

United Educators of San Francisco
Executive Board
Wednesday, January 6, 2010, 4:15 p.m.
Official Minutes

Order of Business (Sign-In and take a voting card - please read the resolutions at this time)

Special Orders of Business

1. Proposed Constitutional & Bylaws Amendments Hearing Dennis Kelly

CONSTITUTION AMENDMENTS

ARTICLE II Purposes

Section 1 After "(SFUSD)" insert "and other UESF members".

Section 2 Change last word: "goals" to "purposes".

Section 3 "...SFUSD" insert "new and other non-certificated UESF members".

ARTICLE VI

Section 1 Change Format so A, B, C are indented.

Section 3 Add "on base salary" at the end of sentence following "...dues".

ARTICLE VII

Section 2 Insert after "bilingual" "credentialed support services, and the Chairperson of the Retired Division".

Eliminate "one credentialed support services provider."

Insert after "members-at-large" "at least one at-large seat shall be designated to represent UESF members who are not SFUSD employees."

Following "ten USP members..." Strike first bullet

Retain second bullet

Strike next 3 bullets

Retain final bullet up to the end of

the parenthesis.

Insert "seven members from the A,N,S,P and R series".

Re-order the letters beginning with new "a." that starts with the following wording deleted from the previously last bullet: "UESF members who are elected officers..." to the end of that paragraph.

Section 3 Strike bracketed phrase at the end

BYLAWS AMENDMENTS

ARTICLE 1 Assembly and Membership Meetings

Section 5. lower case "M" for membership

ARTICLE 3 Divisions

Section 2. There shall be a retired employee's division of UESF (Retired division).

b.(new) "Employed" for the purpose of this section shall mean working regularly and in good standing with the union. (Remaining subsections to be lettered sequentially).

ARTICLE IV Nominations and Elections

Section 3. Strike "and Retired Division members" (pending Retired Division's change of their Bylaws to allow for the election of a Retired Delegate to the Labor Council).

ARTICLE IX COPE (Committee on Political Education)

Section 4. After "notified by" insert "either".

After "publications" strike "and"; insert "or".

ARTICLE X Rules Committee

Section 3a After "Committee", strike "shall" and insert "may".

Section 3b Strike "initial" in line 2 and the final words following "Assembly".

Insert period. Insert "The Rules Committee's recommendations shall be presented to the Executive Board at its next meeting following referral by the Executive Board. Failure of the Rules Committee to Report or make a recommendation shall not prevent the matter moving to its first reading."

Section 3e Strike "approval" (last line) and insert "consideration").

RETIRED DIVISION CONSTITUTION 7 BYLAWS AMENDMENTS RATIONALE UESF CONSTITUTION

Constitution, Article IV. Membership

Section 2. Membership in UESF shall also be open to all who are UESF members in good standing when they retire from the San Francisco Unified School District. Any individual who retires from an entity other than the San Francisco Unified School District and who is a member in good standing of an affiliate of the California Federation of Teachers (CFT), the American Federation of Teachers (AFT), the California Teachers Association (CTA), or the National Education Association (NEA), is eligible for associate membership in the Retired Division. A former UESF member who retired from the SFUSD as an administrator but was a member of UESF prior to becoming an administrator may also apply to become an associate member. Members in good standing other than associate members of the Retired Division are eligible to vote and to hold office in the Retired Division.

UESF BYLAWS

Bylaws, Article. I. Assembly and Membership Meetings

Section 1. The Assembly shall be constituted as follows:

a.The officers of the Retired Division, to a maximum of four, shall be members of the Assembly. Retired Division Executive Board members elected at

large shall be designated alternates. Members shall take office at the September Assembly Meeting.

Bylaws, Article III. Divisions

Section 1. There shall be a retired employee's division of UESF (Retired Division).

a. Retired Division members may not vote in the election of active division officers, Labor Council delegates, or the ratification of contracts.

Bylaws, Article IV. Nominations and Elections

Section 3. Balloting for the election of members of the Executive Board and Labor Council Delegates shall be conducted by a secret ballot mailed to all active members.... Balloting for the election of Labor Council Delegates shall be conducted by a secret ballot mailed to all active members and Retired Division members. ,

Submitted by Gerry Meister, Chair of the Retired Division, as directed by unanimous vote of the Retired Division Executive Board – November 2009

Rationale, as required by the amendment process:

The above amendments to the UESF Constitution and Bylaws have been proposed in order to make those documents conform to Retired Division Bylaws amendments proposed by vote of the Retired Division at its November 18, 2009, membership meeting and submitted separately for adoption by the UESF Executive Board at its December 2 meeting (see UESF Bylaws, Article III, Section 1 c).

RETIRED DIVISION CONSTITUTION & BYLAWS AMENDMENTS

ARTICLE III. MEMBERSHIP

Section 2. Any individual who retires from an entity other than the San Francisco Unified School District and who is a member in good standing of an affiliate of the California Federation of Teachers (CFT), the American Federation of Teachers (AFT), the California Teachers Association (CTA), or the National Education Association (NEA), is eligible for associate membership in the Retired Division. A former UESF member who retired from the SFUSD as an administrator but was a member of UESF prior to becoming an administrator may also apply to become an associate member.

ARTICLE V. ELECTIONS AND TERM OF OFFICE

Section 3. An election committee composed of non-candidates shall be appointed by the chairperson and approved by the members present at the March membership meeting. The committee shall determine rules for conducting the election. The rules shall include the format of the ballot, the format of candidate statements to accompany the ballot, the date when ballots shall be mailed, and the time and place where ballots shall be counted. UESF Bylaws shall be serve as guidelines for election procedures.

Section 4. All members of the Retired Division (except associate members) in good standing at the conclusion of the March membership meeting shall be eligible to vote, and a plurality of votes cast shall be sufficient to elect for any office.

ARTICLE VI. CHAIRPERSON

Section 3. At least seventy-two (72) hours before each meeting, copies of the proposed agendas for general membership and Executive Board meetings shall be emailed/mailed to all Executive Board members by the chairperson. Special meeting agendas shall be mailed/emailed with as much advance notice as possible. A copy of the proposed agenda for any meeting shall also be emailed/mailed to any member in good standing who has requested a copy of said agenda.

ARTICLE VII. VICE CHAIRPERSON

Section 2. The vice chairperson shall be a non-voting member of all committees except the budget and election committees. In the absence of the chairperson, the vice chairperson shall be an ex officio voting member of all committees except the budget and election committees.

ARTICLE X. EXECUTIVE BOARD

Section 2. When there are co-chairs of standing committees, each co-chair shall have a half vote.

Section 23. The Executive Board shall meet at least one time prior to a membership meeting and shall be empowered to act for the membership between membership meetings.

Section 34. A quorum shall consist of one more than half of the elected members of the Executive Board.

ARTICLE XI. MEMBERSHIP MEETINGS

Section 7. A quorum for a special membership meeting shall be established by the presence of 10 per cent of the total membership 50 members.

Section 8. A quorum for a regular membership meeting shall be established by the presence of 5 per cent of the total membership 30 members.

ARTICLE XIV. STANDING COMMITTEES

Section 1. Effective June 2006, the standing committees of the Retired Division shall be:

- A. Legislation and Political Action
- B. Health
- C. Membership
- D. Social and Cultural Activities and Resources

ARTICLE XVI. DUES

Section 2. The combined dues of a retired husband and a retired wife or of domestic partners shall be \$60.00 annually for members of the teacher unit and \$30.00 for paraprofessionals. As of September 2005, this section will no longer be in effect. Renumber section below.

Section 23. Members whose dues are more than two months in arrears shall not be in good standing and will be notified and dropped by action of the membership chairperson of the Retired Division. A member may appeal this action to the Executive Board.

ARTICLE XVII. RELATIONS TO WITH PARENT BODIES AND AFFILIATE GROUPS

Section 2. The chairperson, vice chairperson, secretary and treasurer of the Retired Division shall by virtue of their election be designated Retired Division delegates to the Assembly of the United Educators of San Francisco. At large members elected to the Executive Board shall serve as alternates.

4. The Retired Division shall elect one delegate and one alternate to the San Francisco Labor Council at the same time the Executive Board is elected and by the same process.

ARTICLE XX. AMENDMENTS

Section 1. These bylaws may be amended by a majority vote of those members present and in good standing. Proposed amendments must be submitted to the membership in writing and signed by the proponents at a regular meeting immediately preceding the meeting at which they are to be voted on as a special order of business. Amendments are then to be submitted to the UESF Executive Board for approval at its next regular meeting.

ARTICLE XXI. ADOPTION

Section 1. These bylaws were adopted, as amended, by the membership of the Retired Division of the UESF on May 9, 1990, and further amended January 19,

1993; March 16, 1993; November 16, 1993; July 16, 1994; December 6, 2000; February 2, 2005; and April 20, 2005, and (new date).

These Retired Division Bylaws amendments were proposed by vote of the Retired Division at its November 18, 2009, membership for adoption by the UESF Executive Board at its December 2 meeting (see UESF Bylaws, Article III, Section 1 c).

Suggestion: Set aside one of the seven seats defined in the suggested amendment of Article VII, Section 2—Insert “seven members from the A,N,S,P, and R series”. for a substitute para. An alternate suggestion: make it possible for substitute paras to run for the positions for substitutes, which are currently limited to teachers.

Correction to page 5: says retirement division, but should say substitute division.
Suggestion: to include sub paras in language.

Regular Agenda

- 1. Roll CallRoberto Michel, Sergeant at Arms
- 2. Approval of Minutes Susan Solomon, Secretary

M/S/C to accept the minutes of the December 2, 2009 Executive Board meeting as presented.

Finance Report..... Elaine Merriweather, Treasurer

M/S/C to accept the December 31, 2009 Finance Report as presented.

COPE Financial Report

Special Orders of Business

- 1. Secretary Susan Solomon nominated all members of UESF in good standing as delegates for the 2010 CFT & AFT conventions.
- 2. Grievance Committee Arbitrations Report Stan De Bella

M/S/C to accept the Committee’s recommendation to take case 0910-26 to arbitration.

No response step 1 or 2 (EH)

Written reprimand for leaving early. Grievant had an emergency at home and tried to contact the office but was unable to contact anyone.

Violates 30.1.2, (just cause) 30.1.4, 30.1.4.1, 30.1.4.2 and 30.1.5 (Progressive discipline)

Remedy: Warning be withdrawn and grievant made whole

Field rep and Committee recommend for arbitration.

M/S/C with one abstention to accept the Committee’s recommendation to take case 0910-11 to arbitration (all affected teachers).

(AB) No response to step 2

Principal has scheduled and established meetings unilaterally and published a schedule without input or concurrence of the UBC despite repeated and ongoing requests for such concurrence.

Violates 7.2.7, 25.3.7

Remedy: Rescind unilateral schedule, reach concurrence with the UBC on meeting schedule for 2009-2010, cease scheduling staff meetings in violation of contract, abide by all contractual provisions and mandate UBC involvement.

Field rep and committee recommend for arbitration.

M/S/C to accept the Committee’s recommendation to take case 0910-12 to arbitration.

Saturday events being scheduled by principal without input from UBC. They are technically optional meetings, but there are a number of members who are feeling pressured to go. Members fear that there will be retribution if they do not attend.

M/S/C to accept the Committee’s recommendation to take case 0910-13 to arbitration

(AB) All affected teachers No response to step 2

Principal has refused to provide annual budget/financial report and draft budgets for 2009-2010. Principal unilaterally established and implemented the 2009-2010 school site budget without the involvement of the UBC despite repeated requests.

Violates 25.3.5 and 7.9

Remedy: Supply budgets in a timely fashion and comply with other requests for information. Reach consensus with the UBC on the budget. Process any needed revisions in budget and be directed to comply with the contract in the future.

Field rep and Committee recommend for arbitration.

The Executive Board voted in December not to take the following case to arbitration.

The grievant came to the meeting to appeal this decision.

M/S/C with 3 abstentions to affirm the decision not to take the grievance to arbitration.

0910-23 (SS) No response step 2 (due on 11/10/09)

Grievant, a para, was transferred to another school despite the fact that 6 other paras with the same classification and less seniority were not transferred. Volunteers were not sought among all 19 paras at the site.

Violates 12.2.1 and 12.4.1

Remedy: Grievant be returned to original school and be made whole.

Field rep and Committee do not recommend for arbitration.

M/S/C President’s Recommendations for Expenditures	Dennis Kelly
1. Exploratorium Teacher Institute, 25 Year Anniversary	\$100.00
2. Cesar Chavez Holiday & Parade Festival 2010	\$100.00
3. TURN Caucus, Sacramento, Feb. 4th thru Feb. 6th, Reg. & Rooms	\$960.00

- 4. CFT “Mini-Conf.” Oakland, Jan. 22.....10@\$25= \$250.00
- 5. CTA Good Teaching Conf. Jan. 22-24, Burlingame ... 3@\$185.00=\$555.00

M/S/C **Recommendations for COPE Expenditures** Dennis Kelly

- 1. Martin Luther King I Have a Dream Labor Breakfast 10@\$35.00=\$350.00
- 2. SFLC Leno Fundraising Breakfast \$250.00

Special Orders of Business (happened after vote on arbitrations at 5:05 p.m.)

- 1. SFUSD’s Application for “Race to the Top” (RTTT) Funds.....Richard Carranza, Deputy Superintendent, SFUSD

There will be an estimated \$85-90 million in cuts over next 2 years. SFUSD is trying to keep cuts as far from classrooms as possible, and to find funding wherever possible. The goal is to keep people employed because education can’t go on otherwise. Carranza left copies of documents about RTTT. Superintendent Garcia has stated that the district will not participate in any part of RTTT that violates UESF’s collective bargaining agreement. The state prepared an MOU and gave it to SFUSD to use as a guide. If SFUSD does not qualify for RTTT funds, chances are California will not. There are about \$700 million for CA; as a major district, SF would get a substantial portion. The MOU that Carranza read aloud and distributed indicates that the Quality Education Improvement Act (Prop A) can be a model. Signatures of local bargaining units add points to a state’s/district’s application. Garcia has stated that the district will withdraw application if merit pay is part of it. ‘Differentiated pay’—not merit pay—is part of Prop A: master teachers, hard-to-staff, and hard-to-fill stipends. The district has to submit statement of intent to participate by January 8.

One of the requirements: annual evaluations. The district has stated that SFUSD does not do that. Creative solution: one year is formative evaluation, and next year is summative.

If CA gets RTTT funding, the state would keep 50%. The remainder would go to partner districts. There are 3 districts that are positioned to get these grants, with signatories of labor partners. The other two each have enrollments of fewer than 10,000 students.

The MOU is not final. It enables SFUSD to show interest in applying for RTTT funding.

Our affiliates strongly criticized portions of the original RTTT. The most significant change is that districts have to work with unions.

All SFUSD employees would be covered by RTTT.

There was a lengthy question and answer period.

M/S/C with 2 abstentions: that UESF sign onto the RTTT MOU with the condition that UESF reserves the right to withdraw support.

M/S/C amendment: to add “and that UESF communicate to the District that our signing on is conditional on there being no changes that are inimical to our interests and our collective bargaining agreement.”

M/S/C final resolution: That UESF sign onto the RTTT MOU with the condition that UESF reserves the right to withdraw support, and that UESF communicate to the District that our signing on is conditional on there being no changes that are inimical to our interests and our collective bargaining agreement.

The strong point was made that paraprofessionals must be included in any agreements UESF makes in the future, including those with RTTT provisions.

Resolutions

1. M/S/C Delegation to the CFT & AFT Conventions ...Elaine Merriweather

Whereas UESF plays a vital role in the state and national conventions of our affiliates; and

Whereas UESF has the responsibility to ensure the all members in good standing can run for delegates to our state and national conventions; and

Whereas UESF must follow the By-Laws and requirements of our state and national affiliates for election of delegates;

Therefore Be it Resolved that UESF recommend that we send 15 delegates to the CFT Convention (5 alternates as needed) , 10 delegates to the NEA Convention (5 alternates as needed) and 10 delegates to the AFT Convention (5 alternates as needed)

Be it further resolved that UESF provides funding for delegates in full attendance to be reimburse for convention expenses.

M/S/C amendment: Be it finally resolved that delegates in full attendance will be reimbursed up to \$500 for the CFT convention; \$1900 for NEA and AFT.

2. M/S/C UESF Support for March 4th RallyKen Tray

Whereas, California public education from pre-school through graduate school is facing a budget crisis that threatens educators' ability to meet the needs of our students; and

Whereas, due to the lack of revenue for public education thousands of school workers face layoffs this spring and for the foreseeable future; and

Whereas, the October 24 Conference in San Francisco called for a Day of Action on March 4, 2009 to save public education and oppose the impact of massive budget cuts; and

Whereas, UTLA and other CFT and CTA locals are planning activity in support of a March 4 Day of Action; and

Whereas, UESF can use the March 4 Day of Action to reach out to our parent and community allies to build a local rally and demonstration.

Therefore, be it resolved that UESF organize a local demonstration and rally in support of the March 4 Day of Action; and

Be it further resolved that UESF create an organizing committee to prepare for the rally and other possible activities that would come before; and

Be it finally resolved that UESF bring our call for local actions on or about March 4, 2010 to the San Francisco Labor Council and our other labor affiliates and community allies.

The above vote was a reaffirmation vote so that the Executive Board can fulfill its obligation to appoint committees.

3. M/S/CU, substitute resolution: Resolution on No Cuts/ Layoffs: Public Forum
..... Magdalena De Guzman

Whereas, California public education is facing its most dangerous crisis in years; and

Whereas, San Francisco Unified School District projects a \$33.6 million deficit for the 2010-2011 school year; and

Whereas, the 2009-2010 budget deficit was closed partially through raising class sizes, negatively impacting teaching and learning in the classroom; and

Whereas, we can anticipate that SFUSD will use increased class sizes, cuts to site budgets and layoffs to close the budget gap this year; and

Whereas, school workers outside UESF, families and community allies share a common interest with UESF in defending and protecting public education; and

Whereas, UESF shares a common interest with other public sector workers in uniting to demand a change in budget priorities both locally and in Sacramento; and

Therefore Be It Resolved, that UESF will participate, support and publicize the PTA forum, on Thursday, February 25, 2010 at Marina Middle School.

The original resolution had all of the same ‘whereases’ and the following ‘resolveds’:

Therefore Be It Resolved, that UESF will organize a public community forum in January or February, inviting other labor unions, community groups, parent and family groups, school sites and the broader community to participate in both presentation and discussion about the budget crisis; and

Be It Further Resolved, that the public forum be facilitated in order to invite broad participation in a discussion about how public sector workers and affected communities should respond to the budget crisis; and

Be It Further Resolved, that UESF include “No Cuts, No Layoffs. Emergency Funding Now” as a central message of this forum in publicity materials and as a unifying message for all public sector workers; and

Be It Further Resolved, that UESF begin internal and external publicity for this forum as soon as possible, so as to build toward the broadest possible participation; and

Be It Finally Resolved, that UESF seek endorsement of this public forum at the San Francisco Labor Council.

Brother Kelly suggested that the motion be withdrawn because UESF has been invited to participate in a public forum sponsored by the PTA.

M/S/CU to make the substitute motion the main motion: Keep the ‘whereases’ and include as the ‘resolved,’: Therefore Be It Resolved, that UESF will participate in, support and publicize the PTA forum, on Thursday, February 25, 2010 at Marina Middle School.

4. Rules Committee Report.....Gale Ow
M/C to adopt the proposed amendments to the Retired Division Bylaws.

Reports

1. President’s Report Dennis Kelly

- M/C: Nomination of Michelle Irwin to Serve as Election Committee Chair
- Brother Kelly has been talking with community college representatives about March 4. They have already secured Civic Center for a 5:00 p.m. rally. UESF’s action will probably start earlier, at 4:00, assembling in front of the CA Public Utilities Commission building on Van Ness, and join them at 5:00. AFT 2121 President Gus Goldstein and Brother Kelly spoke with the SFLC Executive Council, who will take direction from AFT and UESF. The SFLC Executive Council emphasized the need to include all social services, not just education.

2. Executive Vice-President.....Linda Plack

The Personnel Committee will be meeting on January 19, and will be looking at the job description for lead organizer, a position to be funded by an AFT grant.

SFUSD announced that there is going to be a reorganization of Special Education. There will be additional information in two weeks. On January 25, the regularly-scheduled meeting will take place between the UESF Special Education Committee and Special Education Director Clare Davies.

3. Middle School Report..... Patty Golumb

The committee met on December 17 with Assistant Superintendent Jeannie Pon. Main issue: safety—students transferred without notifying counselors.

4. Elementary School Report Kit Bell/Rose Curreri

The committee met on December 9. Items that were discussed included:

- a) School site budgets and the problem with principals not sharing budget information;
- b) March 4 plans, including at individual sites.
- c) Prop A staff development: some administrators are mandating Prop A PD without consultation; some have not done anything. All teachers need to fill out Passports. Q: Can Prop A pay for additional meetings beyond the school day?
- d) COPE Director Ken Tray talked about school board budget committee meetings and sent around sign-up.
- e) Sabbaticals.
- f) Health insurance.
- g) Data Director training: one teacher reported it was worthwhile.

5. Retired DivisionGerry Meister

The HSS situation with Blue Shield is still not resolved. Rates and benefits process may continue to end of the month.

The Division is preparing information for members who are planning to retire at the end of this school year and will have it at union meetings.

6. Conference Reports

- AFT ELL Cadre Meeting Report (in meeting packet): What We Do....Xiao-Lin Yin-Croft

Commuter benefits applications are ready.

Good of the Order / Announcements Anthony Singleton is doing a fundraiser for special education students at his site; he is selling calendars of a student's original artwork. Many members purchased the calendars at the meeting.

The Golden Gate Service Center is having retirement workshops on Tuesday, January 12 and Wednesday, January 13 at the CTA Redwood City office.

**NOTICE OF MEETING AND AGENDA
AUGMENTED BUDGET AND BUSINESS SERVICES COMMITTEE
BOARD OF EDUCATION
Irving G. Breyer Board Meeting Room
555 Franklin Street, First Floor
San Francisco, California 94102
Tuesday, January 19, 2010**

5:00 p.m.

UPDATE ON INFORMATIONAL ITEMS:

State of California – Governor's Budget

Budget Review – Special Education Services

Budget Development for 2010-2011

Adjournment: at 7:12 p.m. in memory of retired teacher Gene Mattingly.

Respectfully,

Susan Solomon, Secretary