



THE ADVOCATE

The Voice of the POLK EDUCATION ASSOCIATION

JULY 2011



Summer Classes are HERE!

Starting the Year Off Right!

2-day workshop

Section A-August 3-4

Section B-August 10-11

See the web under Learning Opportunities for more details.

www.polkea.org

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From the Desk of the President

Bargaining Continues Through the Summer

Dear PEA Member,

PEA is sending this communication to your home because we promised to keep you in the loop over the summer. These are perilous times and there are many competing interests at the moment. Wages, health insurance, furloughs, and reduction of days have all become the stuff nightmares are made of.

Please know that PEA is fighting on every front possible. In this special issue you will be updated on bargaining, mediation, the health insurance ULP, impasse and the Special Magistrate hearing results. PEA notified the school board today that we were filing exceptions to the Special Magistrate report. We are now awaiting a date for the Legislative Hearing in front of the school board and will notify you as soon as we have a date. We do hope that you will come to the Legislative Hearing, when it is held. Please read for more details inside.

We will also be letting you know about the litigation being filed by our state organization regarding the many bad pieces of legislation to come out of the 2011 legislative session. The first lawsuit filed regards the 3% retirement contribution.

The state's Legislature has created a huge mess and that cannot be denied, however, the district's response to this mess may just be creating a bigger problem that will have huge implications throughout our communities.

We call upon the School Board to pull their budget apart line by line, item by item, to find every last dollar they can divert, every last redundancy, or every item of waste. They need to review every program, consultant, and administrative position BEFORE they furlough people, reduce hours, or hike costs to employees. The lowest waged employees cannot bear the economic brunt of it all.

The fact remains that if we are to retain a quality work force more emphasis must be placed on those in the trenches. Our students depend upon the men and women who teach them, as well as the many people who help support the classroom. How will we care for the children in our charge with less support to our classrooms?

We who have done much with little for years—often supplying our own classrooms with materials—now find ourselves struggling to meet our economic obligations and that does not bode well for the students, employees, their families, or the community as a whole.

As to the all the politicians who impact our profession, and our working conditions, who have turned a blind eye or deaf ear to the problems they have brought about... We need to remember them in 2012 and prepare to get involved—but that is another issue of the Advocate!

In Solidarity, *Marianne*

Union Sues Governor Scott

On June 20th FEA filed a legal challenge to the changes to the Florida Retirement System changes. You can view the legal filing at www.meyerbrookslaw.com/litigation.htm. You can find the link on our website at polkea.org. It is the first salvo in a group of challenges that will occur in light of the terrible pieces of legislation that emerged from the last legislative session. I have included some of Andy Ford's letter below:

LETTER TO MEMBERS FROM ANDY FORD, FEA PRESIDENT

Dear Member,

I know that most of you have been interested in how FEA will react to some of the repugnant legislation that came out of the Legislature this spring. You know we have been looking over all of the bad legislation and figuring out which measures to challenge in court. Today, we have filed our first challenge.

During the session, the legislature produced a budget and other actions that make the state of Florida a colder and harsher state. Instead of reacting to the highest unemployment rate in the nation and working to fix an economy that is stumbling in its attempts to recover from the economic downturn, Governor Rick Scott, Senate President Mike Haridopolos and House Speaker Dean Cannon made things much worse. The sour economy was caused not by the people, not by the employees, and certainly not by our children. Our near economic collapse was caused by the greed and poor judgment of the CEOs of the nation and the timid action of our political leaders. Instead of trying to help the people, the employees, and especially the children, Governor Rick Scott and the leaders in the Legislature helped the CEOs, the corporations and the special interests.

Today, we announce the first in what is likely to be a series of judicial challenges to some of the reckless legislation that was dreamed up by the legislative leaders and heartily endorsed by the governor. We are challenging the 3 percent pay cut on teachers,

Instead of trying to help the people, the employees, and especially the children, Governor Rick Scott and the leaders in the Legislature helped the CEOs, the corporations and the special interests.

school employees and other workers imposed by the Florida Legislature and signed by Governor Rick Scott.

Our lawsuit asserts that the Legislature enacted legislation that was unconstitutional when that body required that 3 percent of the salaries of active members of the Florida Retirement System be taken from such employees to serve as "contributions" toward their retirement benefits. The lawsuit further contends that the actions by the Legislature to reduce the cost-of-living benefits of those employees were also unconstitutional.

This pay cut was used by legislative leadership to make up a budget shortfall on the backs of teachers, law-enforcement officers, firefighters and other state workers. It is essentially an income tax levied only on workers belonging to the Florida Retirement System. It's unfair – and it breaks promises made to these employees when they chose to work to improve our state...

You can find Andy Ford's full letter on our website www.polkea.org.

Since this letter came out several groups, such as, the Police Benevolent Association, the Fraternal Order of Police, and the Florida Nurses Association have signed onto FEA's lawsuit on behalf of their members as well.

PEA will keep you informed as further information on the FRS litigation unfolds and will announce future suits as they are filed. Your Association is standing up for your rights. Please stand with us as we move forward!

NOW MORE THAN EVER!!!

You need your Union and your Union needs YOU! Your union along with other unions across the state are fighting the bad laws from this springs legislative session. Locally your bargaining team is working frequently throughout the summer on your contract. Only through your membership do we have the strength and resources to fight on so many fronts at once. **The next bargaining session is on July 12th at PEA, noon—6 pm.**

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BARGAINING IMPASSE UPDATE

Magistrate Outcome – PEA has rejected the Magistrate’s Recommendations for resolving Impasse and is requesting a Legislative Hearing before the School Board at a date to be determined. Once the date has been determined PEA will notify you by e-mail, posting on the website and robocall to your home phone. The issues at impasse remain health insurance, salary step increases, longevity pay for secretaries and paraeducators, and splitting of classes.

The overriding problem remains the economy as well as 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 and that salary “needs to be a priority in the future.” 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 also 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 cost for a substitute be split among them.

The Magistrate recognized the complexity of the Health Insurance issues and made some recommendations. The most noteworthy was that 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 in 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. **(See the PEA website under BARGAINING for more information on the Impasse/Special Magistrate process.)**

HEALTH INSURANCE

Mediation – The Magistrate’s hearing led to mediation between the District and PEA specifically on health insurance. Your bargaining team met in full day mediation sessions on May 19th, June 7th, and June 20th. No resolution was found. The mediation included discussion on benefits, District run health clinics, family rates, premiums, and affordability. Talks ultimately collapsed when PEA said employees could not accept large increases to health care costs and the furloughs recently proposed by Mark Grey to balance the District’s budget for 2011-2012. Even the Magistrate, who understands these economic times, recommended the Board increase its contribution to our health insurance.

UNFAIR LABOR PRACTICE-HEALTH INSURANCE

On May 3rd oral arguments were presented to the 2nd District Court of Appeal regarding our Health Insurance ULP and we are still waiting for a decision. Our attorney indicates there is nothing we can do except to wait. The District’s \$11 million insurance liability continues to grow and hangs over the head of the District in regard to the outcome of this decision. There is no guaranteed outcome from the court, however, our attorney remains confident that we will have a positive decision and continues to expect the decision to be issued at any time. Should our current position prevail as expected, the District will be obligated to refund all premiums and recalculate all health insurance benefits as under the 704 Plan from October 1, 2009.

Budgeting Update

The Florida Legislature recently cut the District's budget by \$277.02 per student. The cut is slightly deeper than anticipated but not unexpected. Mark Grey, Associate Superintendent for Business Services, has been building the District's fund balance for several years. The District has responded to the ongoing Legislative reductions by reducing staff through changes to the District's Staffing Plan. So far the District has chosen to reduce the number of Paraeducator and custodial positions, and, to cut back the number of contract days for many secretaries, selected teachers, and assistant principals. Mark Grey recently proposed to the School Board to furlough most of the remaining employees during the coming year. Under his proposal, teachers would be furloughed for five days. All of these cuts affect your financial well being.

Again, We call upon the School Board to pull their budget apart line by line, item by item, to find every last dollar they can divert, every last redundancy, or every item of waste. The funding cuts implemented by the Legislature do not mandate cuts for our local employees. The School Board could choose to cut programs, cut positions from the District organization chart, reduce spending on optional things such as consultants, or use money from our fund balance to make up for the Legislative reductions. PEA believes the School Board will end the fiscal year with over \$80 million in their fund balance. The greatest current challenge may be the District's long history of over budgeting and under spending. For example, when estimating cost of personnel for the next year, the District bases the estimate on last year's cost. The cost is actually decreasing as experienced employees leave and are either not replaced or replaced with less experienced employees. These reductions in cost should be reflected in the budget to help avoid unnecessary reductions in employees.

As we have monitored the Board's budget discussions, little time has been spent examining the impact of the District's budget recommendations. Cutting time for school secretaries and positions for our paraeducators raises questions about:

- How will the work that these employees have been doing get done for the coming year?
- Will the safety of students and/or employees be compromised?

The School Board needs to ensure that any budget reduction is wise. The Board is cutting courier service to the schools and reducing positions at the schools while entertaining a recommendation from Mark Grey to contract with an armored car service to pick up money at all schools. Is there a higher priority or a greater budgetary need than armored car service? You decide!

Employees can't continue to bear the brunt of the state and local budget cuts. The Legislature has imposed a 3% pay reduction for retirement. The District is taking jobs, reducing salaries through furloughs, and still wants you to pay more for your health care. We need to start preparing for the **School Board meeting on July 26th** where a hearing is scheduled for next year's budget. It is time to collect all those *Money Wasters* that each of you see. Give your idea of money that could be better spent to stop furloughs and keep our secretaries and paraeducators employed! Go to www.polkea.org and click on Money Wasters to send us your ideas. IF you want to review the District's budget documents, they are available on the District's website, key word BUDGET. PEA will send you more specific information on what we have found prior to the July 26th Board meeting.



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The Polk Education Association is the unified driving force working to support a productive learning environment for all.