



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

**TALC Bargaining Committee
Monday, October 29, 2018
Agenda**

Items

1. Check-In
2. Minutes
3. Article 7 - Department of Juvenile Justice (DJJ)
4. Article 12 – Sick Leave Bank
5. Article 13
6. Article 9
7. 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
FY19 (School Year 2018-2019)**

October 29, 2018

Agenda

Check-in

Article 7 - Department of Juvenile Justice (DJJ)

Article 12 - Sick Leave Bank

Article 13

Article 9

Check-In

Time Constraints: 6:30

Missing: Ben Ausman, Brian Williams, Jill Castellano, Christina Linder, Christina Sterrett, Sheena Torres-Nunez

Elephants: None

Expectations: Continue the progress

Minutes: Approved

Story - Article 10 (Compensation)

- As the Teacher Incentive Fund (TIF) Grant ended the District created new positions to replace the Teacher Leader and Professional Development and Leadership Specialist positions; the new positions are Learning and Leadership Teacher and Peer Collaborative Teacher; a Transformation Teacher position was also created to address urgent needs at schools like East Lee County High and Manatee Elementary last year
- That urgent need has returned; we would like to get consensus to amend the Instructional Supplement Salary Schedule to accurately reflect these positions and the proposed compensation that was discussed in transition planning last year
- East Lee County High is in need of Transformation Teachers now and we want the blessing of the bargaining teams before advertising these positions; this position is not listed and needs to be added to the Instructional Supplement Salary Schedule

Option

1. Change the teacher titles listed in the Instructional Supplement Salary Schedule under TIF to Learning and Leadership Teacher and Peer Collaborative Teacher
2. Update the language to say that they will receive the supplement "upon receipt of manager's performance rating of effective or highly effective", so teachers receive payment sooner

3. Add Transformation Teacher to the Instructional Supplement Salary Schedule at \$15,000.00; teachers would be required to stay at the ELCHS for the remainder of FY19 (2018-2019 school year) and all of FY20 (2019-2020 school year) in order to be eligible

Straw Design – CONSENSUS

A. 1, 2 & 3

- ELCHS is in a precarious position; would adding three (3) positions mean that employees are going to be moved to ELCHS
- Yes, this can be done already, but the point is that we want to incentivize people who want to be at ELCHS to go there and to stay awhile
- ELCHS is a turnaround school, would these three (3) positions qualify for the \$5,000.00 Turnaround School supplement, or a pro-rated portion of the Turnaround School supplement
- Yes, the Turnaround School supplement is tied to the position, not the person, so positions at ELCHS would come with this additional pay and would be prorated for those who are not at ELCHS for the full year
- For the Turnaround School supplement, there are teachers assigned to a District location in PeopleSoft that work at different schools, some of these people were not eligible for the Turnaround School supplement in FY18 (2017-2018 school year)
- The Turnaround School supplement is tied to the position, not the person; all positions assigned to Turnaround Schools were eligible for the supplement
- TALC brought concerns to the TALC Labor/Management Committee that Special Instructional Staff that were not assigned to a school in PeopleSoft did not receive payment, even if that was the only school that they worked at and they worked at that school all year; employees who were assigned to the District in PeopleSoft, but worked at one school only for the entire year did receive the supplement in a lump sum at the end of the school year; those assigned to multiple schools or those that started working at one of those schools later in the year or left one of those schools during the year did not receive the supplement

Can you repeat the titles that will be listed under TIF on the Supplement Salary Schedule?
“Learning and Leadership Teacher” and “Peer Collaborative Teacher”

Story - Article 7 - Department of Juvenile Justice (continued)

- TALC and District staff met with instructional staff assigned to Department of Juvenile Justice (DJJ) locations between bargaining sessions; TALC believes that the meeting with instructional staff assigned to DJJ did not go as planned; a number of issues were not resolved and employees weren't ready to use the interest-based process to find solutions
- TALC believes that many of the issues addressed need to be worked out with the instructional staff assigned to DJJ before we can continue with the interest-based process
- Other locations have worked through similar issues either through the TALC Labor/Management Committee or through other avenues; however we're not sure if the concerns of instructional staff assigned to DJJ are things that we should try to resolve through bargaining
- Among the things we discussed were: attendance, vacation accrual, and use of vacation time; TALC is confident that we can address these three (3) major concerns with school-based administration
- There was some discussion with instructional staff assigned to DJJ about going from a 255-day work year to a 240-day work year

- DJJ employees would prefer a 226-day work year; they would like to be able to cash out any accrued vacation time if a new work year is agreed upon, and they would like to keep their current pay; TALC believes that similar agreements have been made in the past, such as when the Student Affairs Specialists became Security Specialist
- The Student Affairs Specialists to Security Specialist agreement was with SPALC, not TALC and was not related to a change in work year
- The District thinks there is a significant equity issue for instructional staff at other locations, if we were to agree to DJJ employees keeping their current salaries and working fewer days in the year
- Many of the instructional staff assigned to DJJ have been with the District for a long time and have many years of experience
- Employees who have been with the District for a long time typically receive higher compensation
- Instructional staff assigned to DJJ should not continue to receive compensation for days they are no longer working
- The TALC Labor/Management Committee had a brief conversation about the interests of instructional staff assigned to DJJ, however we think it's important that we're on the same page
- Can TALC please clarify what "keeping their current pay" means?
- The District is concerned about the potential equity issue for teachers making \$40,000.00, if TALC is proposing that an instructional staff member assigned to DJJ, who is currently making \$80,000.00, would have their pay increased to \$100,000.00
- If TALC is saying that "keeping their current pay" means they would make the same amount of money they're making today for working fewer days and then offered the opportunity to be paid a supplement for working difference between their new work year and their current work year, then that's a concern, because that would lead to instructional staff assigned to DJJ earning roughly \$100,000.00 a year
- The District would love to have the first teachers in the State of Florida making \$100,000.00 a year, but not while there are still teachers making \$40,000.00
- If a different work year is agreed to, can instructional staff assigned to DJJ somehow make up for the lost income through a supplement? Currently, the supplement available to instructional staff assigned to DJJ is about \$600.00 and it should be increased due to the nature of the work these teachers are doing and working conditions at DJJ locations
- Can the difference in the number of days worked also be made up for through an instructional supplement? Or would work year be staggered or filled by other instructional staff?
- Is TALC asking that the hourly rate of instructional staff assigned to DJJ change or remain the same?
- TALC would like to keep base pay for these employees the same and for the difference to be accounted for through a supplement of some sort
- To be sure that we're on the same page, the District is not able to guarantee that instructional staff assigned to DJJ will receive a supplement for working the additional days; the District would need to go through it's standard hiring procedures, so it could be instructional staff assigned to DJJ that receive the supplement or it could be teachers who work at other locations
- The District has repeatedly heard that burn out and working conditions are the cause of absenteeism at DJJ; all of the concerns brought forward by TALC have to do with working conditions and leave; the District cannot guarantee supplement for instructional staff assigned to DJJ if it means that we will continue to have the same issues with absenteeism

- Are we talking about the current DJJ supplement that is similar to the ESE supplement, because right now all instructional staff assigned to DJJ locations receive an additional \$665.00?
- TALC would like to increase the current DJJ supplement amount so that it is equal to 29 days of pay; increasing the DJJ supplement to this amount will cover the difference in a 255-day work year and a 226-day work year
- There is still an equity concern if TALC is proposing that instructional staff assigned to DJJ should continue to be paid \$80,000.00 after having their work year reduced by 20 days or more
- Instructional staff assigned to DJJ are unable to use the two weeks of vacation time that they've accrued as they see fit; TALC believes that use of vacation time is an issue and if employees were able to use vacation time as they see fit, then all other issues would be less significant
- Previous discussions in the TALC Labor/Management Committee meetings were about an interest in making sure that the supplement matches the challenges that are unique to locations like DJJ; there was not conversation about the details of what it means for someone to "keep their current pay" or anyone "losing pay"
- "Losing pay" suggests that these employee's current hourly rate is the basis for determining their pay; in most cases hourly rates are backed into and are based upon an employee's salary divided by 196-days and 7.6 hours per day; instructional staff assigned to DJJ already receive additional pay for working a 255-day work year
- If an employee working a 196-day work changed to a 255-day work year, then their pay would increase
- If an employee has a change in the number of days they work, then there is going to be a change in pay
- Assistant Principals "lose pay" when they change from a 226-day work year to a 216-day work year; there is no precedent in the District for an employee to have no change in pay when they have a change in work year
- The perception of instructional staff assigned to DJJ is that they are unable to use accrued vacation time and it is just that, a perception.
- The average number of days missed by instructional staff assigned to DJJ is somewhere between 25 days and 35 days each year; this would be similar to an employee on a 196-day calendar missing between 20 days and 25 days each year
- The District currently averages about 11 days each year for instructional staff working a 196-day calendar and many people consider this problematic, since you only accrue 10-days of leave each year
- The data indicates instructional staff assigned to DJJ are able to use leave and vacation time that they accrue and are not losing any time
- Absenteeism of instructional staff assigned to DJJ is a problem, TALC acknowledges that, however it's even worse because the District cannot fill vacancies at DJJ locations or find substitutes to work at DJJ
- Instructional staff assigned to DJJ repeatedly have their vacation requests denied; TALC's is attempting to come up with an option that would change the work year for instructional staff assigned to DJJ in an attempt to address the vacation issue; changing from a 255-day work year to a 226-day work year would cause a loss in pay that along with the loss of vacation accruals seems like a double hit
- TALC does not see how conditions can improve at DJJ, because there is no one to provide coverage when an employee is out; if things are left as it is there will be no change

- The District and TALC both surveyed other Districts and found that there are only three or four DJJ programs around the state that have a 255-day work year; most other districts work a 196-day calendar and cover the remainder of instructional calendar for students assigned to DJJ with supplemental coverage, students have a 240-day calendar at DJJ locations
- To go over the data again, in FY18 (2017-2018 school year) instructional staff assigned to DJJ, received approval for use of vacation time in the amounts of: 157.5 hours, 75 hours, 12.75 hours, 32 hours, 192 hours, 94.4 hours; these numbers are based on a 7.6 hour work day and the data clearly indicates that instructional staff assigned to DJJ's requests for vacation time are being approved
- Perception around vacation time is an issue; when the District met with instructional staff assigned to DJJ, the District shared a concern the attendance of instructional staff is affecting students; it is difficult to dispute the data and should be pointed out that if a student missed this number of days that instructional staff assigned to DJJ are missing, they would be found truant
- Missed hours of instruction is the issue and it has been a source of frustration for the past three (3) years; no teacher at DJJ has received a letter of reprimand or leave without pay for what would be considered excessive absenteeism at any other location
- Administration at DJJ is aware of the fact that you cannot discipline employees into showing up to work, but the fact that DJJ is on FL DOE's list of locations with the highest rate of staff absenteeism in the state suggests that the high number of absences is impacting students
- Looking at the data again, in FY18 (2017-2018 school year), instructional staff assigned to DJJ used the following number of sick hours (keep in mind that this is separate from the vacation time that was approved): 39 hours, 50 hours, 131 hours, 0 hours, 79 hours, 180 hours
- The evidence does not support an argument that instructional staff assigned to DJJ are being denied the use of accrued time, sick or vacation
- TALC is open to considering a 196-day work year and the use of an instructional supplement that would cover the remainder of the 240-day instructional calendar for students assigned to DJJ locations
- The District would have to take a look at the fiscal impact of this proposal and would not be able to guarantee that instructional staff currently assigned to DJJ would receive the supplement, because if they receive the supplement and absenteeism issues continue then we've done nothing to address the impact that staff absenteeism has on students
- TALC is interested in seeing what a 196-day work year would look like, because the current 255-day work year allows instructional staff assigned to DJJ to have the same number of days during preschool week and for Professional Duty Days and In-service Days; all in all, we think that's about fifteen non-instructional work days
- Would those days scattered throughout the school year? A calendar that is similar to the existing 196-day calendar may help with absenteeism, since it would allow instructional staff assigned to DJJ to have spring break, winter break, and other holidays to re-group
- Another option would be to have a longer summer break
- We may need to look at other District's calendars for instructional staff assigned to DJJ
- We're not sure that it requires that much investigation, since creating a 196-day calendar for the small number of instructional staff assigned to DJJ would create some manageability concerns
- Is there any way to change to 240-day work year, but no longer allows for the accrual of vacation time? We don't currently have anyone on a 240-day calendar, so manageability would be a concern

- Payroll tries to limit the number of work year calendars, because it helps with efficiency and accuracy of payroll, especially when it comes to things like the accrual of leave or payroll deductions for things like health insurance
- Other districts who have instructional staff assigned to DJJ on a 196-day work year reported that they do not have any problems finding other instructional staff who are willing to work during spring break, summer break, etc.; there are always teachers who are interested in opportunities to earn additional money and it may be helpful in attracting people to fill some of the vacancies at DJJ locations
- There would really be no difference between this and what is already done with other summer school programs
- For summer school programs, there is a hierarchy for hiring, we could set up something similar for DJJ
- Losing pay for 59 days, by changing from a 255-day calendar to a 196-day calendar, and no longer receiving vacation accruals will be a big hit to these employees pay
- In conversation during TALC Labor/Management Committee meetings, it was mentioned that instructional staff assigned to DJJ locations are interested in being able to cash out accrued vacation time
- It would cost the District roughly \$80,000.00 to cash out vacation for these employees and that would help those employees with the transition
- Working fewer days means working fewer hours, so it's like people are having their pay reduced without any other changes; in addition, employees could be given the opportunity to work the days where coverage would be needed and they could be paid for it
- If instructional staff assigned to DJJ want to have time off, then they can take the summer off, and they can make that decision each year
- We keep coming back to leave, but nothing has been said about student need and the impact the current situation is having on students at DJJ; the District believes that there is an impact to students and that it is unacceptable
- TALC is not at a point where we trust in the process; we're concerned that instructional staff currently assigned to DJJ may not receive the opportunity to work those extra days; TALC believes that we can get there, we are just not there yet
- TALC would like to monitor this process closely, because even if there were a hierarchy for filling those vacancies during spring break and summer break, we are not convinced instructional staff currently assigned to DJJ would be given the same level of consideration for these opportunities as other instructional staff
- TALC is also not sure that student learning should be a concern of the District, because it was mentioned earlier that our DJJ program is a model for the state; teachers and students are still performing as expected, otherwise this would not be the case
- Some of the working conditions issues that were raised in the TALC Labor/Management Committee meetings have been addressed, since our last meeting, such as indoor air quality assessments; those concerns were appropriately escalated and are being resolved
- In some ways, it seems like there is a request to treat instructional staff assigned to DJJ staff differently than other instructional staff; everyone should be treated the same and no one should be subject to separate set of rules
- Instructional staff assigned to DJJ missed almost 30 days each last year and they received compensation for every one of those days; there are no other employees in the District that are allowed to do that without a medical leave or some sort of review and involvement of Professional Standards & Equity

- No other District employees have the same working conditions as instructional staff assigned to DJJ; DJJ is a unique situation, it's vastly different from other instructional staff positions and the working conditions need to be taken into consideration
- In terms of the instructional supplement pay, it is too low, but so is the instructional supplement pay for ESE teachers and people at special centers like Royal Palm or Buckingham
- We've discussed this already, there are a number of schools that have had sewage issues, pipe breaks, and problems with bees or other pests
- North Fort Myers Academy occasionally has issues with plumbing, because portables put a strain on an already aging system; Cypress High had pipes dug up and replaced for several years straight, there is not a single school that doesn't from time to time have rodents or roaches or bees
- Our District is too big and as everyone already knows, we have not received any sort of meaningful increase in funding from the state to address some of these maintenance needs; this is why there is a half-cent sales tax referendum on the ballot and we should know soon whether we can count on additional funding to help address these working conditions at all schools
- DJJ is not a District facility, it's a state facility, and DJJ staff have reported that they have the same issues as the District when it comes to state funding; the District does not have any say in how the facility is maintained, however we can assure you that Mr. Flock and his staff in Maintenance have high standards and respond to these types of situations quickly
- Since we're talking about working conditions, it's important to mention that instructional staff assigned to DJJ are not responsible for student discipline either; there are corrections officers who handle discipline, as compared to the traditional classroom teacher who is expected to handle discipline issues on their own
- Most instructional staff have to go through a series of intervention before receiving support from administration or other employees
- DJJ is different in that students have shorter stays; teachers instruct students for up to 21 days, versus having a student for 180 days
- Instructional staff with a 196-day work year would be missing 20 days each year, if their absenteeism mirrored that of instructional staff assigned to DJJ
- There are a number of principals who are now having conversations with teachers who missed three to five days in the first quarter of the school year
- No other schools have an issue with teachers' requests for time being denied and that has to be factored into the equation
- TALC is hesitant to make a decision about any changes to the work year or an instructional supplement for working additional days, without discussing this with instructional staff assigned to DJJ first
- TALC is not sure anyone can live on 59 days less pay, but we feel the best route is to reach out to instructional staff assigned to DJJ and to continue to address other issues through the TALC Labor/Management Committee
- TALC would also like to discuss amending the TALC Contract, so that all leave requests, denied or approved, would have to be entered into PeopleSoft
- Language similar to the language that was added to the SPALC Contract last year, could help address some of the concerns, including the "limbo" period of requesting vacation from April 1st to June 30th
- All of the requests are being made for July 1st through June 30th of the following year and it would help if an approved leave calendar could be posted and there was some record of all leave requests made in PeopleSoft

- We could discuss setting a deadline that would require a 10-day response time from administrators, which would make tracking approvals and denials easier
- There are other instructional staff with a 255-day work year; the District would need to look into how this would affect them
- Is there an interest then in continuing to resolve things in the TALC Labor/Management Committee and keeping things status quo?
- Status quo is not an option for TALC

Option - CONSENSUS

1. Suspend the discussion and revisit at a later date

Story – Article 12.05 (Sick Leave Bank)

- Based on the existing contract language there is an immediate need to address concerns relative to the TALC Sick Leave Bank (SLB); as it stands the TALC SLB should be closed
- Is it correct that there has been a cost to the District as a result of TALC approval for employees to take hours from the TALC SLB when hours were not available?
Yes, a conservative estimate is that the cost is roughly \$500,000.00 to date
- If we close the TALC SLB, restructure it, and re-define catastrophic, what is the District's expectation regarding the cost to date?
It will depend on what conditions TALC presents
- It is certain to both parties that using 100 days from the TALC SLB is not sustainable based on the current number of people in the TALC SLB; there are not enough days being added into the bank for this to be sustainable
- Some TALC SLB members were under the impression that a day is taken each year and has been taken each year; that is not the case there were almost eight straight years that the District did not take days from TALC SLB members, except those that were new to the TALC SLB
- TALC has had to address misinformation at some schools that Administrators were taking days from the TALC SLB
- There is a separate SLB for each employee group, so Administrators would not be able to take days from the TALC SLB, but may take days from the Administrator SLB, if they are a member and qualify
- TALC has done its best to explain to the TALC SLB members, that there are no days available, however there are some employees that don't fully understand and say that they want their days back, but we understand that this is not how it works
- TALC feels that the TALC SLB is a good benefit and allows employees to have a sense of security if a catastrophic event happens
- The TALC SLB needs a fresh start, there are a number of employees who are in the TALC SLB and may not want to stay in the TALC SLB; employees who recently signed up for the TALC SLB may want to rescind their applications to join
- All of these things will affect the viability of TALC SLB moving forward
- A restructure of the TALC SLB should contain language that states the minimum conditions to be met moving forward
- A restructure and new sign-up period will allow us to see the level of interest that instructional staff have in continuing with the TALC SLB; especially since we have more options now for insurance, including short term and long term disability insurances
- Are there people currently drawing days from the TALC SLB?

Yes

- Do we know how many people?
The District will need to research that number
- Have these people been drawing days since we began bargaining? No, the TALC SLB only pays for work days
- Have days been taken from those employees who sign-up for the TALC SLB in FY19 (2018-2019 school year)?
- No, we have placed a hold on that and will not make a decision about taking days until after a decision is reached by the bargaining teams
- TALC would like to review the applications from the past few years to see what conditions qualified as catastrophic; this may assist with creating a better definition of “catastrophic” moving forward
- Insurance & Benefits found that other districts do not have a consistent definition for “catastrophic”; some districts allow SLB participants to use the SLB for things that are not catastrophic
- To get a read on the situation, how would TALC respond to a TALC SLB request for a total knee replacement? Is that something that you believe would qualify as “catastrophic”? No, not unless the total knee replacement is due to an accident of some sort, only then would it qualify as catastrophic
- The District has both short term and long term disability insurance with elimination periods as short as 14 days
- Sick time must be exhausted in order to use TALC SLB time, but for short term disability the time may run concurrently
- If an employee has 30 days of sick leave and disability insurance kicks in after 31 days, then it might appear as though they dovetail, but if an employee has 5 days of sick leave and short term disability kicks in at 14 days, then they will have 8 days of leave without pay before short term disability kicks-in
- Health insurance covers the insured 24 hours a day, 7 days a week, 365 days a year; it is not dependent on where you get ill or injured; there was some confusion among TALC SLB members about how this works
- It may not need to be stated, but we should probably look at doing some training if people do not understand how insurance works
- The TALC SLB is 17,000 hours in the hole, so having 928 people in the TALC SLB is not enough people to support a SLB that allows individuals to take up to 100 days
- How many participants are needed in the program for it to be more solid?
- To be back at zero (0), it would mean that there would need to be 2,500 people in the TALC SLB
- At that number it would take only 20 people using 100 days for the TALC SLB be back in the hole
- We need to educate people on how insurance works and what insurance options exist; people need to understand the information in order to make a more informed decision
- Twenty-five percent (25%) of eligible employees have some sort of voluntary benefits with the District and the District is on the high end of average enrolment in voluntary benefits
- The comfort level for moving forward based on the number of participants in TALC SLB needs to be decided
- Education, changing the rules, and defining the requirements for the TALC SLB are needed
- Is the Insurance Task Force (ITF) involved in any decisions related to the TALC SLB?
No, because the TALC SLB is not insurance

Option

1. Make the maximum number of continuously paid days from the TALC SLB forty (40) days instead of one hundred (100) days, and take days from all participants on an annual basis moving forward

- There is a sense of urgency on the part of the District, because this issue should have been resolved already
- What is the time table for a decision from the District's perspective?
- We meet next on November 12th and we need to have a definitive answers about the number of TALC SLB members we are comfortable with for starting again, the number of days a participant can use, a clearly defined enrollment period, and a definition for catastrophic
- The District will return with data for TALC
- To clarify, all days that were in the bank have been used and no days will be returned to anyone?

That is correct, the TALC SLB should have closed once it reached a certain threshold, but that was not done and the District has attempted to keep the TALC SLB going for the past two years and it has continued to run at a deficit

- Could we consider taking a day and a half when first coming into the SLB?
- We can bargain whatever is best for the employee and the TALC SLB, provided it aligns with our interests and complies with the law
- We can expect that about 1,400 people would sign-up for the TALC SLB, which is less than the 2,500 that would be required to bring things back to zero
- This may be a more realistic projection of the number of people who would sign-up for the TALC SLB; since it is approximately the twenty-five percent (25%) mentioned earlier
- The TALC SLB currently has 900 members, which would require that they each give up three (3) days per member to break even with the number of hours contributing to the \$500,000.00
- The SPALC SLB doesn't have these problems because of the number of days that employees can use is capped at 20 days
- That may be a factor, however there are three (3) times as many TALC SLB members as there are SPALC SLB; it's roughly 928 to compared to 328
- Would the enrollment period for the TALC SLB be open at the same time as Open Enrollment for Insurance & Benefits? No, it would be too confusing
- Both utilize PeopleSoft, but different modules
- There is a definite need for education about the TALC SLB; the Welcome Aboard sessions have helped get a lot of information out to newly hired instructional staff, but people need to read their emails
- There are only 6 employees in Insurance & Benefits that can answer questions about Open Enrollment and there are nearly 11,000 people asking questions, which is why so many communications go out
- Please keep in mind that the \$500,000.00 deficit is a conservative estimate, based on the hourly rate of an individual earning \$40,000.00; the TALC Contract currently requires a 30% threshold otherwise the TALC SLB is supposed to be shut down, so we'll have to do more than just cover that deficit

~~Option~~ CONSENSUS

1. Hard data to be reviewed by the District and TALC leadership, table until the November 12th bargaining session

Story - Article 13 (Participatory Decision Making)

- At our last bargaining session on October 1st, we tabled the discussion on Article 13
- We were looking at school-based committees and if participation on committees could be limited to only dues-paying TALC members
- Participation on committees cannot be limited to only dues-paying TALC members, since this would open the door to an Unfair Labor Practice complaint against both TALC and the District
- TALC did some research and has not been able to find an example of a PERC complaint regarding limiting participation on school-based committees to just dues-paying TALC members
- Some schools have more active dues paying TALC members than others, so if school-based committee membership is limited to only dues-paying TALC members it would interfere with the work of these committees; the District is not in favor of interfering with the work of these committees, since we're trying to support them
- Florida Statute 447.501 states that the District may not encourage or discourage membership in the union by discriminating in regard to conditions of employment; similarly TALC is not able to cause or attempt to cause the District to discriminate against an employee because of their membership or non-membership in the union
- The District understands that TALC has consulted their legal counsel and is not concerned about PERC complaints, however, we do not wish to be the first
- The proposed language allows for TALC representation on committees without risk of violating Florida Statute or giving anyone the opportunity to allege that there is some sort of preferential treatment for union members; TALC can take into consideration whatever they think is appropriate when making recommendations for district-based committee members
- The TALC Labor/Management Committee typically takes into consideration factors like diversity of committee membership and cohesiveness of the group to ensure that it's a productive use of everyone's time
- The TALC lead representative will be included on school-based committees there are to be a minimum of four (4) members on school-based committees, but school administration can assemble a committee of more than four (4) members
- The current TALC Contract language states the site-based committees will be elected through secret ballot counted by the Association and a school-based Administrator; what happens if there is a schools that does not have an active TALC representative, how will the committees be selected in a fair manner? In these cases, TALC leadership typically designates a stand-in; this is what happens for ratification votes currently
- The Instructional Leadership Committee in some schools consists of the Grade Level Chairs, which are not voted on by secret ballot
- Again, the proposed wording states that there can be no less than four (4) committee members with one of those members being a site-based union representative
- There should be a heavy investment in educating school administration and committee members about the interest-based process, so that everyone understands that this is rule by consensus not majority; one school-based committee member can stop the process
- It's also important that the TALC Representative and school-based committee members understand that they can disagree with administration, but the principal still has the final say and that everyone is comfortable with this dynamic and can remain professional
- School-based committees would be a big help in resolving the concerns of individuals at the school or site-based level

- Similar to the way TALC Representatives are voted in, the TALC Representative could take nominations and present those names to school administration to add to a committee.
- School-based committees have the potential ability to waive TALC Contract language, it's important that there be oversight
- All waivers of contract language must be approved by the TALC Labor/Management Committee and some require Board approval
- Committees have the ability to make recommendations to TALC Labor/Management, but they cannot waive contract language
- For example, the calendar waiver process is lengthy and involves numerous steps; waivers take a significant amount of time and will not become commonplace

CAUCUS

TALC Report out: We went over the option for Article 13.03. A school may only have one (1) or two (2) representatives and for those with an already full plate, the TALC Representative should be able to appoint a designee. We also reiterated, these committees need to honor the interest-based process.

District: No Caucus

Option

1. Accept the proposed language sent to the teams via email
2. Amend the sentence with “site-based committees” to read “the Association’s lead rep or his or her designee shall be included on all school based committees”

Straw Design - CONSENSUS

A. Options 1 & 2

- A resolution needs to be found, if a school does not have a TALC representative or the TALC representative cannot find a designee willing to serve
- With or without the language change, school representation could still be a concern
- TALC continues to work each school having a TALC representatives; TALC is also committing to finding more active TALC representatives
- The District would like to be confident that these meetings will still go on should there be no TALC representation on a school-based committee
- TALC agrees that this is the current process and
- TALC does not wish to hinder the work of school-based committees
- The concern is being able to filling the committees with willing participants; some schools support TALC Leadership by allowing them on campus for membership drives or by allowing the TALC Representative time to explain the benefits of union membership, such as access to legal counsel and other perks
- In the future, service on a school-based committees could possibly be included as a way for people to move on the Career Ladder; this has already been discussed by the Career Ladder Committee and might help encourage participation
- As a TALC lead representative for my school, I have to attend a number of scheduled committee meetings; this language allows me to free up my calendar and appoint someone who is equally passionate to serve on a school-based committee
- The proposed language also allows TALC lead representatives the flexibility to serve on the committees that TALC feels need a greater presence of TALC lead representatives

- TALC has been empowering the school representatives to handle issues at the school or site-based level; the TALC President has told TALC building representatives that they are the “president” of their schools, which allows them to have ownership of decisions made in their buildings
- Another interest-based training was provided earlier this month for individuals serving on District-based committees
- The goal is to have all District-based committee members receive the training then move to having the school-based committee members; Compensation and Labor Relations is happy to go out to the schools to assist with training on the interest-based process

Option - CONSENSUS

1. Approve agenda items for the November 12th bargaining session
 - Article 12 (SLB, Bereavement)
 - Article 9 (Disciplinary Action)
 - Article 2 (Competing Organizations)
 - Article 7 (Department of Juvenile Justice)

Communication

- Joint Communication to be sent by District



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

**TALC Bargaining Committee
October 29, 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)	AB
Greg Blurton	Business & Finance	GB
Carl Burnside	Principal (Dunbar High)	CB
Jessica Duncan	Director, ESE	JD
Rachel Gould	Principal (Mariner Middle)	RG
Kim Hutchins	Director, Payroll	KH
Bonnie McFarland	Insurance & Benefits	BM
Shannon Smith	Staffing & Talent Management	SS
Brian Williams	Staff Attorney	AW
Dr. Kerr Fazzone	Director, Island Coast FEA	KF
Kevin Daly	President, TALC	TD
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	Mariner Middle	AJ
Christina Linder	Ray V. Pottorf	CL
Bob Scoppettuolo	Three Oaks Middle	BS
Christina Sterrett	Tortuga Preserve	CS
Sheena Torres-Nunez	Student Welfare	SN
Anna Whitten	Colonial Elem	AW

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

Vision: To be a world-class school system

