



TALC Bargaining Minutes NOVEMBER 8, 2021 FY22 (2021-2022 school year)

Agenda

- Check-In
- Elementary & Secondary School Emergency Relief (ESSER) Act
- Check-Out

Check-In:

Time constraints: 7:00 p.m.; 6:45 p.m.

Missing: Heather Leonard, Mario Dorestal, Luis Fischer, Jessica Duncan, Shanna Johnson (Flecha)

Elephants: (none)

Expectations:

- Make progress *****
- Reach consensus *****
- Make decisions

Minutes:

- 8/30/21 minutes approved with corrections
- 9/27/21 minutes approved with corrections
- 10/11/21 minutes to be approved at next bargaining session

Calendar:

- 12/6/21 TALC Bargaining
- 1/24/22 TALC Bargaining
- 2/7/22 TALC Bargaining

Housekeeping:

- District Pandemic Team to consider reopening bargaining sessions to the public in January 2022, based on transmission rates at that time
- Additional security protocols at the District office must be observed for public meetings



- Congratulations to Dr. Shanna Johnston for earning her Doctorate degree

Caucus

TALC Report Out: Discussion of Straw Design A (Options 4, 8, 10).

District Report Out: Prefer to address as piece meal. Let's finalize things with Elementary, then address Secondary. District concern with Option 4 and trying to understand TALC's justification for increasing the amount. The amount of \$300.00 per day was the result of multiplying \$50.00 by six (6) hours of student instruction.

Straw Design

- A: Options 4, 8, 10
- B: Options 8, 9, 10

STORY – ESSER (Classroom Coverage)

- Option 9 excludes certain TALC bargaining unit members from receiving compensation for classroom coverage, correct? Does Straw Design B also exclude them from being asked to provide classroom coverage?
- No, those employees would not be excluded from providing classroom coverage
- Option 9 would exclude a Math Coach from receiving extra pay for covering a class? Yes, because we're talking about instruction during missed planning time
- We wanted to come up with three separate sets of rules for Classroom Instructional Staff at Elementary, Secondary, and Special Centers
- We can do similar Options in a Straw Design for Non-classroom Instructional and Special Instructional Staff
- There's already language in Article 10 that distinguishes between Non-classroom Instructional and Special Instructional Staff
- This would be dividing things up even more; we're not leaving anyone out, we're just trying to check things off the list one at a time
- Can we go back to discussing the difference in the Options: one option has \$300 per day and another option has \$400 per day
- The standard work day is not six hours, it's 7.6 hours
- Please keep in mind that Hendry County agreed to pay bonuses of \$2,500.00 for FY22 (2021-2022 school year) and \$2,500.00 for FY23 (2022-2023 school year) using ESSER funding; it's just to address pandemic issues in general
- Classroom teachers do not have students in class for 7.6 hours per day



- Employees are providing supervision of students for more than seven (7) hours per day; from the moment students arrive on campus or in a teacher's classroom, until the last student leaves at dismissal, someone is providing supervision
- We arrived at six (6) hours in the Option by subtracting contractually required planning time and lunch; that's at the Elementary level
- Some schools have extended day programs and they supervise students for a longer school day; at these schools, classroom teachers may get only a fifty (50) minute planning period and the rest of the day they're responsible for supervision of students
- If we look at a rate of \$50.00 per hour, then does this account for schools with extended day program; would everyone at the Elementary level still receive their regular pay plus the \$50.00 per hour?
- In a previous Bargaining session, it was mentioned that an increase of the amount in the option from \$300.00 per day to \$400.00 per day would allow employees at the higher end of the salary schedule to be incentivized
- If you're looking at increasing the amount from \$50.00 by an equivalent amount, then you need to increase it by about 30% or add another \$15.00 roughly
- That's well over what most instructional staff make in terms of regular rate of pay (hourly rate)
- We would like to be sure that everyone understands the options that are being discussed and where the numbers came from
- One of the things we want everyone to understand is that for both proposals, Elementary (\$300 per day) and Secondary (\$50 per hour), that is in addition to your hourly rate
- I'd like to call to test Straw Design A (Options 4, 8, 10)
- We'd like to call for a fifteen (15) minute caucus before we test

Caucus

TALC Report Out: We talked about the various Options and have two (2) new options and a new Straw Design.

Option

12. D 1 (a) increase from \$300 to \$360.

13. to include language from option 7 and include if any issues, refer to TALC Labor Management.



Straw Design

B: Options 7, 9, 10, 12, 13

STORY – ESSER (Classroom Coverage)

- One last clarification, for posterity, Elementary teachers who teach specials have been excluded from compensation for classroom coverage, because they're not considered "classroom teachers"
- We have someone here who can speak directly to how often this has occurred, despite providing classroom coverage
- The TALC Bargaining Team is made up of representatives from a number of different schools and various job descriptions, and we've all heard and shared stories about schools with no Guest Teachers available, principals and their secretaries having to beg, borrow, or steal in order to provide classroom coverage
- The situation is dire and instructional staff are just surviving, they're not thriving
- We're talking about people providing supervision, not instruction
- We have to consider the physical and mental health of employees working under these conditions; in these trying times it's disconcerting that we're arguing about \$100.00 per day
- I'm encouraged by the new options that have been brought forward
- About four years ago, I covered over twenty (20) classes and took on additional four hundred (400) students
- I did not get paid for this classroom coverage, because I was told that I was not a "classroom teacher"
- I received money as part of the Best & Brightest Program, which required that I be a "classroom teacher," but did not receive payment for classroom coverage
- I'm in my tenth year of teaching in the District and I'm still not receiving compensation for taking on extra students and providing class coverage
- I'm a classroom teacher, but because I teach elementary specials I'm working under some unwritten loophole
- We need to better define who is and who is not a "classroom teacher;" if I'm not going to be compensated for classroom coverage, then I should be able to turn down requests to provide classroom coverage
- As a procedural question, should we should test the Straw Design?



- Also, based on the success or failure of the Straw Design, we would like to caucus to discuss the new Straw Design that's being proposed
- We would like to be on record about where the money for this is coming from
- What's the plan if and when ESSER funding runs out? How are we going to handle situations where there's classroom coverage from that point forward?
- We've often heard the expression "a courtesy extended too often eventually becomes an expectation"
- There are teachers in the District that have been providing classroom coverage on a daily basis, in addition to performing their regularly assigned duties
- It's similar to the current situation where there are not enough Bus Operators, so Bus Operators are completing their routes and pick up additional routes; there aren't enough employees to provide this kind of coverage
- We're at thirteen (13) weeks into the school year and it's not leveling out; transmission rates are still high and the need for coverage is too
- Employees who are able to show up to work are just expected to pick up the additional workload
- Employees feel used, abused, and underappreciated
- Staffing shortages, especially when it comes to classroom teachers or other instructional staff, will not just disappear; when ESSER funding is gone in three years, there will still be staffing shortages, so how are we going to handle classroom coverage moving forward?
- Worse than not giving somebody something, is giving them something and taking it back; you can't simply adopt new language that expires when ESSER funding expires and expecting the same performance from employees
- The ESSER funding is being made available to address the increased need for classroom coverage, which is a direct result of the coronavirus (COVID-19) pandemic; we've heard a lot of talk about "the new normal" and if this is it, then we can talk about how to proceed once the ESSER funding is exhausted
- We have staffing shortages and increased absenteeism right now; the federal government has provided school districts with ESSER funding so that those emergency needs could be met
- Hopefully the ESSER funding is exhausted at a point when we're no longer in an emergency situation; that's the only plan available at this point; we can always negotiate something different in the future
- To that point, let's add an Option 14 that says that this is all contingent upon the availability of ESSER funding



- I'm confused; in the minutes we approved there were discussion about this language replacing Article 10.04; if this language agreed upon, then it becomes the status quo from here on out, correct?
- Do you want to put a "sunset clause" that mentions the exhaustion of ESSER funding and reverts back to the current status quo? Or are we going to completely remove the existing language in Article 10.04?
- This language would be temporary and would sunset upon the exhaustion of ESSER funding
- Let's add Option 14, to create Straw Design C (Options 7,9,10,12,13,14)

Option

14. contingent upon ESSER funding

Straw Design

- C: Options 7,9,10,12,13,14

STORY – ESSER (Classroom Coverage)

- If the goal is to help with the stressors of not having enough classroom teachers and we eliminate the support provided by non-classroom instructional staff, isn't that going to create more stress? There will be fewer people to provide coverage
- No one's support is being eliminated, they're just not going to be compensated
- If they're not being compensated, they're not going to volunteer to cover, which again creates some stress when it's involuntary coverage
- I'd like to add an Option 15; Elementary teachers who teach specials should be explicitly included

OPTIONS

15. Special area teachers to be included in the classroom teacher language

STORY – ESSER (Classroom Coverage)

- It is my feeling that those of us at the table would consider Elementary teachers who teach specials as classroom teachers; this was a concern brought up last year as well and we're still having this problem
- We need to define this in writing and possibly define what job codes fall under "classroom teacher" so that no one can argue it



- We are talking about adding a few words, "to include Elementary teachers who teach specials"; this is to close a possible loophole.
- As we include Elementary teachers who teach specials, if one Elementary teacher who teach specials takes on students for another Elementary teacher who teach specials, would they then be paid the full amount of money for the day?
- For example, the Elementary teacher who teach specials is an Art teacher, for the day they take on both Art and Music students, there's no Guest Teacher, so they're covering both classes for the day; will they receive whatever pay that we agree on?
- They are assuming additional duties and there's potential safety concerns, unless there's assistance being provided by a Paraprofessional; we're talking about one adult with seventy-five (75) to one-hundred (100) elementary school students
- We haven't heard about this concern in the TALC Labor/Management Committee meetings, however there's immediate concerns about quality of instruction and student safety in the situation described
- Is this something that's been brought on by the pandemic or is this an isolated occurrence? It's hard to imagine that this sort of situation is happening frequently
- Yes, it did occasionally occur prior to the pandemic, but it's happening more frequently now as a result of the pandemic; schools are being forced to pull employees from anywhere they can to provide basic supervision of students
- In terms of what was described, if it happens to a PE teacher, then there's typically another PE teacher or PE Paraprofessionals to help absorb some of the additional duties
- Option 15 would allow these employees to receive additional compensation that they're not currently receiving
- I have been teaching with the District for twelve (12) years and this has been happening for some time now; often, a Guest Teacher covering for an Elementary teacher who teaches specials will be moved into a classroom, so the other Elementary teachers who teach specials will assume the additional responsibility for students who would otherwise be attending Art, PE, or Music
- Some of the situations that have been brought to the attention of the TALC Labor/Management Committee were more along the lines of adding an additional class to PE and adding additional adults to provide supervision
- It doesn't sound like what's being described is the same



- Regardless which option we go with, having a standard amount for compensation will give us a data to look back at to see how things are being done in schools
- We can then take that data and see how often class coverage is occurring at each location and how many employees are providing coverage, so that we can seek the input necessary to come up with a recommendation on how to do things better in the future
- The goal isn't to stop people from receiving additional compensation, it's to make sure that classroom coverage requests are reasonable and that appropriate compensation is provided
- I'd like to add to Straw Design A; please add Options 3 and 15
- TALC's intent is that non-classroom instructional also get paid for providing classroom coverage
- We'd like to call for a ten (10) minute caucus before we test

Straw Design

- A: Options **3**, 4, 8, 10, **15**

Caucus

District Report out: We discussed the Straw Designs.

TALC Report out: We looked over the Straw Designs and discussed the Straw Designs.

Straw Design

- Test of Straw Design A (Options 3, 4, 8, 10, 15) – **NO CONSENSUS**

STORY – ESSER (Classroom Coverage)

- There's an objection to Option 3; it will be entirely unmanageable without a two hour minimum for classroom coverage
- The District has a desire to exclude non-classroom instructional staff as well
- Option 4 is a fair counter offer, we would like to stay at \$360.00 per day
- Option 8 includes non-classroom instructional and there's another objection
- There's no objection to Option 15
- We could get to consensus if we remove some of the Options and replace them with language similar to that in other Straw Designs



- One of the things discussed in caucus was the ESSER funding
- We want language specifically discusses some of the limitations associated with ESSER funding
- From our past experiences with non-recurring funds, it's important that we have language about ESSER, because without the ESSER funding these options are not affordable
- In regards to the two-hour minimum, if you work a minute less than two hours, you're not getting paid a dime? I'm asking the question because if we end up in a situation where there's a grievance, we'll be told by the District's attorneys that "two hours" means "a minimum of two hours"
- If a teacher is asked to provide classroom cover while another teacher takes a bathroom break, the teacher will expect to be paid; there has to be a minimum or it becomes completely unmanageable and people will take advantage of it
- We have consistently noted a distinction between friendly coverage and mandatory coverage
- Quite honestly, no one in the TALC bargaining unit can choose to go to the bathroom anytime they want, so that's a really bad argument and incredibly insensitive; there are teachers who go to the bathroom at 7:00 a.m. and can't go again until lunch or the end of the school day for students seven (7) hours later
- The point is, if there's no minimum timeframe, at what point does a \$300.00, \$360.00 or \$400.00 payment kick in? Based on the argument just presented, if you're it's one minute or less you would receive the same as if it's for all day
- We had language there that if classroom coverage was for less than two (2) hours, then you would receive payment at your hourly rate; there was no \$400.00 per day option; Option 3 removed that language
- One of the reasons that payment at your hourly rate if classroom coverage is for less than two (2) hours is important is that when we're talking about Elementary teachers who teach specials, they're not always giving up their planning time and their instructional period is sometimes only fifty (50) minutes, not two (2) hours
- If someone is providing back to back coverage of two classes, they wouldn't be eligible for compensation; it's inconsistent with the "backpack full of cash" concept that's been advanced
- The intent was to capture when a teacher is truly covering an instructional block of time and at most elementary schools that's less than two (2) hours
- For elementary schools, planning is often forty (40) minutes, which is the length of specials, because that's when your class is with another adult so you can plan;



with a two (2) hour minimum Elementary teachers who teach specials are going to be shut out every time

- The concern with Option 3 is that agreeing to no minimum at all is just as bad
- I hear what you're saying about Elementary specials, but there has to be a minimum point at which payment kicks in, removing the minimum time requirement is just not manageable
- That's why we put in Option 8 to meet the minimum time requirement.
- A clarifying question about the examples you were giving regarding Elementary specials, classroom coverage of Elementary specials is not necessarily an all-day coverage situation, right?
- Correct, it may only be for one instructional period, which would be for one grade level attending specials; they're split up into different chunks throughout the day according to the school's schedule
- Let's address the manageability issue; as an Elementary principal, it's a non-issue
- It's addressed somewhere in the language we've been discussing since August, the last lines of which say something along the lines of "allows school-based administrators to ask classroom teachers or non-classroom instructional staff to volunteer to serve in place of a regularly assigned classroom teacher"
- This isn't going to be an issue if someone needs to use the bathroom or if they're out of their classroom for five (5) minutes; this is an administrator assigning another instructional staff member the duties associated with providing classroom coverage
- We'd like to call for a five (5) minute caucus

Caucus

TALC Report Out: As part of our caucus, we came up with an Option 16 and a Straw Design D We discussed an additional Option, a straw design and test.

Option

16. and coverage less than two hours will be paid at the hourly rate

Straw Design

- D: Options 7, 9, 10, 12, 13, 14, 15, 16

STORY – ESSER (Classroom Coverage)

FY22 (2021-2022 school year) TALC Bargaining – November 8, 2021

Page **10** of **14**



- As we address the sunset language, when the ESSER money is gone, what happens? Do we revert back to the language that currently exists or is no language at all around classroom coverage?
- We can do it a couple of different ways, depending on what the teams decide
- One way we could do it is to leave what is at Article 10.04 and put in the language that upon the sunset we would revert back to the existing Article 10.04 language or we could delete the existing Article 10.04 language and put something that requires us to return to the bargaining table upon sunset; we could also do a combination of the two
- Another component of Option 8 is the Elementary full coverage two hours paid planning
- There was a conversation in prior bargaining sessions about different scenarios where teachers have been doing the lesson planning, grading, and everything else for a classroom except delivering instruction; is this captured somewhere?
- I honestly agree with what you and think it's worth discussing, but I think it's a separate conversation
- I don't see that as classroom coverage, but something that should be discussed separately, because it's happening in many schools
- Let's not combine it with classroom coverage
- A clarifying question, is it the District's intent in this option to not discuss classroom coverage for non-classroom instructional staff?
- Are we going to exclude them completely or is also a different conversation? It's a different conversation
- We'd like to call for a five (5) minute caucus

Caucus

TALC Report Out: We had more robust discussion around Straw Design D. As part of our caucus, we came up with an Option 17 and a Straw Design E. We would like to have further discussion about sunset language. We think that either we should keep the current language in the contract and revert back to it at sunset and include language that the parties will commence negotiations about possible replacement language at that time. We're uncomfortable with the current language going away at sunset, but also believe that it needs to be improved.

Options



17. modify the absence valued at \$300 per day to \$375 per day

Straw Design

- E: Options 7, 9, 10, 13, 14, 15, 16, 17

STORY – ESSER (Classroom Coverage)

- We can have further conversation about the exact sunset language in a future TALC Labor/Management Committee meeting
- What is the rationale for the increase to \$375.00 per day?
- It was previously brought up that the idea was to pay \$50.00 per hour for six (6) hours, but we work a 7.6 hour day
- Teachers are with students from arrival until dismissal and are spending more than six hours per day providing supervision and instruction; classroom coverage should extend to the duration of the entire work day
- Coming down from the \$400.00 per day that was proposed earlier was difficult, because people are overworked and tired of providing classroom coverage
- There are no Guest Teachers available, which means that employees are providing classroom coverage every day
- It's getting to the point that teachers don't want to provide classroom coverage, because they're not being compensated for the amount of time they're actually providing coverage
- The purpose of this language was to provide compensation for classroom coverage, previously compensation was only provided for instruction during missed planning
- I'm struggling with raising the amount to more than \$360.00 per day; I understand what's being said, but the entire work day doesn't involve instruction
- There are also issues related to equity; \$360.00 per day was not accidental, it was a number based on hours of instruction, so that there's equity among grade levels
- Students need supervision from the moment they arrive to the moment they dismiss
- For some reason, the District has yet to solve its transportation issue, which means that students are stranded on campus later and later each day



- In the morning, students are not going to the cafeteria to eat breakfast, they're eating breakfast in the classroom or spending time in the classroom with the teacher before school begins
- It's important that we acknowledge that even though it's not instructional time, this isn't a free for all; our employees' time is valuable wherever it's being spent in the school
- If we can solve the transportation issue, then students would arrive to school and dismiss on time
- We haven't talked about oversized classrooms either; isn't there a class size amendment?
- When we were talking about equity earlier, it was very clearly explained that teachers would get their hourly rate plus \$50.00 per hour, so a brand new teacher with zero experience would be receiving almost \$82.00 per hour for providing classroom coverage
- That's about \$492.00 per day, if you're covering six (6) classes at a middle school and about \$410.00 if you're covering five (5) classes at a middle school; both of those are well above what is being offered to any elementary school teachers for classroom coverage
- We started the discussion at \$300.00 per day and there seems to be an interest in increasing it to \$400.00 per day, but there was no rationale provided, we then went back down to \$360.00 per day and now we're back up to \$375.00 per day
- We compromised on a couple different issues regarding coverage for less than two (2) hours and agreed to an hourly rate for coverage of less than two (2) hours
- We're well aware of all the compromises that have been made today and would hope that TALC is willing to make another compromise
- Are we discussing Straw Design B or Straw Design D? Straw Design D and we'd like to call for a test
- We'd like to call for a two (2) minute caucus before we test

Caucus

TALC Report Out: We had a quick discussion about the straw designs and where we are in the conversation. We discussed the cost associated with a teacher being absent and the value of having someone to provide classroom coverage. An agreement on this would account for only a portion of the over \$300 million in ESSER funding that the District received. This is a very important topic for the employees represented by TALC.



Straw Design

- Test of Straw Design D (Options 7, 9, 10, 12, 13, 14, 15,16) – **NO CONSENSUS**

Check-Out

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