

**Rep Council Minutes  
November 16, 2006**

**Officers present:** President Marc Houle, 2<sup>nd</sup> VP/6-12 Director of Educational Issues and Labor Relations Candy Smiley, Communications Secretary Naomi Lukaszewski, Treasurer/K-5 Director of Educational Issues and Labor Relations Karen Wusthoff

**School & Members Represented:**

| High Schools<br>New Direction | Middle<br>Schools | Elementary Schools and PPAP |      |      |      |
|-------------------------------|-------------------|-----------------------------|------|------|------|
| MCHS                          | BHMS              | AB                          | HR   | PV   | SR   |
| PHS                           | BMMS              | CHAP                        | LP   | POM  | TB   |
| RBHS                          | MBMS              | CRKS                        | MID  | RH   | TBCK |
| WVHS                          | MVMS              | CV                          | MCRK | SCRK | VAL  |
|                               | OVMS              | DC                          | MR   | SD   | WW   |
|                               | TPMS              | GR                          | PR   | SH   | PPAP |

**Handouts:** Agenda with attachments  
Health Benefits Info  
CA Labor Federation flyer re: Maintaining Right to See Our Own Doctor  
Employee Pre-Designation of Personal Physician Form

**Call to order:** 3:45 p.m.

**Membership:**

As of October 2006: 1390 full time members, 105 part-time members, 78 full rate, full time agency fee payers, 29 full rate part time agency fee payer, 37 full time reduced fee agency fee payers and 2 part time reduced fee agency fee payers.

**I. C. Cleland: Health Benefits Packet**

*Secretary's Note: For ease of reading, the Q & A is written up at the end of the packet info.*

A. Due to major changes in plans, all members asked to sign for packet as proof that they received it.

1. All insurance plans go into effect January 1, 2007.
2. Site Secretaries have box of supplemental info including listing of Physicians and Medical groups and specific details of benefits.
3. From November 27-30, 1:00-4:30 p.m. Christie and her assistant, Mackenzie will be available at the District Office to help you fill out your form and answer any questions you may have.

B. Packet content

1. White Employee Health and Welfare Information sheet
  - a. Shows what employee currently has for coverage, how many dependents employee is carrying.
2. Green Bargaining Unit Benefit sheet
  - a. Shows premium and employee out of pocket expenses with negotiated supplement.
  - b. PFT negotiates with district a sum that is used to partially pay premiums for employees who are carrying dependents and individual employees who are paying extra to maintain chosen health plan (HealthNet HMO and PPO)
3. Opt-Out form
  - a. Must also fill out and submit form showing other coverage.
  - b. Members who opt out are paid \$110 tenthly.
  - c. If you opt out of medical coverage but continue to have vision and dental, the premium for those is taken out of your \$110.
  - d. **If you already opt out and will continue to opt out in 2007, you do not need to fill out any forms and can rollover.**

4. **Kaiser** enrollment form
  - a. Do not need to name a doctor. Simply fill out form.
  - b. **If you are already have Kaiser you do not need to fill out any forms and can rollover.**
5. **HeathNet** enrollment form.
  - a. This form must be filled out if you are changing to the HealthNet Silver plan and wish to select your Primary Care Physician.
  - b. This form must be filled out if you are electing to have HealthNet HMO (full plan with Scripps) because you want to maintain your Scripps doctor.
  - c. This form must be filled out if you are on the HealthNetPOS plan and wish to change to HealthNet Silver Plan or the HMO (Full) plan.
  - d. If you have HealthNetPOS and do nothing, you will be rolled over into the HeathNet PPO plan.
  - e. Christie will put in Group #
  - f. Employer name: Poway Unified School District
  - g. Effective date: January 1, 2007
  - h. Fill in Primary Medical Group (PMG), Primary Care Physician's (PCP) ID
    - i. The Enrollment number on the website is a combination of the PMG and PCP numbers. The first 4 digits are the PMG and the last 6 are the PCP ID.
  - i. Medicare if you are 65 or older.
  - j. "Dependent other coverage", leave blank if your dependent has other coverage or your dependent will need to fill out a form.
    - i. Info not vital to HealthNet.
  - k. "Decline for spouse", leave blank or your spouse will also need to sign form.
    - i. Info not vital to HealthNet.
6. Benefits Lessons Plan Highlights
  - a. Explains the changes
7. Summary of Benefits
  - a. Gives general information regarding coverage.
8. **PUSD Benefit form**
  - a. Documents for Christie exactly what you want.
  - b. This form must be filled out for any changes along with the corresponding Kaiser or HealthNet form.
    - i. Example: if you are changing from HealthNet HMO to the Silver plan, you must fill out both the PUSD form and the HealthNet form.

**C. Sign and date your forms!**

**D. Dental and Vision**

1. Carriers remain the same.
  - a. Dental: Plan Handlers
  - b. Vision: Medical Eye Services (MES)
2. To add dependents, must cover all or none.
  - a. Cannot add one dependent but not the other., no exceptions.

Question: What if I have only one child and my husband already has his own coverage?

Response: You still have to add them both, you can't add one and not the other.

Question: The \$88 for an individual who wants to have Scripps, is that deducted pre-tax?

Response: In general, we have the out of pocket cost deducted pre-tax but we have individuals sign a card designating whether or not they wanted it deducted pre-tax. The reason for this is if a individual is also carrying a domestic partner. We have to have that person come in because the IRS has guidelines and doesn't always allow pre-tax payments for a domestic partner.

Question: Do you have any extra packets? At our last meeting we were told that we would be rolled over into the Full HMO with Scripps unless we changed over to the Silver plan. Now we're being told it's the other way around and I have some people who wanted to keep Scripps who threw away their packets because I told them it would just roll over.

Response: You can photocopy the information sheets and give them the info. Check with your site secretary. All site secretaries were given extra enrollment forms to hand out as needed. You cannot photocopy any of the enrollment forms.

Question: What if I am opting out?

Response: If you are already opting out, you will be rolled over. If you are choosing to begin to opt out at this time you will need to fill out the forms.

Question: What about people who want to just let HealthNet select their doctor and then change at a later date. Can they just let it roll over and then select a doctor later so they can research a little more? Do they have to fill out a form?

Response: No, they don't have to fill out a form. They can just get an assignment based on their zip code and change later. They have to contact HealthNet by the 15<sup>th</sup> of the month in order for the change to go into effect by the 1<sup>st</sup> of the next month. At this time it is too late to make any changes for December.

Question: If I turn in a form opting out and showing other coverage, do I have to turn it in again?

Response: In January, all employees choosing to opt out will get a letter requesting them to show proof of other coverage. If you have already sent one in, just send me an e-mail saying, "Christie, I already sent one in." Sending a letter out to everyone who opts out in January is easier than checking everyone's file and then trying to send out notices. (*Secretary's note: Christie and her assistant, Mackenzie oversee Health and Welfare for the entire district: teachers, classified staff and administration. Just the teachers number about 1500 people.*)

Question: What if someone wants to switch to Sharp from Scripps, do they still have to fill out paperwork?

Response: If you want to pick the doctor, you need to fill out the paperwork. If you wanted to avoid paperwork, you had to call HealthNet by November 15 in order for the change to go into effect by December 1. It's too late, the deadline was yesterday.

Question: What if you are on the POS plan?

Response: If you do nothing, you will be rolled over to HealthNet PPO. It's our most expensive plan with the least amount of coverage.

Question: It says the inpatient cost under HealthNet HMO is \$200. What is it if you have outpatient surgery but aren't checked into a hospital?

Response: I don't know. You would need to check the detailed Summary of Benefits. Your site secretary should have it in the box of supplemental information. It would give you more detail regarding specific benefit items.

Question: I offered to pick up packets for people but my site secretary said they had to be sent back to the District Office.

Response: The secretaries have been diligent about pursuing people to pick up their packets. Any packets that were returned to the District Office were sent via US Postal service to the employee's home.

Question: I opt out but do the Flex plan, is that the only form I need to turn in?

Response: Yes. Flex plan is optional, you need to re-enroll every year.

## II. Notebook Handouts-C. Smiley

*Note: Marc Houle and Karen Wusthoff will arrive later. Marc is attending a meeting of the Superintendent Task Force on closing the Achievement Gap and Karen is attending a SPED Learning Council meeting.*

### A. Health Insurance Brief

1. Brief info on this year's health insurance packet compiled by Karen Wusthoff.

### B. CA Labor Federation memo detailing new law protecting employee right to see personal physician for Workmen's' Comp claims & Pre-designation form.

1. Beginning January 1, 2007 employees can pre-designate a medical group (e.g. Sharp or Kaiser) as well as an individual doctor for Workman's Compensation claims.

2. The individual physician or representative of the medical group must sign the pre-designation form agreeing to be the designated provider.

3. If you designate Kaiser, you will not see your personal physician. Kaiser has in-house Workmen's' Compensation doctors that they will send you to.

4. The pre-designation form needs to be filled out only once and does not need to be resubmitted unless you change doctors.

Question: Who signs for the facility?

Response: You will need to ask your doctor or the business office at your facility who signs for Workmen's' comp.

Question: Does this cover San Diego doctors? I was told I had to go to a doctor in Los Angeles. If I designate a doctor in San Diego, that means I go to that doctor?

Response: Yes.

## III. TURN report-C. Smiley

### A. TURN: Teachers' Union Reform Network

1. Union leadership working collaboratively to improve education and the teaching profession.

2. Conference attended by C. Smiley and K. Wusthoff.

a. Previously attended by former president, D. Raczka.

### B. Topics

1. NCLB (No Child Left Behind) effect on education

a. Requiring high performing teachers in low performing schools.

b. How does this affect seniority, LIFO (Last In, First Out), involuntary transfer?

2. Attack on Collective Bargaining.

a. Political rationale: blamed for poor school performance

b. seniority and tenure blamed for "protecting" poor teachers

3. Possible impact on PUSD

a. Valley identified as low performing school.

b. 15 students have opted out.

c. Valley teachers have not voiced experiencing any backlash regarding "Low performing" designation.

C. Attendance at TURN helps PFT monitor events that could have impact for PUSD, brainstorm ideas and gather data from other units that have similar situations.

## IV. Professional Growth Opportunity-C. Smiley

A. NCLB requires all teachers who work with English Language Learners to be "highly qualified", i.e. trained in ELL instruction.

1. In California, this means CLAD certification.

B. C. Smiley and K. Wusthoff have written a 20 point TLC to help teachers prep to "test out".

1. Testing out or taking CLAD courses through a university is only option for some teachers.
2. TLC is specific to those who choose to test out.
  - a. Starts in January and will be facilitated by teachers who have CLAD, some who tested out. It ends in May right before the test.
  - b. PUSD will pay for texts and costs of testing.

Question: Can you be NCLB compliant without CLAD?

Response: Yes. Not having CLAD means ELL students cannot be placed in your classroom. However, at the middle and high school level, it could mean being involuntarily transferred because you cannot have ELL students and your site needs a CLAD teacher.

- It's not so much an issue at elementary because the new Multiple Subject teachers have CLAD as part of their credentialing program.
- It is a problem for teachers who come from out of state. We wrote this TLC specifically for testing out. Anyone can test out.

Question: Is there a limitation on size?

Response: It depends on the number of facilitators we have and the number of people who sign up.

## **V. Budget-M. Houle**

### A. Update

1. Posted on PFT website
2. All back per caps paid in full.
  - a. Current with per caps payments.

*Secretary's note: According to CFT/AFT's system, per caps are due the 15<sup>th</sup> of the following month and considered "late" if not paid by the 15<sup>th</sup> of the month after that. So, August per caps are considered current if paid between September 15 and October 15.*

3. Reimbursement for 2005-2006 staff salaries paid in full to the district.
4. Audit is complete. Auditor has projected report completion date of December 1.

### B. Planning

1. PFT fiscal year ends on August 30.
2. Although our outstanding debts (per caps, salary reimbursement) are paid, the salary reimbursement for the previous year could not be paid in full until mid-October.
  - a. No cash reserves.
3. For accounting purposes, reimbursement is listed as monthly expenditure but amount is not due until end of year.
4. Difficult to predict legal needs, general liability.
5. Goal: to pay staff salary reimbursement in full by end of fiscal year.

## **VI. Representation**

### A. Teacher under investigation for sexual assault on a student.

1. Detective requested to meet with teacher at teacher's home.
2. Teacher called PFT requesting legal representation which was provided.
3. Teacher was advised by the attorney not to meet with detective at home since that could have given the detective information leading to probable cause for a search warrant.
4. Accusation was determined to be unfounded and was not presented to the District Attorney for prosecution.

### B. UBC Training

1. PFT President and staff have been visiting site to provide UBC training.

### C. Temporary teachers moving to Probationary status

1. At November board meeting temps were moved to Probationary status but not notified.
  - a. Principals were also not notified.
  - b. Temps were informed by PFT.

2. Probationary teachers who attained tenure were also not notified.
3. PFT staff contacted all temporary teachers who were not given probationary status and informed them why they were not attaining probation.
  - a. Temporary teachers who do not have CLAD will not be given probation regardless of the number of years they have been teaching in the district.

**D. High School Progress Notices-*Agenda attachment 1***

1. New Board Policy
  - a. "...Schools will send progress reports to all students with a grade of C or lower at progress reporting times (generally after the first and second thirds of a semester)...A student must have a grade of C or better in academic courses at the semester to meet college entrance requirements"
2. This was a decision the district presented to the board as an administrative procedure. It did not require a vote of approval from the board and is not part of negotiations.

Question: Doesn't a progress report serve as notification? Westview sends out reports in week 9 and this specifically states that comments on the six and/or twelve week report card is notification.

Response: We will have to find out. Even members of the board stated that this was not clear.

Question: We were obliged to notify for a "D" at the twelve week, now we need to do it for a "C"?

Response: Yes. It was assumed that all High School teachers were informed of this change because principals met with department chairs and it was assumed the department chairs would share this information. However, we are finding this is not the case and all high school teachers need to be informed.

**D. School Site Councils- *Agenda attachment 1***

1. Teachers must be selected by teachers through election according to Board policy.
  - a. Cannot be appointed by the principal

**E. Substitutes**

1. Current rate: \$90 a day, \$105 for Fridays and SPED
  - a. San Diego Unified pays \$116, \$130 for assignments lasting 5 or more consecutive days.
  - b. Teachers are not necessarily going to settle for a lower rate of pay in the hopes of getting hired by PUSD.
2. August: PFT told by District administration that sub pay was going up.
  - a. As of November board meeting, sub rate has not increased.
3. MS/HS teachers being pulled out of prep time to sub.
  - a. Prep period is contractually designated for prep or conferencing.
  - b. Teachers pressured to sub in order to be a "team player".
4. PFT has asked for data comparing teacher hourly to cost of sub. District has promised

to get data.

5. Possible compromise: comp time
  - a. Changes compensation to time instead of money: a teacher is not worth less (hourly) during prep, it could be argued that teachers who are subbing during prep should be paid per diem.

Question: A teacher at my site took another class when we were short subs and then asked me if she should put in for compensation. I told her she should. Will she get paid?

Response: For taking two classes at once? I don't know, the district could argue that she was not losing any prep time and there was no extra time involved.

Question: I'm on a shared contract and sometimes available to sub. I offered to sub at my site for the sub rate but my secretary told me the District said "No." Why couldn't I sub?

Response: They cannot pay you the sub rate, they would have to pay you hourly. You cannot negotiate your own salary.

Question: Are we going to do something about the situation?

Response: PFT is receiving the data we asked for regarding the cost of teacher hourly versus subs, we are suggesting comp time and we are going to look into why the sub rate hasn't been changed.

Question: Isn't this really the district's problem?

Response: If a teacher feels pressured into subbing and feels as if they can't say no, then it becomes our problem.

Question: Does PFT negotiate for subs?

Response: No. It's outside the scope, but we can influence decisions.

Question: Why doesn't the District plan their administrative release days better? We had eight people out for various admin meetings.

Response: The district is trying to limit the number of administrative release days and does not schedule them on Monday or Friday.

Question: I am concerned with using teachers to solve the problem. Doesn't putting the sub system back on teachers just take away any motivation the District has to solve the problem? Isn't the District just going to assume that teachers will do it?

Response: It all comes down to the teachers' ability to say No.

Comment: We're also losing out on our student teachers. They aren't coming back to sub because they are getting a better rate of pay elsewhere. We're providing training for a sub pool that is going elsewhere.

## **VII. Calendar Committee-C. Smiley, *Agenda attachment 3***

A. Committee only makes recommendation to the Board.

1. Committee consists of PFT, parent, administrative (principals) and district reps.
2. Input from general population of teachers was also solicited.
3. Recommendations made based on feedback and data.
  - a. Main interest seemed to be ending school earlier in June.
  - b. Eliminating week off in November and February not fiscally sound.
    - i. Adding vacation days in November and February resulted in increased ADA (\$1.5 million) and reduced absenteeism in students and staff.
4. Committee recommends moving two professional growth days to beginning of year, prior to start of school.
  - a. This would shift student days so that school year would end in 2<sup>nd</sup> instead of 3<sup>rd</sup> week in June.

B. Board has choice of two calendars

1. Rollover and recommended calendar

Question: But the days don't change. Testing is still 163 days after the start of school. If you don't start school earlier how does that reduce the number of days after testing?

Response: The teacher days in January and May were moved to the beginning of the year before school starts. That shifts the student days and results in ending in the second week of June instead of the third.

Question: Poway High is the only high school with a senior project. How will this affect our scheduling?

Response: Poway High will be able to schedule their senior project when they need to.

Question: I am a little concerned with having Professional Growth days at the beginning of the year. When they are during the school year, I can use that time to monitor scores and progress. How is it going to be used at the beginning?

Response: PFT is going to be closely monitoring what is presented as professional growth and that it is valuable to teachers. It could be used to go over new textbooks, before school starts. Professional Growth time is ongoing at Middle School and High School but not so much at elementary.

Question: Did the committee track the money for the longer weeks in November and February?

Response: Yes. Student and Teacher absenteeism dropped significantly. It's a sound concept.

Question: What is the District supporting?

Response: The District supports the recommended calendar.

### **VIII. PFT Elections**

A. Thanks to those who volunteered to be on the Elections Committee

1. Jim Heaton, chair
2. Greg and Jen Strachan
3. Teresa Burchianti

B. Candidates for office, presented by PFT President

1. Kelly Logan for Treasurer
  - a. Kelly could not be present due to a death in her family.
  - b. Condolences are extended to Kelly and her family.
2. Naomi Lukaszewski for Secretary
3. Terry Jo McNaul for 2<sup>nd</sup> Vice President
4. Bob Ruark for 1<sup>st</sup> Vice President
5. Candy Smiley for 1<sup>st</sup> Vice President

C. Candidates were invited to speak followed by discussion and Q & A.

*Secretary's note: Candidate statements are attached.*

1. The Secretary declined to speak, feeling that her record spoke for itself.

### Discussion:

- I have some concern with Candy running for office. Are we really going to have expansion of the executive board if staff runs for office?
- (C. Smiley) I think we need to have a deeper conversation about the role and responsibilities of the 1<sup>st</sup> Vice President and I support restructuring the Executive Council but until then, we need to have leadership in place that is familiar with the job.
- I called our auditor and asked about a staff person wearing two hats and she said it is against IRS regulations to have an Executive officer who also oversees the Full Time Employees.
- (PFT President) I don't think you talked with our CPA who does the audit. I spoke with her and she said it was fine. I think you spoke with Heather and asked specifically about the Treasurer.
- No, I asked about any officer. I don't think we should go against IRS rules.
- Is the position of Director year by year?
- Yes, they are employed by the Executive Council.
- (to C. Smiley) How would you work with that? Isn't that a conflict of interest?
- (C. Smiley) I would remove myself.
- I think we need to look at our immediate need. We are getting into a deeper conversation that cannot be addressed right now. Right now we need people who can work for us. Let's not hammer away on policies that we can't change right now.
- (C. Smiley) I have no opposition to change. Let's not assume I want to maintain the status quo.
- There isn't a policy against it right now. No one should be penalized for a policy that doesn't exist.
- Let's move ahead. It's going to be decided in the election what people want.

**IX. Community Building**

A. December Rep Council Meeting

1. Usually includes party. Should we have a barbecue again?

**Majority voiced approval of a barbecue, no objections were made.**

**Meeting adjourned:** 5:50 p.m.

**Next meeting:** December 14

Submitted by Naomi Lukaszewski, PFT Communications Secretary