

Rep Council Minutes
March 11, 2010

Officers present: President Marc Houle, High School Vice President Peter Califano, Middle School Vice President Greg Strachan, Elementary Vice President Stephanie Martin, SPED Vice President Jan Van Horne, Secretary Naomi Lukaszewski, Treasurer Kelly Logan, 6-12 Director Candy Smiley, K-5 Director Karen Wusthoff

School & Members Represented:

High Schools New Direction	Middle Schools	Elementary Schools and PPAP			
ABR	BHMS	CHAP	LP	POM	TBCK
MCHS	BMMS	CRKS	MID	RH	VAL
PHS	MBMS	CV	MCRK	SCRK	WG
RBHS	MVMS	DC	MR	SD	WW
WVHS	OVMS	DS	PR	SH	N. DIR
	TPMS	GR	PV	TB	NURSES

Handouts: Agenda with attachments

Negotiations Flow Chart

Call to order: 4:00 p.m.

I. Community Building

A. Welcome to Deon Schoom

1. New rep for Painted Rock ES
2. Current rep, J. Sikora is retiring

II. PFT Budget: Quarterly Report—see Agenda attachment 1

A. Income

1. Item Code 3100: Dues and Fees
 - a. <\$91> District payroll mistake
 - i) SPED program specialist assessed PFT dues
 - ii) Program Specialist was not in part of Bargaining Unit
 - iii) PFT needed to refund dues payment
 - iv) This same mistake can happen when teacher goes from full to part time
2. January Income
 - a. No income listed in January because January dues check was cashed in February and recorded under income in February.
 - b. February dues check was cashed in March, so it is recorded under income in March as well.
3. Item Code 3500: Legal Defense Grants
 - a. Grants received for 2008-2009 layoff hearings
 - i) \$30,000 spent; PFT paid \$10,000
 - ii) AFT provided \$10,000 in October
 - iii) CFT provided \$10,000 in December
 - b. PFT has applied for Legal Defense Grants for 2009-2010 Layoff Notice Hearings and filing an Unfair Labor Practice against Chinese School Outsourcing.
 - c. PFT lost initial filing re: Chinese School Outsourcing
 - i) Judge said, would view complaint differently is PUSD employed a Chinese language teacher.
 - ii) PFT now employs a Chinese language teacher
 - iii) Rep expressed appreciation for PFT pursuit of this issue

Secretary's Note: For further information regarding this issue, please consult the March and May 2009 Rep meeting minutes and the May 4, 2009 Executive Council Minutes. Minutes can be accessed on the PFT Website.

B. Expenses

1. Item Code 4410 Rent; Item Code 4475 CAMS (Common Area Maintenance)
 - a. March shows \$17, 385 payment due to March rent and inclusion of \$6685 as a binding deposit on new lease agreement
2. New rent begins May 1, 2010: \$6685
 - a. Savings of &7554/month
 - b. Rent goes up 3% per year
 - c. In ten years, rent will be \$8722/month
 - i) \$5517 less than current rent
 - d. CAMS embedded in rent
3. Plans for savings in rental expenditure
 - a. Income will decline with increase in class size and loss of teachers
 - b. Lawsuit currently in process will determine whether or not PFT has to pay entire portion of Staff salaries
 - i) Currently District pays a portion of Staff salaries
 - c. PFT may be able to absorb next AFT/CFT dues increase instead of "pass through"

C. Money management

1. PFT placed \$200,000 from reserve in 11 month CD with California Coast @ 1% interest.
2. Money is encumbered
 - a. Needed to pay summer expenses

II. Political Action

A. Understand that people want to make a large contribution but we need to be careful that we do not over use "Rallying the troops"

1. Effect will be diluted and people will burnout

B. Local Level: Parcel Tax

1. Goal is to collect local funds through Parcel Tax
2. Petition being circulated by teachers and PTA
 - a. Every 6 signatures needs declaration sheet filed
 - b. Declaration affirms validity of signatures
3. Petition seeks to place initiative on ballot to lower approval portion from 67% to 55%
 - a. 1 million signature needed to achieve 668,000 valid signatures
4. Maximum amount allowed with 55% approval: \$250/year
5. Retirees can be exempt
6. Expenditures using Parcel Tax funds need to be defined
7. Assessment of Parcel Tax has time limit
 - a. After initial assessment has expired, public needs to vote on continuance
8. Parcel Tax widely used in Northern CA

• *How is Northern CA managing/using a Parcel Tax?*

They are able to pass it at the 66% approval rate

• *If we pass a Parcel Tax would the State then reduce the funds they send us?*

No. The state would not reduce our ADA.

C. Petition to change budget approval to simple majority

1. Currently 2/3 approval from both State Senate and Assembly is required to pass budget and raise taxes.
 - a. CA is only state to require 2/3 majority for approval of both
2. Petition would change approval requirement to simple majority
 - a. It would also require State Senate and Assembly members to pay a penalty for not delivering a budget on time.
 - b. Penalty would be assessed for every day budget is late.
3. Petitions are due April 2
 - a. Turn into C. Smiley

III. “Excellence Cost\$”/Black T-shirt days

A. Executive Council would like suggestions/input from Reps regarding “T-shirt” Days

Discussion: “When and How do your sites plan to wear their black shirts? Do you have suggestions for PFT to promote?”

- We are wearing them every Friday.
- We are going to wear ours at “Friday Flag” (Schoolwide Assembly)
- We are going to demonstrate to make a point to the parents. We are coordinating with PTA events.
- We would like to use Candy’s Power Point. It showed the mistake teachers made by backfilling all the deficits caused by budget cuts.
- That PowerPoint was expanded for the Palomar Council presentation.
- To people that have said to me, “Well, 20 years ago you had 30 students in a class and they did fine.” I tell them, “20 years ago we had reading specialists, classroom instructional assistants; it’s not the same.”
- I think we should wear them every Monday and Friday. Begin and end the week with them.
- We want the sites to feel coordinated.
- I don’t think parents will understand the impact [of the budget deficit]unless we make a radical gesture like cutting athletics.
- We are talking about creating an organized way of sharing our message. The next Palomar Council president is a marketing executive and she is full of ideas on how to communicate to parents to educate them. Whether or not to cut athletics is part of the work the Teacher Budget Workgroup has been doing. I can’t share the specifics—that is for negotiations on March 19. It is not appropriate to negotiate in public.
- We don’t want to alienate the parents.
- We are going to wear our shirts when we do supervisions.
- What about wearing them on March 15 since that is the deadline for layoff notices?

Verbal consensus from Rep Council. C. Smiley will notify Bargaining Unit of wearing Excellence Cost\$ shirts or a black shirt on Monday, March 15.

IV. Layoffs—see handouts

A. Notices being handed out March 10-12

1. Will also be sent out by certified mail
 - a. By law Laid off employees need to be notified of potential termination by March 15.
 - b. Final notice is issued May 15.
2. Acronyms
 - a. PKS=Particular Kinds of Service
 - b. FTE=Full Time Equivalent
3. Maximum notices issued for contingency
 - a. Actual notices issued: 129 people
 - b. Noticed teachers includes more tenured teachers this year
 - c. Less temporary teachers to release
 - d. Some probationary teachers from last year achieved permanent (tenured) status.

B. Calculations

1. Figures calculated based on District wide staffing ratio
2. 130 SERP teachers included in calculations
 - a. 141 teachers took SERP
 - b. About 10 SPED teachers will be replaced
3. Figures adjusted for the following:
 - a. Number of teachers on leave that are possibly returning
 - i) Teachers on leave have not all notified the District of plans to return or not.
 - ii) Teachers on leave have until June 30 to notify district of intent
 - b. Temporary teacher contracts will not be renewed
 - i) Temporary teachers are all at secondary level
 - c. Personnel bumping back into the classroom
 - d. Rounding off numbers in order to balance positions split between sites
 - e. Enrollment increase/decrease
 - f. Credential alignment

- *How many teachers are receiving notices?*

129.

- *Did teachers who were on leave receive a notice if they fell within the pool of noticed teachers?*
Yes. Even teachers who are on leave get noticed if they fall within the pool.

- *We had a teacher at our site that was moved to SPED instead of being noticed because she had a SPED credential. Now she was told that this year she would not receive a notice because none of the SPED teachers were being notice.*

Last year there were teachers who had secondary credentials that allowed them to move into other positions. For instance, a Multiple Subject Elementary teacher with a secondary Spanish credential. They were bumped into other positions. However, that teacher could not move back to an elementary opening until all the laid off Multiple Subject Elementary teachers were brought back.

- *That's not what happened.*

You need to call us for individual situations. Some of the criteria for tie breakers have changed and we don't have the specific information here in front of us.

- *About how many Multiple Subject teachers received a notice?*

About 70 but about 70 Multiple Subject teachers took the SERP.

- *About how many less teachers will there be in classrooms?*

Districtwide, about 200. The numbers are soft because information keeps changing. These numbers are based on the {District's} Initial proposal.

- *Why are there more teachers being noticed than Administrative personnel?*

Opinions on the necessity of an AP or other site administrators varies from site to site. An elementary school may say an AP is completely unnecessary while a middle school may say an AP is vital.

C. Ed Code re: Noticed Permanent Teachers

1. Noticed permanent teachers who serve as a substitute during the 39 month re-employment period for 21 days or more within a period of 60 school days, will receive per diem pay retroactive to the first day of paid service.
2. Noticed teachers have 1st rights to available sub jobs
3. IBPS team needs to re-examine savings around raising class size and noticing teachers.
 - a. District would most likely end up paying full salary to noticed permanent teachers plus 30% CSR penalty.
 - i) District would not pay H & W.
 - b. Figures are being recalculated
 - c. Will not realize savings indicated in Initial Proposal
4. Ed Code clause was not considered when crafting Initial Proposal

- *How do they get to their numbers? This seems like a huge oversight.*

The District works from a global view and work their way in to details. Given [the time and legal constraints around layoffs and presenting a Multi-Year Budget Projection] they focused on 4 ways to reduce the deficit: reducing the school year (5 days=2.7% salary reduction); a salary cut (2.1%); a cap on Health and Welfare; and increased class size. We are re-examining and discussing all four ways in IBPS.

- *Will they offset the miscalculations with a cap on Health and Welfare? I mean the deficit is still around \$24 million. If they aren't going to save as much money with noticing teachers then it has to come from somewhere.*

--A cap on Health and Welfare is not equitable. The 1st year teacher pays the same rate as the 20 year teacher who is making almost twice the salary in some cases.

--Also, if the rate goes up 10%, it goes up on the full premium, not the subsidized rate that teachers carrying dependents are paying.

--Most districts have a hard cap on their Health and Welfare. PUSD has a soft cap. Teachers paying for dependent care are subsidized so they are not paying the full premium rate and that subsidized amount has not gone up for 2 years.

- *So the district could potentially end up paying full salary to all the tenured noticed teachers for just subbing?*

--They could, but that would only be for the re-employment period of 39 months.

- *In business, companies can say, okay you have worked 19 days and after 20 we have to pay you more so you are done working. Can the district [set limits on the amount of days the noticed tenured teachers can sub]?*

No. This is prescribed by Ed Code. Permanent teachers who have received a layoff notice have first rights to all sub jobs they are qualified to perform. Last year, we had only 1 permanent teacher who was not brought back. That teacher was assigned to site because we knew that on any given day, that site would need a substitute. We know that PUSD uses about 100 substitutes on daily basis. May 15 is the deadline for final notices. The return order of noticed teachers is prescribed by Ed Code. They must be brought back in order of credential and seniority as jobs are available.

D. COBRA Premium Subsidy—see Agenda Attachment 4

1. Extension of Act 2010-H.R. signed into law
 - a. Provides 65% subsidy for cost of continuation coverage premium costs.
 - b. Employee pays 35%
2. Law extended to through March 31, 2010

E. Demographics of teachers in noticed teacher pool have changed

1. Less temporary teachers to release
 - a. Temporary teachers are “ranked”

- i) Number of years in PUSD
 - ii) High performing
 - iii) NCLB compliant
 - 2. Less probationary teachers
 - a. Some probationary teachers have moved to permanent status
 - 3. Some changes to tie-breakers from last year
- *How are we compensating those people who were temps for many years but didn't get permanent status before other teachers who were hired after them?*
- Seniority dates cannot be changed by law.
- *But I thought you said PFT was going to do something for them?*
- No, there's nothing we can do. Your seniority date is your first day of paid probationary service. It cannot be changed by law.

V. Negotiations Process: Legal form and procedure

A. District "sunshines" initial proposal.

1. "Sunshine" is a legal term.
 - a. Purpose of sunshining a proposal is to allow the public to know where district stands.
2. District presents a proposal outlining its budget plan
 - a. The proposal can include the Multi-Year Projection due to the county
 - b. Multi-Year Projection demonstrates district's fiscal solvency
3. Initial Proposal present to Board and Public Hearing is held
 - a. PUSD Initial Proposal was presented February 8
 - b. Public Hearing was February 22
4. Proposal can be accepted or rejected by School Board
 - a. If proposal is rejected, District may revise proposal
 - b. PUSD Initial proposal was accepted

B. PFT-PUSD Negotiating teams meet

1. Goal to craft a Tentative Agreement (TA) that both parties can agree to
2. If there is an agreement, PFT presents TA to membership for a ratification vote
 - a. If TA is ratified, then it is put into place for the period of time specified in TA
 - b. If TA is rejected, Negotiating teams can go to mediation or return to negotiations to revise TA.
3. If a TA cannot be agreed upon, then parties can declare "Impasse" and go to mediation.

C. Mediation

1. A State Mediator works with both parties to negotiate a TA
2. If parties cannot be brought to agreement on a TA or if membership rejects a TA crafted with the mediator, then the Mediator can make the decision to go to Fact Finding

D. Fact Finding

1. A three party panel develops a report based upon an examination of the fiscal data and any other pertinent facts.
 - a. Three party panel has one rep chosen by PFT, one rep chosen by the District and one rep chosen by the State.
2. The report is advisory and non-binding but can give merit to the right to impose or strike.
3. Report issued 30 days after Fact Finding declared

E. Impose or Strike

1. Impose
 - a. After Fact Finding, District can impose actions outlined in Initial Proposal

b. If imposed, salary reductions can be made retroactive to the date identified in the Initial Proposal.

c. If District does not impose, it could be declared insolvent and then the state could step in and take over.

F. Information on the legal process of Negotiations was issued to districts by CA School Services as a precaution.

1. Some districts have tried to go straight to impasse and the Mediators have directed them to continue negotiations.

2. The State Mediator controls the pace of the timeline and makes the decision to go to Fact Finding.

G. If PFT/PUSD come to an agreement on a TA at anytime, they can present that TA to the membership for ratification.

1. Several districts in the state are currently at Impasse

- *Why hasn't PFT presented its own sunshine proposal?*

PFT is not under any legal constraints to craft and present an Initial (sunshine) proposal in which we make public our plans and solutions. However, the District is under legal constraints to do so. This is the first time in 10 years that the District has "sunshined" an Initial Proposal. The economic situation in the state has forced them to do so in the event we need to call in a state mediator and go through the traditional negotiations process. Traditional negotiations often entail meeting once a year except for specific provisions. PFT/PUSD adheres to legal guidelines but uses an alternative procedure: Interest Based Problem Solving. We have an "open" contract. Our contract has an end date for legal reasons but items are always open for negotiation as the need arises. PFT and PUSD are always in negotiations.

- *How far back did we go for teacher layoff?*

We don't know. We have not had an opportunity to review the list.

- *Do you have the rankings?*

The HR techs are still working on the rankings. We hope to have them by Monday. Call PFT and we will tell you what your ranking is. The list is confidential so we will not be distributing it.

- *If class sizes don't go up then the teachers will be brought back?*

There more teachers laid off than actually needed to be. This is a precautionary measure on the district's part.

- *We have a teacher at my site that taught here for five years, left for 2 years and then has been back teaching in PUSD for two years. What is her hire date? Is it the original hire date or is it the date that she came back two years ago?*

Her hire date is the second date. When you separate from service, it voids the initial probationary date.

VI. PFT Election Guidelines: Proposed changes-see Agenda Attachment 6

A. Electronic Voting

1. It was determined that moving to electronic voting was too expensive and the issue of security too great to pursue electronic voting at this time.

2. Paper ballots will remain in place

B. Ballot Distribution

1. Reps will directly supervise balloting and ballot box in a location accessible to all of the site voters before and after school as well as at recess (where applicable) and lunch. Additional time will be made available to voters to access balloting/ballot box as the site reps' schedules permit.

2. Two options with this amendment

- a. Paper ballots placed in mailboxes and teachers take them to ballot box
- b. Ballots are given by the Rep at the ballot box site; voting immediately takes place and ballot is put in ballot box.

C. Lost ballots

1. Only one ballot issued.
 - a. If ballot is lost, then teacher cannot vote.
2. If ballots are distributed by Reps at time of voting in the polling place then the issue of lost ballots is moot.

D. Teachers off-site on days of voting

1. Teachers who are off site due both days of voting (ex: Jury Duty, illness) can e-mail their vote to PFT or go to the PFT Office to cast their vote.
 - a. E-mail votes will be viewed by PFT Staff

VII. PFT Elections

A. Presentation of Officer Candidates

1. Vice President High School
 - a. Pete Califano (incumbent)
 - b. Jebette Caterina
2. Vice President Middle School
 - a. Greg Strachan
3. Vice President Elementary
 - a. Stephanie Martin
4. Vice President SPED
 - a. Jan Van Horne
5. Secretary
 - a. Naomi Lukaszewski
6. Treasurer
 - a. Kelly Logan

B. Meet and Greet for members to meet with candidates scheduled for May 5

C. Candidates for office of PFT President have until 4:00 p.m. April 30 to file a petition for candidacy.

1. Petition for Office of PFT President requires 100 signatures

D. Sample site ballots distributed to Reps

1. If section for rep is blank, please contact K. Wusthof
2. Candidates for Site Rep must declare today.
3. Please contact K. Wusthof ASAP to confirm candidacy if you have not done so before today.

VIII. Teacher Budget Workgroup Update

A. Workgroup spent about 40 total hours working on a PFT Proposal for negotiations

1. Workgroup gathered input from teachers and then used that data to design proposals

B. Proposal will not be made public at this time due to the need to keep them confidential until March 19 IBPS Meeting

- *What were the survey results?*

We did not receive any clear direction from the teachers since the survey results were split with about 50% in favor of keeping transportation and about 50% in favor of suspending it.

There was no consensus on MAPS and the data from the survey was flawed because some teachers did not follow the directions. Teachers who indicated that they did not use MAPS were directed by the survey to skip the last question and many did not.

IX. Open Items

- *What about the money uncovered by PFT in the PUSD Budget?*

This would be referring to the cash flow increase from the SERP. We have moved forward in negotiations. The District agreed that we should calculate numbers using the actuals instead of the initial projections. We are currently discussing whether or not and how the cash flow increase should be used.

- *Where does PFT stand on eliminating busing as a cost cutting measure?*

The workgroup did reach consensus on suspending transportation with one vocal dissent. This teacher felt it was imperative to maintain home to school transportation for safety reasons. Everything is on the table for discussion.

- *When is the last day for transfers?*

--August 5. This is the last day to be considered for a transfer. Downsizing will be affected by the SERP and Layoffs.

--*There people at our site who volunteered to transfer because they knew our school was being downsized so they were moved even though they didn't really want to . Then there were other people who were willing to move but didn't move because the other teachers volunteered to go.*

--Teachers should not assume their school is being downsized. Your school is not overstaffed until you are notified by the District that you are overstaffed. However, the issues around voluntarily leaving a school you fear is being downsized and the best time to go for a transfer will be addressed.

- *When do sites get notified of being overstaffed?*

In the Spring.

- *How much money did you find from the SERP? Did the district consider this money when they were crafting the Initial Proposal?*

The SERP did not save any money or increase revenue. However, it did increase cash flow. The district did not consider that money when developing a budget because to them, that money is encumbered. It needs to be set aside for future SERP payments.

- *How many empty classrooms do we have in the district?*

We don't know but those rooms will be left empty. The goal is to return to CSR levels so those rooms are being left empty as a contingency.

- *We have a lot of people who just got pink slips that are pretty angry. Is there any plan to utilize that anger?*

We are having a meeting for all the noticed teachers at RBHS on Monday, May 15. At this time we don't want to overuse "rallying the troops".

- *Is the deficit really \$24 million?*

It depends on your perspective. Part of negotiations is agreeing on the calculations and we are in the middle of that process.

- *How many probationary teachers do we have?*

We haven't had a chance to examine the list of notice teachers yet so at this time, we don't know.

- *Will the salary reduction in the Initial proposal go through?*

We are currently working on attacking the 2.1 per diem reduction and the cap on Health and Welfare.

- *What about the district's appeal of the Westview lawsuit? How much money is that costing?*

We do not have a say in whether or not the district pursues that appeal. That is beyond the scope.

- *I read in the paper that [PUSD Administrator] said that he "needs to maintain control of teachers in the classroom." [in relation to the lawsuit] Is that true?*

It is not realistic to be extreme. It may be the District's reaction to ban teachers from having any personal items in their classrooms. It is realistic to enforce that ban? No.

- *Has anyone discussed ways of increasing revenue?*

It was discussed in the Budget workgroup. Unfortunately, many of the teacher suggestions were not possible due to legal issues (charging the public for using facilities; PUSD cannot earn a profit but can charge enough to cover costs) or unknown factors (schools cannot be named for commercial businesses?) The Workgroup decided it was better to focus their energies on crafting the proposal with the known data.

- *What about San Diego Unified? How are they managing to give their teachers a raise?*

We are not getting the whole story on San Diego Unified. First of all, the teachers are not receiving a raise this year. They are taking a 5 day furlough for 2 years. The raise is in year 4 of the proposal. The county only needs to approve a 3 year projection, so the raise does not factor. Everyone we have consulted about San Diego Unified's deal and proposal has been flabbergasted. There will a reckoning at some point. San Diego Unified is borrowing heavily from the county.

--You also should not assume all districts are the same. They are not. We do not want to rush a TA to teachers that hurts us later on.

Meeting adjourned: 5:45 p.m.

Next meeting: April 15, 2010

Submitted by Naomi Lukaszewski, PFT Secretary