



## TALC BARGAINING MINUTES DECEMBER 1, 2021 FY22 (2021-2022 school year)

### Agenda

- Check-In
- Time Constrains
- Calendar
- Snapshots
- Check-Out

### **Check-In:**

**Time constraints:** 6:00 p.m.; 6:30 p.m.

**Missing:** Mario Dorestal, ~~Carl Burnside~~

**Elephants:** (none)

### **Expectations:**

- Make progress\*\*\*\*\*
- Make agreements\*\*\*\*\*
- Orange circles\*\*\*\*

### Minutes

- 8/30/2021 minutes approved with corrections
- 9/27/2021 minutes approved with corrections
- 10/11/2021 minutes approved with corrections

### Housekeeping

- Is there an interest in doing a Joint Communication today? Let's wait until after the 12/6/21 session, because we might have more information to put in an update
- Proposed language was shared for Articles 8 (Performance Evaluation), Article 12 (Leave), and Article TBD (Professional Development)
- The language was shared over the Thanksgiving Break and will be reviewed at the next TALC Labor/Management Committee Meeting



- The language for Article 12 (Leave) was presented in FY21 (2020-2021 school year) and there were some edits proposed by SPALC and TALC and that time to ensure alignment
- Article TBD (Professional Development) will likely become Article 14 and we would move the current Article 14 language to Article 15; this is new language and the intent was to begin by capturing what we currently do for Professional Development before bringing it to the bargaining teams for further conversation
- Article 8 (Performance Evaluation) is an update and alignment of language regarding Performance Evaluation processes; the goal was to capture the NEAT process more explicitly; NEAT stands for Notice, Evidence, Assistance, and Time
- Are these articles that TALC or the District is opening? The District
- We have not done Snapshots, so we haven't officially opened articles; Article 12 (Leave) is being opened by agreement of both TALC and the District
- TALC would like to return at a later session to do Snapshots; TALC is still working to determine what two (2) articles to open
- The hope is that the TALC Labor/Management Committee will vet the language and we can work toward consensus more quickly at a later date
- Are minutes from previous sessions on the District website? No, but now that they're approved, they can be posted

### **STORY – ESSER (Classroom Coverage)**

- The District would like to call for an Executive Caucus

### **EXECUTIVE CAUCUS**

**Report Out:** We discussed our readiness to continue the conversation and believe that TALC and the District are ready to present options that might help us move toward consensus.

### **CAUCUS**

**TALC Report Out:** We had a robust discussion about the Options and Straw Designs. We provided our team with an update on the Executive Caucus. We had lot of conversation around how often classroom and non-classroom instructional staff have been performing assigned duties related to classroom coverage since the start of the school year. We must honor the commitment and service of those who have been doing the work all school year.



**District Report Out:** We had a relatively brief caucus and provided our team with an update on the Executive Caucus. We would like to revisit some of the Straw Designs.

### **STORY – ESSER (Classroom Coverage)**

- We're going through notes to see what all of these Options were; the last Straw Design on mentioned was Straw Design E, which included Options 7, 9, 10, 13, 14, 15, 16, and 17; is that correct?
- Option 13 was to refer situations to the TALC Labor/Management Committee, if any issues arise
- Option 14 was to have this language sunset once ESSER funds expire
- Option 15 was to include Elementary special teachers
- Option 16 was that for any situation where coverage is for less than two (2) hours, employees will be paid their hourly rate
- Option 17, was the "backpack full of money" option, and change the amount to from three-hundred eighty-five dollars (\$385) to three-hundred seventy-five dollars (\$375)
- Can we get a single document with all of the Options and Straw designs listed? Yes, it might need to be included in the minutes
- Straw Design F was the same as Straw Design E, but without Option 9
- We would like to come to consensus that everyone listed in Appendix C is included in whatever option moves forward
- The only thing left is to talk about retroactivity
- Can we bifurcate this issue and discuss retroactivity when we have everything else settled? Yes, it's a very important item to our team and we need to honor the work that's been done since the beginning of the school year
- Retroactivity should not hold us up from accomplishing things tonight
- We're not prepared to discuss retroactivity tonight

### **STRAW DESIGNS**

- F Includes Options 7, 10, 13, 14, 15, 16 and 17.

### **TEST FOR CONSENSUS**

Straw Design F

### **STORY – ESSER (Classroom Coverage)**



- Proposed language for Secondary Schools was shared, however there was an Option that modified the language: Option 5, which was proposed by TALC
- There were two options: one option was to move from \$50 per hour to \$60 per hour and from \$60 per hour to \$75 per hour; Option 5 said Secondary Schools and Special Centers would be paid at \$50 an hour plus \$30 for daily coverage and \$60 an hour plus \$40 for full semester coverage
- There was some confusion around whether the \$50 per hour and \$60 per hour were for missed planning or classroom coverage
- We had a lot of Options on the charts and there was lots of story around these options; can we try to look back at the intent of Option 5
- We need to address what the process is for the assignment of classroom coverage; is there an order of operations? Do we provide push-in support or split a class for coverage first?
- Teachers may not be providing push-in during planning, but it's still classroom coverage
- We need to think about equity between the Elementary School and Secondary School process
- We haven't discussed what happens when you're providing coverage for a vacant position
- A secondary school had a teacher that was out and instead of finding another teacher to provide coverage during planning, they divided them up among other teachers who taught the same subject at that time
- It seems counter intuitive that they would be using a model similar to Elementary Schools
- It's far easier to push a teacher in, but part of the problem was that the school-based administrator said the employee didn't miss planning time, so the employee wasn't entitled to any additional compensation
- There are all kinds of games that people try to play and it's going to be a challenge to manage it all
- We came up with \$375 per day for elementary, could that be applied and you divide it up by the number of students in a class even at a middle school?
- What is the hourly rate if you divide out \$375 by the number of hours of instruction?
- There needs to be equitable treatment for all employees; some basic math would help a lot



- There needs to be something to help counter the idea that there's an incentive to not spending the money on coverage; it doesn't come out of the guest teacher budget; however, some employees believe that this is the case
- This situation sounds like it's a one-off and something that would need to be discussed by the TALC Labor/Management Committee
- Administrators want to make sure that there's coverage, so they know kids are safe and they know where to go if they need a student; having a record helps ensure you know where kids are at all times
- There are certain pieces of this that we need to decide on tonight and other parts that we can table; we need to determine an amount, a timeframe that this will apply to, and an order of operations, even if it's just guidelines for schools
- The idea of an order of operations came up in Executive Session as well
- Option 1 equalizes what we did for the elementary school teachers; it offers \$60 per hour for daily coverage and \$75 per hour for full semester coverage
- I know there are some middle schools are running the ten-period day and some that are running the eight-period day on a block schedule
- I think we need to allow for some of the individualization that's essentially already taking place; those numbers are basically equivalent to the amount for Elementary School divided by how much coverage is required
- Technically, it's a 25% increase on what we discussed previously, so it would be \$62.50 per hour and \$75 per hour, but this is a close enough approximation
- As a clarifying question, we've had a lot of discussion about this and there was some confusion about the intent of what is up there right now: any classroom instructional or non-classroom instructional employee who provides classroom coverage is going to get their current base rate of pay (hourly rate) PLUS these amounts? So, this is in addition to their current base rate of pay (hourly rate)?
- Yes, there's a carve out for Special Instructional Staff; so, this would not apply to them, but would apply to all other members of the bargaining unit

## **OPTION**

1. Option 1 \$50 per hour increase to \$60 per hour for instruction during missed planning and classroom coverage. \$60 per hour increase to \$75 per hour for instruction during missed planning and classroom coverage for the semester in addition to the hourly rate



## **STORY – ESSER (Classroom Coverage)**

- Is this supposed to be the option in its entirety? We didn't really address the question asked earlier about what happens if kids get split into different classrooms.
- This option doesn't address earlier concerns, so are we just taking them one at a time?
- This option also doesn't memorialize who is eligible to receive compensation for classroom coverage and who is not like the earlier option did; I think we probably want to avoid confusion, so let's be as precise as we can
- Teachers on Assignment (TOAs) have a planning period, if they cover two classes because there was nobody else to cover, will they get paid for one planning period or would they receive additional money? Secondary schools, especially middle schools, are definitely different than elementary school in that way.
- The option would provide payment by the hour
- So, if I was a TOA and my principal said I'm covering two classes or I volunteer to cover two classes, two hours at \$60 per hour extra would leave me with \$120 for the day, right?
- A TOA get one planning period?
- Correct, but they don't always have students in front of them
- A TOA does have other assigned duties they have to perform during their planning period though, so would they receive payment for one hour? Yes, or the equivalent of one planning period.
- I think there's some confusion around the math.
- If someone makes \$30 an hour and is asked to cover an hour of class, they're paid the \$30 plus an additional \$60 for that hour; for that one hour, the teacher will be paid at a rate of \$90 per hour
- If it was an hour and a half it would be prorated for the hour and a half; it's \$60 on top of their regular rate of pay (hourly rate)
- So, if you're providing classroom coverage, your hourly rate is changing for the time that you're in that classroom
- Another question that's floating around is what happens when a non-classroom instructional staff member is serving in place of a regularly assigned teacher? It's not specifically teaching through planning
- This option covers a person when they're providing classroom coverage, not just when there's a loss of planning time, is that correct?



- The genesis of the current contract language was to provide compensation to make up for the loss of time outside of work due to missing planning time to provide instructional coverage; I guess I'm not quite understanding your question
- Let me rephrase; when we were speaking about the elementary teachers in the Non-classroom Instructional group in Appendix C, if someone from that group was relieved from their daily duties to provide classroom coverage, they're eligible for this additional compensation, correct? That what we're talking about here.
- So, for example, at the elementary level, a math coach is taken from their regularly assigned duties providing push-in or pull-out support and they're given a roster of students and expected to teach a regular math class; we would now have a mechanism to ensure that they are compensated
- Is this only for employees who are missing their planning? Or if you the math coach is at the high school level, and they're not providing coaching supports, but they're covering one class or even the whole day for a vacant position, then they would receive extra compensation, correct? The intent is that the employee would receive extra compensation because they are performing additional assigned duties, it's an increase to their workload
- Yes, but the current classroom coverage language only covers situations where someone loses their planning period, because there's an assumption that they'll need to make that up at another point in time outside of their regularly scheduled work day
- So, is it safe to assume that in K-8 Schools or Special Centers, the elementary rule would apply to elementary classrooms and the secondary rule would apply to secondary classrooms? Yes, there are Special Centers structured in different ways, so as long as we're prepared to address any outliers that might arise, we can assume that would be the case
- Perhaps Special Centers and K-8 Schools can be discussed by the TALC Labor/Management Committee if there's any issues
- To clarify, there's a discrepancy between some of the language on the screen and as captured in the minutes on the charts; can we reconcile that difference
- I think we need to clarify that the term "daily coverage" is there to differentiate between a routine absence situation and someone providing a full semester or other more long-term coverage
- I think the term "classroom coverage" is better than the current TALC Contract language: "missed planning"





- There are employees who do not have full classroom responsibilities, they have part-time classroom responsibilities; sometimes on paper, depending on the department or team that employee is associated with, they have a planning period and sometimes they do not
- For example, a Peer Collaborative Teacher (PCT), may have first period planning, so that they can provide coverage during their planning period; it doesn't make sense that this period would be treated differently than coverage provided at other times of the day when they do not have a regularly assigned class
- The term "classroom coverage" will help us to better recognize that although some people have a more fluid daily schedule they're still taking on additional assigned duties and an increased workload
- For example, if you have a Reading Coach, if the Reading department has third period planning, that would be essentially their planning period, but they could be asked to provide classroom coverage at any point during the day
- Saying that it has to be "during missed planning" limits who may or may not be willing to provide classroom coverage, but that's what they're all doing anytime they go into a room to provide classroom coverage or instruction for a classroom teacher
- Whatever work the person providing the classroom coverage needed to do during that time will now need to be done at different time; even if it's not planning
- Should we say "instruction during missed planning" and "classroom coverage" to cover all bases? Yes, that would help alleviate the concerns of TALC
- By clarifying we're trying to get ahead of any issues about people being denied compensation when they're providing coverage
- As mentioned, things look different at different levels, so we're basically addressing the most common types of temporary reassignment: "instruction during missed planning" and "classroom coverage"
- The change in Option 1 is a big win and we'll now have an article that encompasses all situations, even the tricky ones at the elementary school level
- We've modified the Option to read "\$50 increase to \$60 for instruction during missed planning **and classroom coverage**; \$60 to \$75 for instruction during missed planning **and classroom coverage** for the semester"

## **OPTION**

2. Hourly rate plus \$15 for coverage during planning time for secondary and special areas





### **STORY – ESSER (Classroom Coverage)**

- Can we test consensus on Option 2?
- The way that Option 2 is written addresses the concern about including everyone listed in Appendix C, except for the Special Instructional Staff who cannot be called upon to provide classroom coverage, so that's great
- In the existing Article 10.04(4), there is language around the procedure, i.e. volunteers are sought first and there's a rotating schedule, I think we need to keep that language in place
- The change is to Amend 1(b), so the language in 1(a) would stay as is
- I'm talking about the original TALC Contract Article 10.04(4)(a), not the Option
- I think it's TALC Contract Article 10.04(4)(b), but that point is taken
- Option 3 that we include the voluntary assignment language from the existing article. Would like to test a straw design with Option 2 and Option 3.

### **OPTION**

3. Scratch "two hours" from D1(a); scratch "per semester" in D1(b)
4. Contingent on ESSER funding

### **TEST FOR CONSENSUS**

Straw Design G

### **STORY – ESSER (Classroom Coverage)**

- Point of clarification, we are going to include the language in article 10.04(4)(a), correct? It says employees may only receive additional compensation equal to one period per day, which I think is in opposition to what we just discussed
- That's a very good catch and an oversight on my part; we only wanted to lift rotating basis and list of volunteers; so, it needs to be captured in the minutes that we're deleting the last sentence in 10.04(4)(a)
- Can we also capture that it's due to differences in scheduling for Special Centers and K-8 Schools, then elementary rules apply to elementary rooms and the secondary rule applies to secondary classrooms? Yes, it's already noted and we can always discuss unique situations as they arise
- It's impossible to have contract language that's going to address every unique situation, which is why the TALC Labor/Management Committee exists



- If there's a need for another option to more accurately address the concern about the differences for Special Centers and K-8 Schools, then it needs to be presented

### **OPTION**

1. For Special Centers and K-8 Schools, use the elementary or secondary rule as applicable; also, contingent on ESSER funding

### **STORY – ESSER (Classroom Coverage)**

- We've noted in minutes that if there were any issues with implementation or management of this language, then the TALC Labor/Management Committee has the ability to review things, regardless of the grade level

### **STRAW DESIGN**

- A. Options 3, 4, 8, 10, 15

### **STORY – ESSER (Classroom Coverage)**

- Currently, Option 6, references teachers doing the grading and planning, but not necessarily providing instruction, it says that the teacher would be paid for an extra one (1) hour per day at their regular rate of pay (hourly rate)
- How often was this happening pre-COVID and how often is this happening after-COVID? Is this happening at all levels?
- A teacher was out from April until September of the following year and a Paraprofessional was providing classroom coverage students we're in need of instructional rigor, so the Grade Level Chair did all of the lesson planning, grading, assessment, and communication with parents
- As a result of COVID, this has become common place at many schools
- Is this novel lesson planning or sharing of a lesson plan that was already developed on grade level wide basis?
- In some cases, it's easier for a teacher to do the work for the vacant class rather than have the long-term sub or para do it
- If a vacant position cannot be filled, there might be multiple employees providing different forms of support or coverage
- For example, a teacher who left the District in January last year; a Paraprofessional provided classroom coverage, but was not able to provide instruction in math
- Lesson plans, grading, and calls home were done by another employee, who was providing push-in support for math



- There were times when the Paraprofessional couldn't deliver the instruction needed, so the Paraprofessional and the other employee would have to literally switch classes
- So, while students were working on an assignment or completing their homework, their regular classroom teacher is providing instruction to students in another classroom
- We need to look at the bigger picture in terms of what people are being asked to do to make sure that students don't have instructional loss, especially in some of our core classes or with student populations that are vulnerable
- If you provide the lesson plans, there is definitely more work that goes into that; we don't want to negate the work that goes into grading or other assistance provided
- For example, if you were to help a band teacher at another location, you might create lessons for someone who is the only other teacher of that type at that school
- There are situations where you're creating completely novel or new lesson plans for each class, because you can't simply copy and paste things; progression plans are helpful, but they're not a substitute for lesson plans in all subject areas
- Differentiating instruction may require a significant amount of work depending on the subject area or grade level
- We've just scratched the surface in terms of discussion about all of the underlying factors that contribute to an increased workload; this is not new, we're just seeing much more of it all at once because of COVID
- In future bargaining sessions, once ESSER funding is exhausted, we're going to need to continue this discussion
- We've yet to discuss things that are not related to COVID that are contributing to this situation; for example, a shortage of certificated instructional staff, difficulty retaining teachers, limited availability of Guest Teacher
- Our discussion over the past few weeks has focused on COVID related challenges and the use of ESSER funding, but there's a lot more that we need to discuss
- It's hard to sit here and say that the increases in the prices of goods and services are not a result of COVID or related to COVID
- People are leave this profession at record rates, because of a paradigm shift caused by the pandemic
- Everything in the District has been impacted by COVID; the pandemic and all the other challenges are a nationwide problem and there are people who are leaving the workforce all together
- We have to be creative and value the people that are showing up to work every day
- Classroom coverage and increased workload are an amorphous issue



- How do we define what constitutes more work?
- Someone copying a lesson plan is not doing the same as a person who is preparing a novel lesson plan for someone else to use
- Who is responsible for overseeing this work and coordinating these efforts or evaluating the difference? There are a lot of unanswered questions
- People should be compensated for performing additional assigned duties, regardless of whether they're novel or repetitive
- The whole concept needs to be better developed
- What if we tabled the discussion about lesson plans and instead focused on other administrative tasks like grading, attendance, and parent contact? Those are tedious and at times can be overwhelming additions to a teacher's work day
- Along with the District curriculum, there's curriculum maps and instructional guides that can be used for lesson planning
- Tabling this would help us get around the question of whether lesson plans are novel or not; if they're part of the curriculum then there should be someone at a District level that can provide support to a school; there are lots of experts in Academic Services to assist
- Manageability is a concern, since school administrators know that teachers are often responsible for providing this sort of support or coverage; there are instructional guides, but there's a lot more to supporting someone filling a long-term vacancy
- It's helpful to have someone who understands the lesson plan on-site to assist if there's any difficulty or if there's modifications or accommodations that are required
- Usually school-based administrators are the ones who are asking employees to provide this kind of support and sometimes they're volun-told that they're going to be writing the lesson plans, putting grades in, or doing other assigned duties for whatever length of time is needed
- We have all of our options and agreements for elementary, secondary, and special centers. Does this apply to all three of those things? Yes, it can at different times
- We'll meet again on Monday and see if we can start with this or maybe focus on the order of operations for class coverage

### **Check-Out**

- The next TALC Bargaining Session is scheduled for December 6, 2021