

Poway School Employees Association

Regular Meeting of the Board of Directors
PSEA Administrative Offices
13378 Poway Road, Poway, CA 92064
MINUTES for November 10, 2015

QUORUM CALL/CALL TO ORDER 4:45 p.m. A quorum was established.

BOARD OF DIRECTORS	
PRESENT	ABSENT
Lynnette Turner, President Mary Jo Stollfuss, Treasurer Yoenda Dornan, Secretary Marcelle Ouellett, Parliamentarian Susan Hartman, Member At Large Doug Nicoll, Member At Large Kim Carroll, Member At Large	Linda Farmer, Vice President
OTHERS PRESENT	
Tina Hien Luu, Shelley Fleming, Kim Muslusky, Tovah Myslabodski, Daniela Gargano, Eileen LaLone, Sue Thomas, Robby Boyd, Mary Brister, Michelle Testa, Nancy Schiffer, Luanne Hoch, Debbie Miller, Janet Alkema, Jessica Whitney, Judy Andrews, Nancy Brundrett, Angelica Porada	

REVIEW OF MINUTES

Motion to read and approve the minutes of the last Executive Board meeting: Motioned by: Mary Jo Stollfuss; Seconded by: Kim Carroll. Motion: carried.

OFFICER REPORTS

President's Report

The President reported:

Current Employee Issues:

- Representation of Instructional Assistants in a situation that arose at one of the high schools wherein a student has behaved in an aggressive manner, causing injury to 3 Instructional Assistants. I have been working with the school and Personnel to resolve this matter- to ensure that the employees are working in a safe environment, free from workplace violence. The District has been slow to respond, however, forward movement is being made by way of training for the IA's, reassignment of the student to a more appropriate setting, and a crisis counselor to deal with the trauma involved in experiencing and witnessing violent behavior.
- Monitoring several reclassification requests, including Data Assistant, Testing Assistant, and Administrative Asst. I in Special Education, School Administrative Assistant Elementary, Library Media Tech (both elementary and secondary) and several various positions in the I.T. Department. Working with Personnel Commission on these items.
- Representing several employees with probationary evaluations, ensuring that Article 11 of the contract are observed, specifically with regard to reporting issues of deficiency to an employee in a timely manner (not just at the time of evaluation) and instituting a very clear improvement goal with reasonable timeframe. Courtney Martin, Professional Learning Coordinator, working

with probationary employees to assist with any professional development needed to meet improvement goals.

- Worked through a potential grievance issue regarding Weingarten rights to representation in a meeting with the supervisor. A supervisor had issued a memo that stated the date of a proposed meeting, the areas of deficiency to be discussed and advisement of the right to representation. Thereafter, the employee was asked to sign, in advance of the meeting and without hearing the deficiencies, to make a designation regarding representation and sign off on the memo. The memo further stated that it would be placed in the personnel folder. You cannot be asked to sign anything waiving your right to representation. If you attend a meeting without representation and change your mind, you may stop the meeting until your representative can attend. Further, you cannot sign that something will be placed in your file *before* the meeting has even occurred. Agreement was reached that the memo advising of date, subject matter, and offering representation was acceptable; the signature waiving rights and caveat about being placed in the file is not acceptable. Personnel intends to send this information to all managers. If you have been asked to sign such a memo, please contact PSEA.

Current Discipline Issues:

- The District is proposing to terminate an ESS Program Aide for allegedly having marijuana on campus. The District has no real proof other than co-workers supposedly smelling it, but the employee has asked us to negotiate a resignation agreement which would seal the allegations against him. We are in the process of negotiating this right now.
- The District is proposing to terminate an Instructional Assistant because a student under her care ate a peanut which the IA had brought onto the playground, and suffered anaphylactic shock. PSEA opposes the termination because the IA did not give the peanut to the student, peanuts are not banned on campus (and in fact these peanuts were obtained from the employee break room), the District has failed to take reasonable precautions to prevent such incidents, the employee acted appropriately as soon as the incident happened, and the situation was exacerbated by the District's failure to provide this employee with rest breaks, resulting in her eating snacks while monitoring the playground.

Litigation:

- Open PERB Case regarding Failure of the District to Sunshine its Agreement with PFT: The District filed a motion for judgment on the pleadings on the Sunshine Charges which PSEA and various classified employees filed, and the PERB Administrative Law Judge (ALJ) denied the motion. If we are unable to stipulate to all the facts in this case, we will proceed to a hearing in Glendale on December 2nd.
- New Employee Issues That Could Result In Unfair Labor Practice Charges (Research in Progress):
 - Dress Code: The District has unilaterally adopted an employee dress code in at least one ESS site, without negotiating with PSEA, and has disciplined an employee in part for violating that policy and seeking PSEA's help.
 - Email Surveillance: The District has already violated the previous PERB settlement we entered into as a result of the BSS In-Service Unfair Labor Practice by accessing employee emails without advising the affected employees.
 - No Communication Policy: PSS has told at least one employee that they are not allowed to discuss a District investigation with other employees, in violation of EERA. You are allowed to speak with your coworkers about your workplace; it is a protected activity.

- Retaliation: The District is preparing to release a probationary employee, apparently in retaliation for his having sought PSEA assistance on a wage issue.

General Issues:

- Met with the District's legal counsel, Dan Shinoff, regarding the legalities surrounding the unions using District (Public) resources to communicate political content to their members. Interestingly, Mr. Shinoff asked for our interpretation of the law. Apparently, in anticipation of next year's potentially contested school board election, the School Board and District Administration want to create a policy. As the Supreme Court stated in *San Leandro Teachers Association vs. Governing Board of the San Leandro Unified School District*, we have interpreted the law to mean that using District resources (email system, mailboxes, Connect Ed, copy machines, paper, etc.) for political purposes is prohibited. Whenever PSEA has held a political position, we communicate directly with our members or through reference hyperlinks in our email communications. We do not state positions in said communications; rather we direct members to a place where they can, if so inclined, access this information. We expect the District will write up a policy and distribute to employees in the coming months.

Vice President's Report

The Vice President reported:

None reported

Secretary's Report

Spoke about election and who has submitted their candidacy forms, we have 4 on file as of today.

Treasurer's Report

Starting balance: 249,300.63

Income: 34,266.38

Expenses: 21,365.67

Ending balance: 262,201.34

The president ordered the Treasurer's Report be filed.

New Member total: 683

Parliamentarian's Report

None reported

Members at Large Reports

Doug Nicoll reported none reported

Susan Hartman reported important for site reps to listen and understand what is going on around your campus. If the employee doesn't want to report, you can report to Lynnette on behalf of the employee(s) you have resources within PSEA, or you can ask any Board member to help. As a site rep.

you should get the information and give it to PSEA so we can help. SRC, (Site Rep. Committee) can be set up at your school.

Kim Carroll reported started research on electronic voting. Email support, remind voters, etc. \$99.00 to set this up.

COMMITTEE REPORTS

Professional Learning

Professional learning is a great source to fix problems...all new and probationary employees will get a mentor to help them, someone who they can call on for help. We have asked for more Pro Act training for classified employees for a long time, now we can send other classified employees out to train others.

Scholarship Committee

Awarded 8 \$1,000.00 scholarships, there were 16 applications total.

GENERAL ORDERS

1. MO2015-11-01; Motion to approve the registration and attendance of two Board members at the SSC Governor's January Budget workshop, including mileage and expenses, in Ontario (nte \$650); Motioned by: Susan Hartman; Seconded by: Doug Nicoll; Motion: carried.

Lynnette Turner and Marcelle Ouellet scheduled to attend.

SITE REPRESENTATIVE SHARE OUT

Kim from MT Carmel...teaches students, usually placed with new teachers because she is a strong support. Suggestion: create a 3rd IA position who is paid higher

Joy from Twin Peaks...what happened with 3 + 3? In the last Negotiations we negotiated to create more 6 hour IA's for Special Ed. Lynnette met with the committee, Spec. Ed. and Dawn Zwibel Johnson to review priorities. Decision: People, who are working the job, will get the first opportunity for the position, if there are two people serving the job, the senior employee will get the first option, then the second employee. If neither wants to accept the position, then the principal will offer it to the IA's on their campus. If no IA wants to accept the job, then it will go to all IA's in the District selected as a transfer.

Mary from Sundance...3 hour clerks asked about making them 6 hours. Bad situation but we are working on this.

Jessica from Sundance ...IA's are teaching lessons and the class. They make up lesson plans for students. This is an example of IA's working out of their job classification.

UNFINISHED BUSINESS

None reported

NEW BUSINESS

Need to change the upcoming PSEA meeting dates due to the change of the School Board meeting dates. Motion to change: Tuesday, February 9, 2015 to Monday, February 8, 2015 and Tuesday, May 17, 2015 to Monday, May 16, 2015 by: Susan Hartman, Seconded by: Marcelle Ouellet.

Motion: carried.

It was suggested to have some type of holiday party with the Dec. PSEA meeting. It was agreed on to hold the party at the Hamburger Factory in Poway, with a White Elephant exchange.

EXECUTIVE SESSION

The Board adjourned to the Executive Session at 6:29 p.m. and adjourned at 7:00 p.m. There was nothing to report. **None reported**

Next Meeting Date: December 15, 2015.

ADJOURNMENT

7:05 p.m.

It was moved by Susan Harman, seconded by Kim Carroll, to adjourn the meeting. **Meeting adjournment was approved by unanimous consent.**

ATTEST:

Yoenda Dornan, PSEA Secretary

Date: _____