



THE PEA COMMUNIQUÉ

Up To Date Info For Our Members

June 3, 2011

I know you are all working furiously to complete all the tasks before you as we prepare for the end of what has been a very difficult school year. PEA is still hard at work representing our members and remains at the bargaining table fighting for your rights and wages. I did want to take a few moments of your time to give you some updates regarding bargaining, impasse, and mediation. You need to know PEA will be hard at work throughout the summer months and; so I want to inform you about how PEA will communicate with you over the summer on these and other important issues.

Included with this communiqué is also a member benefits piece to let you know how you can access ways to save money and plan for your future. I know finances are at the front of everyone's mind right now and I did not want you to miss any opportunity that might help you and your family.

BARGAINING FOR THE 2010-2011 SCHOOL YEAR CONTINUES—MAGISTRATE RECOMMENDATIONS & IMPASSE UPDATE

PEA has received the Special Magistrate's Report from our hearing which was held on March 29th and completed on April 11th. Five issues were presented including, Health Insurance, Salaries, Splitting Classes, National Board Supplement, and Longevity Supplements. PEA objected to the District's plan to bring the furlough and salary cut language to the impasse table as it was not a mandatory subject of bargaining. The District withdrew their language on this issue before the hearing began and therefore avoided another Unfair Labor Practice charge.

The Magistrate gave mixed recommendations regarding PEA's positions at impasse. The Magistrate recommended that the National Board Supplement be retained as is and that teachers who are required to accept students when a class is split have the money saved by having no substitute be split among them. However, the one overriding problem remains the economy and the Legislature's continuing assault on school funding. The Magistrate found the proposed Legislative cuts "troubling" and recommended the District's salary freeze be implemented, including the freeze on additional longevity supplements for paraeducators and secretaries. However, he did recognize, just like the previous Magistrate, that your salaries are not comparable with our surrounding districts and that salary "needs to be a priority in the future" in order to bring your salaries into alignment. Surrounding districts are finding ways to do more for their employees. Our District must do better if we want to retain a quality workforce!

The Magistrate's justification for not addressing salary this year was the recognition that we needed a "resolution regarding health benefits," and he did recommend the District fund additional money above their proposal to fix this problem. The Magistrate recognized the complexity of the Health Insurance issues and made some recommendations for change. The most noteworthy was the **recommendation** the District increase its contribution per employee significantly from \$440 per month to \$523 per month. The Magistrate also recognized that we should have a stronger role on the Insurance Committee and recommended some changes to the process. The Magistrate recommended increased collaboration and pushed both sides to return to the bargaining table to resolve this issue due to its complexity.

Further complicating this issue is the ULP on Health Insurance. The District has appealed the PERC decision to the 2nd District Court of Appeals in Lakeland and the hearing was held on May 3rd. PEA is confident that the PERC ruling will be upheld and we are waiting on the final court decision.

This combination of events has likely motivated a potentially significant step as PEA and the District have entered into mediation on all insurance related issues. The first session was held on May 19th and a second session is scheduled for June 7th. While there have been no agreements reached, there has been some movement in a more positive direction. We will update you on mediation after June 7th.

The next step in the Impasse process is to meet with the District and discuss the Magistrate's recommendations to determine whether a settlement is possible. If a settlement is not reached, the next step is a hearing before the School Board where the School Board will determine the tentative agreements that are then put to the employees for a ratification vote. The hearing before the school board, should it be necessary is likely to happen in June. All your voices will need to be united together to make a difference!

BARGAINING FOR THE 2011-2012 SCHOOL YEAR BEGINS:

Bargaining for the 2011-2012 school year has begun despite the fact that we have not yet concluded the 2010-11 year's bargain. This is not typical but, can occur when it is necessary to begin bargaining for issues that are not part of the current impasse process. PEA will post a complete list of summer bargaining dates on our website as soon as they have been set. Issues for the 2011-12 table include but, are not limited to, the new state mandated teacher evaluation system, wages, benefits, paperwork reduction, and working conditions.

STAYING INFORMED OVER THE SUMMER!

Since so many things will be changing rapidly over the summer, we ask that you check our website about once a week for the latest updates on bargaining, assessment, health insurance, and much more! Please also make sure we have your home e-mail address to send you specific information that is time sensitive. You can check out the website at www.polkea.org and send your new home email to polk@floridaea.org. Please include your full name and school so we can update the appropriate person's email address.

DISPLACEMENTS:

PEA is following all displacements closely. We are working to ensure that all displacements are done according to the Collective Bargaining Agreement. We have received several member calls and have followed up as appropriate. The District has worked with us to fix most of the errors and we continue to discuss a few areas where we have disagreement. As a member of PEA you should call the office if you feel you were incorrectly displaced so that we can research your issue.

THE STATE BUDGET, SB 736, AND RETIREMENT—NOW MORE THAN EVER YOU WILL NEED YOUR UNION AND YOUR UNION WILL NEED YOU!

It has been an upsetting legislative session to say the least. Senate Bill 736, a 3% Retirement "tax" Contribution, and shameful budget cuts from Gov. Scott and his cronies are just a few pieces of truly terrible legislation passed this session! It is maddening to say the least! Teacher and support staff are bearing the brunt of this on their backs and they are worried for both their families and their students. I have been asked by some, "Is there any hope?" I say, "Of course there is hope but, hope must be combined with activism!"

We have lawyers at our state and national levels already working on legal challenges to much of this mess as we believe the legislature violated our constitutional rights guaranteeing collective bargaining. In the meantime we need to organize and prepare to fight for our rights during the next session and all the way to the ballot box in 2012! We will keep you informed as these legal challenges unfold.

We will be with you as you begin to see the changes that will come through SB 736 and are prepared to support you as challenges arise from its implementation. As a member of PEA you will not go through these changes alone. We will have your back every step of the way and, when needed, attorneys to represent you!

We must all work together to get the rule makers to change the rules and, if they will not, then we must work to change the rule makers! Thomas Jefferson said, "All tyranny needs to take place is for men (and women) of goodwill to stand by and do nothing." Stay tuned and get ready to get active—too much is at stake to do nothing!!

APPEALING YOUR ASSESSMENT

If you feel that more information needs to be considered and you would like to appeal your assessment, you have the right to two appeals, first with the Senior Director and the final step with the Superintendent. Page 26 of the Teacher Assessment Handbook outlines the procedure. ESP and para members also have the right to appeal their assessment. Members that are thinking of appealing their assessment should contact PEA for assistance. We can guide you through the process as well as help you prepare for the joint meetings. Please call before you make your first appointment so we have time to work with you before the meeting.

Disagreements On Assessment Of Job Performance

See Appendix A, Florida Statute 1012.34 for details concerning procedures applied if a teacher is assessed as not performing his or her duties in a satisfactory manner.

Any disagreements on job performance ****not addressed by processes as outlined in Florida Statute 1012.34** and which cannot be resolved in the conference may be referred to the appeal procedure. This procedure consists of the employee requesting a joint meeting with the administrator and the administrator's immediate superior in attempting to reach a satisfactory resolution of the disagreement(s). If it cannot be resolved at that level, then the employee may request a joint meeting with the administrator and the Superintendent or Superintendent's designee to attempt a resolution to the issue, and this will be the final step in the appeal procedure.

Appeal to the administrator or supervisor's immediate superior must be completed within ten (10) working days after the assessment conference. Each step of the appeal procedure must be completed within ten (10) working days of the previous step.

**1012.34 references the employee meeting with their supervisor to discuss the questions on their evaluations and ask for any changes.

TEACHER EVALUATION

PEA members and staff have worked with District staff to develop the new teacher evaluation system that had to be submitted to DOE on June 1st. Your concerns were at the forefront of every conversation as this document was developed. The process has been more open and positive than any recent experience with the District. We have tried to develop a fair, valid, and reliable evaluation system but, we know the system is not perfect and much work remains to be done. We are currently at the table bargaining key points of the system into the contract as well as safeguards to protect you from bias. Many of these inequities are caused by the passage of SB736. There are many good things in the assessment system but, please know that we will stand with our members to address any unfairness, even going to court if necessary. You will be receiving more information soon, regarding this proposed evaluation system.

Have a great summer and try to get some rest but, remember to stay connected at www.polkea.org

In Solidarity, Marianne