

## Questions for Neutral Nominees to the Education Arbitration Panel

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### Education Arbitration Panel ([CGS § 10-153f](#))

- The panel consists of 24 to 29 members who serve four-year terms. Seven represent bargaining representatives of certified employees, seven represent the interests of local and regional boards of education, and 10 to 15 must be impartial (neutral) representatives of the public experienced in public sector collective bargaining interest impasse resolution.
- The governor nominates and both houses confirm members.
- If a contract dispute is not settled by the completion of mediation, the matter is referred to arbitration. The parties can either agree on a single impartial representative chosen from the board 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 the (1) negotiations between the parties prior to arbitration; (2) interests and welfare of the employee group; (3) changes in the cost of living averaged over the preceding three years; (4) existing conditions of employment of the employee group and those of similar groups; and (5) salaries, fringe benefits, and other conditions of employment prevailing in the state labor market.
- Arbitrators must (1) resolve each disputed issue separately by accepting the last best offer of either of the parties and (2) 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. What major trends in teacher and school administrator contracts do you see over the next three to five years? Have the recent (overall) increases in state education aid affected the number of contracts that go to arbitration?
2. How has the COVID-19 pandemic affected contract negotiations? Has it made town finances unpredictable or unstable? Additionally, have the federal American Rescue Plan Act (ARPA) funds awarded to towns had an impact on negotiations?
3. Has the COVID-19 pandemic had an impact on how arbitrators do their work? Do you work remotely now?
4. Do you know how many neutral arbitrators are serving currently? Have there been any challenges in recruiting qualified candidates? If so, do you have any suggestions for how to address these issues?
5. The Teacher Negotiation Act (TNA) 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?
6. As a neutral arbitrator, how do you weigh each side's offer? Do you consider the contract as a whole when choosing between offers on one issue? How do you maintain your neutrality?
7. In your experience, do parties tend to use the same neutral arbitrator repeatedly? If so, why do you think this happens? Does a party waiting for the availability of a familiar arbitrator contribute to delays in arriving at a resolution to the arbitration?
8. When a town rejects an initial arbitration award, TNA requires that the issues go to a review panel. How effective is the review system? Does a town's rejection typically change the outcome?
9. What effect does a town's power to reject an initial arbitration award have on the collective bargaining and arbitration process? Does the possibility of a rejection vote change how arbitrators make their decisions?
10. The State Department of Education conducts a screening and interview process to select nominees to become neutral arbitrators. You were selected after going through the process. What steps are involved in the process? Are there any improvements you would recommend?
11. Education arbitrators often ask for a per diem fee of between \$1,200 and \$2,000. How do arbitrators decide what amount to charge? How do you respond to those who say the fees are too high?

JM:kl