

Rep Council Minutes
May 14, 2009

Officers present: President Marc Houle, High School Vice President Bob Walker, Middle School Vice President Bob Ruark, Elementary Vice President Stephanie Martin, Secretary Naomi Lukaszewski, 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	AB	HR	POM	VAL
PHS	BMMS	CRKS	LP	RH	WG
WVHS	MBMS	CV	MCRK	SCRK	WW
	MVMS	DC	PR	SD	N. DIR
	OVMS	GR	PV	SH	NURSES
	TPMS			SR	PRE-SCH
				TB	

Handouts: CFT Election Flyer

Flyer: Town Hall Discussion with Senator Denise Ducheny

Call to order: 4:00 p.m.

I. Open Agenda Items

A. Governor's May Revise

1. If Propositions pass, budget still has \$15 billion deficit.
 - a. Result in additional \$3 billion cuts to education.
2. If Propositions do not pass, budget has \$21.3 billion deficit.
 - a. Result in another \$2.3 billion in addition to \$3 billion in cuts.
 - b. Total: \$5.3 billion in cuts if propositions do not pass.
3. State will layoff 5000 workers
 - a. Propose to sell state owned properties
 - i) Includes county fairgrounds, San Quentin

B. Voluntary Transfers

1. Process is slightly different with laid off employees, staff migrating in with employment rights.
2. With new staffing ratios, some schools may be overstaffed.
 - a. As of this date, no schools have been declared overstaffed.

Question: Do the people who are migrating have a cut off date for accepting a position?

Response: I don't know if they have a date but I would guess that it is the same as for people on leave; June 30.

- Do they have to declare whether or not they are going to take the position when they are offered it? We have a situation at my site where I know the person who is migrating in is not going to take the position. They are looking for another job.
- Yes, they have to accept or decline the position but what will probably happen is that the position will be accepted so that they have it while they look for a job elsewhere. Then as soon as they get another job, they will resign [from their position with PSD].

Question: How many teachers were saved with the rollback?

Response: I don't know the exact number of teachers saved off the top of my head but I can tell you that 44 elementary and 31 secondary certificated employees will still receive a final notice. Out of the 44 elementary, 39 were probationary and 5 were permanent.

C. Overstaffed Schools--Transfers

1. As of [the date of this meeting] none of the schools have been declared overstaffed.
2. Joint Staffing Team will meet on 5/15/09 to examine staffing at sites.
 - a. Secondary will take slightly longer due to specific discipline and subject matters.
3. Need to factor in staff migrating in and returning from leave
 - a. These people will be asked for placement preferences
 - b. No guarantees that they will get their choice
4. 1st priority goes to teachers at overstaffed schools and to those teachers migrating back in from a position: TOSA, PPAP, AP...who currently do not have a site.
 - a. These folks are all considered "without a home".
5. 2nd priority will go to voluntary transfers and teachers out on leave.
 - a. We will work with both groups to see where they want to go and grade and try to meet everyone's needs.
 - b. Principals have a say in these transfers. **Note, we will look at the entire landscape before we work with overstaffed schools. If we have a voluntary transfer that fits in the movement of teachers we'll do that.*
6. 3rd priority will be those folks on the reemployment list
7. PFT will advocate for Voluntary Transfers to be done before placing reemployed teachers.
 - a. Consideration for voluntary transfers and teachers returning from leave will be considered at the same time to see if both can be accomplished.
 - b. Principals play a role in accepting voluntary transfers and teachers returning from leave so this isn't a guaranteed placement.
8. Teachers who have been given final notice can be placed/moved after June 12.
 - a. They will have to pack up regardless.
9. District does not have this figured out.
10. In case of overstaffing, teachers will be asked if there is anyone willing to voluntarily transfer. If not, then involuntary transfers will go first.

Question: Do you know how many teachers will have to move? How many are needed?

Response: We have the gross numbers from the staffing ratios and [the Joint Staffing Team] is meeting tomorrow to determine site needs.

Question: My site still has teachers who want to know whether or not to apply for a transfer.

Response: My advice would be to wait until the overstaffed schools are identified. If you are a voluntary transfer from an overstaffed school, you will get paid \$100 for one day to pack and move and another \$100 for one day to unpack and get settled in. If you just do a voluntary transfer, you are on your own.

8. When school is declared overstaffed, M. Houle and B. Chiment will visit overstaffed site to explain process.
9. As soon as PFT has more information, it will be communicated.
 - a. Teachers who received final notice can receive rank for rehire
 - i) Need to call PFT

II. Rescinded Notices

Numbers are “exactly wrong and approximately correct”. Figures provided by PUSD Personnel office.

Particular Kinds of Service (PKS)	March 9, 2009	May 11, 2009	Restored
High School 9-12	120	38	81.55
Middle School 6-8	54	11.8	42.2
Elementary School K-5	140	70	70
Total teachers	314	120.25	193.45
Other Certificated	88.53	58.53	30
General Total	402.53	178.78	223.45

A. Other Certificated

1. Positions eliminated or reduced
 - a. Have seniority as teachers
2. Migrating into classroom positions
 - a. 5 PPAP
 - b. 1 POSA
 - c. 2 LSS TOSAs
 - d. 2 Administrative Attendance
 - e. 1 Wellness
 - f. 7-8 Counselors
 - g. 7 APs
 - h. 6.2 Wellness TOSAs

B. Particular Kinds of Service=positions not personnel

1. 120 PKS eliminated
 - 111 Temps
 - 28 Retirements
 - +41 Return from Leave
 - + 30 migrate
- 70 total terminated at this time

C. Positions held by temporary teachers and retiring personnel will not be replaced.

1. 8 teachers out on leave have still not informed District of intentions
 - a. Those positions must be held
2. Still have unknown factors that could affect number of teachers migrating in
 - a. Wellness grants could be renewed, allowing wellness personnel to remain in their current positions and opening up classroom positions.

Question: How are the teachers out on leave counted at the overstaffed schools?

Response: When teachers go out on leave, they sign a paper stating that they understand they may not be able to return to their original positions. I would not support a teacher returning from leave forcing another teacher into an involuntary transfer.

- The numbers we have here are not exact. The numbers change as we get new information. There may be more retirements. The 8 teachers out on leave may resign.

D. 2nd layoff date

1. Clause introduced into Ed Code in early 1990's
2. Allows for layoff notices to be issued by August 15r
3. Triggers for 2nd layoff
 - a. COLA at 2% or lower and not fully funded
 - b. State Budget in place

Question: So the people who are returning from leave cannot bump people?

Response: I would not support someone coming back from leave and forcing a bump or an involuntary transfer.

Question: We thought there would be a second wave of rehires. Will there be more rehires and if so when will the second wave happen?

Response: We are aiming for re-employment for all laid off teachers.

- But what if...
- We cannot speculate on what would happen for every possible scenario. We have never been in this situation before so we don't have any precedent to work from. We are going to have to deal with some situations as they come up.

Question: Will more pink slips be rescinded before the end of the year?

Response: Probably. But it's not a rescission. The teachers who did not have their notices rescinded have been terminated. As of June 30, they do not have a job unless they are re-employed. Those teachers are on a re-employment list. Teachers on that list have first rights to any positions that they are qualified to teach. Permanent teachers have the right to refuse offers for 12 months.

Question: Is it true that you cannot be involuntary transferred twice?

Response: Yes. It was in fact part of the MOU language and was accidentally left off. It has now been restored.

III. Preschool Representation

- A. Preschool is an important foundation
 1. PUSD provides many preschool offerings
 - a. Includes but is not limited to Full Day, State funded, Parent Participation, and Dual Immersion.
 - b. Standards in alignment with Kindergarten standards.
- B. PFT represents preschool teachers in negotiations
 1. Membership at large generally unfamiliar with preschool.
- C. Preschool now has representation in PFT Rep Council
 1. Lisa Chick and Diane Cottrell
 - a. Will provide preschool perspective

IV. Discussion: Should PFT invite Counselors to become part of the Bargaining Unit?

- Counselors used to part of the unit but dropped out 30 years ago.
- Current counselors feel that they were not dealt with fairly during the layoff process. They want to form a group to discuss employment with the District. However, the district still does not have to deal with them as a group because they are not a unit.
- How would non-teachers roll into a teachers' union? I am appalled that non-teachers, someone with out a credential and who has not taught in the classroom would be hired to counsel students on their education.
- Counselors have PPS credentials and some counselors have teaching credentials.
- Which counselors would we include? I know that elementary counselors provide different services than secondary counselors.
- It would include individuals with PPS credentials.

- I think it would be a conflict of interest. We have different issues and at high school, counselors are considered to be part of Administration.
- Do they have the same pay scale?
- No, but teachers have 5 different pay scales.
- How many people would be included?
- About 30.
- Why did they leave to begin with?
- About 30 years ago, we were part of CTA and the CTA president, who was a counselor, went into negotiations reassuring teachers that he would get teachers a good deal. However, he bifurcated teachers and counselors during negotiations and agreed to a split 5 year settlement where teachers were paid less than counselors. He basically sold teachers out.
- A lot of our site budget discussions involved whether or not to cut counseling services. I think it would be more difficult to have those discussions if counselors were part of the unit. It brings up a conflict of interest.
- Why [is this being suggested]?
- This was brought before the Executive Council and rejected by them. I wanted the Rep Council's opinion to see if the Reps were in agreement.
- I think we should consider the fact that when teachers are out on strike, counselors are the ones who are brought in to take their place.
- I think it would be strange to bring up with my staff because we have only one counselor. I think the discussion would become person specific rather than whether or not the counselors in general should become part of the unit.
- Did they come to the union or is the union exploring this?
- The union is exploring this. We have not approached them and they have not approached us.
- Even if the reps say yes and we invite them, the counselors need to accept the invitation.
- I am against having non-teachers as members.
- How many of you feel comfortable deciding this today?
- *General show of hands indicating "Yes."*

Motion by PFT President to include counselors as part of the PFT Bargaining Unit.

Seconded by reps in general: "So moved."

No discussion.

2-3 Ayes, Majority indicated "Nay" verbally and through show of hands.

Motion failed.

V. Principal Evaluations

- A. All sites had 50%+ participation
 1. Abraxas was on break during survey period.
 - a. Will need to resubmit
 2. Some sites did not participate due to Administrators resigning or retiring.
- B. Survey results contain previous year's scores for comparison.
- C. Suggestions for meeting with Principal re: survey results
 1. Present negative comments as areas of growth
 2. Present results in a group setting, like UBC meeting

VI. Political Action—see Agenda Attachments 1 & 2

- A. "Off the Hook"
 1. Sites sent e-mail reminders
 2. Comments from participants are generally positive
 - a. Negative comments from Nathan Fletcher's office were shared with PTA and will be forwarded to Nathan Fletcher.
 3. Focus of efforts is to prevent more cuts to education
- B. Town Hall Meeting with Senator Denise Ducheny

1. C. Smiley will attend with teachers who will become Budget Education facilitators
 - a. Looking for long term solutions

VII. Summer School—see Agenda Attachments 3 & 4

- A. Initially not offered due to budget cuts.
 1. Some funding recaptured.
 - a. PUSD now able to offer summer school to select students.
- B. Credit Recovery
 1. Offered to students who are significantly behind in graduation credits
 - a. Will also be offered to non-grads seeking to recover credits
 2. Courses offered in English, Math and Social Studies
- C. Remedial Coursework
 1. Offered to students who have received a “D” or “F” in English, Algebra or Biology.
- D. Credit Acceleration through On-site and Online courses
 1. Fee based courses for students who need to take classes during the summer in order to have enough credits to graduate.
- E. Teacher Selection for summer school
 1. For classes serving credit recovery or remedial classes, criteria has been amended.
 - a. Now includes experience working with low performing students and technical expertise.

Question: Do the teachers on the rehire list have rights to summer school positions?

Response: Only if they apply during this school year.

Question: Is there some language that eliminates this if summer school money comes back?

Response: This is a change in the criterion for hire, not in contract language.

VIII. SMARTALK Chinese Course Offerings

- A. District has contracted with SMARTALK to provide Chinese language instruction to PUSD students.
 1. Instruction will be delivered by SMARTALK employees
 2. PUSD has an obligation to provide students.
- B. PFT believes this constitutes an Unfair Labor Practice and is working with Michael Baranic on the process.
 1. By allowing SMARTALK to use it’s own instructors, PUSD is taking work away from PUSD Employees.
 - a. Several World Language teachers have received lay off notices.
 - b. PUSD did not explore the possibility of existing credential teachers having the ability to teach Chinese.

IX. Compelling Reasons Leave

- A. Folded permanently into contract.
 1. Allows teachers 2 leave days to use at their discretion.
- B. Teachers need to avoid using Sick Leave to extend holidays or to use as travel days before holidays.
 1. If teachers need to be absent for reasons other than illness, use Compelling Reasons
 2. Sick Leave cannot be used anyway teachers want.

Question: Is Compelling Reasons on the Sub Finder?

Response: Yes, but all Sub Finder does is assign a substitute. The reason is documented on the P-9 form That is what counts.

X. Guaranteed Sub Pool

- A. Still under negotiation

1. Need perspective: What would teachers prefer? A substitute who has a background and expertise in their discipline/subject or any substitute who was a High Performing Poway teacher?
2. Depends on grade level.
 - a. Secondary teachers would prefer teacher who shared same discipline/subject.
 - b. Not as important at elementary
3. Negotiating to include released temps as well as noticed teachers.

Question: Will the subs be ranked?

Response: It's all still under discussion. We are trying to balance the interests of classroom teachers to have a substitute who is familiar with their discipline, classroom, site routines with the employment needs of the laid off teachers.

Discussion:

- Most teachers have favorite subs, people who are familiar with their classrooms and routines. They don't use the sub pool.
- It is really difficult to get subs at High School. I would prefer to have someone who is knowledgeable in my subject but that isn't always possible.
- PFT's interest is to guarantee jobs for former teachers. If we can guarantee 170 days of sub work we can pay for a benefits package to tide them over for a year.
- We need to be able to rate the subs.
- How often do we run out of subs?
- That may not matter next year. We will probably have a wealth of substitutes.
- PFT's goal is to have no break in health coverage for teachers who may be re-employed after a year.
- I think after the investment we have put into these teachers, we owe these temps to set this up.
- I think you need to give us a list we can share with our staffs. That way people know who they can request.
- Is the district not taking new subs? What about all the new teachers who coming out of the credential programs?
- I don't know.
- I think the people in the [guaranteed] sub pool should be first. These people are highly skilled. They were the ones who were chosen to be hired in Poway and are released through no fault of their own. The other people on the sub list are the ones we chose not to hire.
- Is the sub pool just for high performing temps?
- No. It would include the teachers on the re-employment list.
- Do you keep track of subs?
- Yes. We use about 90 a day.
- What if we create a "site sub", a sub who is regularly assigned to a site? My site has 2 subs a day. If we have a site sub, they can be part of the staff and be familiar with the site and procedures.
- We need to coordinate that with Sub Finder. Part of negotiations is learning what Sub Finder is capable of.

XI. PFT Elections

A. Unofficial results

1. PFT President: Marc Houle
2. Vice President, High School: Peter Califano
3. Vice President, Middle School: Greg Strachan
4. Vice President, Elementary: Stephanie Martin
5. Vice President, SPED: Jan Van Horne
6. Secretary: Naomi Lukaszewski
7. Treasurer: Kelly Logan

B. Jim Heaton, Elections Chair will be in later to confirm site tallies and certify election.

C. In September, Executive and Rep Council will begin discussions around Elections

1. Voting procedures

2. Ballot Security
3. Succession procedures
4. Suggestions and ideas should be sent via e-mail to Karen Wusthoff
 - a. Will compile them for future discussion

XII. Community Building

- A. Thank you to Bob Ruark for his service
 1. Retiring this year.

Meeting adjourned: 5:40 p.m.

Next meeting: Wednesday, June 3

Meeting date was changed due to Directors' schedule conflict.

Reps should fill out RSVP form at bottom of Agenda before leaving today's meeting.

Submitted by Naomi Lukaszewski, PFT Secretary