



*THE SCHOOL DISTRICT OF LEE COUNTY and
THE TEACHERS ASSOCIATION OF LEE COUNTY*

TALC Bargaining Committee
Monday, August 20, 2018
Agenda

Items

1. Check-In
2. Minutes
3. Article 7
4. Check-Out

Mission: To ensure that each student achieves his/her highest personal potential

Vision: To be a world-class school system

TALC Bargaining Committee
FY19 (2018-2019 School Year)



**THE SCHOOL DISTRICT OF LEE COUNTY and
THE TEACHERS ASSOCIATION OF
LEE COUNTY
TALC Negotiation Minutes**

August 20, 2018

Agenda

Introductions
Check-In
Article 6 - update
Article 7
Check-Out

Introductions:

Brian Williams, Staff Attorney
Anna Whitten, new TALC Bargaining Team Member

Check-In:

Time Constraints: None
Missing: ~~Ben Ausman~~, Jessica Duncan
Elephants: None

Minutes:

Approved as amended

Story - Article 6 - Workplace Civility

- Workplace Civility discussed by TALC Labor/Management Committee
 - TALC Labor/Management Committee discussed concerns about options that did not include language that is behaviorally specific
 - TALC Labor/Management Committee discussed concerns about options that tried to address Administrator conduct, since the TALC Contract applies to instructional staff only
 - TALC Labor/Management Committee discussed that the language in the SPALC Contract seems to be working well and may be our most viable option

CAUCUS

TALC Report out: We discussed how this conversation was started, the necessity for workplace civility language, how the conversation has evolved, and where we are now. We know Administrators are not bound by the TALC Contract. Instructional Staff are bound by the TALC Contract, School Board Policy, and the Principles of Professional Conduct to conduct themselves in a professional manner, so we would like to present another option.

District Report out: No Caucus.

Option

3. “Employees have the right to be in a workplace free from...”, pick up SPALC Contract Article 6.01(2) contract language from line 9 through line 12, and strike the remainder of the language in SPALC Contract Article 6.01(2), lines 12-16. In addition, add a reference to applicable School Board Policy (School Board Policy 2.02), Professional Standards and Equity, and Principles of Professional Conduct.

- To clarify you want to strike the reference to the Grievance Procedure and Involuntary Transfer, correct? Yes

CAUCUS

District Report out: We took some time to revisit the interests that were identified by TALC and the District to make sure we stay focused on what we discussed early on at the table. We believe that morale and retention are important to the overall success of the District. We are comfortable with the workplace civility language in SPALC Contract Article 6.01(2). We are not comfortable with the language in Option 3. It appears to be another way to get at principals, which was one of our issues with previous options that were presented. The District is willing to support the addition of the language in the SPALC Contract.

TALC Report out: No Caucus

Story - Article 6 - Workplace Civility

- It was specifically stated this option is not intended to be a way to “get” principals; we apologize if the language came across that way
- TALC feels that the language in the SPALC Contract may put TALC in a position where they’re asked to provide mediation for members; the rephrasing of the SPALC Contract language was an attempt to remedy the potential situation of TALC being asked to step in as a mediator
- Instructional staff do not always realize that the Professional Standards & Equity department is a place they can go to report workplace civility concerns
- TALC sees their role as being like a law office; two lawyers in the same law office cannot represent the two sides of the same conflict
- TALC Representatives can sit with individual employees when they make the call to Professional Standards & Equity, but making that call is uncomfortable; TALC does not want to become the mediator for member conflicts
- The reason this came across as another way to “get” principals was the phrase “employees have the right” and the reference to Board Policy 2.02
- The District believes that Option 3 may open the door for employees to file a grievance, simply because they are unhappy with their principal
- The Principles of Professional Conduct obligate all certified instructional staff to report suspected misconduct; Board Policy also obligates staff to report suspected misconduct and not just Board Policy 2.02
- Reporting suspected misconduct can be uncomfortable, but it is an important part of everyone’s job; you have to be willing to have the difficult conversations; the reporting requirement is no different than what’s expected in terms of DCF reporting

- The first part of Option 3 was unartfully worded, that is what happens when you try to construct language on the fly. Can we work together to tweak the first line so there is not such a negative connotation?
- You have been heard, but not understood; what is it that you'd like to change, since it's your option?
- What if we strike "Employees have the right" and replace it with "The workplace shall be free from"
- That is not the only language that created the concern; the references to Board Policy, Professional Standards, and Principles of Professional Conduct were also an issue; the Board Policy referenced appears to deal mainly with parents and visitors and does not come from the Chapter of Board Policy that deals with employees
- Is the main issue the references to these other sources? No, our concern is about why there is now a need to add new language to the option. Is the concern about educating employees on how to report workplace civility issues or is the concern about addressing workplace civility issues?
- There other places in the TALC Contract that reference Florida Statute, Board Policy, or sources for information about employees' rights; why is a reference to these sources an issue now? It's not an issue, it's about understanding where the interest lies
- To clarify, we are comfortable with SPALC Contract Article 6.01(2), lines 9, 10 and 11
- So SPALC Contract Article 6.01(2), lines 12-16 are an issue for TALC? Yes
- Can we agree to add SPALC Contract Article 6.01(2), lines 9-11, with the understanding that "employee" refers to only instructional staff?
- Workplace Civility language is not an avenue of recourse for employees who are unhappy with an administrator; administrators are not covered by the TALC Contract
- The District would like to be clear that this is not about shying away from administrator accountability; there are new programs in place this year that will help with administrator accountability
- For the first time in the history of the District, there is a group of administrators who are being placed on documented performance improvement plans and there is a another group of administrators who are meeting with their supervisors for crucial conversations to document performance concerns
- The new administrator accountability programs are being implemented to ensure best practices are being used to address performance concerns for all employee groups
- Administrators are being placed on these plans in part because of the two years of data we now have from employee climate surveys; employees have spoken and the District has listened and we are now responding
- All of that is to say that the District is confident that the concerns of TALC are being addressed, it takes time for some of these changes to be noticed though
- The references to Board Policy and the other sources is intended for the reader to have avenues if they have a complaint; if employees come to TALC for guidance, TALC would like to be able to pick up the contract, point to the Workplace Civility language, and say "there are three avenues for you to seek assistance"

Option - CONSENSUS

4. Add the language in SPALC Contract 6.01(2) (lines 9-11) to the TALC Contract.

Caucus

TALC Report out: We surveyed our team on Option 4.

District Report out: No caucus.

Story - Article 6.02(2) (District Support)

- The discussion in the TALC Labor/Management Committee meeting was that TALC is interested in having some way to point instructional staff and administrators to Florida Statute; there is reference to a sub-section of Florida Statute, which doesn't provide a complete picture; TALC would like to have the entire statute referenced

Option - CONSENSUS

Include language in Article 6.02(2) that states "In the event of an issue reference Florida Statute 1003.32". Final verbiage to be decided by the TALC Labor/Management Committee.

- Will the actual language be brought back to the bargaining teams for approval? No, the option is to allow the TALC Labor/Management Committee to handle wordsmithing, this is not uncommon; the Tentative Agreement (TA) will include the final language and the TA does not go out for a ratification vote without TALC Labor/Management Committee approval

Story - Article 6.04 (Alcohol, Tobacco, and Drug-Free Workplace)

- Article 6.04 (Alcohol, Tobacco, and Drug Free Workplace) was discussed by the TALC Labor/Management Committee
- TALC provided the District with a recent news article about Broward County approving student use of medical marijuana
- The District position has not changed: we receive federal funding, federal law says marijuana is illegal in all 50 states, federal law preempts state law, and we are not willing to gamble with federal funding
- The major concern for TALC on this issue was reasonable suspicion testing; the July 16, 2018 minutes record TALC's concerns and the District's response; TALC sees no reason to continue the conversation on this issue

Option - CONSENSUS

1. Status Quo

Story – Article 6.02 (Protection of Person)

- The TALC Labor/Management Committee discussed the #MeToo Movement and Board Policies regarding sexual harassment in the workplace; there are several Board Policies that address this issue already
- TALC is interested in making sure employees know where to find information about how to report suspected sexual harassment and how the District handles complaints of suspected sexual harassment

Option - CONSENSUS

1. Include a reference to School Board Policies regarding complaints of Sexual Harassment in Article 6.02 with a new sub-section.

- Was the new Student Code of Conduct Committee charged with addressing issues related to sexual harassment? Not specifically, but sexual harassment and other related offenses were discussed earlier
- Sexual harassment by students was discussed in the context of the student discipline referral form; TALC is interested in discussing the student discipline referral form and sexual harassment by students; the July 16, 2018 minutes mention this at the top of Page 5

Story - Article 7 - Pre-School Week

- TALC collected data via a Facebook post requesting that TALC Representatives provide their pre-school week schedules; approximately 25 schools sent in pre-school week schedules; the data showed that some schools did a very good job planning their pre-school week, other schools did not do so well with the balance of meeting time and time dedicated for teachers to prepare their classrooms
- The District also collected data; a request was sent to Principals and they were asked to respond to a brief survey about pre-school week schedules, some also provided their pre-school week schedule as supporting documentation
- TALC's data suggested that there was an average of eleven (11) hours of meeting time during the pre-school week
- At bargaining on July 23, 2018, an option was presented that no more than 1/3 of pre-school week be reserved for meetings; TALC may amend that option due to one school
- How we use these days may need to be more clearly defined, for instance there's no mention of lunch periods, however most schedules seemed to have set the standard that during the pre-school week the work day is seven (7) hours, with a one (1) hour lunch period
- It is also important that we clarify the expectations for the first day with an understanding that flexibility is important
- The length of an employee's lunch period during the pre-school week should not be dictated
- We would like to look at renaming the days during the pre-school week; we're interested in defining how time during these days should be spent and setting reasonable expectations for pre-school week schedules
- We need to be mindful of the struggle that some administrators have with scheduling the pre-school week; if an administrator has to reschedule a training at the last minute, then time on an In-Service Day might be used for other things
- Professional Development should take place only on In-Service Days; can In-Service Days during the school year be used for professional development that administration believes is necessary during the pre-school week?
- Scheduling In-Service Days is also difficult; several years back all day professional development was the norm; all day professional development is not being done as often
- Administrators want to help instructional staff as much as possible during the pre-school week, they truly want teachers and students to be successful; the more parameters that we set for pre-school week, the busier the TALC Labor/Management Committee will be and teachers may not get what they need to be successful
- Each school's pre-school week schedule was different, based on the unique needs of that school; some schools developed their pre-school schedule in collaboration with their TALC Representatives or other instructional staff members; administrators are interested in making sure that the pre-school week schedule is something that will work for everyone involved
- Although TALC mentioned some average times for teachers to set up their classrooms, it's important to note that at one school staff requested professional development to assist them with

classroom management, this was due to concerns from prior years about student discipline issues; this impacted the amount of time available for setting up classrooms

- If professional development on classroom management was not provided until the February In-Service Day, teachers' needs would not have been met, teachers wanted to start the school year off with increased awareness of strategies for addressing student behavior
- Flexibility in scheduling the pre-school week is appreciated by all, but there is a waiver process in the TALC Contract; instructional staff may utilize the waiver process if they wish to have professional development on an In-Service Day
- TALC would like to be proactive, not reactive when it comes to pre-school week schedules; if the waiver process is used and a school wants to have a Saturday Open House, it should not mean they lose a Professional Duty Day
- There were one or two years where the Open House waiver option involved a Professional Duty Day; for the past few years the waiver option has been to trade the In-Service Day in February, the one right after President's Day, for a Saturday Open House
- Professional Duty Days are not being traded in for a Saturday Open House, in fact this year there was no waiver option at all and that was a decision made by the TALC Labor/Management Committee
- Also, waiver requests are voted on in March, reviewed to ensure compliance, taken to the Board in April, and schools are informed if their waiver request is granted in May, so that everyone knows before they go on summer break
- In theory, planning the pre-school week in the spring is a good idea, but it is not feasible because the pre-school week schedule is often created over the summer
- Principals do not know what the pre-school week schedule will look like in the spring, because they don't have student performance data from the state yet, they're sometimes waiting on budget items to solidify, they're not sure what their student enrollment numbers are going to look like
- The contract language needs to be flexible enough to do what needs to be done over the summer to create a pre-school week schedule that takes all of those things into consideration
- The District received responses from principals at about forty (40) percent of schools regarding their pre-school week schedules; that's out of roughly ninety schools
- The majority of responses said that the principal met with the TALC Representative or other instructional staff to create the pre-school week schedule
- The responses from principals who did not meet with their TALC Representative or other instructional staff to create the pre-school week schedule said they would be happy to do so in the future; a few did not think to include instructional staff, but thought it was a great idea
- Even so, it's going to be hard to ensure that principals at every school meet with their TALC Representative or other instructional staff, because the work is done over the summer and it is hard to coordinate with TALC Representatives or other instructional staff while they're on summer break; employees may not be willing to come into work over the summer
- Using the waiver process is not an option for pre-school week schedules, because there is no way to have all instructional staff vote over the summer; it would be unmanageable and there isn't enough time to take waiver requests to the Board for approval
- During the pre-school week there are only two (2) In-Service Days: one is for individual schools to provide professional development, the other is for the District to provide professional development
- If professional development is an interest of the District, then we need to clearly define how the pre-school week days are being used; instead of offering webinars like some schools had this year, can there be more meaningful professional development like train the trainer sessions; we need to make better use of time

- We already have consensus around language in Article 13 that will make school-based committees, like a calendar committee more conspicuous; hopefully this will help schools understand that they need to have a calendar committee, which may be able to address some of these issues moving forward
- There is always the opportunity for better communication, but we need to consider the uniqueness of the past year
- There was a change in TALC Leadership, there have been changes in school-based administration; it's possible that these changes may have impacted our normal lines of communication
- Based on the data collected, it seems like communication from the new TALC President to the TALC Representatives at each school produced quick results; the same for all of the new school-based administrators
- We can leverage these lines of communication to quickly find and address any issues that appear in the future, that's what the TALC Labor/Management Committee is there for
- If the school-based calendar committee is going to meet at least once a year to plan school events, then why don't they work on the pre-school week schedule while they're working on the calendar for the first semester
- When we're having a theoretical conversation, we're able to use general terms that apply to all schools, but there are many unique factors that need to be taken into consideration by each school when they plan their pre-school week schedule
- Schools are dependent on the District for much of the information they need to plan the pre-school week schedule
- There are meetings that take place late in the school year or over the summer that may result in a new requirement for the school; the District may know it's coming, but principals do not always know what they need to know to plan the pre-school week schedule in the spring
- Experienced principals may have a draft pre-school week schedule together in the spring, but at that point it is really just a shell of a schedule that will be filled in at some point over the summer once they have received some direction from the District
- The school calendar for the first semester can be planned in the spring, because the school has much more say with its own calendar; there isn't that much flexibility with the pre-school week schedule, because some of the District mandates or feedback to the schools hasn't happened yet
- There is no opposition to the concept of trying to determine what's a reasonable amount of time a teacher needs to set up their classroom; clarifying this and setting a minimum number of hours would allow principals to include that in the draft of their pre-school week schedule
- Setting a minimum number of hours would allow principals the flexibility they need and still allow teachers to have time to set up their classrooms and do other things to prepare for students' return and the first week of school
- There is no way to get around having meetings on the first day that instructional staff returns to school, but if we continue to refer to the first day as a Professional Duty Day, then we are doing a disservice to all employees
- Professional Duty Days were originally created for the purposes of finalizing the grades in your gradebook and submitting information for report cards; with all the additional technology that's no longer the case, we need to accept that and adjust the contract language; it's more of an In-Service Day than a Professional Duty Day
- Planning for the pre-school week can't take place until schools receive student data that isn't released until the summertime, there's no way around that
- On the first day back for instructional staff, the morning is typically spent in a meeting: where people talk about what they did over the summer, they sit and eat breakfast together, and they catch up with one another; that's not an In-Service Day

- What is a reasonable amount of time for teachers to have time in their classrooms during the pre-school week? We still haven't established a minimum number of hours we can live with
- Don't forget that changes in Florida Statute typically go into effect on July 1 of each year, so it's not always that schools are waiting on the District
- The District is often waiting on direction from the state and FL DOE sometimes needs time to survey Districts before they offer guidance
- Even when the District knows that changes are coming they do not always know the full scope of how it impacts our schools collectively or individual schools or classrooms
- There is a lot of planning that went into figuring out how to implement the new requirements for the safe schools laws
- At some schools, teachers only had five (5) hours in their classroom during the pre-school week
- How are those hours being calculated? Does that include lunch, because people often use their scheduled lunch time to work on their classroom?
- We seem to have consensus that the terminology needs to be changed for the pre-school week, so that it's not Professional Duty Days and In-Service Days
- The last option proposed has $\frac{2}{3}$ of the time during the pre-school week being allocated for teachers to set up their classrooms and prepare for the first week of school, this seems to meet the interest in terms of staff morale
- There is growing concern among teachers that they're working during uncompensated time; we would like to see things move to classroom setup time being "on the clock" time
- It seems reasonable to reserve twelve (12) hours during pre-school week for a teacher to set-up their classroom and prepare for the first week of school
- If the meetings during the pre-school week are truly voluntary, then a teacher should be able to respond to their principal the same as I would to a police officer, "Am I free to go or am I being detained?" If I am free to go, then there's no problem; if I'm not then it's a mandatory meeting
- What about employees who sign-up to be Team Leaders or Department Chairs? Those employees often need to meet with the principal during the pre-school week for planning conversations, where do they fit in? TALC believes that they're receiving a supplement and they're being paid to attend these meetings as part of the duties of their supplemental positions
- Department meetings and grade level meetings are different, those meetings are necessary and it's fine if this time takes away from the time a teacher receives to set-up their classroom and prepare for student's first day; these are planning meetings and are often teacher led conversations
- TALC is mainly concerned with the whole school meeting at the same time
- To clarify, for the option that says that $\frac{1}{3}$ of the time should be spent setting up the classroom and preparing for student's first day that number is based on the assumption that we're talking about a seven (7) hour work day with a one (1) hour paid lunch, so there's really only six (6) hours in the work day
- Maybe we could look at something along the lines of the pre-school week being: Day 1 from 8:30 a.m. to 11:30 a.m. there's a meeting where people greet one another, there's celebrations, then a lunch break, then after lunch teachers have uninterrupted time to set up their classrooms until the end of the day, Day 2 is a repeat of Day 1, that way you have six(6) hours to set up your classroom before any Open House or Meet and Greet with parents
- Six (6) hours is a solid amount of time to set up a classroom prior to an Open House or Meet and Greet
- Based on the feedback from principals, we're not sure where anyone would get the impression that these are six (6) hour work days; they're paid the same as any other day

- It seems like there has been a tradition of a seven (7) hour day with an hour for lunch maybe that needs to be better defined in Article 7.01 (Work Day), which states, “On all Professional Duty Days and In-Service Days, the basic work day for teachers shall be seven (7) hours.”
- Is three (3) hours enough time for principals to meet with instructional staff? We’re not able to answer that definitively
- If only one school was being considered, the conversation would be over already, but we’re talking about every school and each school is different
- The pre-school week must be looked at in its totality, so that we can “give back” time; administrators do their best to make sure teachers are prepared for student’s first day, that’s why we have a pre-school week
- New teachers should be considered separately, like Department Chairs, if additional time is needed for meetings with new teachers then that’s to be expected; that doesn’t help with staff morale when you’re trying to build a team
- The reason this issue was brought to the bargaining table is that there were reports of staff meetings taking up to six (6) hours on the first day and questions about whether In-Service Days were being used effectively; teachers were not given time to plan for the first day of school and felt their time was being misused sitting in non-relevant professional development during the In-Service Days

Check-out



**THE SCHOOL DISTRICT OF LEE COUNTY and
THE TEACHER'S ASSOCIATION OF LEE COUNTY**

**TALC Bargaining Committee
August 20, 2018
Sign-In**

COMMITTEE MEMBERS		
Name	Position	Initials
Dr. Angela Pruitt, Chair	Chief Human Resources Officer	AP
William Rothenberg	Director, Compensation & Labor Relations	WR
Mike Gatewood	Compensation & Labor Relations	MG
Ben Ausman	Principal (Bayshore Elementary)	
Greg Blurton	Business & Finance	GB
Carl Burnside	Principal (Dunbar High)	CB
Jessica Duncan	Director, ESE	
Rachel Gould	Principal (Mariner Middle)	RG
Kim Hutchins	Director, Payroll	KH
Bonnie McFarland	Insurance & Benefits	BM
Shannon Smith	Staffing & Talent Management	SS
Dr. Kerr Fazzone	Director, Island Coast FEA	DF
Kevin Daly	President, TALC	KD
Heidi Brennan	Curriculum & Staff Development	HB
Christine Carberry	Buckingham Exceptional Cener	CC
Jill Castellano	East Lee County High	JC
Samantha Hower	Mariner High	SH
Amy Johnson	Orange River Elementary	AJ
Christina Linder	Ray V. Pottorf	CL
Bob Scoppettuolo	Three Oaks Middle	BS
Christina Sterrett	Tortuga Preserve	CS
Sheena Torres-Nunez	Student Welfare	ST
Anna Whitten	Colonial Elm	AW

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Vision: To be a world-class school system

TALC Bargaining Committee
FY19 (2018-2019 School Year)



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GUESTS			Aug. 20, 2018
Name	Position		Initials
Sharon Delap	teacher		SD
Charles Fox	Teacher		CF
Rosann Carson	"		RC
Royce Baskin	"		RB
Alexis Hilton	"		AH
Lynn S. Beard	"		LSB
Jean Downer			JD

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