



---

## **SPALC Negotiations Minutes March 3 & 4, 2009**

**District Team:** Dr. Greg Adkins, Pete Bohatch, Ami Desamours, Robert Dodig, Ron Frazer, Dr. Charles Luckey, Georgianna McDaniel, Victoria Ramina, Jack Shelton, Sonny Stelmacki, Susan Strong

**SPALC Team:** Donna Mutzenard, Suzan Rudd, Bob Rushlow, Patty Allen, Arto Brown, Fred Bucher, Betty Chang, Mike Hukowski, Robert Lane, Jamie Michael, Lori Overhoff

**Facilitators:** Georgianna McDaniel, Shellie Halstead, Marsha Bur, Patti Elkin, Neketa Carthan

**Recording Secretary:** Linda Jo Sanders

### **Agenda**

Check In  
Minutes  
Voluntary Transfer  
FMLA  
Moral Turpitude  
Alternate Duty  
7.01 Probation  
7.10 Discipline  
7.105 Suspension  
7.07 Reduction  
Story Continued  
Check Out

### **Check In**

Missing: Pete, Fred, ~~Ami~~

### **Expectations**

Productive day /// /// /  
Move on  
Good meeting today /  
Get on with the process ///  
Have a great day  
Finish on time

## **Transfer Language Story cont'd**

- District concerned with language and manageability of placement
- Perception of District is that SPALC interested in language concerning seniority as it relates to different support categories/object codes
- Currently surplus employees rank choices and most senior employee get first choice
- Districts perspective that SPALC is interested in language concerning seniority as it relates to different support categories – object codes
- Personnel who managed process no longer in department
- Paras/support changed to different positions to save jobs
- Object code takes priority over seniority
- 144 & 170 used to have greater appearances of difference because pay grade was different (Helping Teachers and Paras)
- Job codes also impact process
- Within object code, pay grades can be different
- Peoples code can change during year and PAF's signed which can impact end of year status
- Lots of time and effort went into creating job descriptions jointly
- Some people do not want to work with special populations or certain duties
- Pay grades are different because qualifications are different
- ESE.ESOL/Office are paras
- Helping Teachers & Clinic are different
- Navigator will allow every position to be listed by state job code
- Employee profiles will be in development
- Paras assigned to Title I schools have to be manually reviewed for qualifications and receive different pay grade
- Possibility of 20 more Title I schools
- Some staff changes occur to address student need changes
- Staff may not understand impact of PAF changes
- Changes are made to address needs and are not based on seniority
- PAF's are required if funding source changes

## **Interest cont'd**

### Manageability

### **Options**

1. Status quo
2. Advertise for new schools after involuntary list posted
3. Employees on involuntary transfer list called downtown and most senior given 1<sup>st</sup> choice of vacancies
4. Delete 3<sup>rd</sup> sentence for Article 7.045 "Thereafter, employees shall indicate the positions, in order of preference, which they desire."
5. Do an employee profile to address other qualifications
6. Once Navigator is in place a subcommittee will look at process

### **Straw Design A CONSENSUS**

1. Status quo
6. Once Navigator is in place District Labor Management will look at process

### **FMLA**

#### **Story cont'd**

- Opportunity to research on Web and FEA
- Sits on doctors desk and beyond employees control

#### **Options**

1. Add to J. Medical Certification - Make it 15 calendar days instead of 7
2. Language as proposed
3. Language as proposed with the additional of (unless not practical or under the particular circumstances) following 7 calendar days

### **Straw Design A CONSENSUS**

1. Add to J. Medical Certification - Make it 15 calendar days instead of 7
2. Language as proposed

### **Moral Turpitude**

#### **Options cont'd**

4. Replace 48 hours with 2 business days (Two places in proposed language)
5. Add to the 3<sup>rd</sup> sentence of the proposed language, after “self report” include “to the District’s Department of Professional Standards and Equity”
6. Include phone number of Professional Standards and Equity ;T

### **SPALC Caucus**

### **Straw Design A CONCENSUS**

1. Draft language handout
4. Replace 48 hours with 2 business days (Two places in proposed language)
5. Add to the 3<sup>rd</sup> sentence of the proposed language, after “self report” include “to the District’s Department of Professional Standards and Equity”

## Alternate Duty Training

### Story

- When employee reaches Maximum Medical Improvement (MMI) & has permanent restrictions that will preclude employee from performing essential job functions 1<sup>st</sup> step –functional, capacity evaluate (Medical Facility) 2<sup>nd</sup> – step – Vocation Test Process (certified rehabilitative person) – independent 3<sup>rd</sup> party full day battery of test - District receive report of strengths & weaknesses (employee receives copy)
- Employer meets with employee regarding test results to see if employee has both the physical ability and aptitudes for a job within the district
- Up until a couple of years ago district was able to place each employee fall back: bus monitor, security guard, paraprofessional – no longer able to fall back on the above positions
- Now number of employees whose physical restrictions were so severe or aptitude low that the employee could not be places
- Current language is not specifically outlines if & when someone is not qualified
- Two provisions in current contract 1-employees is not able to be trained and 2- are trained but after one year fail to achieve the “trained status”
- Training is On The Job (OJT) Training
- Worker Compensation does not require employer to retain employee if achieved trained status
- If an individual cannot work they may qualify for impairment benefits of assistance such as social security
- Kind of training is based on test with vocational rehabilitation
- Vocational Rehabilitation will recommend benefits if employee will qualify
- Indemnity benefits: after two years an employee would be deemed to be at Maximum Medical Improvement (MMI) ~~can qualify (under workers compensation) for up to 2 years of benefits~~
- 7.062(d) language currently says person will lose job

### Options

1. 7.06(a) – language – at the end add “employees who do not meet the criteria for alternate duty shall lose their employment with the District” – “Failure to meet the criteria shall constitute just cause for the employees termination”  
7.062(d) – add to end add “shall constitute just cause for the employees termination”
2. Status quo

## **Check Out**

**3-4-09**

**Facilitators:** Georgianna McDaniel, Shellie Halstead, Marsha Bur,  
Neketa Carthan, Sara Kohlhaff

## **Agenda**

Check In  
Minutes  
Calendar  
Alternate Duty Cont'd  
7.01 Probation  
7.10 Discipline  
7.105 Suspension  
7.07 Reduction in Force  
Communication (30 minutes)  
Check Out

## **Check In**

How are you?  
**Missing:** ~~Ami~~, Jack, Ron, Victoria, Fred,  
Elephants  
Time Constraints 6:30

## **Expectations**

Get as much done as last night  
Productive Day *### ## ## //*  
Get as much done as we can  
Get as much or more done as last night

## **Calendar (next sessions)**

Thursday, March 26 – 4:00-7:00 p.m. – Community Training Room-South Wing  
Tuesday, April 14 – 8:30 a.m. – 4:30 p.m.-Community Training Room-South Wing  
Thursday, April 23 – 4:00 – 7:00 p.m. –Community Training Room-South Wing

## **Alternate Duty**

### **Story cont'd**

- Accommodate people as much as we can in Alternate Duty Program
- ADA accommodation - then injured on the job, handled under workers compensation

### **Option cont'd**

3. Regarding 7.06(a) at the end add "employee who does not meet the criteria for Alternate Duty shall lose their employment with the District"

Request to table issue – SPALC to discuss with FEA attorneys

## **Probation**

### **Story**

- one area of concern with language is an employee who works 2 years in a position 2<sup>nd</sup> then changes position does not start new probation
- perception of administrators that employee may need new probation in above situation
- 7.01 last sentence was put into to grandfather people in – dates have passed
- District interviews & selects people for new position & sets criteria
- Employee may not be a good fit
- Perception – some of the problem with employee success may be lack of training
- ~~Budget situation limits training~~
- Many of the people placed in positions do not have training prior to placement
- Things in place for after placement training for positions
- Most principals include expertise in interview

## **Interest**

- Fairness
- Efficiency
- Effectiveness
- Morale
- Retention
- Manageability
- Recruitment

## **Probation cont'd**

### **Options**

1. Have people who are skilled in a position on the hiring committee
2. 90-day probationary period for current staff who have completed a probationary period- in new position with option to be placed in a position similar to previous position if new position doesn't work out
3. Status quo – with deletion of last sentence of 7.01
4. Include sections of 8.01 into probation
5. Delete last sentence of 7.01
6. 60 day training period for current staff with administration showing training opportunities provided to employee – employee may request a transfer to another
7. table to consider other language options

### **Straw Design A**

1. Have people who are skilled in a position on the hiring committee
2. 90-day probationary period for current staff who have completed a probationary period- in new position with option to be placed in a position similar to previous position if new position doesn't work out

### **Discipline**

#### **Story**

- Professional Standards & Equity take allegation on its face discipline would be Board action
- Many employee performance issues at school level
- Language should match school level – less formal
- Many man hours put in and decision sent back to school
- No improvement seen at school level, then referred to Professional Standards & Equity
- Language confusing – lack of legal clarity
- Progressive discipline Article 7.10
- Language in 7.10 - components of discipline plan (line 34)
- Progressive discipline at both school & district level
- Professional Standards & Equity does a very good job

#### **Interest**

- Fairness
- Clarity
- Consistency
- Efficiency

**Discipline**

**Options**

1. District Labor Management to establish language to insert guidelines and criteria for site-based and district level process – bring back to bargaining

SPALC Caucus – Pep talk

Check Out