

New Haven Unified School District-New Haven Teachers' Association

PERB Case Number SF-IM-3217-E, Impasse Factfinding

Concurring and Dissenting Opinion of the District Appointed Panel Member,

Matt Phillips, Director, School Services of California, Inc.

This concurring and dissenting opinion is submitted under Government Code 3548.3 to be permanently attached to the report of Factfinding after hearing dated April 18, 2019. As explained herein, I concur with many of the Factfinding Chair's recommendations, but I also dissent with a couple of the Chair's recommendations as well.

At the outset, it's important to emphasize that evidence in the Factfinding hearing conclusively established that New Haven Unified School District teachers are among the highest paid in Alameda County and rank *at the top in total compensation* within the agreed upon comparison districts. (See Tables below.) Greater than 50% of the District's teachers earn more than \$100,000 annually. Beginning teachers start at over \$74,000 per year in total compensation, mid-career teachers with 10-years' experience earn over \$95,000 annually in total compensation and the most experienced teachers earn slightly over \$120,000 annually in total compensation. New Haven's compensation at all of these levels is also *considerably above* statewide averages.

While improvement in compensation is always important, including to recognize the critical work teachers do in the classroom every day, the current salaries reflect the District's commitment to competitive compensation, which helps explain why teachers hired in New Haven tend to stay in New Haven.

Summary of the Concurrence in Part

The Chair incorporates factual statements in both the Comparison Districts and the Findings of Fact sections of the report upon which this opinion consents. The Chair incorporates the undisputed evidence on the comparative districts, which shows New Haven at the top across-the-board in total compensation. The Chair also acknowledges that state law requires the District to maintain a 3% reserve for economic uncertainty.

The Chair further recognizes that the New Haven Unified School District (District) receives less funding per student from the State than many of the comparative districts. The Chair notates the declining enrollment of nearly 1,000 students since 2013, including a loss of 307 students in 2018-19 which has a significant impact on the District's available resources.

The Chair states that New Haven is "a desirable workplace as there are many applicants for any open teaching position" and both parties agree that "teachers tend to stay with the district for

13 years or longer.” Accordingly, I concur with the Chair's recommendation that the parties reach a two-year agreement, and that any salary increase not be fully retroactive, and not be all on-going. However, I do not agree with the amount of the salary increase recommended by the Chair for the reasons explained in the next section.

Summary of the Dissent in Part

With respect to the specific recommendations in the report, I dissent on the specific percentage increases recommended by the Chair. The Chair's recommendation would not correct any recruitment or retention problem since New Haven teachers are already the highest paid among the agreed upon comparable districts. The data below is as of the 2017-18 fiscal year, and represents the total compensation amongst the agreed upon comparative districts using the most recently available state-certified data. The state-certified data illustrates that New Haven receive the highest compensation.

Total Compensation: Salary at BA+30, Step 1 Plus Average District Contribution for Health and Welfare			
District	Total Compensation	Salary at BA+30, Step 1	Average Health and Welfare Benefit Contribution
<i>New Haven USD</i>	<i>\$74,467</i>	<i>\$72,886</i>	<i>\$1,581¹</i>
Pleasanton USD	\$67,446	\$65,850	\$1,596
Statewide Unified Average	\$65,796	\$52,006	\$13,790
Fremont USD	\$65,398	\$65,398	\$0
Dublin USD	\$64,532	\$64,532	\$0
Livermore Valley Joint USD	\$64,143	\$53,243	\$10,900
Hayward USD	\$64,141	\$64,141	\$0
Castro Valley USD	\$61,671	\$55,694	\$5,977
Newark USD	\$61,655	\$61,655	\$0
San Leandro USD	\$61,549	\$61,314	\$235
Oakland USD	\$60,434	\$46,947	\$13,487
San Lorenzo USD	\$57,919	\$52,296	\$5,623
Alameda USD	\$53,686	\$48,477	\$5,209

Source: 2017-18 State-certified reports: J-90, CBEDS, SACS

¹The District pays an administrative fee to CalPERS on behalf of the employee

Total Compensation: Salary at BA+60, Step 10 Plus Average District Contribution for Health and Welfare			
District	Total Compensation	Salary at BA+60, Step 10	Average Health and Welfare Benefit Contribution
<i>New Haven USD</i>	<i>\$95,006</i>	<i>\$93,425</i>	<i>\$1,581¹</i>
Statewide Unified Average	\$89,736	\$75,946	\$13,790
Dublin USD	\$89,732	\$89,732	\$0
Pleasanton USD	\$89,675	\$88,079	\$1,596
Hayward USD	\$88,814	\$88,814	\$0
Livermore Valley Joint USD	\$88,797	\$77,897	\$10,900
Fremont USD	\$87,958	\$87,958	\$0
Newark USD	\$85,563	\$85,563	\$0
Castro Valley USD	\$85,455	\$79,478	\$5,977
San Leandro USD	\$84,897	\$84,662	\$235
San Lorenzo USD	\$82,149	\$76,526	\$5,623
Oakland USD	\$77,611	\$64,124	\$13,487
Alameda USD	\$74,076	\$68,867	\$5,209

Source: 2017-18 State-certified reports: J-90, CBEDS, SACS

¹The District pays an administrative fee to CalPERS on behalf of the employee

Total Compensation: Maximum Scheduled Salary Plus Average District Contribution for Health and Welfare			
District	Total Compensation	Maximum Scheduled Salary	Average Health and Welfare Benefit Contribution
<i>New Haven USD</i>	<i>\$120,931</i>	<i>\$119,350</i>	<i>\$1,581¹</i>
Fremont USD	\$114,623	\$114,623	\$0
Castro Valley USD	\$113,190	\$107,213	\$5,977
Statewide Unified Average	\$112,776	\$98,986	\$13,790
San Leandro USD	\$112,172	\$111,937	\$235
Pleasanton USD	\$109,578	\$107,982	\$1,596
San Lorenzo USD	\$108,796	\$103,173	\$5,623
Livermore Valley Joint USD	\$108,368	\$97,468	\$10,900
Newark USD	\$106,952	\$106,952	\$0
Dublin USD	\$106,480	\$106,480	\$0
Hayward USD	\$105,919	\$105,919	\$0
Oakland USD	\$97,211	\$83,724	\$13,487
Alameda USD	\$96,347	\$91,138	\$5,209

Source: 2017-18 State-certified reports: J-90, CBEDS, SACS

¹The District pays an administrative fee to CalPERS on behalf of the employee

Perhaps more importantly, given the District’s current funding levels, on-going declining enrollment and resulting reduction in revenue, and other significant reductions the District has already enacted, including spending reductions in 2018-19 and proposed reductions in 2019-20 of \$4.0 million and \$3.9 million, respectively, the Chair’s recommendations are not in the best interest of the District. The District is deficit spending and has already initiated cuts and budget reductions to address its on-going deficit in a way that balances the interests and welfare of the students it serves.

I share the Chair's hope that this report, which is advisory only and in no way binds the parties, can be used by the parties to reach an agreement that continues to support students and teachers. I hope the parties will continue to negotiate locally using the framework outlined by this report to achieve a settlement that balances the needs of the New Haven Teachers’ Association, and the interest and welfare of the students.

Sincerely,

MATT PHILLIPS
District Panel Member