



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

**TALC Bargaining Committee
Monday, November 12, 2018
Agenda**

Items

1. Check-In
2. Minutes
3. Article 12 – (Sick Leave Bank & Bereavement)
4. Article 9 (Disciplinary Action)
5. Article 2 (Competing Organizations)
6. Article 7 - Department of Juvenile Justice (DJJ)
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 Contract Negotiations

FY19 (2018-2019 school year)

November 12, 2018

Agenda

1. Check-in
2. Minutes
3. Article 7 (Department of Juvenile Justice)
4. Article 12 (Sick Leave Bank & Bereavement)
5. ~~Article 9 (Disciplinary Action)~~
6. ~~Article 2 (Competing Organizations)~~
7. Check-out

Check-In

Time Constraints: 6:30 pm *, 5:45 pm

Missing: Jill Castellano, Christine Carberry, ~~Christina Sterret~~

Elephants:

Expectations: Take some things off the agenda; Orange circles

Minutes: Approved as amended

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

- A great deal of discussion has taken place and we've put a lot of thought into how to remedy the concerns of instructional staff assigned to Department of Juvenile Justice (DJJ) locations
- As far as the issues for the bargaining table go, vacation time remains an issue and TALC would like to mimic the language that was added to the SPALC Contract in FY18; we're referring to the language that requires that immediate supervisors enter an approval or denial of a request for vacation time into PeopleSoft
- The addition of this language will provide us with better data, so we're better able to track the approvals and denials of requests
- The SPALC Contract language also provides a time frame for the administrator to respond to the request
- TALC is comfortable with the remainder of DJJ issues remaining as status quo

Option

1. The Supervisor or his or her designee shall enter all vacation requests into PeopleSoft. If the Supervisor chooses, he or she may request that the employee enter the request into PeopleSoft. Supervisors shall respond in PeopleSoft with a specific reason for denial if a vacation request is not granted.

2. Language from the SPALC Contract Article 7.06, page 31, lines 13-20, be lifted and added to the TALC Contract
3. DJJ to remain status quo other than language concerning vacation

Story – Article 7 – Work Schedule

- In the past, SPALC employees have requested vacation time nine (9) to ten (10) months in advance, expecting the time to be approved because the principal has enough notice to find coverage; some of these requests are too far in advance and principals do not know what the future will hold, so requests may be denied; there's also language in the SPALC Contract that allows "emergency revocation" of previously approved leave
- The option presented by TALC does not include "emergency revocation" language, is this an oversight?
- It would depend on the conditions around an emergency revocation; what is the timeframe for an emergency revocation to be made?
- The emergency revocation language was added to the SPALC Contract following Hurricane Irma; there are times where it's all hands on deck and we need support staff at work to assist with securing District property and cleaning up campuses so school can continue as normal
- Adding emergency revocation language is not an issue for TALC, however there is a concern about the timeframe for supervisors to declare an emergency that warrants revocation
- Another section of the SPALC Contract language that is missing is, "Vacation requests received after March 10 will be considered on a first come, first served basis and should be responded to within 10 business days"
- The District continues to have concerns about the students assigned to DJJ and will continue to monitor the situation; we do not think the status quo is in the best interest of students
- TALC feels status quo may not be in the best interest of instructional staff assigned to DJJ

Straw Design - CONSENSUS

A. Options 2 & 3

Story - Article 12.05 (Sick Leave Bank) (continued)

- The TALC Sick Leave Bank (SLB) has been looked at more closely at the bargaining table this year than in years past; we've discussed how the TALC SLB is used and how this benefit compares to long-term and short-term disability insurances
- We discussed the potential for a negative impact to re-enrollment if the TALC SLB is closed
- In looking at the data, there are many people who would not be able to re-enroll in TALC SLB because they do not have enough sick days to meet the current requirements to join
- We also reviewed the leave balances of employees in the TALC SLB and there are a number of employees who are in the TALC SLB who have more than 200 days of leave, so they are unlikely to ever use the benefit
- Insurance & Benefits created an Excel spreadsheet that compares the TALC SLB benefits to the benefits of short-term disability insurance, long-term disability insurance, or both disability insurances (see attachment)
- Many people have a difficult time understanding the compensation portion of these benefits, which makes the comparison more of a challenge; the TALC SLB information shows gross income minus taxes leaving a net income
- The TALC SLB numbers used are based on work day coverage

- The disability numbers are based on weekly coverage; work days, weekends, and holidays; all actual days that a person is on disability, so it's seven (7) days a week
- When you get right down to it the 100 days for the TALC SLB and the one-hundred eighty (180) days for disability insurance are comparable in terms of compensation; some of that was probably done by design (see attachment)
- There's a change in the annual cost of disability, because things become more expensive with age, but the cost of disability insurance is close to the value of one day of sick leave contributed to the TALC SLB each year
- It is worth noting that for the Florida Retirement System (FRS) the Pension Plan is no longer the default plan; employees are now placed in the Investment Plan, if they do not make an election before the deadline; this is important to note, because the Pension Plan provides a disability payout, if the employee qualifies based on need
- Currently, about eighty percent (80%) of TALC employees are part of the Pension Plan, which means that if they are significantly injured or disabled, they can apply for pension disability; the twenty (20%) of employees on the Investment Plan do not have this option
- An employee can draw long-term disability until he or she reaches the age for Social Security benefits, so if a person is disabled at the age of 27, they can collect long-term disability for upwards of forty (40) years
- These examples are based on the demographic data of randomly selected employees, one of the examples is a female employee
- The "cost" of membership in the TALC SLB time is shown as a one-time annual payment for employees, assuming the District takes a day of sick leave each year, which has not been done over the past eight years or so; the cost of disability insurance is paid over twenty-four (24) pay checks and ends up being comparable to one day of paid sick leave
- The elimination period for use of the TALC SLB is ten (10) days without pay; for disability paid time can run concurrent to the elimination period
- The elimination period for disability insurance is from the day you become disabled
- For the TALC SLB and disability insurance, you have to exhaust all available leave before the benefit can be used
- If an employee has ten (10) days of sick leave and they're a member of the TALC SLB, the following would apply: ten (10) days of sick leave, ten (10) days without pay, then the TALC SLB can time be used, for a total of thirty (30) work days, which doesn't include weekends
- If an employee has ten (10) days sick leave and they have short-term disability insurance, the following would apply: ten (10) days of sick leave, disability begins, for a total of ten (10) work days; short-term disability insurance counts, so with weekend days there is no break in pay, because after you've exhausted all available sick leave, disability pay automatically begins
- If an employee has more than fourteen (14) days of sick leave, would an employee still be eligible for short-term disability insurance payment? Yes, the only way for an employee to not qualify for short-term disability insurance payments is if they have more than one-hundred eighty (180) days of sick leave, because at that point they'd be using up all of their leave before disability payment kicks in
- Long-term disability insurance has a ninety (90) day elimination period, or one-hundred-eighty (180) day elimination period, if paired with short-term disability insurance; long-term disability would begin at day one-hundred-eighty-one (181) and continue until an employee no longer qualifies by definition or reaches the age at which they're eligible for Social Security benefits

- Is the TALC SLB or disability insurance a better option for employees? That's a question that each individual must answer based on their own personal situation
- Based on statistical data, major medical insurance is the first type of insurance a person should purchase, the second is disability insurance; statistics show that one in nine (1:9) people will be disabled in one form or another at some point in his or her lifetime
- Comparing the TALC SLB and disability insurance seems to be comparing apples to oranges
- The TALC SLB has evolved and came about because benefits vendors did not offer the District and other employers things like disability insurance in the past
- Since the FRS default is changing to the Investment Plan, the fear is employees will be left with no protection in the event that they become disabled; if they do not purchase short-term or long-term disability insurance and the TALC SLB is closed, then they are at risk
- TALC SLB usage for the past five (5) years was reviewed and the average days number of days per use was calculated, so we could offer some sort of projection to help address questions of sustainability of the TALC SLB
- Every year the average use was at least forty (40) days; in FY16 (2015-2016 school year), the average use was seventy-three (73) days
- Every year there are about ten (10) employees who request time from the TALC SLB
- For the TALC SLB to break even, or be brought back to zero (0), it would take 2,500 employees giving one day; you also need to maintain the minimum threshold and cover the use of time that's being used each year
- There are one-hundred (100) TALC SLB members of the over eight-hundred (800) total members that do not meet the current threshold to return to the SLB, meaning they do not have enough sick leave to sign-up for the TALC SLB
- Do you have to pay the premium still when you're actively using short-term or long-term disability insurances? Yes, for short-term disability; Yes, for long-term disability, except there is a point when you're actively using long-term disability that premiums are no longer collected, called a premium waiver
- What is the timeframe to develop a new version of the TALC SLB? Is there a deadline?
- Employees drawing from the TALC SLB bank need to be notified of the closing, so the quicker the better; we've held off on taking any days from new members until we've reached tentative agreement around how to proceed with TALC SLB
- Open Enrollment for insurance is the end of January to early February, benefits selected begin April 1st
- Do we need to have a new version of the TALC SLB in place by the start of Open Enrollment? No, but we are at the point that the TALC SLB cannot sustain itself
- The one-hundred (100) day limit on the TALC SLB is not sustainable
- We may be able to come up with a new TALC SLB option prior to July 1, 2019
- For ratification purposes, there would need to be language for a new TALC SLB in the contract before it could be implemented
- New language is not needed to close the TALC SLB; the current contract language says that the TALC SLB should have been closed years ago
- We could draft an MOU with language for a new TALC SLB, if needed
- If the TALC SLB is closed, is there a grace period for new members? New members applications have been held, no days have been taken for FY19 (2018-2019 school year)
- Keep in mind, the TALC SLB currently has eight-hundred and forty-four (844) members with one-hundred (100) of those who are not able to sign-up for the TALC SLB, because they don't have enough sick leave to participate, based on the current requirements

- If the TALC SLB closes there will be a great need for communication to employees, so that they can understand the concerns regarding sustainability; TALC has received a number of questions along the lines of “how do I get the days back that I contributed”; people don’t understand that there are no days to get back
- Employees need to have this information before Open Enrollment, so that they’re aware and pay closer attention to their options for disability insurance
- Once the Open Enrollment period has passed, then we can have more conversations around the TALC SLB and have a plan in the works by the end of the school year
- The District understands the importance of communication when it comes to the TALC SLB
- TALC should be the lead in communicating the benefits of the TALC SLB to employees and should be an active part of encouraging employees to join the TALC SLB
- Does the closing of the TALC SLB act as a qualifying event for a change in insurance coverage? No, the TALC SLB is a separate benefit and has nothing to do with insurance
- The Internal Revenue Service (IRS) defines qualifying events very narrowly: birth, death, marriage, divorce, loss of other insurance coverage
- The Insurance Task Force (ITF) has had conversations with MetLife, our disability insurance provider; in FY18 (2017-2018 school year), MetLife sent a mailer to all employees offering a simplified underwriting process for disability insurances; MetLife paid for these mailers themselves and will be doing the same thing in FY19 (2018-2019 school year)
- What happens to employees currently drawing days from the TALC SLB? These employee’s applications have been approved and will be honored
- If the TALC SLB does return in the future, is there a way to have similar tracking like we find in PeopleSoft that tracks time accrued and used? At this time, automation of the TALC SLB would not be a viable option, but we can discuss this more later

Caucus

TALC Report Out: We discussed the TALC SLB and the fact that it is a phenomenal benefit; it saddens TALC that we are where we are. We talked at length about the TALC contract, how the current number of days in TALC SLB are currently below the thirty percent (30%) threshold, which allows for the closure of the TALC SLB. We also feel strongly applications submitted by employees wishing to join the TALC SLB in FY19 (2018-2018 school year) should not be processed.

District: No Caucus

Story – Article 12.05 (Sick Leave Bank) (continued)

- If we decided to reopen the TALC SLB in the future, employees can decide for themselves whether they feel that this is a viable benefit; based on the number of people who sign-up, we’ll know whether this is something that people are interested in maintaining
- Does contract language need to be added or changed in order to close the TALC SLB? No, the existing contract language called for the closure some time ago
- So TALC Contract Article 12.05 does not need to be removed? TALC is concerned about communication at the time of ratification
- An MOU or Joint Communication can be used to communicate the closure of the TALC SLB
- We can add a note in Article 12.05 that the TALC SLB will close effective April 1, 2019 and the parties agree to discuss a possible restructuring and re-opening of the TALC SLB

Option

1. Add language to the TALC Contract that the TALC SLB will close effective April 1, 2019

2. TALC Labor/Management Committee will bring a recommendation about the TALC SLB to the bargaining team for FY20 (2019-2020 school year)

Straw Design - CONSENSUS

A. Options 1 & 2

Story - Article 12 - Bereavement

- TALC received questions about bereavement, especially from those moving to the area from the northeastern part of the United States
- TALC researched bereavement in other districts in Florida and has prepared a summary of what other districts do (see attached)
- In most of the districts that responded: bereavement involves non-accrual days, these days do not rollover from year to year, and there is a clear statement about the relationship with the deceased in order for an employee to qualify for bereavement
- Some districts utilize travel distance to determine the number of days allotted for bereavement; in other words, the further away the funeral the more time off
- TALC Contract Article 12.02(1)(a) already has language that allows for the use of sick leave to attend funerals; in essence, the contract already includes bereavement
- It is not widely known that sick leave can be used for bereavement, which is part of a larger concern about the readability of Article 12
- If the suggestion is that we should offer additional paid time off for bereavement through the creation of a new type of leave, then we need to discuss this when we discuss compensation
- The money available for bereavement as a separate type of leave will have to come from the same pot of money as any increases in compensation
- TALC believes this is the beginning of a conversation that we would like to continue in FY20 (2019-2020 school year), when there might be more money to draw from
- Principals try not get too involved in the situation when an employee comes to them asking for time off to attend a funeral
- Principals do not question employees to determine the legitimacy of these requests and don't want to be put in a position where they are asked to do so
- A new type of leave for bereavement would mean that principals will need to investigate claims to make sure the deceased qualifies and that proper documentation is submitted, in order to justify payment to the employee
- Principals are concerned that this is not a best practice and may negatively impact employee morale
- Instead of an employee using sick leave for the death of a close family member, they would be able to draw from bereavement days, which are set aside for this very purpose
- Principals do not want to invade the privacy of their staff; these situations are extremely sensitive and principals try to be flexible when someone needs time off to attend a funeral
- Principals do not want to be put in the position where it seems as though they are the ones who are making a judgment about who is important in a person's life
- With societal changes and the conventional family not being what it was twenty (20) years ago, the definition of what deceased qualifies may be too restrictive; the District is concerned that this will lead to issues where principals are being asked to "police" the use of leave to determine if it's being used appropriately; this would need to be done for audit purposes

- Bereavement is typically allowed only for immediate family: siblings, spouse, parent, grandparent, children
- TALC would like to be sure that time off for bereavement is not coming from an employee's sick leave time; it's not a judgement call, if the parameters are laid out and the deceased does not qualify, then the employee will be charged sick leave
- As an example, one employee has a grandmother that lives with them; the death of the grandmother will require that the employee make arrangements for flying back up north, the employee will also incur a financial burden for transport of the body should the grandmother pass; a new type of leave for bereavement would lessen the burden to the employee
- Is the question who is going to pay the employee for the time off? The current contract language addresses all of the situations that have been discussed so far
- Yes, the question is who is going to pay the employee for the time off; other districts offer bereavement leave that is separate from sick leave, so the paid time off is not at an expense to the employee
- Bereavement in other districts can be used only once a year, the time does not roll over, and there's no accrual, the time is there only when needed
- We are closing the TALC SLB due to lack of participation, which has created a sustainability issue; it seems like we would be sending conflicting messages if we opened a different type of bank when closing an established one
- If we're going to discuss bereavement conceptually, then we need to discuss money
- Any money put toward additional days of paid leave will need to come out of the same pot of money that we have available for increases in compensation
- There are no additional funds to pay for bereavement at this time, so if this is a priority it must be discussed when we talk about compensation
- Having a separate set of days for bereavement still puts the onus on principals to ask for an obituary or some other type of proof from the employee to be sure that they are entitled to use these days; it is uncomfortable for the employee and principal, but this would without a doubt be needed for audit purposes
- As uncomfortable as it is, there was a situation where an employee tried to cover up an out-of-state drug arrest by saying they missed work due to the death of a family member; the employee used this time to make an appearance in court and thought the District would not find out the real reason for the leave; the District found out and the employee was terminated
- If someone important in an employee's life dies, they are going to take the time whether or not they receive pay; if employees are attempting to commit fraud, TALC does not support it
- If a principal needs to request some sort of documentation as proof, then TALC will support it
- There are always employees that try to game the system, but this is an opportunity to provide a new benefit to employees
- Maybe we can continue this discussion in FY20 (2019-2020 school year) when there are more funds available for compensation
- TALC prefers the language used in Clay County (see attachment)
- There should be no problem with asking for documentation to support a request for use of bereavement leave
- Bereavement would be a benefit to employees at their most vulnerable time, the death of a close family member

- In another district, three (3) days for bereavement were provided to employees, which is standard in many places; that district did not ask for proof, but the need for proof is understood
- Current contract language provides for sick leave to be used in the death event of a family member, so there is access to paid time off for bereavement
- Article 12 has clear language, but the article is large and not easy to read
- Creating a new type of leave seems like an invitation for people to be insensitive; principals are uncomfortable with the idea of having to ask for proof of the death of a family member
- There will be hurt feelings when someone is asked to show proof and if proof is not provided there may be more issues
- Principals want to build relationships, this creates the opportunity for relationships to be damaged
- With the advent of the internet, documents can be retrieved electronically; they can also be forged more easily
- If a person does not have sick days to use for bereavement what happens? In most cases, the they receive leave without pay
- As a military family, when we had to go home for a funeral we provided proof of our relationship to the deceased to the airline for cheaper airfare; we did not feel offended by the request; I'm not sure many employees in the district would be offended by the request
- I was surprised the district does not provide bereavement pay; A concern I have is our young employees, they use their leave as soon as it is earned, this benefit could help them out

Option

1. Status quo
2. Housekeeping of Article 12 to be done in the TALC Labor/Management Committee

Straw Design - CONSENSUS

- A. Options 1 & 2

Agenda - November 26 - CONSENSUS

- Article 9
- Article 2
- Article 12 (TALC Labor/Management Committee Update)
- Article 5

Check-out

	60	36	27	58
Gross	\$47,566.37	\$45,666.47	\$41,157.63	\$59,164.79
Taxes	\$10,125.36	\$10,349.28	\$7,290.24	5847.6
Dollar Amount of a day (Gross)	\$242.69	\$232.99	\$209.99	\$301.86
Net	\$37,441.01	\$35,317.19	\$33,867.39	\$53,317.19
Dollar Amount of a day (Net)	\$191.03	\$180.19	\$172.79	\$272.03
Sick Leave Bank				
20 work days total	\$3,820.51	\$3,603.79	\$3,455.86	\$5,440.53
40 work days total	\$7,641.02	\$7,207.59	\$6,911.71	\$10,881.06
100 work days total	\$19,102.56	\$18,018.97	\$17,279.28	\$27,202.65
180 work days	N/A	N/A	N/A	N/A
DISABILITY				
weekly amount	\$548.84	\$526.92	\$474.90	\$682.67
20 work days total	\$2,195.37	\$2,107.68	\$1,899.58	\$2,730.68
40 work days total	\$4,390.74	\$4,215.37	\$3,799.17	\$5,461.37
100 work days total	\$10,976.85	\$10,538.42	\$9,497.91	\$13,653.41
180 work days	\$19,758.34	\$18,969.15	\$17,096.25	\$24,576.14
Cost per paycheck (14 day)	\$18.39	\$10.54	\$14.48	\$18.09
Cost per year (14day)	\$441.27	\$252.92	\$347.62	\$434.18
Cost per paycheck (180 day)	\$15.66	\$4.38	\$1.97	\$19.48



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

**TALC Bargaining Committee
November 12, 2018
Sign-In**

COMMITTEE MEMBERS		
Name	Position	Initials
Dr. Angela Pruitt, Chair	Chief Human Resources Officer	<i>[Signature]</i>
William Rothenberg	Director, Compensation & Labor Relations	WR
Mike Gatewood	Compensation & Labor Relations	MG
Ben Ausman	Principal (Bayshore Elementary)	<i>[Signature]</i>
Greg Blurton	Business & Finance	GUB
Carl Burnside	Principal (Dunbar High)	CCB
Jessica Duncan	Director, ESE	<i>[Signature]</i>
Rachel Gould	Principal (Mariner Middle)	<i>[Signature]</i>
Kim Hutchins	Director, Payroll	KH
Bonnie McFarland	Insurance & Benefits	BM
Shannon Smith	Staffing & Talent Management	<i>[Signature]</i>
Brian Williams	Staff Attorney	<i>[Signature]</i>
Dr. Kerr Fazzone	Director, Island Coast FEA	KEF
Kevin Daly	President, TALC	<i>[Signature]</i>
Heidi Brennan	Curriculum & Staff Development	<i>[Signature]</i>
Christine Carberry	Buckingham Exceptional Cener	<i>[Signature]</i>
Jill Castellano	East Lee County High	<i>[Signature]</i>
Samantha Hower	Mariner High	<i>[Signature]</i>
Amy Johnson	Mariner Middle	<i>[Signature]</i>
Christina Linder	Ray V. Pottorf	<i>[Signature]</i>
Bob Scoppettuolo	Three Oaks Middle	<i>[Signature]</i>
Christina Sterrett	Tortuga Preserve	<i>[Signature]</i>
Sheena Torres-Nunez	Student Welfare	<i>[Signature]</i>
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

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FY19 (2018-2019 School Year)

