

FEA charges unpaid dues

3 teachers' dismissals hang on board decision

By LYNN ORR

Farmington School Board members will decide the fate of three district teachers tomorrow night—the result of a grievance filed by the Farmington Education Association (FEA).

In an unusual turn of events, FEA officials are asking for the dismissal of three teachers currently on leave. Unpaid dues to the teachers' union is the cause.

Administrators have refused the request and the grievance has moved up the appeals' ladder to the school board who heard the case last week. Board president William Gravias announced at the onset of the open hearing that the matter would be moved to the Tuesday agenda for a final decision.

Attorney Charles Fine presented the administration's case, while Richard

Ringstrom, executive director of the FEA, president Ken Barry, and Warner Junior High teacher Richard Curp presented the teachers' union case.

The complicated case involves contract language: whether the teachers are required to pay dues as members of the FEA or service fees as members of the bargaining unit (teachers who elect not to join the union but pay a service fee); and whether the FEA has the contractual right to ask for the teachers' dismissals.

CURP ARGUED that the FEA is exercising an option in the master contract to demand the teachers' dismissals because they've failed to pay union dues after proper notice had been given and more than the required amount of time had elapsed. Curp offered several letters, some sent through certified mail, as evidence of the good faith of the union in

notifying the teachers of their obligations.

In the past, the agency-shop provision (either to pay dues as a union member or pay a service fee as a member of the bargaining unit) had been waived for teachers on leave. Last fall, FEA membership voted to require half payment of dues or service fee of teachers on leave.

The master contract, Curp argued, requires that the administration dismiss teachers who are members of the bargaining unit who fail to meet their financial obligations.

ATTY. FINE labeled the grievance a "unilateral attempt to change the contract without negotiations."

"We have an attempt to change the terms and conditions of this contract in order to seek the dismissal of people who relied on the right to take

their leaves of absence," he told the board.

Fine argued that the fiduciary obligation clause (one of trust) in the contract impels the FEA to notify members of the bargaining unit that he or she must pay dues or a service fee. The FEA failed to fulfill that obligation, he charged, by only asking for payment of dues from the three teachers.

STATE AND federal law take precedence over internal proceedings or contract language, he added. Maternity leaves cannot be violated under a federal Supreme Court ruling. All three teachers involved in the case requested maternity leaves.

Fine also argued that agency-shop provisions have never applied to teachers on leave and past-practice provisions imply that teachers who went out on leave before the FEA require-

ment to pay dues or a service charge were unaware of such a change.

The agency-shop fee for members of the bargaining unit who are non-union members must by law be restricted to the cost of negotiations. He also pointed out that political action funding cannot be included in the fee.

FEA SPOKESMEN argued that political action funding could be withdrawn from the service fee and that the FEA was attempting to enforce the existing contract clause.

The internal rules of the organization changed, Curp argued, which allowed the leave teachers to be assessed dues or service fees.

"The difference is that in the past we've chosen to not put the as over the head of leave teachers. We've not exercised that option," Curp said. The teachers had also requested

that the grievance be separated, as two teachers went on leave during the 1973-76 contract, while the third teacher went on leave under the 1976-77 contract. That request was denied by Gravias. A motion to separate the grievance made by Trustee Michael Shpice lost by a 52 vote.

Although Fine argued that in 17 years of labor relations experience he'd never heard of leave teachers being required to pay dues, the FEA insists that Farmington teachers on leave are offered substantial benefits not offered to leave teachers in other districts.

"Leave teachers have unusual benefits in this district," Barry argued. Leave teachers are guaranteed a job on return and have leaves extended for uncommon lengths, he explained. Negotiation has made those benefits possible, Barry added.

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Twenty-Five Cents

City fathers juggle options to combat insurance costs

By LYNN ORR

Whopping hikes in insurance premiums are forcing both City of Farmington and Farmington Hills officials to take a hard look at self-insurance, an option Detroit has already taken.

Insurance premiums have skyrocketed, according to Farmington City Mgr. Robert Deadman and Farmington Hills City Mgr. George Majors. And higher price tags buy less insurance coverage, especially in terms of police liability insurance.

"You don't really bid insurance anymore, you negotiate for it," says Deadman, who found only one carrier that would consider police liability insurance on the Farmington force.

"Some cities, like Detroit, now are electing to become self-insured, where you carry just the basics."

Farmington Hills is "seriously considering" self-insurance also, says Majors, who was faced with nearly a 10-fold increase for general liability on the city.

"We really had a break over the last three years because we had a three-year policy, but when we renewed, they caught up with us," he explains.

This is the first year Farmington Hills had to separate general liability from police liability, which makes comparisons difficult, he says; but police liability insurance will cost the city about \$300 per officer for coverage limited to \$100,000.

General liability for the city will cost \$55,000 with the deductible amount increased to \$5,000. Motor vehicle insurance prices haven't been calculated as yet, he adds, but he expects the total cost of insurance for the city to be increased dramatically.

AUTO INSURANCE, general liability, and police liability premiums

have jumped from \$63,000 last year to \$84,000 this year for the City of Farmington—almost one mill in tax revenues. Currently the City of Farmington collects about \$94,000 for one mill.

Like the Hills, police liability insurance coverage has dropped from \$1 million coverage with an umbrella (claims that would exceed the primary policy) to \$100,000 with \$1,000 deductible. The city will pay about \$100 per officer.

Normal broadform auto coverage on about 14 cars and 14 trucks jumped from \$6,500 last year to \$16,800 this year. General liability increased from \$27,000 last year to \$33,000.

Frequency of lawsuits, Michigan state law which places no limits on liability, and the tendency of juries to make huge awards are some of the causes for the premium hikes, says Deadman.

"If there's anyone to blame, it's got to be the legislature or the courts taking away government immunity," said Deadman. "Government is providing a service and then becomes liable."

The increase in lawsuits directed at cities is directly related to the cost spiral, Majors adds.

"Every time you're sued, the insurance company has to put aside a reserve," he explains. "It's the same as a loss to the insurance companies for as long as that money is reserved."

Defense costs, rather than collections, also boost insurance rates, Deadman adds.

"Policemen who are sued are giving serious consideration to counter-suing," Deadman says. A court precedent was set when a doctor in Florida countersued and won, after the initial case was dropped, he adds.

"Attorneys have a responsibility to investigate to see if there's some

merit to a case," he says.

Although the City of Farmington has been the target of some lawsuits, to date, no loss has been recorded other than on fleet insurance because of auto accidents, Deadman says.

Self-insurance and pressure on Lansing to establish liability limits offer some economic relief for cities, Deadman added.

"We've asked that our state legislators to consider putting some limits

on liability," he says, adding that limits would allow insurance companies to better determine risk potentials. Currently, the few carriers willing to take city government on aren't willing to maintain higher coverage, he adds.

"It's our understanding, through our agents, that we've bought primary insurance from the only insurance company still rating in this area," he explains.

Help from Lansing in remote future

The soaring costs of insurance for both public and private liability will force the state legislature to take a long look at insurance company practices, civil suit procedures, and jury awards, says state Rep. Wilbur Brotherton (R-Farmington).

But he doesn't expect state lawmakers to tackle this tough issue in the near future.

"This type of thing has to go through the insurance committee which is currently reviewing no-fault insurance," says Brotherton. "The problems of public liability have just started to surface, so perhaps next year we'll see some major investigation into the problems."

Brotherton agrees that public liability has become a problem for cities, especially in the light of high insurance premiums for local governments.

"Unfortunately, it's a complicated subject and a controversial one because there are many different facets to the problems," he explains.

THE KINDS of problems affecting cities are similar to those affecting private industry, Brotherton says.

"Insurance companies are bailing out of the public liability field," he says. The last 10 years have seen many court decisions which have struck down provisions which protected cities from civil suits. And that hasn't always been a bad idea, he adds.

"There are instances where government was becoming arrogant and neglecting responsibilities, such as allowing dangerous situations to exist."

"But should a person be able to sue a city because a 30-year-old road that he's been driving on for 10 years suddenly subjects him to an accident?"

Private industry is recoiling from the same liability problem, he adds. Brotherton introduced a bill to limit the statute on filing suits against manufacturers or industry to 10 years after a product is sold.

And he sees other areas where legislation could alleviate the problems in public liability cases. Currently, evidence about any monetary remuneration a plaintiff has received is not permissible in court, Brotherton says. And juries sometimes base their decisions on emotions.

"Some system whereby we could limit the amount of the award or the amount of attorneys' fees might be developed," he suggests.

"JURIES have a tendency to make high awards because they assume everyone is insured," says Farmington City Mgr. Robert Deadman.

"Many people think insurance companies were living the life of Riley," says Brotherton. "And some were. But that's changed. They've suffered considerable loss on the stock market, and the number of civil suits has increased dramatically."

"But we'd have to develop a system where the public is protected and whereby government and industry aren't subjected to unreasonable suits."

State Senator Daniel Cooper (D-Farmington district), an attorney, was unavailable for comment.



A bit of extra glamour

Do these down-and-out auto workers look familiar? That's Steve Bensil (left) of Farmington, Doug Peters, of Livonia, Mike Shiva, of Plymouth and Jerry Carlton, of Pontiac who are trying to look like 1938 auto workers locked out of their plant during the filming of "The Betsy." For a look at Farmington high school teachers and students who became actors for a day, turn to page 3A. (Photo by Tom Krupka)

City campaign draws 6 council candidates

Three incumbents and three challengers will vie for three seats on the Farmington City Council in the Nov. 8 election.

Meeting the Aug. 12 deadline were incumbents Mayor John Richardson, 35928 Oakland; councilmember Richard Tupper, 32180 Cass; and councilmember Alton Bennett, 23067 Lakeway. The three challengers are: Allen B.I. Silverman, 23940 Wesley; JoAnne Mary McShane, 33008 Glen-

view; and Warren A. Buckler, Jr., 23060 Lilac.

City of Farmington voters will fill three seats on the council as the terms of Bennett, Richardson, and Tupper expire at the end of the year.

The top two vote-getters will receive four-year terms, while the candidate receiving the third highest number of votes will be elected to a two-year term.

Clarenceville church hosts 'New Directions'

New Directions, an interdenominational and interracial singing group from Burlington, N.C., will appear at the Clarenceville United Methodist Church, 20300 Middlebelt in Livonia, at 7 p.m. on Sunday, Aug. 21. "An Action Experience in Christian Love" will be presented free and is open to the public.

Composed of high school and college-age people, New Directions has traveled extensively throughout the Western Hemisphere and has performed before audiences ranging from university students to church congregations. Congressmen to convicted felons, since the group began in 1968.

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AEROBIC DANCING?

If you think there's nothing new in dancing, think again. Farmington newcomer Kathy Gilleland knows all there is to know about the latest dance for health's sake and reveals all in the Suburban Life section on page 7.



Go ahead, take a book

Members of the Farmington area libraries Summer Reading Club had a chance to take a book from the library and keep it through the Reading is Fundamental program. Picking out a book to keep are

(left to right): Michelle Peetoom, Jana Bolla, Jeff Serresseque and Julie Smith. The avid readers patronize the Farmington branch library on Liberty. (Staff photo by Harry Mauthe)