Topeka, Kansas: Department of Administration, 1977), p. 52.

⁴Memo to Special Committee on Education from Kansas Legislative Research Department, Topeka, Kansas, June 25, 1979.

⁵Charles M. Rehmus, Fact-Finding and the Public Interest. An Occasional Paper. (New York: Cornell University Institute of Public Employment, January, 1974), p. 1.

⁶Theodore R. Clark, Coping With Mediation, Fact-Finding and Forms of Arbitration. (Chicago, 1973), p. 14.

CHAPTER II

REVIEW OF SELECTED INFORMATION

Introduction

The pattern followed in the selected review of literature was to investigate only that literature which appeared relevant to the problem of fact-finding in public education negotiations between Boards of Education and representatives of the teachers' bargaining unit. The categories used for this purpose were:

1. the general picture of public sector collective bargaining,
2. binding and non-binding arbitration as a method of dispute,
3. the fact-finding process as a method to settle dispute,
4. the role of the fact finder, and
5. Kansas Statutes pertaining to the fact-finding process in public education teacher negotiations.

The General Picture

At the present time, 38 states and the District of Columbia have statutes or executive orders which provide legal frameworks for collective bargaining for some or all of their employees. These enactments vary widely in their nature and scope. For example, 23 states and the District of Columbia have enacted comprehensive statutes covering all public employees. In contrast, 11 states have comprehensive legislation limited to specific groups of employees. In

four states, some or all public employees have been granted collective bargaining rights to a limited extent.¹

In the past, the common method of Boards of Education and administrators in decision making was one of unilateralism in which they possessed almost full authority and responsibility for making decisions related to the delivery of educational services to the local community. This method of operation came to a halt abruptly with the advent of collective bargaining. When the posture taken by the teachers' associations changed from the "professional input" stance to the posture of advocating bilateral decision making, it became inevitable that there would be disputes between Boards and employees over the terms of the contract.² In resolving those disputes by means of bargaining, representatives of the employer and of the employee organization, as well as those called upon to serve as neutrals, were suddenly required to work with unfamiliar language, concepts and procedures.

Therefore, it is important to distinguish several terms used frequently in the collective bargaining process. A recent publication from the U. S. Department of Labor defines these terms in the order in which they are likely to arise.³

Negotiation refers to the practice of adversary parties meeting together for the purpose of reaching agreement on the items which are in dispute between them. This format of face-to-face discussion is usually carried on between the parties without any third party presence. It is usually the first step in collective bargaining but will probably recur at such other times in the impasse procedure as the parties feel will be helpful to settle all or a portion of their differences.

Mediation arises when a third party, called the mediator, comes to help the adversaries with their negotiations. He may either be designated by the government or selected

by the parties themselves. In seeking to narrow the differences between the parties, the mediator may meet with them jointly and/or separately. He continues to function only as long as the parties both agree to his presence. He will remove himself from a case when (1) agreement is reached, (2) one of the parties requests his departure, (3) the agreed upon time comes for appeal to the next step in the procedure, or (4) he feels his acceptability or effectiveness is exhausted. He operates without any authority to compel an agreement, depending instead upon his ability to persuade the parties to come together and upon their own overriding need to do so.

Fact-finding has come into use as an impasse resolution procedure in the public sector from the high "public interest" segments of the private sector (transportation, public utilities, etc.) where it originated. In this procedure a neutral or neutrals, known as a fact finder (or fact-finding panel) conducts a hearing at which the opposing parties define the issues in dispute and propose their prospective resolutions with supporting evidence and argument. Following the hearing, the fact finder(s) issues recommendations for a solution, usually in writing. Hopefully, these recommendations will be accepted by the parties and will bring the dispute to an end. They are not binding and the parties are free to accept or reject them or to use them as a basis for further negotiations. It should be obvious from this description of the process that the term fact-finding is a misnomer. Although the finding of facts is an essential element of the task, its greatest impact comes from the recommendations made by the fact finder. The contradictory term advisory arbitration is sometimes used to describe what is in reality fact-finding, arbitration by definition being final and binding, not advisory.

Arbitration as a process is similar in form to fact-finding but differs with respect to the binding nature of the decision. Unlike fact-finding, which results in recommendations, the end product of arbitration is a final and binding decision which sets the terms of the settlement and with which the parties are legally required to comply.

Arbitration may be compulsory or voluntary. It is compulsory when mandated by law, regulation and/or Executive Order and is binding upon the parties even if one of them is unwilling to comply. On the other hand, it is voluntary when the parties undertake of their own volition to use the procedure. Voluntarism could be the result of a statute which permits, rather than requires, the parties to submit disputed issues to binding arbitration on their own initiative. It could also arise from the parties' own initiative with respect to future contract impasses pursuant

to a permanent negotiation procedure. A recent innovation in arbitration is final offer selection whereby the arbitrator is restricted in his decision to select the last offer of one of the parties. The procedure may be varied by permitting a single revision of the parties' last offer, by permitting the arbitrator to make his selection on an issue-by-issue basis rather than package basis, or by providing fact-finding as a preliminary step before the arbitration. In theory the risk of the other party's offer being selected will encourage fruitful negotiation and mediation with each final offer designed to appeal to the arbitrator as more reasonable than the other.⁴

Binding and Non-Binding Arbitration as a Method of Dispute Settlement

Arbitration could become increasingly used as a third party mechanism for settling disputes. The arbitration process is essentially a judicial proceeding. The arbitrator(s) hold hearings at which each party to the dispute at impasse submits evidence which supports its position. The arbitrator(s) renders a decision which is usually called an award. This decision is similar to the verdict of the court in a civil lawsuit. The award spells out what action is to be taken with regard to each of the issues in dispute.⁵

The two most common kinds of arbitration are: binding arbitration and non-binding arbitration. Compliance with the award is compulsory in binding arbitration. In non-binding arbitration, compliance is optional. In non-binding arbitration, each party considers the award and makes a decision as to whether or not to accept it.⁶

In the public school sector, School Boards and State Legislatures have been wrestling with the problem of what to do about arbitration for many years. Many teachers' associations appear ready to accept

binding arbitration, but most School Boards and Legislatures are not. This is possibly because of a carry over from the past when School Boards could dictate salaries and working conditions, and when it was not necessary to reach a bilateral agreement.⁷

Some who are opposed to legislation to provide binding arbitration believe that binding arbitration would give teachers greater benefits than they could otherwise obtain. These people prefer either no mechanism or weaker ones such as non-binding arbitration or fact-finding. Non-binding arbitration or fact-finding can be accepted or rejected by the Board of Education. It is true, of course, that unless the State Statute provides otherwise, non-binding arbitration can also be accepted or rejected by the teachers' association.⁸

Some people question the constitutional legality of the process of binding arbitration in the public school sector. Most parties agree, however, that legislation is needed to provide an effective mechanism for resolving collective bargaining impasses in an equitable manner. But there is confusion as to what that legislation should provide. Becker believes that binding arbitration as the final step for resolving impasses is an effective mechanism.⁹

But Richard Walen, President of the National Public Employer Relations Association and a former school district staff relations director, states that binding arbitration "destroys collective bargaining" and is a "copout" for both elected and union officials. "They don't have to face the issues," he states. Furthermore, binding arbitration, in his opinion, leads to a "ripple effect" ("if one union gets 15% from an arbitrator, others want 15%") and this, according to Walen, "increases litigation and costs."¹⁰

Several states provide for some form of binding arbitration to settle collective bargaining impasses. Glasser lists the following states, counties, municipalities which have passed some form of legislation in regard to final and binding arbitration as a final step in resolving impasses in the development of new agreements in the public sector:¹¹

Alaska -- Reserved for police, fire, hospital disputes, and after injunction halting strikes.

California -- In San Francisco, both county and municipal negotiation impasses. In Los Angeles, only county negotiations.

Connecticut -- In state and municipal impasses but not for teachers. Award on an issue-by-issue basis.

Delaware -- Public sector except teachers.

District of Columbia -- Arbitration may be ordered.

Hawaii -- For all public employee impasses.

Indiana -- Parties may agree to arbitration. One final offer as a package.

Iowa -- May be ordered in all public agency impasses.

Maine -- Arbitration not binding for economic issues and binding for all others.

Maryland -- Only in two counties, Allegheny and Prince George's.

Massachusetts -- Public agency impasse may voluntarily resort to arbitration.

Michigan -- For fire and police only, award on an issue-by-issue basis for economic matters.

Minnesota -- For all public agency impasses.

Montana -- Voluntary use of arbitration permitted.

Nebraska -- Courts hold hearing to determine wages, hours and conditions of employment in public sector impasses except for teachers.

Nevada -- Fact-finding report may serve as final award if parties agree in advance to this procedure. Prior to May 1, 1977, fact-finding report could be ordered to be binding by Governor in some instances.

New Hampshire -- Voluntary arbitration could be used for non-cost items.

New Jersey -- Arbitration for all public sector impasses.

New York -- Required for police and fire department, voluntary for other departments. New York City has Board of Collective Bargaining, which issues binding decisions, but police may agree to use arbitration rather than board.

Oregon -- Required where strikes are prohibited and permitted for other impasses. Eugene requires arbitration for finality; one of the final offers must be selected.

Pennsylvania -- Required for guard and court employees, for police and fire either side may request arbitration, and permitted by voluntary agreement for all others.

Puerto Rico -- Permitted for government agencies that function as private enterprises.

Rhode Island -- Arbitration permitted but awards are advisory relative to wages, binding as to all other issues for state and municipal agencies except for police and teachers, which have no restrictions as to binding awards.

Texas -- Voluntary arbitration for fire and police only.

Utah -- Arbitration for fire departments only.

Vermont -- Arbitration permitted for municipal agencies only, not including teachers.

Washington -- Arbitration required in public sector impasse except for teachers.

Wisconsin -- Parties may voluntarily agree to arbitration at the state level, may be requested by either party in case of police and fire departments.

Wyoming -- Required for fire departments.¹²

While it may be too soon to assess fully whether the nationwide trend is toward final and binding arbitration as a procedure to settle

disputes, it is undoubtedly a method which has a foothold in at least 29 states.¹³

In Kansas, the Association of School Boards has taken an active stance to defeat any proposed legislation which includes compulsory binding arbitration in the public sector.¹⁴ As grounds for the Association's stance on compulsory arbitration, the Bill of Rights in the Kansas Constitution and the equal protection clauses of both the State and Federal Constitution are utilized.¹⁵

Of course, the Kansas National Education Association has taken an opposing view on the effectiveness of binding arbitration. In an undated publication by the Kansas National Education Association, arbitration was purported to be a time-tested, problem-solving system, used widely and successfully in American employee-employer relations.¹⁶

Fact-Finding as a Method of Dispute Settlement

Standohar defines fact-finding as a procedure which attempts to provide an acceptable alternative to the use of economic and political force in resolving disputes between employers and employees. Fact-finding usually involves a statement of issues in dispute to a neutral third party or parties. The impartial neutral third party investigates the issues and recommends a solution to the negotiating parties for further bargaining or recommends a final position to be adopted. The recommendations are not binding but can often be used successfully to solve an impasse. Fact-finding is sometimes inappropriately called advisory arbitration. The difference is fact-finding may or may not involve recommendations to the parties, while advisory arbitration always does.¹⁷

At the state and local levels, Michigan, in 1954, is believed to be the first jurisdiction to adopt a Statute authorizing fact-finding in public employment. Since then, 19 other states, including Connecticut, Delaware, Florida, Illinois, Iowa, Louisiana, Maine, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin, and Wyoming, as well as Kansas, have provided for fact-finding for all or some groups of public employees.¹⁸ Five of these states -- Connecticut, Massachusetts, Michigan, New York, and Wisconsin -- have had more extensive experience with fact-finding than the others. With the exception of Wisconsin, however, little or no research has been published, either on a state-by-state or on a comparative basis, so that any evaluation of the fact-finding experience must await completion of more systematic studies.¹⁹

Roumell, an attorney and lecturer on labor law in Detroit, calls fact-finding an effective method for solving teacher contract disputes.²⁰ "Fact-finding is neither mediation nor arbitration," states Roumell. A mediator comes into a collective bargaining impasse and attempts, through discussion, to get the parties to reach an agreement. An arbitrator decides a case and his decision, depending on the agreement, is often binding.²¹

A fact finder, theoretically, is even more impartial. He is a semi-judicial official who has been appointed or chosen to review the circumstances and data surrounding specific issues in dispute and then prepare a report with recommendations which the parties may (or may not) accept as a basis for arriving at a contract settlement. He usually enters the scene after collective bargaining has failed.

Roumell depicts two types of fact-finding assignments. The least frequent involves a grievance by one party under a collective bargaining agreement already in force. The second, which Roumell calls "interest fact finding," concerns the settlement of basic contract issues.²²

The services of a fact finder may become a part of the negotiating process in several ways. Most often, when there is no State Statute that specifically calls for fact-finding, the teachers' union and school bargaining team voluntarily agree to and mutually select a fact finder. A list of experienced specialists in fact-finding can be obtained from the American Arbitration Association, which maintains offices in most major cities, or from the Institute for the Settlement of National Disputes, with offices in Washington, D. C.²³

When state law so specifies, one of the parties to the negotiations may apply to the appropriate state agency, which sends out a list of potential fact finders from which one is selected by agreement or is appointed by the state agency. Parties to a dispute or discussion usually share the cost of the fact finder. In a few states where the fact finder is appointed by the state, the state may pay the fee.²⁴

In assessing the results of a procedure such as fact-finding, it is necessary to look at one of its purposes. In New York state, the Governor's Committee on Public Employee Relations recognized that collective bargaining in the public sector must be closely coordinated with the calendar of the legislative and budget year if it is to be

effective. They took great pains to point this out by stating:

Collective negotiations need to be closely coordinated with the budget and legislative year; indeed, an impasse is to be defined by reference to failure to achieve an agreement not less than sixty days prior to the final date of the budgetary submission.²⁵

The Committee also recognized that in the absence of economic pressures used in the private sector, such as the strike, there existed a need for certain novel procedural devices to resolve disputes. These compensating devices should be designed to permit collective bargaining, while retaining for the general public reasonable expectation of uninterrupted governmental services. The most common of these are mediation and fact-finding by third parties. Mediation permits an unstructured opportunity to continue collective bargaining with a third party present. Fact-finding is a more structured process during which the fact finder is usually presented with both oral and written evidence by the parties on the different issues in dispute. At the conclusion of the hearing or hearings, the fact finder weighs the evidence and renders a recommendation on the various issues.²⁶

Having placed fact-finding in this perspective, what then have been some of the results? Using data from the state of New York, fact-finding appears to have been successful.

The following statistics show the result of all impasses in New York state from September 1, 1967, through December 31, 1972. Approximately 80 per cent of these disputes involved bargaining units of school district employees:

Impasses	3,371
Went to fact finding	1,567 - 46.4%
Report accepted without change	478 - 30.5%

Fact finder mediated dispute to settlement	
without necessity of report	408 - 26%
Report was modified in the settlement	681 - 43.5% ²⁷

A questionnaire mailed to Superintendents of Unified School Districts in the state of Kansas concerning chief negotiators, impasses, and fact-finding for the 1979-80 school year yielded the following results: (The response rate of the questionnaire was above 95%).²⁸

The Chief Negotiator or spokesman for the School Board was a School Board member in 122 districts (40%) or the Superintendent of Schools in 83 districts (27%).

Impasse was declared in 20 districts. The 20 districts represent only 6.5 per cent of the total districts in the state. Twelve of the declared impasses ended in mediation or shortly thereafter, three ended after fact-finding, and four ended in a Board's unilateral decision. One district had still not reached a settlement.²⁹

Preliminary results of a recent study of the fact-finding process in the state of Connecticut show that in approximately 85 per cent of the cases, the parties accepted the fact-finder's recommendations in their resulting agreement.³⁰

According to a study by Krinsky, in 90 per cent of the 50 cases in which formal fact-finding reports have been issued in Wisconsin, they have been wholly or partially accepted. There were three strikes after fact-finding -- in one instance the union had rejected the findings, and in two others the employer had refused to accept the report.³¹

According to Roumell, there are certain situations in a school district where fact-finding can be very helpful in overcoming

obstacles to a satisfactory agreement. They are:

1. When militant teachers insist on unrealistic demands.
2. When a School Board refuses to make a realistic offer.
3. When teacher leadership needs help in convincing union membership that they have a fair agreement.
4. When school administrators need help in convincing the Board that they have a fair agreement.
5. When citizens will not believe that a Board needs additional funds to pay competitive teacher salaries.³²

Myron Lieberman, a leading authority on collective bargaining in the public sector, questions the value of fact-finding. In a recent article, which appeared in the American School Board Journal, Lieberman compares fact-finding to "quackery" in medicine. He states that most of the problems could be solved without any outside assistance and that consultants get credit for the "natural" recovery.³³

Lieberman's contention that fact-finding prolongs labor disputes is based on the following rationale. Sooner or later most labor disputes are settled. It is the opinion of some negotiators for both School Boards and teacher groups that a substantial number of these disputes could be settled quietly and with less bitterness without the process of fact-finding. "But as long as fact finders point to their 'high batting average' of successful settlements -- and as long as Boards and teachers are naive enough to be swayed by such nonsense, quackery and empire building will continue and the 'impartial third party' industry will flourish."³⁴

Those who agree with Lieberman's opinion concerning fact-finding believe that putting a halt to the undesirable growth of fact-finding will require a cooperative local-state effort. It is their belief that laws should not allow a dispute to be submitted to fact-finding

unless the disagreement is over a legitimate issue. Then the state mediator or official responsible for the decision to initiate fact-finding should be required to spell out the questionable factual issues and their relevance to the dispute. They feel this might reduce the number of fact-finding requests the unions ask for -- and receive -- simply as a negotiating strategy.³⁵

Zack also cites some limitations to fact-finding which are:

1. Although fact-finding has been acclaimed as providing one type of final solution to collective bargaining disputes, it does not guarantee the re-establishment of labor-management relations harmony.
2. The issuance of a fact-finding report recommending specific dispositions of a disputed issue may deadlock the parties at dispute by creating a vested interest for the successful proponents of the issue.³⁶

Allen, in his review of impasse proceedings, criticized fact-finding as it was practiced in Michigan for the following reasons:

1. In his opinion, the parties were too inexperienced to present their cases properly,
2. that fact-finding was too available because the state bore the cost, and
3. the criteria used by the fact finders were idiosyncratic and inconsistent.³⁷

Hinman points out other additional problems associated with fact-finding:

1. Too many items appear to arrive at the fact-finding stage, which might indicate that one or both parties may not have bargained in good faith.
2. Overall, employee groups may receive a greater number of positive recommendations by the fact finder.
3. On some issues at dispute, there may be failure on the part of the parties to present relevant facts. On some issues both parties may present emotional arguments unsupported by any facts, and then the fact finder really has no facts from which to make a finding.
4. Finally, it could be possible for the fact finder to fail to make recommendations based on the facts as presented.³⁸

Zack cites several advantages of fact-finding in a 1980 publication of the U. S. Department of Labor. They are:

1. Fact-finding provides a measure of finality to the public sector negotiations process which generally runs even longer than their private sector counterparts.
2. The fact-finding process tends to dispose of those issues on which the parties are genuinely unable to reach direct agreement. It does this by providing a fresh view of the disputed items by an experienced outsider making an objective determination as to the relative worth of such items.
3. Fact-finding can sometimes relieve the political pressure that both governmental and public employee organizations face on certain proposals during collective bargaining.
4. Fact-finding may provide a legitimate end of the procedural line and could produce a unique opportunity for resolution by the parties at issue through informal mediation.
5. Finally, fact-finding has taken advantage of attracting public attention to the parties' dispute and to the fact finder's proposal for resolving it. This attention may cause one side to reconsider its position.³⁹

Even though fact-finding has advantages and disadvantages as with any dispute-settling mechanism, it is nevertheless a part of several state laws which attempt to resolve public sector bargaining disputes.

The next section of this review of related information on fact-finding will report information about the fact finder and his role in the fact-finding process.

The Fact Finder

Fact-finding and fact finders, although relatively new in the literature of education, have been on the scene for a long period of time. In seventeenth century England, a fact finder was referred to as a neutral. A good neutral was described as a decisive chap with a strong personality who was capable of influencing others.⁴⁰

The neutral or impartial party usually serves functions that fall into three general categories -- mediators, arbitrators, and fact finders. Some professional neutrals are able to perform all three functions. Some prefer to work at two of the three and others to specialize in only one. But the work they perform is generally of enormous value to the parties in dispute and to the community where the dispute is located.⁴¹

Howlett, in describing the role of the fact finder, asks the question whether fact-finding is essentially mediatory or judicial in nature.⁴² Anderson states that fact finders should be equipped as "articulate and persuasive persons" who describe reasonable expectations of the parties, identify issues, and state them in clear terms for the benefit of the community.⁴³

Furthermore, Anderson depicts the role of fact finder as one who is required to consider the existence of other relevant Statutes which may influence his recommendations. Also, the fact finder must evaluate relevant criteria in the jargon of education if he is to comprehend the issues involved.⁴⁴

Word states that a fact finder is simply "a person who holds a hearing and makes recommendations."⁴⁵

In a 1978 government publication on fact-finding, the fact finder was described as an individual who possesses a high level of expertise in labor relations. This expertise should be coupled with a profession that allows him to remain objective and neutral in his role as fact finder. Also, these persons who serve as fact finders should be regularly evaluated to ensure their objective and competent performance.⁴⁶

Zack describes the fact finder as a "mediator armed with a club."⁴⁷ If the fact finder's role is to seek a voluntary settlement and the parties know that and fail to resolve issues, then his findings must be made public, and this could be to the disadvantage of one side or the other.

Zack also points out that the fact finder may enhance his ability to produce settlement by offering to prepare a public report that will reflect a settlement by the negotiators in more acceptable form to their principals.⁴⁸

In other writings on fact-finding, Zack also points out that not only should it be the role of the fact finder to write the report but, in addition, the neutral third party should be expected to help "sell" the settlement to the principals involved.⁴⁹

McKelvey sees the role of the fact finder to be more effective in smaller communities and rural areas than in large urban centers that may have strong labor organizations existing in both the public and private sectors.⁵⁰

Since there appear to be as many conceptions of the role of the fact finder as there are authors on the subject, Yaffe suggests that those interested in the collective bargaining process in the public sector should not be unduly concerned about the disagreement which exists over the appropriate definition of the fact finder's role, since disagreement has existed for three decades over the appropriate role of an arbitrator in grievance disputes, and yet the arbitration process has not suffered because of these disagreements.⁵¹ In fact, one might argue that both fact-finding and arbitration have continued

to remain effective in part because these disputed issues continue to be important to all of the parties.⁵²

It is probably accurate to state that the role of the fact finder varies significantly, depending on many circumstances, including but not limited to:

1. The Statute under which he/she is operating.
2. The agency responsible for the administration of the Statute.
3. The fact finder's own instincts, values and skills.
4. The nature of the issues in dispute.
5. The desires and bargaining skill of the parties.
6. If mediation has preceded fact-finding.
7. If the fact finder is operating as an individual or as a member of a panel.
8. The time of the fact finder's intervention.⁵³

McKelvey points out that there appears to be a lack of published raw material about fact-finding even though fact finders' reports are flooding the market.⁵⁴ These reports could make available information for research on the major issues, criteria and standards involved in reaching conclusions by fact finders. These raw data could, when analyzed, throw some light on fact-finding's potential uses in the public sector. McKelvey states that "what is needed is a systematic investigation of the results of fact-finding in terms of the acceptance, non-acceptance, or modification of awards."⁵⁵

Fact-Finding In Kansas

The final section of the review of related information will focus on a description of the Kansas Negotiations Law and the amendments made to it, including those made in the 1979 Legislature in order to determine at what point in the negotiations process fact-finding is mandated by Kansas Statute. To respond to these statements, the writer will rely heavily on materials and publications from the

following:

1. Kansas Legislative Research Department,
2. Kansas Public Employee Relations Board (PERB), and
3. Kansas Statutes.

In 1970 Kansas enacted its first Public Employee Professional Negotiations Law. Prior to that law, some Kansas school districts had agreements or policies concerning negotiations with their employees. But, for the most part, Boards across the state still unilaterally offered contracts to the teachers and determined the terms and conditions of employment.⁵⁶

The 1970 law defined "professional negotiation" to mean ". . . meeting, conferring, consulting, and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service."⁵⁷

The 1970 enactment did not contain provisions for impasse procedures. These were added in the 1977 legislative session along with impasse declaration, mediation and fact-finding. In addition to the above, other 1977 amendments to the 1970 enactment were:

1. Terms and conditions of professional service were defined.
2. Responsibilities for resolving unit determination and recognition questions and for performing certain administrative duties in connection with the new impasse resolution process were assigned to the Secretary of Human Resources, rather than the State Department of Education which formerly had the responsibility for unit determination and recognition questions.

3. Prohibited practices of the employer and employee organizations were added.
4. Administrative employees were excluded from coverage under the law.
5. Negotiation sessions were required to be open to the public.

The 1977 amendments to the 1970 Professional Negotiations Law created for the first time the mechanism to add third party assistance in reconciling a dispute between Boards and teachers.⁵⁸

The 1977 Statute stated that:

if in the course of professional negotiation whether the Board of Education or the recognized professional employees' organization, or both, believe that an impasse exists therein, either party individually or both parties together may file a petition in the District Court.⁵⁹

The court has five days to hear the petition and if no impasse is declared, the parties are sent back to the table. If an impasse is declared by the Court, the Secretary of Human Resources of the state of Kansas is notified and sent a copy of the court findings. The costs of the court proceedings are to be borne equally by the parties at impasse.⁶⁰

In the 1979 legislative session the impasse declaration procedure was changed to permit the professional employees' organization and the Board of Education, when and if they agree that an impasse in negotiations exists, to bypass petitioning the District Court for a finding of impasse. If this agreement on impasse exists, then both parties can jointly petition the Secretary of Human Resources to commence the next step in the impasse resolution procedure.⁶¹

The next step in the impasse procedure is mediation which is defined by Statute as:

the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiations between a Board of Education or its representatives and representatives of the recognized professional employees' organization.⁶²

The Secretary or his designee (which in Kansas is the Director of the Kansas Public Employee Relations Board)⁶³ then appoints an impartial mediator who attempts to assist the parties in resolving the impasse(s). The mediator is to come from a list of qualified and impartial individuals who are "representative of the public," and when practicable, federal mediation and conciliation services are to be used. The mediation activity normally occurs with the parties at impasse during a seven-day period after the mediator is appointed. If either party to the impasse finds after the seven-day period that mediation has failed to resolve the issue(s), then they may petition the Secretary of Human Resources to appoint a fact-finding board.⁶⁴ Again, as in the court proceedings, the cost of mediation "shall be borne equally by the Board of Education and the professional employees' organization."⁶⁵

Now the stage is set for fact-finding. Negotiations are deadlocked at the table; the court or, after 1979, the parties have declared an issue or issues at impasse; and the state-appointed mediator has failed in getting the parties to resolve the item(s) in dispute.

The definition of fact-finding found in Kansas Statute is:

the investigation by an individual or board of a dispute concerning terms and conditions of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a description of the issues involved, the findings of fact regarding such issues, and the recommendation of such individual or board

on each of the issues involved, that the dispute be resolved by adoption of either the final position of the Board of Education on each of the issues involved or the final position of the professional employees' organization on each of the issues involved.⁶⁶

The next and final step in the Kansas impasse resolution machinery begins with the Secretary of Human Resources receiving a written request or certificate from one or both parties at dispute to appoint a fact-finding board. It is clearly stated in the law that this fact-finding board can consist of not more than three members taken from a list of individuals maintained by the Secretary of Human Resources. This individual or these individuals cannot have been the mediator who was appointed in this dispute and must be an individual who is a "representative of the public."⁶⁷

After this fact-finding board is appointed, it is charged with meeting with the parties at dispute, either individually or together, and making an investigation on the issue(s) at impasse. The parties involved must present to the fact-finding board a description of the issue(s) and include in that description the specifics of the final position of the parties on each issue at dispute.⁶⁸

It is interesting to note that the Statutes allow the parties at impasse to change their final position on an issue possibly up to the time it has to be submitted to the fact finder. The fact finder is given broad powers to secure needed evidence and testimony which include:

the power to administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence and compel attendance of witnesses and the production of documents by the issuance of subpoenas. In the event of refusal to obey a subpoena on the part of any person or persons, the fact-finding board shall have authority to bring an action to enforce the subpoena in a court of competent jurisdiction.⁶⁹

After the fact-finding hearing, the fact-finding board is charged by Statute to submit a private report to the parties and the Secretary within ten days after its appointment. An extension of not more than seven days could be granted to the fact finder before the private report is filed if the extension is mutually agreed upon by the parties at dispute. After both parties and the Secretary receive the fact finder's report, either of the parties at dispute can release all or part of it at will, but the Secretary may not make the report public until the expiration of a ten-day period or a seven day or less extension, if applied for by mutual agreement of both parties at dispute.⁷⁰

After the mediation and the fact-finding report is made public, and then only if the Board and the recognized employees' organization have not resolved the impasse and reached agreement, do the Statutes of Kansas charge the Board of Education to "take such action as it deems in the public interest, including the interest of the professional employees involved." Furthermore, this action taken by the Board is to be made public.⁷¹

Summary

Fact-finding in the public sector, primarily in the negotiations between public school Boards of Education and the recognized representatives of the teacher employees, has its historical roots in private labor law.

Prior to the 1960's, before the advent of collective bargaining and forms of arbitration, the Board of Education allowed teachers' associations the right of "professional input," yet made a unilateral

decision regarding the terms and conditions of teacher employment.

In 1970, Kansas enacted its first Public Employee Professional Negotiations Law. Amendments were made to this law in both 1977 and 1979 which clearly defined the fact-finding process affecting unified school district negotiations in the state of Kansas.

Variations occur throughout the literature as to the scope of involvement of the fact finder in the negotiations process. Also, the advantages and disadvantages of the fact-finding process are noted. Research, however, in states of New York, Connecticut and Wisconsin has shown that the fact-finding process resulted in most cases in the settlement of the issues at impasse.

The definition of the role of the fact finder varies from that of mediatory to judicial. Questions arise as to whether or not the recommendations of the fact finder should be immediately made public. The effectiveness of the fact-finding process in rural versus urban areas is questioned. McKelvey emphasizes that what is needed is a systematic investigation of the results of fact-finding in terms of the acceptance, non-acceptance or modification of awards.

In reviewing the literature on the fact-finding process, the role of the fact finder and the provisions in the Statutes of Kansas, one may determine a clear need to continue examination of fact-finding in public education teacher negotiations.

FOOTNOTES

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⁶*Ibid.*

⁷*Ibid.*, p. 8.

⁸*Ibid.*, p. 12.

⁹*Ibid.*, p. 13.

¹⁰"Interest Arbitration: Disliked but on the Increase," Education USA, XXIII (January 26, 1981), p. 169.

¹¹Joseph Glasser, "Some Suggested Impasse Resolution Procedures," Journal of Collective Negotiations, VIII (1979), pp. 210-211.

¹²*Ibid.*, p. 231.

¹³*Ibid.*, p. 221.

¹⁴Memo to Attorney General Robert Stephan from Kansas Association of School Boards, Topeka, Kansas, February 11, 1980.

¹⁵*Ibid.*, p. 3.

¹⁶Questions and Answers on Arbitration (Topeka, Kansas: KNEA Headquarters, undated).

¹⁷Paul D. Standohar, "Fact Finding for Settlement of Teacher Labor Disputes," Phi Delta Kappan, LI (April, 1970), p. 422.

¹⁸Ibid., p. 422.

¹⁹Jean T. McKelvey, "Fact-finding in Public Employment Disputes, Promise or Illusions?" Industrial and Labor Relations Review, XXIII (July, 1969), pp. 528-543.

²⁰George T. Roumell, Jr., "Fact Finding Can Unblock Bargaining Impasse," The Nation's School, LXXXV (March, 1970), pp. 77-79.

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²²Ibid.

²³Ibid.

²⁴Ibid., p. 78.

²⁵S. B. Hinman, Jr., "Fact Finding in Public Education Negotiation Disputes: A Management View," Journal of Law and Education (April, 1974), pp. 275-279.

²⁶Ibid., p. 276.

²⁷Gordon Nelson, "The 1979-80 Practice of Board-Teacher Negotiating in the Public School Sector of the State of Kansas," Research Bulletin, X (January, 1980), pp. 1-11.

²⁸Ibid., p. 3.

²⁹Joseph Glasser, "Some Suggested Impasse Resolution Procedures," Journal of Collective Negotiations, VIII (1979), p. 212.

³⁰Ibid.

³¹Edward Krinsky, "Fact-Finding, Mediation, and Strikes" (unpublished Ph.D. dissertation, University of Wisconsin, 1969.)

³²George T. Roumell, Jr., "Fact Finding Can Unblock Bargaining Impasse," The Nation's School, LXXXV (March, 1970), pp. 77-79.

³³Myron Lieberman, "Fact Finding Prolongs Labor Disputes," American School Board Journal, CLVI (August, 1978), pp. 35-49.

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³⁷Russell Allen, "1967 School Disputes in Michigan," (paper presented at the Joint Conference of the Association of Labor Mediation Agencies in Puerto Rico, August 19-24, 1968), p. 8.

³⁸S. B. Hinman, Jr., "Fact Finding in Public Education Negotiation Disputes: A Management View," Journal of Law and Education, III (April, 1974), pp. 275-279.

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⁴⁰Harold R. Newman, "Using Neutrals to Help Settle Impasse," Handbook of Faculty Bargaining (San Francisco, 1977).

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⁴²Robert Howlett, "Fact-Finding: Its Values and Limitations, Comment." Proceedings of the 23rd Annual Meeting of the National Academy of Arbitrators, Washington, D. C., 1970.

⁴³Arvid Anderson, Arbitration and Social Change (Washington, D. C., 1970), p. 115.

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⁴⁵William R. Word, "Fact-Finding in Public Employee Negotiations," Monthly Labor Review, VIII (February, 1977), pp. 32-38.

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⁵³*Ibid.*, p. 268.

⁵⁴Jean T. McKelvey, "Fact Finding in Public Employment Disputes: Promise or Illusion?" Industrial and Labor Relations Review XXIII (July, 1969), p. 532.

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⁵⁶Memo to Special Committee on Education from Kansas Legislative Research Department, Topeka, Kansas, June 25, 1979.

⁵⁷Memo to Special Committee on Education from Kansas Legislative Research Department, Topeka, Kansas, May 8, 1980.

⁵⁸Memo to Special Committee on Education from Kansas Legislative Research Department, Topeka, Kansas, June 25, 1979.

⁵⁹Kansas Statutes Annotated 1977 Supplement. 72-5426(a) (Topeka, Kansas: Department of Administration, 1977), p. 55.

⁶⁰Ibid., p. 56.

⁶¹Memo to Special Committee on Education from Kansas Legislative Research Department, Topeka, Kansas, June 25, 1979.

⁶²Kansas Statutes Annotated 1977 Supplement. 72-5413(h), (Topeka, Kansas: Department of Administration, 1977), p. 52.

⁶³Guidelines for Kansas Fact Finders (Topeka, Kansas: Public Employee Relations Board, 1980), pp. 61-75.

⁶⁴Kansas Statutes Annotated 1979 Supplement. 72-5427(a)(b)(c), (Topeka, Kansas: Department of Administration, 1979), p. 67.

⁶⁵Kansas Statutes Annotated 1979 Supplement. 72-5429, (Topeka, Kansas: Department of Administration, 1979), p. 69.

⁶⁶Kansas Statutes Annotated 1979 Supplement. 72-5413(i), (Topeka, Kansas: Department of Administration, 1979), p. 62.

⁶⁷Kansas Statutes Annotated 1979 Supplement. 72-5428(a), (Topeka, Kansas: Department of Administration, 1979), p. 68.

⁶⁸Kansas Statutes Annotated 1979 Supplement. 72-5428(b), (Topeka, Kansas: Department of Administration, 1979), p. 68.

⁶⁹Kansas Statutes Annotated 1979 Supplement. 72-5428(c), (Topeka, Kansas: Department of Administration, 1979), p. 68.

⁷⁰Kansas Statutes Annotated 1979 Supplement. 72-5428(d)(e), (Topeka, Kansas: Department of Administration, 1979), p. 68.

⁷¹Kansas Statutes Annotated 1979 Supplement. 72-5428(f), (Topeka, Kansas: Department of Administration, 1979), p. 68.

CHAPTER III

METHODOLOGY

This study encompassed four purposes. First, it was an attempt to ascertain what items were presented for fact-finding in Kansas during the 1977-78 and 1978-79 school years and to categorize these items into general subject areas. Second, the study attempted to analyze specific categories of items submitted to fact-finding to determine if there was any statewide uniformity in the way these categories were recommended. Third, the fact finders' recommendations were analyzed to determine if they were adopted, modified, or rejected by Boards of Education. Fourth, fact finders were surveyed as to their opinions on the reasonableness of positions taken by Board and teacher units, their demographic background and their attitudes on the fact-finding process. Furthermore, an examination of the Kansas Negotiation Statutes and selected amendments made to it was presented in Chapter II, Review of Selected Information, for the purpose of describing at what point in the negotiation process fact-finding is mandated.

Definitions

The following definition of terms is given to clarify the language of this paper. Some of the terms utilized in the study are more delimited than popular use of the terms would suggest and several of the terms are defined as per Kansas Statutes.

Arbitrator -- An impartial third party to whom disputing parties submit their differences for decision (award).

Board of Education -- The locally elected governing body in any school district in the state of Kansas.

Fact-Finding -- The investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation. The process includes the submission of a report by such individual or board to the parties to such dispute. The report includes a description of the issues involved, the findings of fact regarding such issues, and the recommendation of such individual or board on each of the issues involved. The individual or board must recommend that the dispute be resolved by adoption of either the final position of the Board of Education on each of the issues involved or the final position of the professional employees' organization on each of the issues involved.

Fact Finder -- A qualified and impartial individual who is representative of the public and appointed to serve on a fact-finding board.

Fact-Finding Board -- A board of not more than three members appointed to do fact-finding.

Impasse -- That point which has been affirmed by a District Court or the Kansas Secretary of Human Resources in the professional negotiations process at which either party determines that no further progress in reaching an agreement can be made.

Mediation -- The effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course

of professional negotiations between a Board of Education or its representatives and representatives of the recognized professional employees' organization.

Professional Negotiations -- Meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.

Teacher Bargaining Unit -- Any one or more organizations, agencies, committees, councils or groups of any kind in which professional employees participate, and which exist for the purpose, in whole or part, of meeting, conferring, consulting and discussing with Boards of Education with respect to the terms and conditions of professional service.

Design

The design of this study was descriptive in nature, involving only percentages, rank orders and means. It covered the following areas:

1. Identifying, reporting and grouping items at impasse presented for fact-finding in 1977-78 and 1978-79.
2. Categorizing items accepted, modified and rejected by Boards of Education for 1977-78, 1978-79 and a combination of the two years studied. Results are shown as a percentage of the total number for each category and a percentage of total number of items submitted.
3. Reporting the number of faculty and students in districts involved in fact-finding.

4. Reporting the estimated dollars cost and the hours of preparation for fact-finding by Boards of Education.
5. Reporting if there were meetings of the Board and teacher bargaining unit during fact-finding and after the fact finder's report was issued.
6. Listing and analyzing the data describing the fact finders appointed during the two-year study. Percentages are given to indicate age, sex, highest level of education, areas of concentration for highest degree, methods of involvement as a fact finder, publications, current employment positions, training received prior to first fact-finding assignment, memberships, positions and offices held and experiences prior to first assignment.
7. Listing the fact finders' recommendations for training of future fact finders. Results are shown in raw score, mean score and rank order.
8. Reporting the fact finders' attitudes toward fact-finding process. Results are shown in raw and mean scores.
9. Reporting the type of salary issue at impasse. Results are reported in percentages.
10. Reporting the fact finders' opinions on the validity of salary information presented by the parties at dispute. Results are shown in percentages. Responses to open-ended questions were also reported.
11. Criteria used to compare salaries among school districts. Results are shown in rank order, raw score and mean score.

12. Possible factors which might have influenced recommendations on salary items by the fact finder. Results are shown in rank order, raw score and mean score.

Scope and Limitation of the Study

This study included all of the 17 public school districts in Kansas which were declared at impasse on one or more issues during teacher contract negotiations and which went to fact-finding. This study was limited to the years 1977-78 and 1978-79, the first two years that fact-finding was a part of the Kansas Negotiations Statute. This limitation was necessary to analyze the Negotiations Law in effect and because of the comprehensive nature of the data collected. The fact-finding reports used and results of action taken by Boards of Education on the fact-finding recommendations encompassed all issues which were at impasse for the identified school districts and for which a recommendation was written by a fact finder. Selected demographic data about fact finders were analyzed to determine if any characteristics were common among the fact finders. The choice of demographic data selected for review were selected in consultation with the Director of Research for the Kansas Association of School Boards. Prior discussions with public school fact finders assisted in the determination of the attitudes of fact finders chosen for study. Criteria for comparing salaries among school districts and factors which might have influenced the recommendation on the issue of salary were selected in consultation with the Director of Research for the Kansas Association of School Boards.

Collection of Data

To determine the number of districts at impasse during 1977-78 and 1978-79, the following steps were taken:

1. The Kansas Association of School Boards in Topeka, Kansas, was contacted for a list of public school districts which were at impasse and which utilized the fact-finding procedure for the first two years following its incorporation in 1977 Kansas Statutes.
2. The Kansas Public Employees Relations Board (PERB) in Topeka, Kansas, (the authorized representative of the Kansas Secretary of Human Resources which is charged by Statute to maintain a list of qualified and impartial individuals who may be appointed as fact finders) was contacted for:
 - a. copies of public school district fact finder reports filed during 1977-78 and 1978-79 school years, and
 - b. names and addresses of individuals who were appointed as fact finders during the two-year study.

This resulted in the names of the 14 different fact finders available for the survey and the names of 17 public school districts at impasse. A questionnaire was developed and sent to the Superintendents of the 17 districts at impasse. A cover letter was attached to the questionnaire explaining the purpose of the study.

The Superintendents of the 17 districts at impasse were asked:

- a. to identify the year in which they were declared at impasse,
- b. to identify the issues which were submitted to fact-finding,
- c. whether the recommendation was for the Board of Education or the teacher bargaining unit,

- d. whether the Board accepted, modified or rejected the recommendation,
- e. the approximate cost of the fact-finding procedure,
- f. the approximate number of hours involved in the fact-finding process,
- g. whether or not the Board and teacher teams continued to meet during the fact-finding process,
- h. whether or not the Board and teacher teams met at least one time following fact-finding and before final action was taken by the board.

The fact finder reports supplied by PERB and the questionnaires sent to the Superintendents of the seventeen school districts yielded the number and types of issues at impasse and submitted to fact-finding.

If, at any time, the Superintendent's questionnaire differed from the fact finder's report in identification of an issue at impasse or recommendation made by the fact finder, the fact finder's report was used as the final authority.

A difficulty arose in collection of some data from the Superintendents. This was because of the fact that in two cases the current Superintendent was not in that position at the time of the fact-finding process and because of the time lag between the actual fact-finding procedure and the reporting of data on this questionnaire. There was 100 per cent return on all questionnaires; some necessary follow-up contact by telephone was made when responses were unclear or questions unanswered. A weakness may have arisen when questions dealing with fact-finding cost incurred by the Board and

total man hours involved in the fact-finding process were not answered by all responding Superintendents.

All individuals identified by PERB who were appointed and served as fact finders in the two years studied were sent a two-part questionnaire. Nowhere on the questionnaire was there a place for the person responding to identify himself or the district about which he was responding. An unmarked envelope was attached to each questionnaire along with a cover letter explaining the purpose of the study and assuring the confidentiality and anonymity of the respondent.

The first part of the questionnaire was answered by each of the 14 fact finders and included:

- a. demographic information about age, sex, highest level of education, area of concentration for highest degree, method of involvement as a fact finder, number of training seminars attended that were operated by the PERB board, as well as other related training received,
- b. opinions of the fact finders about which training areas should receive the most concentrated effort for future fact finders in Kansas teacher negotiations,
- c. selected memberships, positions or offices held by fact finders in the most recent past five years and the period previous to the past five years,
- d. experiences in mediation, arbitration or fact-finding prior to first assignment as a Kansas public education fact finder,
- e. publications authored in the area of public sector labor negotiations, and

f. current employment position.

Included in the first section of this questionnaire was a survey of attitudes toward fact-finding. Fact finders were asked to respond, using a Likert scale, to seventeen attitudes.

Fact finders were asked to fill out Part II of the questionnaire for each of the districts in which the fact finder had been appointed either as an individual or member of a fact-finding board. This resulted in fourteen fact finders responding to a total of twenty-one appointments. Fact finders were asked:

- a. if an item concerning teachers' salaries was at impasse,
- b. to describe the salary issue at impasse,
- c. if, in the fact finder's opinion, the Board and teachers' units had taken a reasonable position and wanted to reach agreement on the salary issue,
- d. if the fact finder had access to the court findings which declared the issue of salary at impasse and if the findings were helpful,
- e. if there was cause to doubt the accuracy of data presented by the Board of Education representatives or the teacher representatives and the influence this doubt may have had on the decision,
- f. if fringe benefits were considered separate from salary and, in the fact finder's opinion, if fringe benefits should be combined with salary to arrive at a total salary package,
- g. if other information was utilized that was not presented by either party in reaching a decision on salary (two open-ended questions allowed a response of the kinds of other

information used and what other types of information the fact finder would have liked to have been provided),

- h. if the other information provided in open-ended questions could have altered the decision,
- i. if the fact finder would consider the impact of all issues on the district when arriving at recommendations in a situation involving two or more issues at impasse,
- j. if only salary and/or fringe benefit issues were at impasse, whether prior settlement of other issues affected the recommendation,
- k. if the salary information provided by the Board of Education and the teacher unit was factual, of adequate quality and quantity,
- l. if the district claimed inability to pay,
- m. if the teachers claimed that the district was able to pay,
- n. if the district's ability to pay was an important issue in reaching the recommendation, and
- o. if the district's statutory increase in total budget authority had an influence on the recommendation on salary.

The question of confidentiality on some of the responses resulted in the choice of some fact finders not to respond to all of the questions on Part II. If the respondents failed to answer some of the questions, the information was simply not recorded; but the questionnaire was not discarded and was still considered valid in regard to other items of information.

Fact finders were presented nine criteria and were asked to use a numbered scale to rank the items in importance for comparing salaries of one school district with salaries of another school district.

Fact finders were given a list of 15 items which might have been submitted on the issue of salary and asked that they rank them in order of importance as to which of the facts, arguments, or criteria would have had the greatest influence in arriving at a recommendation to adopt the Board's or teachers' position on salary.

Two possible weaknesses in this data are:

1. the length of time elapsed between writing the recommendation and responding to this questionnaire, and
2. the difficulty involved in ranking nine or more items.

All data from above questionnaires and reports were tabulated by hand. A calculator was used to combine raw scores, calculate percentages and calculate measures of central tendency.

Information on the background of the Kansas Negotiations Statute and its related amendments since 1970 was gathered from the Kansas Legislative Research Department, the Kansas State Department of Education, and the Kansas National Education Association, all officed in Topeka, Kansas, and reported in Chapter II as background information for the study.

Analysis of Data

Information concerning fact finders' recommendations for training, attitudes toward fact-finding, criteria for comparing salaries among school districts, and possible factors which might have influenced recommendations on salary was reported in interval data. Thus, results of the research in these areas could be reported in terms of all three measurements of central tendency: mean, median and mode. The mean was chosen as the most descriptive to report and

compare parts of the data, because it allowed for combining the relative weight assigned to individual items by each fact finder.

The remainder of the data on the reports and questionnaires was nominal or open-ended question information. Where only nominal information was available, the results were presented in percentages. Where open-ended questions were used, responses were simply reproduced.

CHAPTER IV

PRESENTATION AND ANALYSIS OF DATA

The purpose of this chapter is to describe and analyze the data collected in the study. The presentation of the data and the analysis and interpretation of the data is divided into the following areas:

1. 1977-78 fact finder's reports,
2. 1978-79 fact finder's reports,
3. combined data from 1977-78 and 1978-79 fact finder's reports,
4. a demographic analysis of Kansas fact finders, and
5. an attitudinal survey of Kansas fact finders.

There were 17 public school districts in Kansas involved in fact-finding in the two years studied: ten school districts in the 1977-78 school year and seven in the 1978-79 school year. Data from copies of the actual fact finders' reports filed with the Kansas Public Employee Relations Board (PERB) in conjunction with data taken from questionnaires sent to the Superintendent of Schools of each of the 17 public school districts were utilized in the preparation of the tables found in this chapter. Furthermore, additional data were gathered by an attitudinal survey sent to each of 14 state-appointed fact finders for the two years being studied. These data are also presented for analysis and interpretation.

The ten public school fact finder reports filed with the Kansas Public Employee Relations Board in 1977-78 and the seven fact finder

reports which were filed in 1978-79 were utilized to gather items submitted as issues at impasse for fact-finding. Items dealing with similar areas or issues were grouped into nine separate categories. These nine categories were then assigned symbols to be used in the presentation of data in this chapter. The nine categories and their assigned symbols are shown in Table I.

TABLE I
GENERAL ITEM CATEGORY NAME

No.	General Item Category Name	Assigned Symbol
1	Financial Remuneration	FR
2	Fringe Benefits	FB
3	Grievance Procedure	G
4	Association Rights/Privileges	A
5	Professional Work Day	PWD
6	Leaves -- All Types	L
7	Written Agreement Terminology	WAT
8	Working Conditions	WC
9	Tenure Rights/Job Security	T

The following definitions were utilized by the writer to assign items submitted to fact-finding into the nine categories listed in Table I:

Financial Remuneration -- Those items at impasse which are related to pay. This could be either regular or supplemental pay for an employee or an item which is directly or indirectly related to a salary schedule. Also included in this category is terminology which has an effect on compensation. (e.g., "extended day," "compensation for curriculum committee meetings.")

Fringe Benefits -- Those items at impasse which relate to compensation other than salary, (e.g., "annuities," "insurance,") or other similar benefits that are given to an employee in addition to direct wages. Also items dealing with contract wording about fringe benefits are placed in this category.

Grievance Procedure -- Those items at impasse which involve wording of the contract agreement regarding the methods used in processing a complaint made by an individual employee, the union, or the management. Such procedures properly planned and implemented allow the work place to continue operating without interruption, (e.g., "binding arbitration of grievance").

Association Rights/Privileges -- Those items at impasse which involve contract agreement wording which have a direct effect on the rights or privileges of a teacher organization or its membership, (e.g., "association leave").

Professional Work Day -- Those items at impasse which involve the duty day or year. As an example, the time that the teacher spends during, before or after his/her regular classroom assignment on school-related tasks, (e.g., "leaving building during duty hours").

Leaves -- Those items at impasse which involve allowed time off the job either with or without pay, (e.g., "personal or professional leave").

Written Agreement Terminology -- Those items at impasse concerning the wording of the contract or agreement. These items deal basically with, but are not limited to, the form of the negotiated agreement, (e.g., "reopener clause," "contract wording").

Working Conditions -- Those items at impasse concerning on-the-job conditions at work, (e.g., "transfer policy").

Tenure Rights/Job Security -- Those items at impasse which either protect employees from dismissal or grant long-term employment security after a probationary period, (e.g., "due process for probationary teachers").

In Table II are the symbols and definitions utilized in the other tables found throughout this chapter.

TABLE II
DEFINITIONS AND SYMBOLS

Symbol Utilized in Tables	Definition
BOE	Board of Education
TBU	Teacher Bargaining Unit
FTE	Full Time Equivalency
PERB	Kansas Public Employee Relations Board
%	Percentage
N	Number of respondents

In order to determine those issues submitted to fact finders in the 1977-78 school year, a copy of each of the ten fact finder reports submitted to the Kansas Public Employee Relations Board was obtained from its office located in Topeka, Kansas. Further information was obtained about whether the Boards of Education accepted, modified or rejected the fact finder's recommendations by sending a questionnaire to the Superintendent of Schools in each of the ten unified public school districts which were identified by the Kansas Public Employee Relations Board as districts which engaged in fact-finding in the 1977-78 school year. All ten of the Superintendents from the public school districts responded to the questionnaire. Information as to items at impasse and submitted to fact-finding were taken from copies of the fact finder reports and compared to the responses of the Superintendents. If there was a discrepancy in information, the fact finder's report was accepted on the issue involved. The questionnaire to Superintendents was utilized to gather data about the estimated dollar costs and time involved in the fact-finding process and whether the Boards of Education accepted, modified, or rejected the recommendations submitted to them in the fact finder's report. Other data collected from the questionnaire sent to the Superintendents included whether the Board and teacher bargaining units continued to negotiate during the fact-finding process and if the Board of Education or its bargaining team met at least once with the teacher team after the fact-finding process was complete but before the Board took action on the report.

The initial purpose of this study was to ascertain what items were presented for fact-finding during the two years since its

implementation in 1977. Also, the first, second and fourth research questions of this study ask:

1. What items were held to be at impasse and submitted for fact-finding during the 1977-78 and 1978-79 school year?
2. Could these items be placed in separate categories?
3. Were the recommendations of the fact finder accepted, modified or rejected by the local Boards of Education?

1977-78 Data and Analysis

Table III presents an abbreviated report of the data in answer to these research questions for the 1977-78 school year. To be counted in the totals of Table III, an item must have received a recommendation in a fact-finding report.

Column totals in Table III indicate that there were a total of 33 items recommended by the fact finders for the Board and 38 items recommended for the teacher bargaining units for a total of 71 items in ten public school districts. Also reflected in Table III but not used on the column totals are two items submitted to fact-finding which in turn were submitted to the court to determine negotiability without recommendation. Also noted was one item submitted for fact-finding on which both the teacher bargaining unit and the Board team presented the same final position to the fact finder. Of the 71 total items recommended by the fact finder, the Boards accepted 47, modified 8 and rejected 16.

TABLE III

ITEMS PRESENTED FOR FACT-FINDING IN 1977-78 SCHOOL YEAR

District	Category	Item at Impasse	Recommended for		Board of Education		
			BOE	TBU	Accepted	Modified	Rejected
A	FR	Salary schedule - base steps		X			X
	FR	Supplemental Salary Schedule	X		X		
	FB	Benefit pool		X	X		
	FR	Compensation for curriculum	X		X		
	FR	Approval of college hours for salary movement	X		X		
	PWD	Attendance at evening meetings		X			X
	PWD	Exceptions to duty hours		X			X
	PWD	Leaving building during duty day	X		X		
	WC	Notification of complaints		X	X		
	G	Binding arbitration in grievance	X		X		
B	WAT	Reopener clause if additional funds are available	X		X		
	FR	Additional steps on salary schedule	X		X		
	L	1 additional sick leave day (personal)		X	X		
	FB	Fringe benefits		X			X
	FR	Teacher substituting for another teacher	X		X		
	PWD	Preparation period for elementary teachers	X		X		
	T	Due process for probationary teacher	X		X		
	FR	Salary: total dollars, base, index		X			X
C							

TABLE III (continued)

District	Category	Item at Impasse	Recommended for		Board of Education		
			BOE	TBU	Accepted	Modified	Rejected
D	WAT	Duration of agreement		X			X
	G	Grievance procedure	X		X		
	L	Leaves benefits	X		X		
	FB	Fringe benefit contribution	X		X		
	FR	Salary-base vs. emphasis at higher levels merit pay		X	X		
E	FR	Salary	X		X		
	WAT	Contract wording		X	X		
	FR	Travel allowance		X	X		
	L	Teacher absence (sick pool)		X	X		
	WC	*Class size					
F	FR	*Supplemental Contract					
	FR	**Base Salary					
	FR	Index salary schedule		X			X
	FB	Fringe Benefits	X		X		
G	FR	Base Salary	X		X		
H	FR	Base Salary	X		X		
	A	Association leave	X		X		
I	PWD	Contract days		X			X
	FR	Salary		X			X
	FR	Longevity		X	X		
	FR	Psychologists' pay		X		X	
	FR	Coaches' pay	X		X		
	FR	Counselors' pay		X		X	
	FR	Mileage between building assignments		X			X
	FB	Blue Cross/Blue Shield insurance coverage		X			X
	A	NEA dues deductions		X	X		
	A	NEA business		X	X		

TABLE III (continued)

District	Category	Item at Impasse	Recommended for		Accepted	Board of Education		Rejected
			BOE	TBU		Modified		
J	A	NEA school mail	X		X			
	WAT	Professional agreement reproduction	X		X			
	PWD	Length of day		X		X		
	G	Grievance procedure		X	X			
	G	Arbitration of grievance		X	X			
	WC	Late resignation		X	X			
	WC	Transfer policy	X		X			
	FR	Summer pay		X		X		
	FA	Duration retroactive contract		X	X			
	FR	Salary schedule	X		X			
	FR	Nurses' salary		X		X		
	FB	Insurance Benefits		X				X
	FR	Car Allowance	X		X			
	FR	Extra duty pay	X		X			
	PWD	Work Day		X				X
	PWD	Lunch Period	X		X			
	PWD	Work Year		X				X
	PWD	Holidays	X		X			
	T	Probation	X		X			
	L	Professional Leave	X		X			
	L	Personal leave		X				X
	WAT	Unauthorized absence		X		X		
	T	Suspension		X		X		
	T	Termination		X		X		
	T	Non-renewal of contract		X				X
	G	Grievance procedure	X		X			
	WAT	Savings clause	X		X			

TABLE III (continued)

District	Category	Item at Impasse	Recommended for			Board of Education	
			BOE	TBU	Accepted	Modified	Rejected
J	FA	Maintenance of Standards	X		X		
	FA	Form of the agreement	<u>X</u>	—	<u>X</u>	—	—
		Totals	33	38	47	8	16

*Items of class size and supplemental contracts not included in totals; they were referred to court to determine whether negotiable or non-negotiable items.

**On item of Base salary which is not included in totals, both sides presented same last offer and fact finder recommended adoption of both positions.

Unified school district Superintendents were asked to report the following information:

1. whether or not the board and teacher teams continued to negotiate during the fact-finding process, and
2. whether or not the board and teacher team met at least once after the fact-finding report was written but before any board action on teacher contracts was taken.

Results on these questions are reported in Table IV.

TABLE IV
ACTIONS OF THE NEGOTIATING TEAMS DURING AND AFTER
THE FACT-FINDING PROCESS
1977-78

District	BOE and Teachers continued to negotiate during fact-finding		BOE and Teachers met at least once after fact-finding before action taken	
	Yes	No	Yes	No
A	X		X	
B		X	X	
C	X		X	
D		X	X	
E		X	X	
F		X	X	
G		X		X
H		X	X	
I		X	X	
J	—	<u>X</u>	<u>X</u>	—
Totals	2	8	9	1

In 1977-78, 80 per cent of the districts (N=8) did not continue to negotiate during the fact-finding process. In 90 per cent of the districts (N=9), the Board and teacher teams met at least once following fact-finding and before action by the Board was taken.

Provided in Table V is a specific analysis of the nine categories of items at impasse and presented for fact-finding in 1977-78 school year. These data respond to the 1977-78 part of research question three which asks, "Do there exist in the fact finder's reports for the Kansas public schools in the 1977-78 and 1978-79 school years similar items which appear to have been recommended with some degree of uniformity either for the Boards of Education or the teacher bargaining unit?" Furthermore, the data reported address the second purpose of the study which is "to analyze specific items submitted for fact-finding in each of the fact finder's reports to determine if there was any statewide uniformity with regard to the way a specific or similar item's position was recommended."

It can be noted from Table V that the category of Financial Remuneration contained the largest number of recommendations. The Board and teachers both received an equal number of recommendations, 12, in this category. Of the categories reflected in Table V it can also be noted that the items dealing with Grievance Procedures and Association Rights/Privileges and Working Conditions received 100 per cent board acceptance. The categories of Fringe Benefits, Professional Work Day and Tenure Rights/Job Security received the highest percentage of rejection by the Board of Education.

Column totals revealed that Boards of Education accepted the recommendation of the fact finder on 47 items or 66 per cent of the

TABLE V
ITEMS ACCEPTED, MODIFIED AND REJECTED
BY BOARD OF EDUCATION
1977-78

Category Symbol	Items at Impasse by Category	Fact Finder Recommended for BOE	Fact Finder Recommended for TBU	Item Total	BOE Accepted Recommendation	% of Total Accepted	BOE Modified Recommendation	% of Item Total Modified	BOE Rejected Recommendation	% of Item Total Rejected
FR	*Financial Remuneration	12	12	24	15	62	4	17	5	21
FB	Fringe Benefits	2	4	6	3	50	0	0	3	50
G	Grievance Procedures	3	2	5	5	100	0	0	0	0
A	Association Rights/Privileges	2	2	4	4	100	0	0	0	0
PWD	Professional Work Day	4	6	10	4	40	1	10	5	50
L	Leaves	2	3	5	4	80	0	0	1	20
WAT	Written Agreement Terminology	5	4	9	7	78	1	11	1	11
WC	Working Conditions	1	2	3	3	100	0	0	0	0
T	Tenure Rights/Job Security	<u>2</u>	<u>3</u>	<u>5</u>	<u>2</u>	<u>40</u>	<u>2</u>	<u>40</u>	<u>1</u>	<u>20</u>
	Totals	33	38	71	47	66	8	11	16	23

*One additional item on which both sides had same offer.

time. They modified 11 per cent (8 items) and rejected 23 per cent (16 items) of those recommended during 1977-78. Data in Table V indicate an almost statewide equality in the number of recommendations in each category. The teacher bargaining unit received a total of five more recommendations than the Board's team on all items submitted.

Presented in Table VI are item totals for all categories to which items were assigned in the 1977-78 school year.

TABLE VI
ITEM TOTALS FOR ALL CATEGORIES
1977-78

	No. of Items	Accepted by BOE	%	Modified by BOE	%	Rejected by BOE	%
Items recommended for the Board of Education	33	33	100	0	0	0	0
Items recommended for the Teacher Bargaining Unit	<u>38</u>	<u>14</u>	<u>37</u>	<u>8</u>	<u>21</u>	<u>16</u>	<u>42</u>
Totals	71	47	66	8	11	16	23

Data in Table VI reveal that of the 33 items recommended by the fact finder for Boards of Education in 1977-78, 100 per cent were accepted without modification or rejection. Whereas, with the 38 items recommended by the fact finder for the teacher bargaining unit,

37 per cent (N=14) were accepted by the Board, 21 per cent (N=8) were modified and 42 per cent (N=16) were rejected. Data in Table VI further reveal that Boards accepted 100 per cent of the recommendations in their favor but either modified or rejected 63 per cent of the recommendations for the teacher bargaining unit.

Data presented in Table VII reflect the number of teachers and students in the districts involved in the fact-finding process in the 1977-78 school year.

Data in Table VII show a total of 3,670.9 faculty members and 51,865.2 students were affected by a total of 71 items presented to fact finders in ten public school districts in the 1977-78 school year. It can also be noted from Table VII that two additional items were resolved during the fact-finding process without a recommendation being filed, and on one item both the Board and teachers presented the same final position to the fact finder.

Table VIII reports the estimated total hours needed by the Board team to prepare for the fact-finding hearing and also the estimated total dollar cost to the Boards of Education for the fact-finding process in 1977-78.

Data in Table VIII reveal that 120 hours was the highest estimated by a Board team to prepare for fact-finding and occurred in a district with ten items at impasse. The nine districts responding also estimated a total combined figure of \$58,700 in costs were incurred by the Board of Education to prepare and go through the fact-finding process. The highest dollar figure reported was \$15,000 in a district which had eighteen items presented for fact-finding. An estimated total of 481 hours was spent on 67 items at an estimated

cost of \$58,700, making the total average estimated cost per item to be \$876.12 in 1977-78.

TABLE VII
NUMBER OF FACULTY AND STUDENTS IN DISTRICTS
INVOLVED IN FACT-FINDING IN 1977-78

District	No. of Items	FTE Faculty Members	FTE** Student Population	No. of Recommendations for	
				BOE	TBU
A	10	196	2,994.9	5	5
*B	7	80.2	1,014.7	5	2
C	2	27.9	301.4	0	2
D	4	137.9	1,598.3	3	1
E	4	140.6	2,142.5	1	3
**F	2	172.7	2,260.4	1	1
G	1	35.7	478.5	1	0
H	3	82.8	1,173.5	2	1
I	18	1,239.1	15,641.6	4	14
J	<u>20</u>	<u>1,558</u>	<u>24,259.4</u>	<u>11</u>	<u>9</u>
	71	3,670.9	51,865.2	33	38

*District had two items resolved which are not included in totals during fact-finding.

**Both sides proposed same final position which is not included in totals on base salary item.

***Source for faculty number and student population: Kansas State Department of Education, 1979-80 Selected School Statistics.

TABLE VIII
ESTIMATED COST AND HOURS OF PREPARATION FOR FACT-FINDING IN
NINE PUBLIC SCHOOL DISTRICTS
1977-78

District	Estimated Hours of Preparation by Board Team	Estimated Dollar Cost	Total Items
A	120	\$12,000	10
B	50	4,500	7
C	60	2,000	2
E	10	4,000	4
F	25	3,000	2
G	40	5,000	1
H	20	3,200	3
I	56	15,000	18
J	<u>100</u>	<u>10,000</u>	<u>20</u>
	481	\$58,700	67

1978-79 Data and Analysis

Table IX presents in abbreviated form items from the 1978-79 school years which were presented for fact-finding. The data in this table provide information responding to the initial purpose of this study which was to ascertain what items were presented for fact-finding during the two years since its legislative implementation in 1977. Furthermore, data in Table IX also address the 1978-79

TABLE IX

ITEMS PRESENTED FOR FACT-FINDING IN 1978-79 SCHOOL YEAR

District	Category	Item at Impasse	Recommended for		Board of Education		
			BOE	TBU	Accepted	Modified	Rejected
K	PWD	Length of contract		X	X		
	WAT	Professional day introduction terminology		X	X		
	PWD	Notice of leaving building		X	X		
	PWD	Administrative responsibilities during work day		X	X		
	PWD	Attendance of local conferences during work day		X	X		
	PWD	Pupil and parent conferences during work day		X	X		
	FR	Extra pay for staffing and IEP's		X		X	
	FR	Merit pay		X	X		
	FR	Merit bonus		X	X		
	FR	Technical teacher's pay	X		X		
	FR	Psychologist's pay	X		X		
	FR	Nurse's pay	X		X		
	FR	Salary and benefit package	X		X		
	FR	Definition of supplemental salary	X		X		
	FR	Required supplements	X		X		
	FR	New supplements	X		X		
	WC	Creating departments	X		X		
	FR	Library/media specialist's pay	X		X		
	PWD	Coordinator work hours		X			X
	FR	Coaching supplements	X		X		

TABLE IX (continued)

District	Category	Item at Impasse	Recommended for		Board of Education		
			BOE	TBU	Accepted	Modified	Rejected
K	FR	Reimbursement for college hours		X			X
	FR	Overload teaching		X	X		
	FB	Life insurance		X	X		
	FB	Variable selection benefit amount		X	X		
	FR	Counselor addendum	X		X		
	WAT	Method of pay	X		X		
	T	Strike penalty		X	X		
	T	Probationary non-renewal	X		X		
	T	Suspension clause	X		X		
	T	Disciplinary hearings		X		X	
	FB	Forfeiture of contribution		X		X	
	FR	Severance pay		X	X		
	L	Number of personal business days		X	X		
	L	Temporary leave issues	X		X		
	L	24-hour notice	X		X		
	L	Within definition		X	X		
	L	Verification of illness		X	X		
	WAT	Substitute teacher introductory clause	X		X		
	WAT	Clarification of "regularly assigned"		X			X
	FR	Temporary substitute pay (all)		X	X		
	FR	Temporary substitute pay (elementary)	X		X		
	A	Copy of materials		X		X	
	A	Limitation on use of facilities		X	X		
	A	Association's use of facilities		X		X	
	G	Grievance time lines	X		X		

TABLE IX (continued)

District	Category	Item at Impasse	Recommended for		Board of Education		
			BOE	TBU	Accepted	Modified	Rejected
K	G	Class action grievance		X	X		
	G	Incomplete forms		X		X	
	G	Dual approach to grievance		X	X		
	G	Openness of grievance files		X	X		
	A	Printing of agreement		X	X		
	FR	Summer school pay		X			X
L	L	Sick leave - request for extended	X		X		
	L	Personal leave -- accumulation and use	X		X		
M	FR	Base salary/fringe		X		X	
	FR	Salary schedule (total dollar)	X		X		
N	FR	Fringe benefit package					
	FR	Base salary		X			X
O	FR	Compensation		X			X
	WAT	Duration of agreement		X			X
	G	Grievance procedures	X		X		
	L	Leaves	X		X		
P	PWD	Professional day	X		X		
	FR	Salary schedule		X	X		
Q	FB	Fringe benefits	X		X		
	FR	Base salary	—	X	—	—	—
Totals			26	38	50	7	7

*One other issue not included in totals resolved during fact-finding process.

segment of the first, second, and fourth research questions of this study which ask:

1. what items were held to be at impasse and submitted for fact-finding during the 1977-78 and 1978-79 school years,
2. could these items be placed in separate categories, and
3. were the recommendations of the fact finder accepted, modified, or rejected by the local Boards of Education?

All seven public school districts involved in fact-finding in 1978-79 responded to the questionnaire sent to the Superintendent of Schools. The same procedure used to gather and categorize the data in Table V was utilized in the preparation of Table IX.

Column totals in Table IX indicate that there were a total of 26 items recommended by the fact finders for the Board and 38 items recommended for the teacher bargaining units for a total of 64 items in seven public school districts. Also reflected in Table IX is one item which was resolved without recommendation during the fact-finding process. Of the 64 total items presented to the fact finder the Boards accepted 50, modified 7 and rejected 7.

Table X presents information on:

1. whether or not the Board and teacher teams continued to negotiate during the fact-finding process, and
2. whether or not the Board and teacher team met at least once after the fact-finding report was written but before any Board action on teacher contracts was taken.

TABLE X

ACTIONS OF THE NEGOTIATING TEAMS DURING AND AFTER THE
FACT-FINDING PROCESS
1978-79

District	BOE and Teachers continued to negotiate during fact-finding		BOE and Teachers met at least once after fact-finding before action taken	
	Yes	No	Yes	No
K		X	X	
L		X	X	
M		X	X	
N		X	X	
O		X	X	
P		X	X	
Q	—	<u>X</u>	<u>X</u>	—
Totals	0	7	7	0

Data in Table X show in 1978-79 that 100 per cent of the districts halted negotiations during the fact-finding process. Also, 100 per cent of the districts held at least one meeting of the Board and teacher negotiating teams following fact-finding and before action was taken. Over the two-year period research in this study, 15 of the 17 unified school districts at impasse (88%) had no continuation of negotiation during fact-finding. The two districts that did continue to meet were both at impasse in 1977-78, the first year of this study. Of the 17 districts, 16 (94%) had at least one meeting of the Board

and teacher negotiating teams following fact-finding and before action was taken over the two-year period. The one district that did not have at least one meeting of the two teams following fact-finding also did not continue to negotiate during fact-finding.

Provided in Table XI is a specific analysis of the nine categories of items which were at impasse and which were presented for fact-finding in the 1978-79 school year. These data respond to the 1978-79 part of research question three which asks, "Does there exist in the fact finders' reports for the Kansas public schools in the 1977-78 and 1978-79 school years similar items which appear to have been recommended with some degree of uniformity either for the Boards of Education or the teacher bargaining unit?" In addition, the data in Table XI address the second purpose of the study which is to analyze specific items submitted for fact-finding in each of the fact finders' reports to determine if there was any statewide uniformity with regard to the way a specific or similar item's position was recommended.

It can be noted from Table XI that the category of Financial Remuneration contained the largest number of recommendations, with the Boards receiving 12 and the teachers 13. Financial remuneration was also the category which had the highest number of recommendations rejected by the Board (N=4). In 1978-79 the items contained in the categories of Leaves (N=8) and Working Conditions (N=1) received the highest percentage of Board acceptance. The category of Written Agreement Terminology received the highest percentage of rejection by the Board of Education.

Column totals revealed that the Boards of Education accepted the recommendation of the fact finder on 50 items or 78 per cent of the

TABLE XI
ITEMS ACCEPTED, MODIFIED AND REJECTED
BY BOARD OF EDUCATION
1978-79

Category Symbol	Items at Impasse by Category	Fact Finder Recommended for BOE	Fact Finder Recommended for TBU	Item Total	BOE Accepted Recommendation	% of Total Accepted	BOE Modified Recommendation	% of Item Total Modified	BOE Rejected Recommendation	% of Item Total Rejected
FR	*Financial Remuneration	12	13	25	19	76	2	8	4	16
FB	Fringe Benefits	1	3	4	3	75	1	25	0	0
G	Grievance Procedures	2	4	6	5	83	1	17	0	0
A	Association Rights/Privileges	0	4	4	2	50	2	50	0	0
PWD	Professional Work Day	1	6	7	6	86	0	0	1	14
L	Leaves	5	3	8	8	100	0	0	0	0
WAT	Written Agreement Terminology	2	3	5	3	60	0	0	2	40
WC	Working Conditions	1	0	1	1	100	0	0	0	0
T	Tenure Rights/Job Security	<u>2</u>	<u>2</u>	<u>4</u>	<u>3</u>	<u>75</u>	<u>1</u>	<u>25</u>	<u>0</u>	<u>0</u>
	Totals	26	38	64*	50	78	7	11	7	11

*One additional item not included; it was resolved during fact-finding procedures.

time compared to 47 items or 66 per cent of the time in the prior year. (Table V) A total of 7 items or 11 per cent were rejected by Boards of Education in 1978-79 as compared to 16 items or 23 per cent in 1977-78. For the second year in a row the category of financial remuneration was almost split evenly in recommendations for the Boards and teacher units, but total recommendations in all categories in 1978-79 favored the teacher units by 12 items.

Table XII presents item totals for all categories to which items were assigned in the 1978-79 school year.

TABLE XII
ITEM TOTALS FOR ALL CATEGORIES
1978-79

	No. of Items	Accepted by BOE	%	Modified by BOE	%	Rejected by BOE	%
Items recommended for the Board of Education	26	26	100	0	0	0	0
Items recommended for the Teacher Bargaining Unit	<u>38</u>	<u>24</u>	<u>63</u>	<u>7</u>	<u>18.5</u>	<u>7</u>	<u>18.5</u>
Totals	64	50	78	7	11	7	11

Data in Table XII show that of the 26 items recommended by the fact finder for the Boards of Education in 1978-79, 100 per cent were

accepted without modification or rejection. This is the same percentage as the 1977-78 school year, and it appears Boards did not change their last position recommended to the fact finder even though they could modify or reject it. Furthermore, 38 items -- an identical number to the 1977-78 total -- were recommended by the fact finder for the teacher bargaining unit. Sixty-three per cent (N=24) of the 38 were accepted by the Board compared to 37 per cent (N=14) in the 1977-78 school years. A total of 7 items (11%), which were recommended by the fact finder for the teachers, were rejected by the Boards as compared to 16 items or 23 per cent in 1977-78. The data reflect that even though the teachers received a total of 12 more recommendations for the 1978-79 school year, the Boards' percentage of total acceptance was higher than the prior year studied.

Data in Table XIII shows a total of 3,309.2 faculty members and 49,797.8 students were affected by a total of 64 items presented to fact finders in seven public school districts in the 1978-79 school year. These figures are less than the 3,670.9 faculty and 51,865.2 students affected in 1977-78. Table XIII also indicates that District M had one additional item, not included in the totals, which was resolved during fact-finding without a recommendation.

Table XIV reports data which indicates the estimated total hours needed by the Board team to prepare for the fact-finding hearing and also the total estimated dollar cost to the boards of education for the fact-finding process.

Table XIV column totals reveal that even though more time was needed for preparation in 1978-79 as compared to 1977-78 (810 hours in 1978-79 versus 481 in 1977-78), the total estimated dollar cost was

less (\$37,690 in 1978-79 versus \$58,700 in 1977-78). This makes the cost per item presented in 1978-79 \$588.90 as compared to \$876.12 per item in 1977-78, the first year of fact-finding. All districts responded in 1978-79 while nine out of ten possible responded in 1977-78 to these questions.

TABLE XIII
NUMBER OF FACULTY AND STUDENTS AFFECTED BY
FACT-FINDING IN 1978-79

District	No. of Items	FTE* Faculty Members	FTE** Student Population	BOE	TBU
K	51	2,848.9	42,556.4	19	32
L	3	36.0	485.2	2	1
*M	1	72.5	1,067	1	0
N	1	50.8	531.5	0	1
O	5	180.5	3,295.3	3	2
P	2	46.5	671	1	1
Q	<u>1</u>	<u>74</u>	<u>1,191.4</u>	<u>0</u>	<u>1</u>
	64	3,309.2	49,797.8	26	38

*District had one additional item not included in totals resolved during fact-finding without recommendation.

**Source for faculty number and student population: Kansas State Department of Education, 1979-80 Selected School Statistics

TABLE XIV

ESTIMATED COST AND HOURS OF PREPARATION FOR FACT-FINDING IN
SEVEN PUBLIC SCHOOL DISTRICTS
1978-79

District	Estimated Hours of Preparation by Board Team	Estimated Dollar Cost	Total Items
K	450	\$20,000	51
L	20	1,990	3
M	100	4,000	1
N	80	3,000	1
O	50	2,400	5
P	60	2,000	2
Q	<u>50</u>	<u>4,300</u>	<u>1</u>
	810	\$37,690	64

The data in Table XV show the combined total of items by category which were presented for the first two years of fact-finding in Kansas public schools. It can be noted that the category of Financial Remuneration contained the largest number of recommendations with the Boards receiving 24 and the teachers 25 for a category total of 49. The next highest category total was for Professional Work Day which received 17 recommendations. The categories receiving the fewest recommendations were Working Conditions with 4 and Association Rights/Privileges with 5. It could be concluded from these category totals that teachers and Boards were more likely to go to impasse and

TABLE XV
COMBINED TOTAL OF 1977-78 AND 1978-79 ITEMS
ACCEPTED, MODIFIED AND REJECTED
BY BOARD OF EDUCATION

Category Symbol	Items at Impasse by Category	Fact Finder Recommended for BOE	Fact Finder Recommended for TBU	Item Total	BOE Accepted Recommendation	% of Total Accepted	BOE Modified Recommendation	% of Item Total Modified	BOE Rejected Recommendation	% of Item Total Rejected
FR	*Financial Remuneration	24	25	49	34	69	6	12	9	19
FB	Fringe Benefits	3	7	10	6	60	1	10	3	30
G	Grievance Procedures	5	6	11	10	91	1	9	0	0
A	Association Rights/Privileges	2	6	8	6	75	2	25	0	0
PWD	Professional Work Day	5	12	17	10	59	1	6	6	35
L	Leaves	7	6	13	12	92	0	0	1	8
WAT	Written Agreement Terminology	7	7	14	10	71	1	7	3	22
WC	Working Conditions	2	2	4	4	100	0	0	0	0
T	Tenure Rights/Job Security	<u>4</u>	<u>5</u>	<u>9</u>	<u>5</u>	<u>55</u>	<u>3</u>	<u>33</u>	<u>1</u>	<u>12</u>
	Totals	59	76	135	97	72	15	11	23	17

*One additional item not included resolved during fact-finding procedures.

*One additional item not included on which both sides had same last offer.

fact-finding over items which dealt with finances and less likely to go to impasse and fact-finding with items dealing with Working Conditions or Association Rights/Privileges. The categories which received over 90 per cent acceptance by Boards were Working Conditions with 100 per cent, Leaves with 92 per cent and Grievance Procedures with 91 per cent. The categories with the highest rate of rejection by the Boards were Professional Work Day with 35 per cent and Fringe Benefits with 30 per cent.

Column totals indicate over the two-year period that Boards received 59 recommendations from fact finders while teachers received 76 for a difference of 17. The total number of items at impasse presented to fact finders was 135 with 72 per cent accepted, 11 per cent modified and 17 per cent rejected by Boards of Education.

Data in Table XVI report item totals for all categories to which items were assigned in the 1977-78 and 1978-79 school years.

Data in Table XVI indicate that of the 59 items recommended for the Board in the two-year period, 100 per cent were accepted by the Board without modification or rejection. Furthermore, out of the total of 76 items recommended for the teachers, 38 (50%) were accepted by the Boards, 15 (20%) were modified, and 23 (30%) were rejected. Column totals show that out of a possible 135 items, 97 (72%) were accepted by the Boards, 15 (11%) were modified, and 23 (17%) were rejected.

Data in Tables XV and XVI report specific analyses of items at impasse and reports the items presented for fact-finding in the 1977-78 and 1978-79 school years.

TABLE XVI
ITEM TOTAL FOR ALL CATEGORIES
1977-78 AND 1978-79

	No. of Items	Accepted by BOE	%	Modified by BOE	%	Rejected by BOE	%
Items recommended for the Board of Education	59	59	100	0	0	0	0
Items recommended for the Teacher Bargaining Unit	<u>76</u>	<u>38</u>	<u>50</u>	<u>15</u>	<u>20</u>	<u>23</u>	<u>30</u>
Totals	135	97	72	15	11	23	17

This concludes the analysis of the 17 fact finders' reports submitted on public schools during the first two years after the implementation of the procedure by Kansas Statute in 1977. Data from the fact finder reports and questionnaires to the Superintendents were reported in this segment of Chapter IV and addressed the first four research questions presented in this study. The data in this section also addressed the first three purposes of the study as set forth in Chapter I.

The Fact Finders

The data reported in the remainder of this Chapter were collected from the 14 fact finders assigned to Unified School Districts in the state of Kansas in 1977-78 and 1978-79. There were 17 districts at impasse during those two years. One fact finder was assigned to each

district, except in 1977-78 when one Unified School District was assigned three fact finders and in 1978-79 when one District was assigned three fact finders. Because fact finders served in more than one district, only 14 different individuals served the 17 districts. These 14 fact finders were surveyed as to their demographic background and general attitudes towards the fact-finding process. Then, these 14 were polled as to their reactions to each specific impasse situation, which rendered a total of 21 individual fact-finding attitudinal surveys, since one district each year used three fact finders for one fact-finding process.

The fourth purpose of this study was to analyze the qualifications of each of the fact finders appointed during the two years studied. This information is presented in the tables of demographic variables; training received by fact finders; memberships, positions and offices held by fact finders and selected experiences of fact finders prior to first assignment. These data answer research question five which asks, "What are the demographic profiles of the individuals selected by the Kansas Public Employee Relations Board and appointed to serve as fact finders for Kansas public schools during the 1977-78 and 1978-79 school years?"

When surveyed the fact finders reported the following demographic information in Table XVII:

Sixty-four per cent (N=9) of the fact finders chosen during the two-year period, 1977-78 and 1978-79, were in the 31-45 year age group. The remaining 36 per cent (N=5) reported to be in the 46-60 age groups.

Thirteen of the fact finders (93%) were male, while one fact finder (7%) was female.

The highest ranking level of education of the fact finders was the doctorate degree with 12 (86%). The remaining two (14%) reported having earned a specialist's degree.

Thirty-six per cent of the fact finders reported their highest degree was earned in the field of law (N=5). In both the fields of business administration and economics, there were three fact finders reporting their highest degree in each of these fields with percentages of 21.5 in each field. Two fact finders (14%) reported labor relations as the area of concentration for their highest degree. One (7%) fact finder reported his highest degree was in the field of political science.

Forty-three per cent (N=6) became involved in fact-finding as volunteers. The same percentage (43%) of fact finders were recruited by the state of Kansas. One fact finder (7%) reported his recruitment as a fact finder was through the university, and one fact finder (7%) was recommended for the position.

Six fact finders (43%) reported that they had authored no books, articles or publications dealing with the subject matter of public sector labor negotiations prior to their first assignment as a Kansas fact finder. Four (29%) had authored one to three articles, two (14%) had authored between four and six articles, one had authored ten or more articles, and one did not respond to the item on the survey.

Nine fact finders surveyed were employed as university or college professors; one of these was employed one-half time, giving a total of 8.5 fact finders (61%). Three fact finders (21.5%) were attorneys,

TABLE XVII
FREQUENCY TABLE FOR DEMOGRAPHIC VARIABLES

Demographic Variable	No. of Fact Finders Reporting	% of Fact Finders Reporting
Age:		
30 or under	0	0
31-45	9	64
46-60	5	36
Over 60	0	0
Sex:		
Male	13	93
Female	1	7
Highest level of education:		
High School	0	0
Bachelor's Degree	0	0
Master's Degree	0	0
Specialist's Degree	2	14
Doctorate	12	86
Area of concentration for highest degree:		
Education	0	0
Business Administration	3	21.5
Economics	3	21.5
Political Science	1	7
English	0	0
Law	5	36
Labor Relations	2	14
Method of involvement as a Fact Finder:		
Volunteer	6	43
Recruited by the state	6	43
Recruited through University	1	7
Recommended	1	7
Books, articles, publications authored prior to first assignment as a Kansas Fact Finder, the subject matter of which dealt with public sector labor negotiations:		
None	6	43
1-3	4	29
4-6	2	14
7-9	0	0
10 or more	1	7
No response	1	7

TABLE XVII (Continued)

Demographic Variable	No. of Fact Finders Reporting	% of Fact Finders Reporting
Current employment position best described:		
Private business	1	7
Public school teacher	0	0
Attorney	3	21.5
Public school administrator	0	0
University or College Professor	8.5	61
University Administrator	1	7
Director of Employment Relations	.5	3.5

one (7%) was in private business, and one (7%) was a University administrator. The remaining assignment of the fact finder reporting as a university or college professor was as a one-half time (3.5%) Director of Employment Relations.

The presented demographic data reveal that the prototypical fact finder in Kansas is a male, in the 31-45 age group with an earned doctorate in either law, economics or business administration. The fact finder was most likely to have been recruited to the position by the state of Kansas or to have volunteered for the position. The fact finder had authored between zero and six books, articles or publications. The majority of fact finders were either university or college professors or attorneys.

When the training of these fourteen fact finders was surveyed, their background in fact-finding is reported in Table XVIII.

Of the fourteen individuals appointed as fact finders in 1977-78 and 1978-79, 72 per cent (N=10) had participated in either one or two

PERB fact-finding seminars. Only one (7%) had participated in none, two (14%) had participated in three seminars, and one (7%) had participated in four seminars.

Nine fact finders (64%) had some form of fact-finding training other than that given by the state of Kansas. Five fact finders received training related to academic course work (this includes the Advanced Labor Law Seminar and the Institute of Labor).

TABLE XVIII
TRAINING RECEIVED BY FACT FINDERS

Type of Training	No. of Fact Finders Reporting	% of Fact Finders Reporting
Number of PERB fact-finding seminars attended:		
None	1	7
One	5	36
Two	5	36
Three	2	14
Four	1	7
Fact-finding training other than by the state of Kansas:		
Yes	9	64*
No	5	36

*Other types of training, excluding state of Kansas:

(Note: the number of fact finders reporting data on this item will vary from N=14 because some fact finders (5) received no other training and of the nine who did receive additional training, some received more than one type.)

Advanced Labor Law Seminar	1
Institute of Labor	1
Bureau of Labor	1
Federal mediation and conciliation service	1
American Bar Association seminars	3
Academic preparation	2
American Arbitration Association	1

Fact finders were asked to rank the areas of training for fact finders which appear in Table XIX as to their opinion of which areas should receive the most concentrated effort.

Fact finders were asked to rank the eight items in Table XIX using a scale of "8" to "1", with "8" being the most important to "1" being the least important.

TABLE XIX
FACT FINDERS' RECOMMENDATIONS FOR TRAINING

Area of Training Recommended for Future Fact Finders	Rank	Raw Score	Mean Score
Conducting the fact-finding hearing	1	90	6.43
Kansas Professional Negotiations Statutes	2	85	6.07
Writing fact-finding reports	3	83	5.93
Kansas school budget documents	4	60	4.28
Kansas school finance laws	5	57	4.07
Human relationships	6	52	3.71
Private sector labor law	7	43	3.07
Federal government mandated education programs	8	34	2.43

The area of training receiving the highest ranking was "Conducting the fact-finding hearing," mean score of 6.43. Following in close order were "Kansas Professional Negotiations Statutes" (6.07)

and "Writing fact-finding reports" (5.93). A second group of three items, ranking four, five and six were "Kansas school budget documents" (4.28), "Kansas school finance laws" (4.07), and "Human relationships" (3.71). The lowest ranked areas of training recommended for future fact finders were "Private sector labor law" (3.07) and "Federal government mandated education programs" (2.43).

From these data, it would appear that the actual fact-finding hearing, the Negotiation Statutes and the writing of the fact-finding report are more important skills and knowledge to be obtained than the school budget, finance laws and mandated programs.

The data in Table XX were collected from the fourteen fact finders and describe selected memberships, positions and offices held by fact finders in 1977-78 and 1978-79. These additional demographic data report the selected experiences of the fact finders in the five-year period preceding the appointment to the fact-finding position and the experience previous to the past five years.

Data show that in the time period previous to the past five years, fact finders had served as chief negotiator for the Board of Education once, Board of Education negotiation team members once, had never served as chief negotiator for the teacher bargaining unit, and as a member of a teacher bargaining unit once.

In two instances, the fact finder had served as a Board of Education member. One fact finder had been employed as a public school teacher and one as a private school teacher. Two reported experience as a college or university instructor. There were no reports of a fact finder having served as a public education negotiation mediator.

In the private business sector, one fact finder had served as a labor arbitrator, one as a labor mediator, and three had been members of a labor union. (This was the largest unifying factor of the fourteen during this time period.)

TABLE XX

SELECTED MEMBERSHIPS, POSITIONS, AND OFFICES HELD BY FACT FINDERS

Membership, Position, Office	During past 5 yrs.	Prior to last 5 yrs.
Chief negotiator for Board of Education	1	1
Board of Education negotiation team member	0	1
Board of Education member	0	2
Public school teacher	1	1
Private school teacher	0	1
College or university instructor	10	2
Chief negotiator for teacher bargaining unit	0	0
Member of a teacher bargaining unit	0	1
Public education negotiation mediator	1	0
Private business labor arbitrator	3	1
Private business labor mediator	0	1
Member of a college or university bargaining unit	1	0
Member of a labor union	0	3

During the past five years, only one fact finder had served as a chief negotiator for the Board of Education. No fact finder reported a position on the Board of Education negotiating team or as a member of the Board of Education. No fact finder reported a position as chief negotiator for a teacher bargaining unit or as a member of a teacher bargaining unit. One fact finder reported being a public school teacher, and no reports were made of being a private school teacher.

The one most unifying factor found in terms of membership, position and office held by the fact finders was the report of ten fact finders holding the position of a college or university instructor in the past five years. In one instance, one fact finder had been a member of a college or university bargaining unit.

Three fact finders reported experience as a private business labor arbitrator and one reported experience as a public education negotiation mediator.

Of the total report of memberships, positions and offices held by fact finders, the most unifying factor was, again, the position of ten fact finders as college or university instructors. Other factors showing some similarity were the tendencies to have served more times as a chief negotiator or negotiation team member (N=5) for the Board of Education.

The following data presented in Table XXI report selected areas of experience by Kansas public education fact finders prior to their first assignment as a fact finder. These experiences are reported as either specifically in the public education or the business sector.

In the public education sector, during the period of time previous to the past five years, fact finders reported experience as a grievance mediator twice and in public sector fact-finding once. In

TABLE XXI

SELECTED EXPERIENCES OF FACT FINDERS PRIOR TO FIRST ASSIGNMENT

Area of Experience	During past 5 yrs.	Prior to last 5 yrs.
Public Education:		
Public education grievance mediator	2	2
Public education grievance arbitrator	2	0
Public education fact finder in state other than Kansas	1	0
Public sector fact finder	4	1
Business Sector:		
Business sector grievance mediator	1	2
Business sector grievance arbitrator	2	1
Business sector labor arbitrator	2	1
Business sector fact finder	1	2
negotiator for either labor or management	1	1

the most recent five-year period, the reported experience in the public education sector included two reports as a grievance mediator, two reports as a grievance arbitrator, one report as a public education fact finder in a state other than Kansas, and four reports as a public sector fact finder.

Fact finders reported more experience in the business sector than in the public sector. In reviewing experience in the business

sector during the period previous to the past five years, fact finders reported experience as a grievance mediator twice, as a grievance arbitrator once, as a labor arbitrator once, as a fact finder twice, and as a negotiator either for labor or management once.

In the most recent five years, one reported experience as a grievance mediator, two reported experience as a grievance arbitrator, two reported experience as a labor arbitrator, one reported experience as a fact finder, and one reported experience as a negotiator for either labor or management.

Attitudes of Kansas Fact Finders

The fourth purpose of this study was to determine the attitudes of fact finders toward the fact-finding process. Data presented in Table XXII reports attitudes held by the individuals appointed as fact finders for the Kansas public schools in 1977-78 and 1978-79. The respondents were asked to report their opinions using a Likert scale from one to five, with one being "strongly agree" and five being "strongly disagree." Items are listed in rank order reporting the most commonly held opinion as determined by the mean score.

Fact finders reported the strongest agreement with the statement that: "The role of the fact finder should be to conduct a hearing at which opposing parties define the issues at dispute and propose their prospective resolutions for settlement." This was followed closely by agreement with the statement that: "The chief purpose of fact-finding is to arrive at recommendations that will be accepted by both parties and will bring the dispute to an end."

The only other item in which the fact finders' mean score was above 2.5 is the statement that: "Fact finders are underpaid for the amount of time, effort, and involvement necessary to complete a fact-finding report."

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The only other item in which the fact finders' mean score was above 2.5 is the statement that: "Fact finders are underpaid for the amount of time, effort, and involvement necessary to complete a fact-finding report."

The statements on which the fact finders disagreed the most were: "The fact-finding process in impasse resolutions should precede the mediation process," "Fact finders do not need any training because the Kansas Statutes are explicit as to what the role of the fact finder is," "The fact-finding report should immediately be made public information in all instances where fact-finding is utilized if the process is to be made effective," and "The state of Kansas should fund at least two full-time fact finders for public education cases." The mean scores of the other nine attitudinal statements placed them in the "uncertain," "I don't know," and "disagree" range.

The second part of the survey asked for opinions on the fact-finding process in each of the districts in which the fact

TABLE XXII
ATTITUDES TOWARD FACT-FINDING

Item/Attitude	No. Responses					Responses x value	Mean Score
	1	2	3	4	5		
The role of the fact finder should be to conduct a hearing at which opposing parties define the issues at dispute and propose their prospective resolutions for settlement.	6	8	0	0	0	22	1.57
The chief purpose of fact-finding is to arrive at recommendations that will be accepted by both parties and will bring the dispute to an end.	6	5	2	1	0	26	1.86
Fact finders are underpaid for the amount of time, effort, and involvement necessary to complete a fact-finding report.	5	4	1	4	0	32	2.29
Fact finders should be given the opportunity under the law to mediate rather than choose the last position of one party.	3	4	1	4	1	35	2.69
Kansas teachers understand the purpose of fact-finding.	0	3	7	4	0	43	3.07
Except for those parties directly involved, the fact-finding hearing should be closed to the press and public.	4	1	0	5	4	46	3.29
A thorough knowledge of the Kansas finance laws is necessary to be a fact finder.	1	2	3	7	1	47	3.36
The ideal role of the fact finder should involve some mediation.	0	3	4	5	2	48	3.43
Fact finders should be able to discuss their findings with parties not involved in the process prior to writing their final written recommendations.	0	4	2	5	3	49	3.50

TABLE XXII (Continued)

Item/Attitude	No. Responses					Responses x value	Mean Score
	1	2	3	4	5		
Payment for services rendered is the chief motivation for serving as a fact finder.	0	3	1	8	2	51	3.64
Kansas school boards understand the purpose of fact-finding.	0	0	5	6	3	54	3.86
The hardest task of the fact finder is determining which side gave a more realistic description of the actual situation.	1	1	0	9	3	54	3.86
The personality of the representative presenting the data at the fact-finding hearing plays a major role in influencing a recommendation.	0	1	2	9	2	54	3.86
The state of Kansas should fund at least two full-time fact finders for public education cases.	1	0	2	5	6	57	4.07
The fact-finding report should immediately be made public information in all instances where fact-finding is utilized if the process is to be made effective.	0	3	0	4	7	57	4.07
Fact finders do not need any training because the Kansas Statutes are explicit as to what the role of the fact finder is.	0	1	1	7	5	58	4.14
The fact-finding process in impasse resolutions should precede the mediation process.	<u>0</u>	<u>0</u>	<u>0</u>	<u>6</u>	<u>8</u>	<u>64</u>	<u>4.57</u>
Totals	27	43	31	89	47	797	3.36

finder served. Twenty-one individual fact finder attitudinal surveys were returned.(100%)

Another purpose of the study was to determine whether Boards of Education and teacher units take reasonable positions, in the opinion of the fact finder, and if it appears that the parties want to reach agreement on the issue of teacher salary. The information gathered responds to research question number six. Table XXIV, Table XXV and Table XXVI report data in answer to this question.

When surveyed, all twenty-one survey responses from the fourteen fact finders indicated that teachers' salaries was one of the items at impasse. The types of salary issue identified in the survey responses are reported in Table XXIII.

TABLE XXIII
SALARY ISSUES AT IMPASSE

Issue	No. of Times Reported	% Reported
Complete salary schedule	17	81
Total dollars	7	33
Base	8	38
Increments	4	19
Columns	2	9.5
Type of schedule	2	9.5

The complete salary schedule was identified as an issue at impasse in 81% of the responses. Base salary and total dollars were reported in 38% and 33% of the responses respectively.

Table XXIV reports the opinions of fact finders on selected questions about the salary issues at impasse.

When asked opinions on questions relating to the salary issue, the fact finders responded strongly to several statements:

1. Ninety-four per cent were of the opinion that the teachers' unit had taken a reasonable position and wanted to reach agreement on the salary issue. This compared to only 58 per cent who thought that the School Board had taken a reasonable position and wanted to reach agreement on the salary issue.
2. Eighty-six per cent of the twelve fact finders having access to the court findings which declared the issue of salary at impasse thought this information was most helpful to them.
3. Only 26 per cent of the fact finders had cause to doubt the accuracy of the data presented by the teacher representatives on the issue of salary, while 42 per cent had cause to doubt the accuracy of the Board of Education data. The result of these opinions in both cases caused the fact finders:
 - a. to have a negative impression on that issue when they doubted the Board but not when they doubted the teachers,
 - b. to go outside for factual information 57 per cent of the time when the teachers' accuracy was doubted and 46 per cent of the time when the Board's accuracy was doubted.

TABLE XXIV
FACT FINDERS' OPINIONS

Question	Yes	%	No	%	Total Responses
1. Did you feel the School Board had taken a reasonable position and wanted to reach agreement on the salary issue?	11	58	8	42	19*
2. Did you feel the teachers' unit had taken a reasonable position and wanted to reach agreement on the salary issue?	17	94	1	6	18
3. Did you have access to the court findings which declared the issue of salary at impasse?	12	57	9	43	21
If yes to question 3, were the findings helpful to you?	2	14	12	86	14
4. Did you have cause to doubt the accuracy of the data presented by the Board of Education representatives on the issue of salary?	8	42	11	58	19
If you responded "yes" to question 4, which of the following statements best described the influence on the decision:					
<u>Statement</u>	<u>No.</u>	<u>%</u>			
Did not influence decision	1	9			
Created a negative impression on that issue	2	18			
Tended to enhance other side's position	2	18			
Caused you to disregard evidence presented	1	9			
Caused you to go outside for factual information	5	46			
5. Did you have cause to doubt the accuracy of the data presented by the teacher representatives on the issue of salary?	5	26	14	74	19

TABLE XXIV (Continued)

Question	Yes	%	No	%	Total Responses
If you responded "yes" to question 5, which of the following statements best described the influence on the decision:					
<u>Statement</u>	<u>No.</u>	<u>%</u>			
Did not influence decision	1	14			
Created a negative impression on that issue	0	0			
Tended to enhance other side's position	2	29			
Caused you to disregard evidence presented	0	0			
Caused you to outside for factual information	4	57			
6. Under the issue of salary, were fringe benefits considered separate from salary?	14	74	5	26	19
7. Should fringe benefits and salary be lumped together to arrive at a total salary package?	5	25	15	75	20
8. Did you utilize other information that was not presented by either party in reaching a decision on salary?	9	47	10	53	19
9. If yes, where did you go for other information.**					
10. What other types of information on the issue of salary would you have liked to have been provided, but were not.***					
11. If any of the information in question 10 had been provided on the issue of salary, would it have altered your decision?	6	33	12	67	18
12. In your opinion, when there are two or more issues at impasse in addition to salary, should the fact finder consider the impact of all the issues on the district in arriving at his/her recommendations?	18	86	3	14	21

TABLE XXIV (Continued)

Question	Yes	%	No	%	Total Responses
13. If only salary and fringe benefit issues are at impasse, did prior settlement of other issues affect your recommendation?	4	22	14	78	18
14. Was the salary information provided by the Board of Education factual?	16	89	2	11	18
15. In your opinion, was the salary information provided by the Board of Education of adequate quality?	8	42	11	58	19
16. In your opinion, was the salary information provided by the Board of Education of adequate quantity?	12	83	7	37	19
17. In your opinion, was the salary information provided by the teacher unit factual?	18	100	0	0	18
18. In your opinion, was the salary information provided by the teacher unit of adequate quality?	12	63	7	37	19
19. In your opinion, was the salary information provided by the teacher unit of adequate quantity?	15	79	4	21	19
20. Did the district claim inability to pay?	10	53	9	47	19
21. Did the teachers claim that the district was able to pay?	17	85	3	15	20
22. Was the district's ability to pay an important issue in reaching your recommendation on salary?	12	57	9	43	21

TABLE XXIV (Continued)

Question	Yes	%	No	%	Total Responses
23. Did the district's statutory increase in total budget authority influence your recommendation on salary?	11	55	9	45	20

*In cases in which the number of total responses were less than the sample of 21, some respondents chose not to reveal information.

**Sources of other information referred to in question 8 included: extrapolation from presented facts, standard labor market information sources and other cases, salary schedule of other districts in question, Statutes and State Department of Education, fact finder's own knowledge. In one case, the fact finder chose to keep his information source confidential.

***Types of information included: a direct correlation of schedules by both sides, labor market tightness information (job openings versus qualified applicants, net income comparisons with other professionals and para-professionals in the community, budget limitations, sufficient types of information -- would like more uniformity to compare "apples with apples," to have comparative information, both parties provided reasonably comprehensive information, comparability sample chosen at random -- larger sample.

4. Seventy-four per cent of the time, fringe benefits were considered separate from salary. This reinforced the opinion reported by 75 per cent of the responses indicating that fringe benefits and salary should not be lumped together to arrive at a total salary package.

5. Eighty-six per cent of the fact finders thought that when there are two or more issues at impasse in addition to salary, the fact finder should consider the impact of all the issues on the district in arriving at the recommendation.

6. Seventy-eight per cent of the fact finders did not think that prior settlement of other issues should affect the recommendation if only salary and/or fringe benefit issues are at impasse.
7. When asked if the salary information provided by the Board of Education was factual, 89 per cent responded "yes." However, only 42 per cent thought that the quality was adequate, and 63 per cent thought that the quantity was adequate.
8. One hundred per cent of the fact finders thought that the salary information provided by the teacher unit was factual. Sixty-three per cent thought the teachers provided adequate quality of information, and 79 per cent thought the teachers' information was of adequate quantity.
9. Eighty-five per cent of the fact finders reported that the teachers claimed that the district was able to pay.

Data in Table XXV reports the ranking of selected criteria for comparing salaries among school districts. The fact finders were asked to rank the factors from the most important ("9") to the least important ("1"). These data respond to research question number seven.

Responses reported on the 21 fact finder surveys resulted in two criteria being ranked at the top of importance in comparing salaries of one school district with salaries of another school district. The two were: "Other districts in a geographical location" and "Other districts of similar enrollment size throughout the state." "Other districts with similar total budget size" and "Other districts in the same athletic league" were within one unit of the most important criteria. Ranking more than one unit below the fourth-ranked factor

and nearly two units below the most important criteria was "Other districts with similar pupil-teacher ratios."

The four least important criteria were: "State average classroom teacher salaries," "Other districts with similar adjusted taxable valuations," "Other districts with similar actual taxable valuations," and "Other districts with similar number of teachers employed." These four criteria were within one-half unit of each other.

Fact finders were asked to rank facts, arguments or criteria which might have been submitted on the issue of salary according to the degree of influence this information may have had on the recommendation to adopt either the Board's or teachers' position on salary. A score of "15" indicated the greatest potential influence, and a "1" indicated the least potential influence. This information is reported in Table XXVI. These data responds to research question number eight.

The two items of information reported to have the greatest potential for influence on the fact finders' recommendations were "Rate of inflation or cost of living figures used by Consumer Price Index" and "Comparability of teaching wages in other districts of similar size in the state." These two items received the same mean score from the respondents.

"Comparability of teaching wages of districts in same athletic league," "Pay scale of other districts in the surrounding geographical area," and "The ability of the district to pay" all were within one unit of the top-ranked items.

The items with the least potential influence on the fact finder were the "Manner in which the material was presented," the "Quantity

TABLE XXV
CRITERIA FOR COMPARING SALARIES AMONG SCHOOL DISTRICTS

Criteria	Rank	Raw Score	Total No. of Responses	Mean Score
Other districts in a geographical location	1	137	21	6.52
Other districts of similar enrollment size throughout the state	2	135	21	6.43
Other districts with similar total budget size	3	116	19	6.10
Other districts in same athletic league	4	122	21	5.81
Other districts with similar pupil-teacher ratios	5	88	19	4.63
State average classroom teacher salaries	6.5	80	19	4.21
Other districts with similar adjusted taxable valuations	6.5	80	19	4.21
Other districts with similar actual taxable valuations	8	72	19	3.79
Other districts with similar number of teachers employed	9	71	19	3.74

of factual information presented," and the "Comparability of wages in the private sector." All of these items were more than one unit below any of the other items.

TABLE XXVI
POSSIBLE FACTORS INFLUENCING RECOMMENDATION ON SALARY

Factor	Rank	Raw Score	Total Responses	Mean Score
Rate of inflation or cost of living figures used by Consumer Price Index	1.5	210	21	10
Comparability of teaching wages in other districts of similar size in the state	1.5	190	19	10
Comparability of teaching wages of districts in same athletic league	3	198	21	9.43
Pay scale of other districts in surrounding geographical area	4	194	21	9.24
Ability of district to pay	5	173	19	9.10
Past rate of teacher turnover	6	183	21	8.71
Pay scale of other districts in same athletic league	7	165	19	8.68
Type of salary schedule presented	8	164	19	8.63
History of salary increases in that unified district	9	156	19	8.21
Cost of living rate by local or state data	10	153	19	8.05
Pay scale of other districts with similar pupil-teacher ratios	11	143	19	7.53
State average classroom teachers' salaries	12	138	19	7.26
Comparability of wages in private sector	13	115	19	6.05
Quantity of factual information presented	14	109	19	5.74
Manner in which material was presented	15	96	19	5.05

CHAPTER V

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Summary

This study was designed to report the issues that Kansas fact finders considered and decided upon in public school collective bargaining during the 1977-78 and 1978-79 school years. The initial purpose of this study was to ascertain what items were presented for fact-finding during the two years following the implementation of the fact-finding procedure by Kansas Statute in 1977. The items were placed into categories of financial remuneration, fringe benefits, working conditions, job security or tenure, grievance procedures, professional work day, written agreement terminology, leaves and items dealing with association privileges or rights.

The second purpose of this study was to analyze the categories of items to determine the extent of uniformity throughout the state with regard to the recommendation of the fact finder on these items. The third purpose of this study was to analyze each of the fact finder's recommendations and to determine if they were adopted, modified, or rejected by Boards of Education. An effort was also made to determine from the analysis of a questionnaire submitted to fact finders whether Boards of Education and teacher units take reasonable positions, in the opinion of the fact finder, and whether the parties want to reach agreement on the issue of teacher salary.

The fourth purpose of this study was to analyze the qualifications of each of the fact finders. Each fact finder was queried by use of a questionnaire to determine his/her attitudes about the fact-finding process.

The results of this study should be of value to Boards of Education and teacher bargaining units when preparing and submitting issues for teacher contract negotiations. It should be of value to the Secretary of Human Resources in selecting and appointing fact finders for districts where negotiations have been judged at impasse. It should also be of value to colleges, universities and other agencies responsible for the training of fact finders. Furthermore, a report of this nature could be of value to members of the Kansas Legislature in reviewing, proposing, evaluating and amending the Kansas Negotiations Statute.

A review of the selected information concerning the fact-finding process in public education as well as a review of the Kansas Negotiations Law was presented in Chapter II. A review of the information concerning public sector collective bargaining, binding and non-binding arbitration as a method of settlement of disputes, the fact-finding process as a method for settlement of disputes, the role of the fact finder, and the Kansas Statutes pertaining to the fact-finding process in public education teacher negotiations resulted in a perceived need for additional information on the fact-finding process in Kansas. A review of the Kansas Statute on public school negotiations showed that the fact-finding process is an integral part of the impasse procedure. Information concerning collective bargaining, the impasse procedure and its resolution in 38 other

states supported the opinion that teacher negotiations in the public sector is reaching the point where more sophisticated methods of settling disputes are necessary.

The literature also reported that most decisions concerning teacher contracts are no longer made by unilateral action of the Boards of Education, but are arrived at by some mutual agreement through a negotiations process. The Kansas Association of School Boards has taken an active stance to defeat any proposed legislation which includes compulsory binding arbitration in the public sector. The Kansas National Education Association takes the opposite view on compulsory binding arbitration. One common opinion about fact-finding is that it is a procedure which attempts to provide an acceptable alternative to the use of economic and political force in resolving disputes between employers and employees. However, little information exists to provide data for research on the major issues, criteria, and standards utilized by fact finders in reaching conclusions or recommendations. Furthermore, there appears to be a general lack of information with regard to the selection procedures and training available to potential fact finders. A systematic investigation of the results of fact-finding in terms of the acceptance, rejection or modification of recommendations by fact finders is needed.

The research methods utilized to determine districts and items at impasse, Board of Education action on the items at impasse following the fact finder's recommendations, and the attitudes and opinions of the fact finders were as follows:

1. Identification of the public school districts at impasse in the 1977-78 and 1978-79 school years and the fact finders

assigned to consider and make recommendations on the issues at impasse was made by contacts with the Kansas Association of School Boards and the Kansas Public Employees Relations Board.

2. The issues at impasse were identified and placed in categories using information obtained from copies of the actual fact finders' reports and questionnaires sent to the Superintendents of the 17 public school districts involved in impasse procedures during the two-year time period selected for the study. These sources also reported whether the fact finder recommended the Board's or the teacher bargaining unit's last final offer.
3. The action taken by the Boards of Education on the fact finders' recommendations was determined from questionnaires sent to the Superintendents. Action taken by Boards was identified as accepted, modified or rejected. Further information gathered from a questionnaire to Superintendents were: dollar cost and hours spent in preparation by Boards of Education for fact-finding, whether the Board and teacher bargaining units met during and after fact-finding.
4. A demographic analysis of data about the fact finders, their training for fact-finding, their recommendations for training of future fact finders, and their attitudes towards fact-finding were obtained from a questionnaire sent to the 14 fact finders assigned to districts at impasse in 1977-78 and 1978-79 school years.

5. Salary issues at impasse, opinions of the fact finders about the reasonableness of the Board's and teacher bargaining unit's positions, validity of the information presented concerning salary proposals, criteria used to compare salaries among school districts, and possible factors which might have influenced recommendations on salary were obtained from the 14 fact finders. Data were reported as percentages, raw scores, rankings, and mean scores. The data and the findings were reported in Chapter IV.

Findings

The study was designed to answer the research questions recorded in Chapter I. The findings of the study are presented in the following segments:

1. the items held to be at impasse and submitted for fact-finding during the 1977-78 and 1978-79 school years in Kansas public school districts,
2. the categories of items at impasse,
3. the items which appear to have been recommended with some degree of uniformity either for the Boards of Education or for the teacher bargaining units,
4. the reported actions of Boards of Education to accept, modify, or reject the recommendations of the fact finders,
5. the demographic profiles and backgrounds of the individuals selected as fact finders, and
6. opinions held by fact finders toward the fact-finding process.

Items Held to be at Impasse and Submitted for
Fact-Finding During 1977-78 and 1978-79
School Years in Kansas Public Schools

The study included all items at impasse in public school districts which were submitted to fact finders in the 1977-78 and 1978-79 school year and on which recommendations were made in written reports submitted to the Kansas Public Employee Relations Board. The total number of items in 1977-78 for which recommendations were made was 71. Not included in the total of 71 items were two items which were submitted to fact-finding that were referred to the court to determine whether they should be included in the fact-finding process and one item on which both the teachers and the Board presented the same position. These three items did not receive a fact finder's recommendation.

The number of items recommended for the Boards of Education by the fact finder in 1977-78 was 33. This represents 46 per cent of the items submitted. The number of items recommended by the fact finder in 1977-78 for the teacher bargaining units was 38. This represents 54 per cent of the items submitted.

Data reported by the Superintendents indicated that 8 of the 10 school districts included in fact-finding in 1977-78 did not continue to negotiate during the fact-finding procedure, and 9 out of the 10 school districts held at least one meeting -- after the fact-finding report was written but before action on the report was taken by the Boards of Education.

Additional information gathered for 1977-78 indicated that 3,670.9 full time equivalent faculty members and 51,865.2 full time

equivalent students were in the districts involved in the fact-finding process. Nine Superintendents of school districts involved in fact-finding in 1977-78 indicated that the estimated dollar cost for the Boards of Education to participate in the fact-finding process was \$58,700, and an estimated 481 hours of preparation were required to prepare for the 67 items submitted during the fact-finding hearing.

In the 1978-79 school year there were 64 items upon which fact finders made recommendations. One other item was submitted but was resolved during the fact-finding process. Because no written recommendation was made, that item was not included in the total.

The number of items recommended for the Boards of Education by the fact finder in 1978-79 was 26, which represents 41 per cent of the items submitted. The number of items recommended by the fact finder in 1978-79 for the teacher bargaining units was 38, which represents 59 per cent of the items submitted.

The Superintendents reported that in 1978-79, none of the seven Board and teacher bargaining units continued to negotiate during the fact-finding procedure, and all seven Board and teacher bargaining teams met at least once after the fact-finding report was written but before action on the report was taken by the Boards of Education. Information compiled about the public school districts involved in fact-finding in 1978-79 indicated that 3,309.2 full time equivalent faculty members and 49,797.8 full time equivalent students were in those districts.

The seven Superintendents of school districts involved in fact-finding in 1978-79 indicated that the combined estimated dollar cost for the Boards of Education to undergo fact-finding was \$37,690,

and an estimated 810 hours of preparation time was needed by the Board team to prepare for the 64 items presented at the fact-finding hearing. There were 135 items upon which fact finders made recommendations during the two years studied. The number of items recommended for Boards of Education was 59 (44%), and the number of items recommended for the teacher bargaining unit was 76 (56%). The combined two-year cost estimated by the Board team to undergo fact-finding was \$96,390, with a total of an estimated 1291 hours needed by the Board team to prepare for the 131 items presented at the fact-finding hearings. Data obtained from the Kansas State Department of Education showed that 6,980.1 full time equivalent teachers and 101,663 full time equivalent students were in the district involved in the fact-finding process over the two-year period studied.

Categories of Items at Impasse

Following examination of items submitted as issues at impasse for fact-finding, the issues determined to be at impasse were grouped into nine categories based on the similarity of the items. The nine categories, with a brief description of each, were:

1. Financial Remuneration -- All items at impasse which are related to salary.
2. Fringe Benefits -- All items at impasse which related to compensation other than salary.
3. Grievance Procedure -- All items at impasse which involve wording of the contract agreement regarding the methods used in processing a complaint made by an individual employee, the union, or management.

4. Association Rights/Privileges -- Items at impasse which involve contract agreement wording which have direct effect on the rights or privileges of a teacher organization or its membership.
5. Professional Work Day -- All items at impasse which involve the duty day or year or time. As an example, the time that the teacher spends during, before or after his/her regular classroom assignment on school-related tasks.
6. Leaves -- Items at impasse which involve allowed time off the job either with or without pay.
7. Written Agreement Terminology -- Items at impasse concerning the wording of the contract or agreement.
8. Working Conditions -- Items at impasse which concern on-the-job conditions of work.
9. Tenure Rights/Job Security -- Items at impasse which either protects employees from dismissal or grants long-term employment security after a probationary period.

In 1977-78, 24 items at impasse were Financial Remuneration, 6 were Fringe Benefits, 5 were Grievance Procedures, 4 were Association Rights/Privileges, 10 were Professional Work Day, 5 were Leaves, 9 were Written Agreement Terminology, 3 were Working Conditions, and 5 were Tenure Rights/Job Security.

In 1978-79, 25 items at impasse were Financial Remuneration, 4 were Fringe Benefits, 6 were Grievance Procedures, 4 were Association Rights/Privileges, 7 were Professional Work Day, 8 were Leaves, 5 were Written Agreement Terminology, 1 was Working Conditions and 4 were Tenure Rights/Job Security.

For the two years of the study, 49 items at impasse were Financial Remuneration, 10 were Fringe Benefits, 11 were Grievance Procedures, 8 were Association Rights/Privileges, 17 were Professional Work Day, 13 were Leaves, 14 were Written Agreement Terminology, 4 were Working Conditions and 9 were Tenure Rights/Job Security.

Items Which Appear to Have Been Recommended With
Some Degree of Uniformity Either for the
Boards of Education or for the Teacher
Bargaining Units

Information reported by the Superintendents of the 10 school districts for the 1977-78 school year show that the Board and teachers both received an equal number of fact finders' recommendations (12) in the Financial Remuneration category. It was also reported that the items concerning the other eight categories received recommendations for the Board and for the teachers as follows: Fringe Benefits, 2 (33%) recommendations for the Board, 4 (67%) for the teachers; Grievance Procedures, 3 for the Board, 2 for the teachers; Professional Work Day, 4 (40%) for the Board, 6 (60%) for the teachers; Leaves, 2 for the Board, 3 for the teachers; Written Agreement Terminology, 5 for the Board, 4 for the teachers; Working Conditions, 1 for the Board, 2 for the teachers; and Tenure Rights/Job Security, 2 for the Board, 3 for the teachers.

For all categories, 33 (46%) items were recommended for the Board, and 38 (54%) items were recommended for the teachers in 1977-78. The only issues recommended with some degree of uniformity

were: Fringe Benefits with 67% of the recommendations for the teachers and Professional Work Day with 60% for the teachers.

In the 1978-79 school year, the fact finders recommended 12 times for the Board and 13 times for the teachers in the Financial Remuneration category; 1 (25%) recommendation for the Board and 3 (75%) for the teachers in the Fringe Benefits category; 2 (33%) recommendations for the Board and 4 (67%) for the teachers in the Grievance Procedures category; no recommendations for the Board and 4 (100%) for the teachers in the Association Rights/Privileges category; 1 (14%) for the Board and 6 (86%) for the teachers in the Professional Work Day category; 5 (62%) for the Board and 3 (38%) for the teachers in the Leaves category; 2 for the Board and 3 for the teachers in the Written Agreement Terminology category; 1 (100%) for the Board and none for the teachers in the Working Conditions category; and 2 for the Board and 2 for the teachers in the Tenure Rights/Job Security category.

In all categories, 26 (41%) items were recommended for the Board and 38 (59%) items were recommended for the teachers in 1978-79. This is a 5 per cent increase in the number of recommendations for the teachers over the 1977-78 data. The issues recommended with some degree of uniformity were: Fringe Benefits with 75 per cent of the recommendations for the teachers, Grievance Procedures with 67 per cent of the recommendations for the teachers, Association Rights/Privileges with 100 per cent for the teachers, Professional Work Day with 86 per cent of the recommendations for the teachers, and Leaves with 62 per cent of the recommendations for the Board. One

hundred per cent of the recommendations (only 1) on the issue of Working Conditions was for the Board.

In the combined total of the two-year study there were 24 recommendations for the Board and 25 for the teachers in the category of Financial Remuneration; 3 (30%) for the Board and 7 (70%) for the teachers in the category of Fringe Benefits; 5 for the Board and 6 for the teachers in the category of Grievance Procedures; 2 (25%) for the Board and 6 (75%) for the teachers in the category of Association Rights/Privileges; 5 (29%) for the Board and 12 (71%) for the teachers in the category of Professional Work Day; 7 for the Board and 6 for the teachers in the category of Leaves; 7 for both the Board and teachers in the category of Written Agreement Terminology; 2 for both the Board and teachers in the category of Working Conditions; and 4 for the Board and 5 for the teachers in the category of Tenure Rights/Job Security.

During the two years there were 135 fact finders' recommendations; 59 (44%) were for the Board and 76 (56%) were for the teachers. The uniformity in recommendations is apparent in the categories of Fringe Benefits with 70 per cent of the recommendations for the teachers, Association Rights/Privileges with 75 per cent of the recommendations for the teachers, and Professional Work Day with 71 per cent of the recommendations for the teachers.

The Reported Actions of Boards of Education to
Accept, Modify or Reject the Recommendations
of the Fact Finders

Out of a total of 71 items recommended in 1977-78, Boards of Education accepted without change the fact finder's recommendation 47

times (66%), modified the recommendation 8 times (11%), and rejected the recommendation 16 times (23%). Fact finders recommended for the Boards of Education a total of 33 times; and on all 33 items (100%), the Board accepted the recommendation without rejection or modification. The fact finders recommended for the teacher bargaining units 38 times in 1977-78, and the Board accepted 14 (37%) of these recommendations without change, modified 8 (21%) recommendations, and rejected 16 (42%) recommendations.

In 1978-79, out of a total of 64 items which received a fact finder's recommendation, the Boards of Education accepted without change 50 (78%) recommendations, modified 7 (11%) recommendations, and rejected 7 (11%) recommendations. Fact finders recommended for the Boards of Education 26 times, and the Board accepted all 26 (100%) recommendations without change. The fact finders recommended for the teacher bargaining units 38 times in 1978-79, and the Board accepted 24 (63%) of these recommendations without change, modified 7 (18.5%) recommendations, and rejected 7 (18.5%) recommendations.

A combination of the data for the two years studied showed that out of a total of 135 recommendations by the fact finders, 97 (72%) were accepted by the Board without change, 15 (11%) were modified, and 23 (17%) were rejected by Boards. Out of a total of 59 recommendations for the Board over the two-year period, the Board accepted without change all 59 (100%). Out of a total of 76 recommendations for the teachers over the two-year period, the Board accepted without change 38 (50%), modified 15 (20%), and rejected 23 (30%).

By analyzing the categories of items at issue in the fact-finding procedures, it was determined that the Boards of Education accepted, modified or rejected the fact finder's recommendations as follows for the 1977-78 school year: out of a total of 24 Financial Remuneration items, 15 (62%) were accepted, 4 (17%) were modified, and 5 (21%) were rejected; out of 6 Fringe Benefits items, 3 (50%) were accepted and 3 (50%) were rejected; out of 5 Grievance Procedures items, 5 (100%) were rejected; out of 4 Association Rights/Privileges items, 4 (100%) were accepted; out of 10 Professional Work Day items, 4 (40%) were accepted, 1 (10%) was modified, and 5 (50%) were rejected; out of 5 Leaves items, 4 (80%) were accepted and 1 (20%) was rejected; out of 9 Written Agreement Terminology items, 7 (78%) were accepted, 1 (11%) was modified, and 1 (11%) was rejected; out of 5 Tenure Rights/Job Security items, 2 (40%) were accepted, 2 (40%) were modified, and 1 (20%) was rejected.

A similar analysis of the nine categories of items at issue in the fact-finding procedure during the 1978-79 school year showed that the Boards of Education accepted without change, modified or rejected the fact finder's recommendations as follows: of the 25 Financial Remuneration items, 19 (76%) were accepted, 2 (8%) were modified and 4 (16%) were rejected; of the 4 Fringe Benefits items, 3 (75%) were accepted and 1 (25%) was modified; of the 6 Grievance Procedures items, 5 (83%) were accepted and 1 (17%) was modified; of the 4 Association Rights/Privileges items, 2 (50%) were accepted and 2 (50%) were modified; of the 7 Professional Work Day items, 6 (86%) were accepted and 1 (14%) was rejected; of the 8 Leaves items, 8 (100%) were accepted; of the 5 Written Agreement Terminology items, 3 (60%)

were accepted and 2 (40%) were rejected; the 1 (100%) Working Condition was accepted; of the 4 Tenure Rights/Job Security items, 3 (75%) were accepted and 1 (25%) was modified.

An examination of the combination of all items in the nine categories for both years showed that Boards of Education accepted without change, modified or rejected the fact finder's recommendations as follows: of the 49 Financial Remuneration items, 34 (69%) were accepted, 6 (12%) were modified, and 9 (19%) were rejected; of the 10 Fringe Benefits items, 6 (60%) were accepted, 1 (10%) was modified, and 3 (30%) were rejected; of the 11 Grievance Procedure items, 10 (91%) were accepted and 1 (9%) was modified; of the 8 Association Rights/Privileges items, 6 (75%) were accepted and 2 (25%) were modified; of the 17 Professional Work Day items, 10 (59%) were accepted, 1 (6%) was modified, and 6 (35%) were rejected; of the 13 Leaves items, 12 (92%) were accepted and 1 (8%) was rejected; of the 14 Written Agreement Terminology items, 10 (71%) were accepted, 1 (7%) was modified and 3 (22%) were rejected; of the 4 Working Conditions items, all 4 items (100%) were accepted; and of the 9 Tenure Rights/Job Security items, 5 (55%) were accepted, 3 (33%) were modified, and 1 (12%) was rejected.

Demographic Profiles and Backgrounds of Individuals Selected as Fact Finders

A questionnaire was mailed to the fourteen fact finders involved in the impasse procedures for the two years covered by the study. The results indicate that the characteristics of the prototypical fact finder assigned to make recommendations for the 17 public school

districts were those of a 31 to 45-year-old male holding a doctorate degree in law, business administration or economics who became involved in fact-finding as either a volunteer or was recruited by the state of Kansas. The prototypical fact finder had authored up to six books, articles or publications. The majority of fact finders were either college professors or attorneys.

In an analysis of the age of the fact finders, 64 per cent of the fact finders chosen during the two-year period of the study were in the 31-45 year age group. The remaining 36 per cent were in the 46-60 age group. Thirteen of the fact finders were male, and one was female.

The highest ranking level of education of the fact finders was the doctorate degree, which was held by twelve (86%) of the respondents. The remaining 2 (14%) reported having earned a specialist's degree. Five (36%) of the fact finders reported their academic specialization was in the field of law. Six (43%) reported their academic specialization was either business administration and/or economics. Two (14%) reported labor relations as the area of academic specialization. One fact finder (7%) reported his academic specialization was political science.

Six (43%) became involved in fact-finding by volunteering. The same number (43%) were recruited by the state of Kansas. One (7%) fact finder reported his recruitment as a fact finder was through the university, and one fact finder (7%) reported he was recommended for the position.

Six (43%) reported that they had not authored any books, articles or publications concerning public sector labor negotiations prior to

their first assignment as a Kansas fact finder. Four (29%) had authored up to three articles, two (14%) had authored between four and six articles. One (7%) had authored 10 or more articles.

Eight (57%) of the fact finders surveyed were college professors. Three (21.5%) were attorneys, 1 (7%) was in private business, and 1 (7%) was a university administrator. The remaining fact finder was employed one-half time as Director of Employment Relations and one-half time as a college professor.

Training for the fact-finding process as reported by the fourteen fact finders was as follows: 5 (36%) had attended one PERB fact-finding seminar, 5 (36%) had attended two PERB seminars, 2 (14%) had attended three PERB seminars, 1 (7%) had attended four seminars, and 1 (7%) had not attended any PERB seminars. Nine (64%) had received fact-finding training other than the seminars conducted by the state of Kansas, including academic preparation or through attendance at seminars sponsored by the American Bar Association, the American Arbitration Association, the Bureau of Labor, the Institute of Labor, or had attended one of the Advanced Labor Law Seminars.

The most common factor reported in terms of memberships, positions and offices held for the 1977-78 and 1978-79 fact finders was the report of 10 fact finders holding the position of a college professor in the most recent five years prior to appointment as a fact finder. Other factors shared by two or more fact finders included service as a chief negotiator or a member of a negotiation team for a Board of Education and service as a labor arbitrator, labor mediator or member of a labor union in private business.

Over the two years studied, fact finders reported more involvement in business sector negotiations than in the public education sector. During the period of time five or more years prior to appointment as a fact finder, the respondents reported experience as a public education grievance mediator twice, as a grievance arbitrator once, as a labor arbitrator once, as a fact finder twice and as a negotiator either for labor or management once. Experience in the immediate five years prior to appointment as a fact finder, the respondents reported experience in the business sector as a grievance mediator once, as a grievance arbitrator twice, as a labor arbitrator twice, as a fact finder once and as a negotiator for either labor or management once. Eight respondents reported previous experience as a fact finder.

Opinions Held by Fact Finders Toward the Fact-Finding Process

The 14 fact finders were asked to express their opinions about the training of fact finders and about selected teacher salary issues which surfaced during the fact-finding process. These data were reported in percentages when the responses were discreet, mean scores when the responses were based upon a Likert-type scale or a ranking of items.

When fact finders were asked to rank in order of importance the areas of training which would be of benefit to future fact finders, the results were as follows: "Conducting the fact-finding hearing" received the highest ranking with a mean score of 6.43. Following closely in order of importance were "Kansas Professional Negotiations

Statutes" (6.07) and "Writing fact-finding reports" (5.93). The lowest ranked areas were "Private sector labor law" (3.07) and "Federal government mandated education programs" (2.43). From these data, it would appear that participation in the actual fact-finding hearing, a review of the Kansas Negotiations Statutes and participation in the writing of the fact-finding report are more important training experiences than a review of the school budget, financial laws and mandated programs, even though these may also influence the financial demands made on the school district.

Fact finders were surveyed as to their opinions toward selected aspects of the fact-finding process. Responding to a Likert-type scale, fact finders reported the strongest agreement with the statement, "The role of the fact finder should be to conduct a hearing at which opposing parties define the issues at dispute and propose their prospective resolutions for settlement" (1.57). Following closely in strength of agreement was, "The chief purpose of fact-finding is to arrive at recommendations which will be accepted by both parties and will bring the dispute to an end" (1.86). The only other item where fact finders' mean score was above 2.5 is the statement that, "Fact finders are underpaid for the amount of time, effort, and involvement necessary to complete a fact-finding report" (2.29). The greatest disagreement with statements about the fact-finding process were as follows: "The fact-finding process in impasse resolutions should precede the mediation process" (4.57), "Fact finders do not need any training because the Kansas Statutes are explicit as to what the role of the fact finder is" (4.14), "The fact-finding report should immediately be made public information in

all instances in which fact-finding is utilized if the process is to be made effective" (4.07), and "The state of Kansas should fund at least two full-time fact finders for public education cases" (4.07).

The second part of the questionnaire mailed to fact finders asked their opinions on the fact-finding process in each of the districts in which they served as a fact finder. This information resulted in 21 individual fact finder opinion questionnaires being returned. A purpose was to determine whether Boards of Education and teacher bargaining units take reasonable positions, in the opinion of the fact finder, and whether the parties want to reach agreement on the issue of teacher salary.

All fact finders indicated that an item concerning teachers' salaries was at impasse. The complete salary schedule was at issue in 17 (81%) of the 21 declarations of impasse. Base salary and total dollars were reported 8 (38%) and 7 (33%) times respectively.

In response to questions about the salary issue, the fact finders responded strongly on several points: 17 (94%) thought the teacher bargaining units had taken a reasonable position and wanted to reach agreement on the issue of salary, while 11 (58%) thought that the Board had taken a reasonable position and wanted to reach agreement. Twelve (86%) of the fact finders that had access to court findings which declared the issue of salary at impasse thought this information was not helpful to them. Five (26%) of the fact finders had cause to doubt the accuracy of the data presented by the teacher representatives on the issue of salary, and 8 (42%) stated they had cause to doubt the accuracy of the Board data.

Seventy-five per cent of the responses indicated that fringe benefits and salary should not be considered together to arrive at a total salary package. Eight-six per cent of the responses indicated that when there are two or more issues at impasse in addition to salary, the fact finder should consider the impact of all the issues on the district in arriving at his recommendation. Seventy-eight per cent of the fact finders did not think that prior settlement of other issues should affect the recommendations if only salary and/or fringe benefit issues were at impasse.

Eighty-nine per cent of the fact finders thought that the salary information provided by the Board was factual, yet only 42 per cent thought that it was of adequate quality, and 63 per cent thought that it was of adequate quantity. All fact finders thought that the salary information provided by the teacher unit was factual. Sixty-three per cent thought the data provided by the teachers was of adequate quality, and 79 per cent thought that the data presented by the teachers was adequate in quantity. In 85 per cent of the cases, the teachers claimed that the district was able to pay the salary requested.

Data reported on the 21 questionnaires indicated that two criteria ranked high in importance when comparing salaries of one school district with salaries of another school district. "Other districts in a geographical location" and "Other districts of similar enrollment size throughout the state" were ranked of the greatest importance to fact finders, with mean scores of 6.52 and 6.43 respectively. "Other districts with similar total budget size" (6.10) and "Other districts in the same athletic league" (5.81) were third and fourth in order of importance. Ranking more than one mean

score below the fourth-ranked factor was "Other districts with similar pupil-teacher ratios" (4.63). The four least important factors were: "State average classroom teacher salaries," "Other districts with similar adjusted taxable valuations," "Other districts with similar actual taxable valuations," and "Other districts with similar number of teachers employed."

Fact finders were asked to rank facts, arguments or criteria which might have been submitted on the issue of salary as to the degree of influence this information may have had on the recommendation to adopt either the Board of Education's or the teachers' position on salary. The highest mean scores were on "Rate of inflation or cost of living figures used by Consumer Price Index" and "Comparability of teaching wages in other districts of similar size in the state." Following in order of importance were: "Comparability of teaching wages of districts in same athletic league," "Pay scale of other districts in the surrounding geographical area," and "The ability of the district to pay."

The least influence among the items that might have been submitted was the "Manner in which the material was presented." Two other factors which would apparently have little influence were "Quantity of factual information presented" and "Comparability of wages in the private sector."

Conclusions

This study identified the items upon which Boards of Education and representatives of the teachers were declared at impasse and subjected to the fact-finding procedure in the state of Kansas during

1977-78 and 1978-79. The study also reported demographic data on the individuals appointed to serve as public education fact finders in Kansas, as well as their opinions about the fact-finding process. Following is a general list of conclusions drawn from the findings of the study:

1. Over the two-year period, fact finders appeared to make a slightly greater number of recommendations for the teacher bargaining units than for the bargaining units of the Boards of Education.
2. Fact-finding occurred in public school districts in Kansas without regard to the size of student or faculty populations.
3. Preparation for fact-finding and the cost of the process for Boards of Education in Kansas are both time-consuming and expensive. However, the dollar cost per item at impasse was less the second year, while the time spent in preparation almost doubled.
4. Financial remuneration was the single greatest source of impasse declaration each of the two years of the study. There was almost an even split between the number of recommendations for the Boards of Education and for the teacher bargaining units. All public school districts which went to fact-finding took an item relating to teachers' salaries.
5. The second and third greatest number of items submitted for fact-finding were Professional Work Day and Written Agreement Terminology.

6. Over the two years studied, items categorized as Professional Work Day, Association Rights/Privileges, and Fringe Benefits received more recommendations for the teacher bargaining units than for the Boards of Education.
7. Over the two years studied, Boards of Education accepted all fact finders' recommendations without change when that recommendation favored their position.
8. Over the two years studied, Boards of Education accepted without change 50 per cent of the recommendations made by fact finders for teacher bargaining units, modified 20 per cent, and rejected 30 per cent.
9. Of the nine categories of items at impasse, the categories Working Conditions, Leaves and Grievance Procedures received the highest percentage of Board acceptance; while the categories Professional Work Day and Fringe Benefits received the highest percentage of Board rejection.
10. The data showed that the prototypical fact finder appointed during the two years studied was a 31-45-year-old male holding a doctorate who was a college professor.
11. The experience of conducting the fact-finding hearings and a review of the Kansas Negotiation Statutes were recommended by fact finders as areas of greatest benefit in training future fact finders.
12. Fact finders viewed their role as one of conducting a hearing and arriving at recommendations which will be accepted by both parties at dispute.

13. Fact finder opinions on the issue of teachers' salaries revealed that:
- a. Teachers more so than Boards appeared to want to reach agreement and adopt a reasonable position,
 - b. Teachers' information on the issue of salary was viewed in more instances as accurate and of adequate quality and quantity,
 - c. Fact finders expressed more doubt as to the accuracy of data presented on teachers' salaries by Boards of Education than teacher bargaining units. When doubt was present, about 50 per cent of the fact finders sought additional information beyond that provided by the two parties.
14. Fact finders ranked as the two most important factors in comparing salaries among school districts as geographic proximity and similarity in enrollment size throughout the state.
15. Fact finders ranked cost of living as evidenced by the Consumer Price Index and comparable salaries in districts of similar enrollment size as the two most important factors which may have exerted the most influence on the recommendation to adopt a position on salary.

Discussion

A review of the literature revealed that the process of third party intervention to settle disputes has appeared in different forms throughout history, but fact-finding has only been utilized as a

method of settling disputes in public education in the United States since 1954. The fact-finding process as one method of third party intervention to settle disputes is utilized currently by a number of states in their Negotiation Statutes which deal with public education. The state of Kansas enacted a Professional Negotiations Law for teachers in 1970, and it was amended in 1977 to include a fact-finding process after a declaration of impasse. The Statutes limited fact finders to choosing the last offer of either the teacher bargaining unit or the Board of Education.

A review of the responses from Superintendents of Schools which were involved in fact-finding from 1977 to 1979, as well as a review of the actual fact finders' reports submitted to the state of Kansas, resulted in a listing of the items that the Boards of Education and teachers took to impasse and in a listing of the common characteristics of these items. A review of the data reported by school Superintendents about the fact-finding process revealed that it was both expensive for Boards of Education to go through the process and took a great deal of time for their employees to prepare. Further analysis of reports indicated that the number of districts which went to fact-finding the second year after the Statutes were enacted were fewer. Except for one district which took 51 items to fact-finding, the number of items per district presented to the fact finder the second year were fewer, and the items were more likely to concern the issue of teachers' salaries.

Under Kansas Statute, Boards of Education had the opportunity to accept, modify or reject the recommendation of the fact finder. They utilized this prerogative in each of the two years studied. Data

gathered about the actions of the Boards of Education in response to the fact finders' recommendations indicated that during the second year of fact-finding, Boards of Education accepted without change more recommendations than they did the prior year. This might indicate a less fearful and more responsive approach to the process by the Boards. Furthermore, the number and per cent of recommendations rejected by the Board the second year of fact-finding may be a further indication of their acceptance of this method of dispute settlement.

Data gathered for both years indicated that Boards and teacher units are more likely to go to fact-finding over issues that relate to the category of Financial Remuneration than any other single group of issues. The number of items placed in this category did not appear to change greatly over the two-year period. Over the two years, there was almost an equal split in the number of recommendations for the Board of Education and for the teacher bargaining unit by fact finders in the category of Financial Remuneration.

It appeared from a review of the two-year data that the categories of Fringe Benefits, Association Rights/Privileges, and Professional Work Day were recommended somewhat uniformly for the teacher bargaining unit's position by the fact finders. One might tentatively conclude that the positions taken by the teacher bargaining units are either substantially justified or that the fact finders are more willing to find for the teachers on these non-salary related items. Further research over a longer period of time could support or disprove these statements. Over the two years studied, Boards of Education rejected more recommendations which favored the teacher bargaining units' positions in the categories of Financial

Remuneration and Professional Work Day and accepted more fact finders' recommendations which favored the teacher bargaining units' position in the categories of Leaves and Grievance Procedures. This could indicate that Boards of Education are willing to accept compromise on the positions taken by the teacher bargaining units on these non-salary related items.

Appointed fact finders' demographic data raised questions as to the degree to which they represented the public at large. The fact that a great number of male college professors were appointed both years studied may raise questions as to whether the fact finders would be biased toward the teachers' point of view. No statistical data gathered indicated such a bias existed, but further study is needed to determine whether this bias exists, particularly on the non-salary items. A statewide recruitment of more individuals from all occupational fields is needed to diversify the demographic characteristics of the fact finders.

Persons appointed to fact-finding positions held common opinions about the process and the future training needed for fact finders. A "nuts and bolts" approach was recommended rather than a theoretical study of the procedures. How to conduct the fact-finding hearing and a review of the Statutes were the strongest recommendation for future training.

Data revealed that a majority of the fact finders thought the teacher units were more reasonable in their positions on salaries. Furthermore, fact finders were of the opinion that teacher units submitted more factual information which was more adequate in quality and quantity than the Board of Education.

Data from fact finders also indicated that in their opinion, comparing salaries among school districts with a similar enrollment size and from the same geographical location were the most important criteria to be used for comparison purposes. Factors which could have some influence on their recommendations about salary were the rate of inflation or cost of living as determined by the Consumer Price Index and comparable wages of similar districts throughout the state. This could indicate that fact finders used local statistics to compare salaries, but the factors which exerted the most influence on their recommendation were state or national statistics.

Recommendations

This study was an initial effort to investigate the application of the fact-finding procedure of the Kansas Statutes in public school districts in the state during 1977-78 and 1978-79. While the study provided information in response to the research questions raised initially, it also resulted in the development of several recommendations for further study that were beyond the scope of the current study. These recommendations follow.

1. Fact finders stated that on numerous occasions, they had reason to question either the quality or quantity of data supplied by the parties at impasse. An analysis of the information provided to the fact finders is needed in order to determine if guidelines could be developed to assist the parties in providing data of sufficient quality and quantity to be of assistance to the fact finders.

2. There appeared to be a discrepancy between the data used by fact finders in making their decisions on which salary proposal to recommend and data which might have been submitted that would have impacted the recommendation. Further study is needed to determine the criteria which would be most beneficial to fact finders in reviewing the salary proposals.
3. A thorough comparison of the Negotiations Statutes in Kansas with those in other states is needed in order to see if the Kansas Statutes can be improved through a revision of either the point in the process at which impasse is declared and on the procedures used in the fact-finding process.
4. The data reported in the present study resulted in a question of bias of the fact finders toward the teacher bargaining unit on certain issues at impasse. A further study is recommended to determine whether this bias exists, and if so, on which issues and why.
5. The study examined the opinions of fact finders toward the information provided by the parties at impasse on salary issues. Further study is recommended to determine if the information provided by the parties at impasse on issues other than salary is of sufficient quality or quantity and the types of information which would be of assistance to the fact finders on these issues.
6. The study was limited to a review of fact-finding during 1977-78 and 1978-79. A follow-up study is recommended for subsequent years to determine if there exists an emergent

model for fact-finding in the state with regard to either the processes and procedures or the format and type of data submitted on various issues.

7. The demographic data reported by the fact finders revealed that all of the fact finders were male. It is recommended that the Secretary of Human Resources for the state of Kansas engage in an intensive and extensive recruitment effort to enlarge the pool of potential fact finders, with particular emphasis on identifying females and minorities.
8. Data collected during this study were reviewed to determine the type of training procedures which would be of greatest help to fact finders. Based on that review, it is recommended, that the Secretary of Human Resources for the state of Kansas review the training procedures for fact finders and that appropriate modifications in these training procedures be implemented.
9. The Kansas Statutes specify that fact finders have a maximum of ten days in which to write the fact-finding report for submission. It is recommended that the Kansas Legislature consider revising the Kansas Statute to allow for more time for the fact finder to review the information submitted by the parties at impasse and to prepare the recommendation.
10. The Kansas Statutes provide that the fact finder is limited in his/her scope of recommendation to the final position of one of the parties to the impasse. In other states fact finders are permitted a much greater degree of flexibility in making recommendations. The Kansas Legislature should consider a revision in the Kansas Statute to allow the fact

finder to choose either of the final positions of the parties at impasse or develop his/her own recommendation for resolution of the issues.

11. A review of the data collected from the fact finders indicated that there was considerable inconsistency in the information provided to the fact finder by the parties at impasse. It is recommended that regional or statewide workshops be provided by the state of Kansas or other appropriate parties or groups for the purpose of assisting Boards of Education and teacher bargaining units about the fact-finding process as well as the type, amount and quality of information to be presented to the fact finders.

We are living in an era when more and more emphasis is placed on the conditions surrounding the formation of public employee bargaining units. Statutes are being enacted in Kansas as well as other states to address the problems associated with negotiations between employees and employers. Each year it becomes more evident that there exists an urgent need for a more efficient and effective method of resolving those issues, which for many reasons, cannot be resolved at the bargaining table. The time, effort and expense that Boards of Education and teachers spend on the preparation for and involvement in the bargaining process enhances the importance of the successful resolution of the declarations of impasse which occur. The parties at impasse, state agencies and members of the Legislature are sources of information about how procedures can be made more effective, but the neutral third party (called fact finders in Kansas) should be a major source of information for any revisions in the bargaining environment

that are to be prepared. The state of Kansas must provide the best possible collective bargaining environment for the benefit of students, teachers, administrators, School Boards and indeed for the future of education in the state.

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APPENDIX A

SUPERINTENDENTS' QUESTIONNAIRE

November 20, 1980

Name
Address
City

Salutation

Recognizing that once again we are entering the time of year that preparation for teacher negotiation begins, I would ask for your help in completing the enclosed questionnaire. Your district has been identified as one of the school districts who experienced the fact-finding process during the first two years of its implementation in the Kansas Statutes. Because of the limited number of school districts that went through the fact-finding process and the apparent information void about the procedure, your cooperation in gathering data will be greatly appreciated.

I can visualize your reaction to receiving another request for information. However, I believe that the potential value of this research is great enough to justify asking for a little of your time. It is also important as a basis for a dissertation, and I would be quite grateful for your help.

The items of requested information have been kept at a minimum to require the least amount of your time and yet still yield reliable information. If you have any questions about the study prior to your participation, please let me know.

Thank you for your support of educational research and for your help. A response within two weeks would be greatly appreciated.

Sincerely,

Jerry D. Weast
Researcher

QUESTIONNAIRE

Please provide the answers to the following questions. Attach extra sheets of paper if necessary.

USD Number _____ District Name _____

For what school year was a fact finder's report filed with the Public Employee Relations Board. _____ 1977-78 _____ 1978-79

The following table deals specifically with the actual fact finder's report, and how it was utilized by the Board of Education. Please feel free to utilize additional sheets of paper if necessary for additional comments.

Utilize the following statements to determine whether to place a checkmark in the appropriate column of the table below.

Column I. List the items which were at impasse and appeared in the fact finder's report. Please be brief and specific in your description. If the issue of salary was taken to fact-finding, please be specific as to what was at issue. i.e., total dollars, base salary, number of steps, indexed schedule, etc.

Column II. Place a checkmark in this column if the fact finder(s) recommended the adoption of the Board's final position on the item appearing on this line in Column I.

Column III. Place a checkmark in this column if the fact finder(s) recommended the adoption of the teachers' final position on the item appearing on this line in Column I.

Column IV. Place a checkmark in this column if the fact finder(s) recommendation on this line in Column I was adopted by the Board of Education but without modification.

Column V. Place a checkmark in this column if the fact finder(s) recommendation on this item appearing on this line in Column I was adopted by the Board of Education but only after it was modified after fact-finding was completed.

Column VI. Place a checkmark in this column if the fact finder(s) recommendation on this item appearing on this line in Column I was rejected by the Board of Education after fact-finding was completed.

Column VII. Place a checkmark in this column if the item appearing on this line in Column I was resolved during the impasse process and both Board and teachers were in agreement on final position.

TABLE ON FACT-FINDING REPORT

COLUMN I (Items)	II	III	IV	V	VI	VII
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						

TABLE ON FACT-FINDING REPORT

COLUMN I (Items)	II	III	IV	V	VI	VII
13.						
14.						

Please answer the following questions by placing a check by the appropriate response or filling in the blank.

Did the Board and teacher team continue to negotiate during the fact-finding process?

_____ 1. Yes

_____ 2. No

Did the Board and teacher team meet at least once after the fact-finding report was written but before any Board action on teacher contracts was taken?

_____ 1. Yes

_____ 2. No

Estimate to the nearest dollar the total fact-finding cost incurred by the Board of Education to prepare and go through the fact-finding process. (This is a dollar amount for all employees and Board members.) \$_____.

Estimate to the nearest hour the total man hours that were involved in the fact-finding process by the Board's team:

_____ hours in preparation

_____ hours in process

Name and position of person completing this questionnaire.

Name

Position

Thank you!!! Please return this questionnaire in the enclosed envelope to: Jerry D. Weast
365 North Ohio
Benton, KS 67017

_____ Check this box if you would like a copy of the results.

Please feel free to write additional comments about fact-finding process on the back of this questionnaire if you wish to express other pertinent facts.

APPENDIX B

FACT FINDER'S QUESTIONNAIRE

November 20, 1980

Name
Address
City

Salutation

Recognizing that once again we are entering the time of year that preparation for teacher negotiation begins, I would ask for your help in completing the enclosed questionnaires. You have been identified by the Kansas Public Employee Relations Board as an individual who served as an appointed fact finder in a Kansas public school district during the first two years the Statute which enabled this method of impasse resolution was implemented in Kansas. Because of the limited number of school districts who went through the fact-finding process and the apparent information void about the procedure, your cooperation in gathering data will be greatly appreciated.

I can visualize your reaction to receiving another request for information. However, I believe that the potential value of this research is great enough to justify asking for a little of your time. It is also important as a basis for a dissertation, and I would be grateful for your help.

The items of requested information have been kept at a minimum to require the least amount of your time and yet still yield reliable information. This survey is being conducted under the guidelines established by Oklahoma State University. Confidentiality is guaranteed; your name will not be associated with your answers in any public or private report of the results.

The purpose of the first part of the survey is to classify several characteristics and attitudes of the population being studied. The second part of this survey is designed to elicit selected perceptions that you as a fact finder had on how the issue involving salary was presented in each of the districts for which you were appointed as a fact finder. Furthermore, the second part of this survey instrument deals with your opinions as to what type and quantity of information should be presented on the issue of salary at a fact-finding hearing. If you have any questions about the study prior to your participation, please let me know.

Thank you for your support of educational research and for your help. A response within two weeks would be greatly appreciated.

Sincerely,

Jerry D. Weast
Researcher

QUESTIONNAIRE

Please answer the following questions by placing a mark in the blank to the left of the correct answer or by filling in the blanks when necessary.

COMPUTER

USE

1 Please indicate your age category:

- | | |
|------------------------------|--------------------------|
| <u> </u> 1. 30 or under | <u> </u> 3. 46-60 |
| <u> </u> 2. 31-45 | <u> </u> 4. Over 60 |

2 Please indicate your sex:

- | | |
|-----------------------|-------------------------|
| <u> </u> 1. Male | <u> </u> 2. Female |
|-----------------------|-------------------------|

3 Check highest level of education:

- | | |
|------------------------------|-----------------------------|
| <u> </u> 1. High School | <u> </u> 4. Specialist |
| <u> </u> 2. Bachelors | <u> </u> 5. Doctorate |
| <u> </u> 3. Masters | |

4 Check area of concentration for highest degree:

- | | |
|----------------------------------|--|
| <u> </u> 1. Education | <u> </u> 4. Political Science |
| <u> </u> 2. Business Admin. | <u> </u> 5. English |
| <u> </u> 3. Economics | <u> </u> 6. Other <u> </u> |

5 How did you become involved as a fact finder?

- | | |
|-------------------------------------|--|
| <u> </u> 1. Volunteer | <u> </u> 3. Other <u> </u> |
| <u> </u> 2. Recruited by state | |

6 Check number of fact finder training seminars operated by the Kansas PER Board you attended prior to your first assignment as a fact finder.

- | | |
|-----------------------|--------------------|
| <u> </u> 1. None | <u> </u> 4. 3 |
| <u> </u> 2. 1 | <u> </u> 5. 4 |
| <u> </u> 3. 2 | |

7 Have you received any training to be a fact finder other than training seminars operated by the state of Kansas?

- | | |
|----------------------|---------------------|
| <u> </u> 1. Yes | <u> </u> 2. No |
|----------------------|---------------------|

8 If the answer to question 7 was yes, by whom was this training given?

- | | |
|-----------------------|--|
| <u> </u> 1. NSBA | <u> </u> 5. FM&CS |
| <u> </u> 2. KNEA | <u> </u> 6. Bureau of Labor |
| <u> </u> 3. NEA | <u> </u> 7. Other <u> </u> |
| <u> </u> 4. KASB | |

Rank the following eight areas using a scale of "8" to "1", with "8" being the most important to "1" being the least important. Place a "8" by the area which in your opinion should receive the most concentrated effort in the training of future fact finders for Kansas teacher negotiations.

- 9 ☐ Writing fact-finding reports
- 10 ☐ Conducting the fact-finding hearing
- 11 ☐ Human relationships
- 12 ☐ Kansas Professional Negotiations Statutes
- 13 ☐ Kansas school finance laws
- 14 ☐ Kansas school budget documents
- 15 ☐ Federal government mandated education programs
- 16 ☐ Private sector labor law

Place a "1" by those items in which you have held a membership, position or office during the past five years. Place a "2" by any of the remaining items in which you have held a membership, position or office at any time during your lifetime but prior to the last five years.

- 17 ☐ Chief negotiator for Board of Education
- 18 ☐ Board of Education negotiation team member
- 19 ☐ Board of Education member
- 20 ☐ Public school teacher
- 21 ☐ Private school teacher
- 22 ☐ College or university instructor
- 23 ☐ Chief negotiator for teacher bargaining unit
- 24 ☐ Member of a teacher bargaining unit
- 25 ☐ Public education negotiations mediator
- 26 ☐ Private business labor arbitrator
- 27 ☐ Private business labor mediator
- 28 ☐ Member of college or university bargaining unit
- 29 ☐ Member of a labor union

Place a "1" by those items in which you have had some experience within the last five year but prior to your first assignment as a Kansas public education fact finder. Place a "2" by any of those items remaining in which you have had some experience during your lifetime but prior to the last five years.

Public Education

- 30 ☐ Public education grievance mediator
- 31 ☐ Public education grievance arbitrator
- 32 ☐ Public education fact finder in state other than
 Kansas
- 33 ☐ Public sector fact finder

Business Sector

- 34 ☐ Business sector grievance mediator
- 35 ☐ Business sector grievance arbitrator
- 36 ☐ Business sector labor arbitrator
- 37 ☐ Business sector fact finder
- 38 ☐ Negotiator for either labor or management

- 39 Place a check by the number of books, articles or publications which you authored prior to your first assignment as a Kansas fact finder -- the subject matter of which dealt with public sector negotiations.

_____ 1. None	_____ 4. 7-9
_____ 2. 1-3	_____ 5. 10 or more
_____ 3. 4-6	

- 40 Which of the following best describes your current employment position:

_____ 1. Private business	_____ 4. Public school administrator
_____ 2. Public school teacher	_____ 5. University or college professor
_____ 3. Attorney	_____ 6. Other _____

ATTITUDES TOWARD FACT-FINDING

Directions: Please circle the response which corresponds closely to your feelings about each item listed below:

KEY: 1 = Strongly Agree
 2 = Agree
 3 = Uncertain or Don't Know
 4 = Disagree
 5 = Strongly Disagree

Example: The state-appointed fact finder should reside in the district at impasse.

1 2 3 4 5

Please circle the number which most nearly indicates your feelings. There are no right or wrong answers. Please answer every item.

Begin here:

Circle one:

- | | | |
|----|---|-------------------|
| 41 | The ideal role of the fact finder should involve some mediation. | 1 2 3 4 5 |
| 42 | The role of the fact finder should be to conduct a hearing at which opposing parties define the issues at dispute and propose their prospective resolutions for settlement. | 1 2 3 4 5 |
| 43 | The fact-finding process in impasse resolutions should precede the mediation process. | 1 2 3 4 5 |
| 44 | Kansas School Boards understand the purpose of fact-finding. | 1 2 3 4 5 |

- 45 Kansas teachers understand the purpose of fact-finding. 1 2 3 4 5
- 46 Except for those parties directly involved, the fact-finding hearing should be closed to the press and public. 1 2 3 4 5
- 47 The fact-finding report should immediately be made public information in all instances in which fact-finding is utilized if the process is to be made effective. 1 2 3 4 5
- 48 Fact finders should be given the opportunity under the law to mediate rather than choose the last position of one party. 1 2 3 4 5
- 49 Fact finders are underpaid for the amount of time, effort and involvement necessary to complete a fact-finding report. 1 2 3 4 5
- 50 The state of Kansas should fund at least two full-time fact finders for public education cases. 1 2 3 4 5
- 51 The chief purpose of fact-finding is to arrive at recommendations which will be accepted by both parties and will bring the dispute to an end. 1 2 3 4 5
- 52 Fact finders do not need any training because the Kansas Statutes are explicit as to what the role of the fact finder is. 1 2 3 4 5
- 53 The hardest task of the fact finder is determining which side gave a more realistic description of the actual situation. 1 2 3 4 5
- 54 Fact finders should be able to discuss their findings with parties not involved in the process prior to writing their final written recommendations. 1 2 3 4 5
- 55 The personality of the representative presenting the data at the fact-finding hearing plays a major role in influencing a recommendation. 1 2 3 4 5
- 56 Payment for services rendered is the chief motivation for serving as a fact finder. 1 2 3 4 5
- 57 A thorough knowledge of the Kansas finance laws are necessary to be a fact finder. 1 2 3 4 5

PART II

Please complete this salary segment of the questionnaire on each district for which you served as a fact finder. (Check and enter all data for all that apply.)

COMPUTER
USE

- 1 Was an item concerning teachers' salaries at impasse?
 _____ 1. Yes _____ 2. No
 - 2 If yes, which of the following best describes the salary issue at impasse?
 _____ 1. Complete salary schedule _____ 4. Increments
 _____ 2. Total dollars _____ 5. Columns
 _____ 3. Base _____ 6. Type of schedule
 _____ 7. Other
 - 3 In your opinion, did you feel the School Board had taken a reasonable position and wanted to reach agreement on the salary issue?
 _____ 1. Yes _____ 2. No
 - 4 In your opinion, did you feel the teachers' unit had taken a reasonable position and wanted to reach agreement on the salary issue?
 _____ 1. Yes _____ 2. No
 - 5 Did you have access to the court findings which declared the issue of salary at impasse?
 _____ 1. Yes _____ 2. No
 - 6 If yes, were the findings helpful to you?
 _____ 1. Yes _____ 2. No
 - 7 Did you have cause to doubt the accuracy of the data presented by the Board of Education representatives on the issue of salary?
 _____ 1. Yes _____ 2. No
- If yes, which statement(s) best describe(s) the influence on your decision? (Check more than one if needed.)
- 8 _____ Did not influence decision
 - 9 _____ Created a negative impression on that issue
 - 10 _____ Tended to enhance other side's position
 - 11 _____ Caused you to disregard evidence presented
 - 12 _____ Caused you to go outside for factual information

- 13 Did you have cause to doubt the accuracy of the data presented by the teacher representatives on the issue of salary?

_____ 1. Yes _____ 2. No

If yes, which statement(s) best describe(s) the influence on your decision?
(Check more than one if needed.)

- 14 _____ Did not influence decision
15 _____ Created a negative impression on that issue
16 _____ Tended to enhance other side's position
17 _____ Caused you to disregard evidence presented
18 _____ Caused you to go outside for factual information

- 19 Under the issue of salary, were fringe benefits considered separate from salary?

_____ 1. Yes _____ 2. No

- 20 In your opinion, should fringe benefits and salary be lumped together to arrive at a total salary package?

_____ 1. Yes _____ 2. No

- 21 Did you utilize other information that was not presented by either party in reaching a decision on salary?

_____ 1. Yes _____ 2. No

- 22 If yes, where did you go for other information? _____

- 23 What other types of information on the issue of salary would you have liked to have been provided, but were not? _____

- 24 If any of the above had been provided on the issue of salary, could it have altered your decision?

_____ 1. Yes _____ 2. No

- 25 In your opinion, when there are two or more issues at impasse in addition to salary, should the fact finder consider the impact of all the issues on the district in arriving at his recommendations?

_____ 1. Yes _____ 2. No

- 26 If only salary and/or fringe benefit issues are at impasse, did prior settlement of other issues affect your recommendation?

_____ 1. Yes _____ 2. No

at a recommendation to adopt the Board's or teachers' position on salary. Rank the following in order of influences using a scale of "15" to "1", with "15" having the greatest influence and "1" having the least influence.

- 46 _____ Ability of district to pay
- 47 _____ Past rate of teacher turnover
- 48 _____ Rate of inflation or cost of living figures used by
 Consumer Price Index
- 49 _____ Comparability of wage in private sector
- 50 _____ Comparability of teaching wages in other districts of
 similar size in state
- 51 _____ Comparability of teaching wages of districts in same
 athletic league
- 52 _____ Manner in which material was presented
- 53 _____ Quantity of factual information presented
- 54 _____ State average classroom teachers' salaries
- 55 _____ Cost of living rate by local or state data
- 56 _____ Pay scale of other districts in surrounding
 geographical area
- 57 _____ Pay scale of other districts in same athletic league
- 58 _____ Pay scale of other districts with similar
 pupil-teacher ratios
- 59 _____ Type of salary schedule presented
- 60 _____ History of salary increases in that Unified District

Thank you!!! Please return this questionnaire in the enclosed envelope to: Jerry D. Weast
365 North Ohio
Benton, KS 67017

_____ Check this box if you would like a copy of the results.

Please feel free to write additional comments about fact-finding process on the back of this questionnaire if you wish to express other pertinent facts.

VITA²

Jerry Dean Weast

Candidate for the Degree of

Doctor of Education

Thesis: AN ANALYSIS OF THE 1977-78 AND 1978-79 PUBLIC SCHOOL FACT
FINDER REPORTS IN THE STATE OF KANSAS

Major Field: Educational Administration

Biographical:

Personal Data: Born in Iola, Kansas, October 8, 1947, the son of
Mr. and Mrs. Kenneth Weast.

Education: Graduated from Moran High School, Moran, Kansas, in
May, 1965; received Associate of Arts degree from Iola Junior
College in 1967; received a Bachelor of Science degree in
Business Education (accounting concentration) from Pittsburg
State University in 1969; received a Master of Science degree
in Secondary School Administration from Pittsburg State
University in 1972; received a Specialist in Education degree
in General School Administration from Pittsburg State
University in 1974; completed requirements for the Doctor of
Education degree at Oklahoma State University, Stillwater,
Oklahoma, in July, 1981.

Professional Experience: Taught business subjects and coached at
Belleville High School, Belleville, Kansas, 1969-71; taught
business subjects and coached at Crest High School, Colony,
Kansas, 1971-72; high school and elementary school Principal
at McCune, Kansas, in 1972-73; high school Principal at
Uniontown High School, Uniontown, Kansas, 1973-76;
Superintendent of Schools at USD 235, Uniontown, Kansas,
1976-78; Superintendent of Schools at Circle USD 375,
Towanda, Kansas, 1978-81.