



**CEO ERIC GORDON'S STATEMENT TO THE BOARD OF EDUCATION ON HIS PROPOSAL
TO REJECT THE FACT-FINDER'S REPORT**

MAY 10, 2016

Good evening Board members and members of the public,

As you know, the CMSD and the Cleveland Teachers Union participated in the Fact-Finding process during the week of April 18th through the 22nd. The purpose of the Fact-Finding process is to give a neutral, third-party fact-finder the opportunity to consider the proposals of both parties, listen to the evidence related to those proposals, and to make recommendations as to what language the parties should consider adopting.

On Friday, May 6th, both the District and the CTU received a copy of the written Fact-Finder Report, including the Fact-Finder's recommendations. Both bargaining teams now have to decide whether they are able to accept the recommendations of the Fact-Finder or whether they feel they must reject those recommendations. The parties must do so in whole, considering all issues outlined in the report and all tentative agreements the parties have previously reached which are considered included as part of the report.

Tonight, on behalf of the District's bargaining team, I am recommending that the Board of Education reject the Fact-Finder's report.

While the report recognized a number of tentative agreements already reached by the parties and also included a number of recommendations for the parties to consider, there are still a number of key issues of importance to the Board that remain unresolved. These include:

- A reference on page 27 directing a small group of the negotiations team from both parties to “work through any differences” over language describing how school psychologist caseloads would be assigned
- A reference on page 37 directing the parties to “continue the collaborative work that they began during the process to resolve their differences” regarding teacher evaluations
- A reference on page 45 directing the parties to “rejoin their collaborative efforts after issuance of this Report and, if necessary, to retain the services of a change management expert, to aid them in reaching agreement” on the effects of implementing a new Human Resources Management System
- A reference on page 52 recommending “the District’s and the Union’s negotiating teams meet in small group session to work out a prorated means of applying the scheme (her words, not mine) proposed by the Union without destroying the intent to substantially improve paraprofessional compensation”
- And, a reference on page 65 recommending “that both parties capitalize on the progress that they made through collaboration during fact-finding, focus realistically on problems with the language and how it has been implemented, and address these in

negotiations subsequent to issuance of this report”

In these cases, the Fact-Finder recommended that a small group of representatives from both parties negotiate solutions. Accepting a report under these terms means that the District and the Union would be bound by current contract language for the term of the new contract unless or until an agreeable alternative solution could be found and that neither party would have any recourse if a more agreeable solution could not be reached.

In addition, the Report references a number of Union proposals that were never presented to the District by the Union or through the Fact Finder.

These proposals include:

- A reference on pages 9 and 10 to a union proposal to retain current contract language regarding the teacher non-renewal process
- References on pages 29 and 33 to a union proposal regarding teacher evaluations that is different than the proposals previously presented to the Board team
- A reference on page 49 to a wage proposal that is different than the proposals previously presented to the Board team
- A reference on page 54 to a proposal regarding corrective action schools that is different than the proposal previously presented to the Board team
- And, a reference on page 59 to a wage reopener proposal that had not been previously shared with the District

While many of the references to these proposals may in fact move the parties closer together, the District’s bargaining team has had no opportunity to consider and respond to those proposals. The Board

simply cannot vote to accept proposed contract language the District's negotiating team has never seen.

Finally, in several instances where recommendations are made, the report either fails to set forth the specific language the parties are to live by or sets forth language recommendations that are unclear in their intent.

Examples of this include:

- A reference on page 20 to “replace current language, including “media” with “technology””; which could be read to mean replacing K-8 art, music, physical education and library media with technology, or at the very least replacing all district K-8 library/ media specialists with technology teachers
- A statement on page 58 in which the Fact-Finder chooses not to “discuss base pay in her Report”, meaning that if accepted our teachers would not receive a cost of living increase on their base pay for the life of the new contract
- And a recommendation on page 62 for a three-year contract duration, while noting on pages 18, 24, and 33 referencing her decision to defer decisions the parties considered important and retain current contract language because of the District's inability to sign a three year deal.

Accepting unclear or vague language would have the effect of creating an agreement where neither the Board nor the Union would know the terms and conditions of employment by which our relationship is to be governed.

While I don't believe the Board can accept the Fact-Finder's report as written, I want to express gratitude for the Fact Finder's work, which clearly moved both sides closer to a deal. These negotiations have been difficult for both the District and the Teachers Union and, with the Fact-Finder's help, the parties did make progress. And, there are recommendations in the report the parties can and should consider to continue that progress. However, as I outlined earlier, there are a number of valid concerns which remain unaddressed. It is for that reason that I am recommending that the Board vote to Reject the Fact-Finder's Report and that the District's bargaining team continue negotiations with the Cleveland Teachers Union.

Although we are unable to bring these negotiations to conclusion this evening, the District's negotiating team and I remain committed to negotiating a contract with the CTU that is good for the District's children, fair to our employees, and protects the reforms that will continue the progress the District has made.

The People of Cleveland have invested in reforms that are built around what's best for kids. I encourage the public to read this report with optimism. While bargaining will continue, there is clearly evidence that we have made progress and that we can and will reach an agreement that enables us to move the District forward and build on the gains we have seen over the last three years.

An annotated version of the Fact-Finder's report is being distributed and has been loaded into the Board Agenda for public review. I am also distributing a new resolution which formally asks the Board to take action to reject this report and to continue bargaining with the CTU.

I am happy to answer any questions of the Board.