

# **Poway School Employees Association**

*Regular Meeting of the Membership and the Board of Directors*

**PSEA Administrative Offices**

**13378 Poway Road, Poway, CA 92064**

**MINUTES for January 12, 2016**

## **MEMBERSHIP MEETING MINUTES**

**CALL TO ORDER at 4:49 p.m.**

### **SPEAKERS –**

Courtney Davis-Martin, Professional Learning Coordinator

Site Representation Committee

Article 16.14

Recently, as a means to be more proactive in addressing areas of mutual concern, one of our schools formed a Site Representation Committee. Our contract allows for a Site Representation Committee to be held at each site. We have a binder and templates available for anyone that would like to start this at their site. A sign-up sheet was provided at the meeting, or you can email [cdavis@powayusd.com](mailto:cdavis@powayusd.com). The purpose of the templates is to help keep the meetings positive and solution-oriented. However, each site may decide how the process will go. It is our hope that these meetings will be used to not only address topics of concern in regards to workplace environment, but also to focus on professional learning needs of the staff and facilitate positive relationships with your coworkers and supervisor.

Yoenda Dornan, Secretary

Introduce Candidates for Parliamentarian

Candidates for the office of Parliamentarian are: Marcelle Ouellet and Angelica Porada

Marcelle Ouellet is a Library Media Technician at Shoal Creek. She and her husband are empty nesters, after many years of raising her three children. Marcelle has been PSEA's Parliamentarian for the past two years. Marcelle has represented PSEA through her participation in Local Control Accountability Plan (LCAP) Forums and serves on the PSEA Safety Committee.

Angelica is an Instructional Assistant at Valley Elementary. She has not had any experience as a board member, but she is very dedicated to serve on the PSEA Board for all members. She is very aware of the work that the Board is doing, and would like to be a part of our growing Association. Angelica is very pleased to be received as a friend by the Board, and says "the more we get involved and cooperate and come to the meetings, the more we will grow."

## **OFFICER REPORTS**

President Lynnette Turner reported:

- **Audit Findings.** The auditor, Daisy Hom of Duffy, Kruspodin & Company, has submitted the final audit findings. We have successfully passed our audit with all financial statement disclosures found to be neutral, consistent and clear. There are two recommendations made to assist in our internal control practices: 1) to have the President review monthly the Treasurer's reconciliation report for timeliness and outstanding items; and 2) change from a modified cash basis of accounting to the accrual basis. The new Treasurer Eileen LaLone and I will schedule time with Daisy to discuss and implement these changes.
- The annual Hudson Notice containing the financial statements and determination of what is and is not germane to representation of members went out in November.
- **Creation of Six Hour Positions.** The process of identifying three-hour Special Education Instructional Assistant positions to be reassigned to six-hour positions has begun. PSEA and the District agreed to a process done in phases, with the first phase to move forward on 20 positions then look at the budget impact before proceeding. The positions were to be identified by Special Ed based on student needs, then offered to any employee currently serving that student. If that employee did not accept the position, it would be offered to other employees at the site. If no employee accepts from the site, then it would be offered to the general Instructional Assistant population and a transfer would be arranged. The Personnel Commission began the process of filling the first 20 positions in mid-December and we expect a cost analysis soon to determine when we can go forward with the second phase of position increases. If you had interest in a six hour position, you should forward your name via a transfer request to the Personnel Commission.
- **Injuries Caused by Students.** Recently, there has been an uptick in the number of employees reporting that the student(s) they are supervising are acting out in violent and injurious ways. Employees report students kicking, biting, hitting, throwing objects at people, and acting out violently against the employee. Employees ask is this OK? The answer is no, this is not OK. According to our contract, Article 16, you are entitled to a safe working environment, free from workplace violence. CalOSHA states that there is no difference between a student or an adult when it comes to workplace violence, and the employer needs to remedy the unsafe conditions before the end of the work shift. PSEA takes these incidents of violence by students seriously and will pursue all cases with the District. While we recognize that students have the right to an education, employees have the right to a safe workplace. We believe there are solutions that will accommodate both students' and employees' needs. If you have an issue to report, please contact the PSEA office.
- Learning Support Services is creating the Technology for Learning Steering Committee and we have been invited to send two representatives. The Committee will be comprised of parents, students and community members as well as bargaining unit and APSM members. The Committee's purpose is to provide oversight as the District develops a multiyear technology plan. I will be attending on our behalf and have asked Doug Nicoll to be the second representative (he has accepted). The first meeting is anticipated to be mid-January, although we haven't heard anything yet.
- The Governor's initial budget has been released and Marcelle Ouellet and I will attend the SSC workshop scheduled for January 14<sup>th</sup>. We will bring back a full report to the Board and Negotiation Team next month.

- Many members are asking about the work year calendar for 2016-17. I have a meeting with Personnel on January 19<sup>th</sup> to finalize that. We have received lots of input from sites as to best options for start/end dates and hope to work out something agreeable to everyone. Please note, however, that the calendar is a general calendar and can be changed by your supervisor depending on need (i.e., to accommodate registration of students, etc.). This is typically in mutual agreement with the employees.

#### **VICE PRESIDENT REPORT**

- **None reported**

#### **SECRETARY'S REPORT**

- None reported

#### **TREASURER'S REPORT**

- **None reported...traveling.** No Treasurer's Report today. Our Treasurer, Mary Jo Stollfuss, retired in December and has been traveling. The new Treasurer, Eileen LaLone, will connect with our retired, traveling-and-having-fun Treasurer in time to have reports prepared for February.

New Member total: 977

#### **PARLIAMENTARIAN REPORT**

- None reported

#### **MEMBERS AT LARGE**

- Doug Nicoll reported: Legislative Committee is starting up again. Doug will be serving on that Committee, as well as the Technology Steering Committee. Doug also represents PSEA interests at IT Department meetings.
- Susan Hartman reported: All Site Reps remember to keep up your bulletin boards. Keep it current!
- Kim Carroll reported: She had questions on how the calendar comes about. Who decides on the dates for district recess/vacation days/etc? She has had both PSEA and PFT concerns on who sets the calendar recess days. (Lynnette explained that currently the Calendar Committee is a group of representatives from PFT, SEIU and PSEA, along with Learning Support and Testing reps. First, the student calendar is discussed. Everyone shares their particular concerns and needs. A lot is determined by teachers, working through their professional growth and new teacher days, and Transportation who must work around summer work schedules for non-public schools, etc. Once the student calendar is determined, then PSEA meets with Personnel independently to determine our exact start and end dates, which are dependent on the various contract work years, i.e., 9.5 month, 10 month, etc.)

#### **GENERAL COUNSEL REPORT**

Ricardo Ochoa reported:

NEGOTIATIONS:

- The PSEA/PUSD Agreement is expiring on June 30, 2016. PSEA has sent the District our initial proposal for our successor agreement, so that it can be sunshined at the January 19 Board meeting. We will start negotiating this Spring for our next Agreement.

LITIGATION:

- **Email Access PERB Charge**: The Settlement of the BSS In-Service PERB Charge provided that the District could not access our emails without first letting us know. We recently discovered that the District has continued to access employee emails without letting the employees know, so we filed a PERB charge today over the District's refusal to honor the Settlement Agreement
- **Dress Code PERB Charge**: We heard from some ESS Program Aides that ESS was imposing a dress code on them. When we asked the District, Personnel told us there was no dress code. This past fall, however, we learned that ESS does in fact have a written dress code in place which was never negotiated with us, so we filed a PERB charge to stop the District from adopting policies unilaterally.
- **Direct Dealing PERB Charge**: We learned that the District was negotiating directly with employees about changing their contracted hours, without going through PSEA. We filed a PERB charge and the District agreed to go through PSEA in the future and also agreed to send employees a plain-English notice explaining the settlement. The District instead sent out a copy of the settlement agreement itself, so we are pressing the District to follow-up with plain-English notice to employees.
- **No-Contact PERB Charge**: We learned that some Principals and the two HR Directors were telling employees who were under investigation not to talk with other employees about the investigation. Those directives are illegal, so we filed a PERB charge and the District agreed not to issue these broad "no-contact" directives and also agreed to send employees a plain-English notice explaining the settlement. The District instead sent out a copy of the settlement agreement itself, so we are pressing the District to follow-up with plain-English notice to employees
- **Sunshine PERB Charge**: A month or so ago, we settled the PERB charges over the District negotiating with PFT without first sunshining their initial proposals. As part of that settlement, the District was supposed to send a notice to all District employees (not just PSEA employees) explaining the District's obligation to sunshine proposals prior to negotiations. The District was also supposed to publish this notice in the Chieftain and post it on the District's website. The District did send the notice to PSEA employees, but took none of the other steps. We are pressing the District to comply with the terms of the settlement agreement.
- **Social Media PERB Charge**: PSEA recently accompanied an employee to a meeting with Personnel about a health and safety concern. At the meeting, an HR Director chastised the employee for having posted on Facebook that she had a health and safety concern at work and was going to meet with the District that day to discuss those concerns. The employee felt intimidated and spied on, and felt that resigning was the only option. Commenting on social media about workplace concerns is legally protected, so PSEA will be filing a PERB charge to force the District to stop intimidating employees for doing so, and to offer this employee reinstatement.

OTHER ISSUES:

- Probationary Employee Targeting: PSEA learned that a probationary employee was being unfairly targeted, and we are in the process of defending that employee's job.

- Rest Breaks: Everybody needs to make sure they take their rest breaks.

**COMMITTEE REPORTS**

Legislative Committee –

- The Legislative Committee is gearing up for the next year, and we have School Board elections to consider. It is the recommendation of the Committee that we create a donation account for unit members to voluntarily contribute to a political committee set up for the purposes of political action. Setting up a fund like this, like our teachers union and SEIU members do with their COPE funds, is a way for members who wish to be involved and invested in our local political scene. Members would be able to designate an amount (any amount) to be deducted from their pay warrant each month. The recommendation is to retain the services of Scott & Cronin, specialists in this area with whom we have worked previously, to set up the PAC and take care of reporting, taxes, and meet all FEC requirements and guidelines. We are hoping to get this up and running by the February warrant, or March at the latest. A campaign around being involved will be launched, and the title of our PAC will be the RESPECT Fund. RESPECT is an unofficial acronym for “Recognizing Educational Success is Predicated on Empowering the Classified Team.” Suggestions as to contributions will be given, such as \$2 per month for non-benefitted employees, \$5 per month for benefitted employees, \$10 per month to be Century Club contributor, etc. We believe setting up a special fund for this purpose is a transparent and above-board way to have interested members support local political goals, while reducing impact on our general fund.

**GOOD OF THE ORDER – None.**

**ADJOURN TO BOARD OF DIRECTORS MEETING at 6:35 pm**

**BOARD OF DIRECTORS MEETING MINUTES**

**QUORUM CALL/CALL TO ORDER 6:45 p.m.** A quorum was established.

<b>BOARD OF DIRECTORS</b>		
<b>PRESENT</b>		<b>ABSENT</b>
Lynnette Turner, President	Doug Nicoll, Member at Large	
Linda Farmer, Vice President	Kim Carroll, Member at Large	
Eileen LaLone, Treasurer	Susan Hartman, Member at Large	
Yoenda Dornan, Secretary	Nancy Brundrett, Member at Large	
Marcelle Ouellet, Parliamentarian		
<b>OTHERS PRESENT</b>		
Nancy Schiffer, Robby Boyd, Joy Fleming, Kim Muslusky, Lynda Sewyck, Kim Melvin, Teri Johns, Ester Berry, Daniela Gargaro, Angelica Porada, Mary Brister, Jessica Whitney, Beatriz Cruz-Rivera, Janet F. Alkema, Roberta Markey, Bridgette Padilla, Shelley Fleming, Ricardo Ochoa.		

**REVIEW OF MINUTES**

Motion to read and approve the minutes of the last Executive Board meeting, as amended to add Doug Nicoll to the 'present' side above: Motioned by: Susan Hartman; Seconded by: Doug Nicoll. Motion: carried.

**MEMBERSHIP COMMENTS - None.**

**GENERAL ORDERS**

- A. MO2016-01-01. Attendance for two Board Members to Financial Statements workshop. Motion by: Yoenda Dornan; Seconded by: Marcelle Ouellet. Motion: carries/unanimously.
  
- B. Motion to approve the recommendation of the Legislative Committee to establish a Political Action Committee for the purposes of voluntary member contribution to local political goals- Doug Nicoll. Second by Susan Harman. Motion carried. Great idea!

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Need to purchase more Amazon gift cards.

**EXECUTIVE SESSION**

The Board adjourned to Executive Session at 6:47 p.m. The Board adjourned Executive Session at 7:15 p.m. and returned to the regular meeting.

There was nothing to report.

**NEXT MEETING DATE:** February 8, MONDAY, Board of Directors meeting. (Note date change)

**ADJOURNMENT**

It was moved by Linda Farmer, and seconded by Susan Hartman; to adjourn the meeting at 7:17 p.m. Meeting adjournment was approved by unanimous consent.

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Yoenda Dornan, PSEA Secretary