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No Conflict--Kelley Teacher Rep Can Serve On Board

WESTLAND Can a teachers union administrator serve legally as a school board member in another district?

State Atty. Gen. Frank Kelley said there is no legal barrier.

Kelley issued his ruling last week on the case involving Charles Griffin, elected in 1972 to a four-year term on the Wayne-Westland school board.

Griffin, of 128 Crown,

Westland, is the full time administrator for six small teachers unions in the Flint area.

He defeated incumbent Fred Warmbier last year in a campaign which raised the legal and ethical questions of Griffin's working as a teachers' union official in one district and serving on a school board in another district.

Griffin has insisted there is no legal or ethical problem involved. (Warmbier was elected to the board a year later.)

Responding to State Sen. William Faust (D-Westland), Kelley wrote:

"It is the opinion of the attorney general that there is no substantial conflict of interest, and thus no legal prohibition, against employment as a school teachers' collective bargaining representative while serving as a member of a board of education, where the individual's collective bargaining activities relate to different school districts not including the one in which elected and where the school districts are far remote geographically."

"This is not to state that the Legislature could not, if it so desired, prohibit a dual holding of public and private positions in mutually exclusive school districts with a new statutory enactment."

Kelley's four-page opinion said the constitution wasn't designed to prohibit all conflicts of interest, "even that of an illusory nature, because the provision prevents only 'substantial conflict of interest.'"

He added that a teachers union representative salary is paid by the treasury of the union.

Could an union official serving on a school board influence teachers' salary schedules and other fringe benefits in a negotiated contract by approving liberal contracts in the district in which he is a board member?

That question was answered by Kelley in this way:

"The (union) representative's potential effect on, or potential advantage from, contracts negotiated with the state in other districts is so far remote as to be not only indirect, but also insubstantial."

The attorney general added that the establishment of a legal conflict of interest would depend on numerous factors.

These factors would include geographical proximity of the two school districts involved; size, property tax base; and past patterns of collective bargaining concerning the unions in the two districts.

"Thus the basis for finding such an indirect interest on the part of a school board member of the collective bargaining agreement, causing a substantial conflict of interest, is too speculative and tenuous to be persuasive," Kelley said.

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DONN C. ACHTENBERG of 28534 West-erleigh, Farmington, has been appointed director of the new financial analysis department of the Detroit Edison Co. He formerly was director of the company's rate and revenue requirement department. Achtenberg, an electrical engineering graduate of Michigan State University, joined Detroit Edison in 1950.

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