



# OLR RESEARCH REPORT

February 1, 2013

2013-R-0121

## **QUESTIONS FOR EDUCATION ARBITRATION BOARD NEUTRAL ARBITRATOR NOMINEES**

By: Marybeth Sullivan, Legislative Analyst II

### **EDUCATION ARBITRATION BOARD (CGS § [10-153F](#))**

- The panel consists of 24 to 29 members who serve two-year terms. Seven must represent bargaining representatives of certified employees. Seven must represent the interests of local and regional boards of education. From 10 to 15 must be impartial representatives of the public experienced in public sector collective bargaining interest impasse resolution.
- The governor appoints. Both houses confirm.
- If a contract dispute is not settled following mediation, the matter is referred to arbitration. The parties can either agree on a single impartial representative chosen from the panel or each can select an arbitrator to represent their interests. In the latter case, the commissioner of education selects a third arbitrator if the parties cannot agree on the third.

- Arbitrators must give priority to the public interest and the financial capability of the town or towns in the school district in arriving at their decision. Arbitrators must also consider (1) the negotiations between the parties prior to arbitration; (2) the interests and welfare of the employee group; (3) changes in the cost of living averaged over the preceding three years; (4) the existing conditions of employment of the employee group and those of similar groups; and (5) the salaries, fringe benefits, and other conditions of employment prevailing in the state labor market. Arbitrators must resolve each individual disputed issue separately by accepting the last best offer thereon of either of the parties, and must incorporate each such accepted individual last best offer and an explanation of how the total cost of all offers accepted was considered in a decision.

### **QUESTIONS FOR NEUTRAL ARBITRATOR NOMINEES**

1. When municipal and state budgets are tight, it seems that more school contract negotiations go to binding arbitration. Do you agree that this is the case? What major trends in teacher and school administrator contracts do you see over the next three-to five years?
2. Municipal officials, news media, and members of the public are often highly critical of the teacher binding arbitration law and of arbitrators' decisions on particular contracts. How do such criticisms affect your decisions as an arbitrator?
3. The Teacher Negotiation Act allows the parties to mutually agree to use a single neutral arbitrator rather than a three-member panel. In your experience, how does a proceeding with a single arbitrator differ from one with a panel?
4. Have any of your decisions as a single arbitrator or as a member of a panel been subject to judicial review? If so, has a court ever granted a motion to vacate or modify the decision, and upon what grounds?
5. In a final offer arbitration you can be faced with two poor last offers. How do you pick one? Do you look at the contract as a whole when choosing between offers on one issue?
6. In your experience, do parties tend to use the same neutral arbitrator repeatedly? If so, why do you think this happens?

7. When a town rejects an initial arbitration award, the Teacher Negotiation Act requires the issues to go to a review panel. How effective is the review system? Does a town's rejection typically change the outcome?
8. What effect does the towns' power to reject an initial arbitration award have on the collective bargaining and arbitration process?
9. Does the possibility of a rejection vote change how arbitrators make their decisions? Have you ever had an initial decision rejected?

MGS:tjo