

Questions for Non-Neutral Education Arbitration Board Nominees

By: John D. Moran, Principal Analyst
December 8, 2020 | 2020-R-0100

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

- The board consists of 24 to 29 members who serve four-year terms. Fourteen members are non-neutral, seven of which must represent bargaining representatives of certified employees and the other seven must represent the interests of local and regional boards of education. The remaining 10 to 15 must be impartial (neutral) representatives of the public experienced in collective bargaining interest impasse resolution in the public sector.
- The governor appoints. Both houses confirm.
- 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 education commissioner 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. Included in the financial capability of the town is an irrebuttable presumption that a budget reserve of up to 5% is not available for any item considered in the arbitration. 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 employment conditions 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 (1) resolve each disputed issue separately by accepting the last best offer of either of the parties and incorporate each such accepted individual last best offer and (2) provide an explanation of how the total cost of all offers accepted was considered in a decision.

General Questions for All Nominees

1. The Teacher Negotiation Act (TNA) requires arbitrators to give priority to the public interest and the school district's financial capability in deciding issues. Do these two factors ever conflict? How can you give priority to both?
2. What are the interests of the public in an arbitration proceeding?
3. Does the fact that voters in certain districts have repeatedly rejected local education budgets weigh in your consideration of a district's financial capability?
4. Four years ago, the legislature increased the term length of education arbitrators from two years to four years. What impact do you think this has had on how arbitrators do their job? Did the arbitrators seek this change?
5. What is your opinion of the "last-best-offer" system?
6. Education arbitrators often ask for a per diem charge of between \$1,200 and \$2,000 a day. How do arbitrators decide what to charge? Do you feel this is a reasonable fee?

Questions for Members Representing Parties (non-neutral members)

1. You will be representing the interests of specific parties in arbitration decisions. How do you seek to influence the outcome? How does the requirement to consider the public interest work with, or against, your obligation to represent the interests of a specific party?
2. Would you ever vote against the offer of the party whose interests you represent? In what type of situation would such a vote be justified?
3. The state's economy is reasonably stable right now, but it took years to recover from the recession of 2008-2009. Do the state's financial challenges over the last decade affect how you view financial issues in arbitration?
4. When arriving at a decision, how much weight should be given to negotiation offers prior to arbitration that were made by the party whose interests you represent?
5. When arriving at a decision, how much weight should be given to the interests and welfare of the employee group, considering the party whose interests you represent? Also, how much weight should be given to the financial capacity of the affected town or school district, given the party you represent?

JM:kl