

**United Educators of San Francisco**  
**Executive Board**  
Wednesday, March 3, 2010, 4:00 p.m.  
**Official Minutes**

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**Agenda**

1. Roll Call..... Roberto Michel, Sergeant at Arms
2. Approval of Minutes ..... Susan Solomon, Secretary

MSC to approve the minutes of the February 3, 2010 Executive Board meeting as presented.

**Resolution:** There was a change to the order of the agenda to discuss resolution #2. (See below). Jeremiah Jeffries offered to co-author the resolution with Dennis Kelly, but Brother Kelly felt that there was too much that was defamatory in it that Brother Jeffries did not agree to change.

MSC 16-8 to table until the April Executive Board meeting.

MSF 13-7 to close debate on the motion to table.

The question arose about whether the resolution can go to the March Assembly meeting if it is tabled until the April Executive Board meeting. The resolution will be on the agenda of the March Assembly.

**Special Orders of Business**

1. Grievance Committee Report

MSC to accept the recommendation to take case 0910-39 to arbitration.  
(EH) No response step 1 and 2.

Grievant was inappropriately disciplined via a written reprimand related to an alleged failure to submit a five-day sub plan. The plan was turned in 2 days after the reprimand. The demand for a 5 day sub plan is a unilateral change in working conditions and is an unfair labor practice.

Violates article 5.4 (which requires that policies affecting members be submitted to the union prior to their adoption) and Article 30 (progressive discipline).

Remedy: Discipline should be rescinded and any other affected teachers be made whole. UESF will file an unfair labor practice if not withdrawn. Remedy: Grievant be made whole.

Field rep recommends for arbitration.

MSC to accept the recommendation to take 0910-37 to arbitration. (EH) No response step 1 or 2.

Grievant was inappropriately disciplined via written reprimand related to interaction with a student and parent. Reprimand itself is a breach of confidentiality in that both student and parent were named. (Board policy) Teacher was implementing policy adopted by administration and was simultaneously being counseled on other issues stated. Can't do both simultaneously.

Violates article 30 (teacher not appraised of consequences of their actions).

Article 6.7.2: Teacher disciplined for implementing their classroom management program.

Remedy: Discipline be rescinded with prejudice and grievant be made whole.

Field rep recommends for arbitration.

MSC to accept the recommendation to take 0910-42 to arbitration.

(EH) No response to step 1 or 2.

Grievants are not being paid in accordance with salary schedule C3A.

Violation of 11.8, 11.10, 11.13.10, 11.11, 11.12.

Remedy: These individuals are due back pay and benefits, including pension contributions for their misplacement on the salary schedule and pay adjustment to proper years of service and grievants be made whole.

Field rep recommends for arbitration.

MSC to accept the recommendation to take case 0910- 29 to arbitration

(AB) No response step 1 or 2.

Grievant was inappropriately placed on wrong pay scale in August 2005 through current time despite proper transcripts and district assurances that they would be placed appropriately. District has also refused the four year retention bonus.

Violates article 11.1.2 and appendix B.

Remedy: SFUSD shall pay grievant back salary for 2006-2007, 2008- 2009 and 2009-2010 school years. SFUSD shall pay grievant \$2800 retention bonus for the last school year. Grievant be made whole.

Field rep recommends for arbitration.

MSC to accept the recommendation to take case 0910-36 to arbitration.

(LP) No response step 2.

Three individuals without credentials were placed at a site replacing a unit member. These consultants are not paid by SFUSD funding but are providing services that a unit member could provide.

Violates articles 1 and 2 of the contract.

Remedy: Unit member be reinstated into position.

Union rep recommends for arbitration.

2. Election Committee Report.....Michelle Irwin

The full report is attached. There was a tie for alternates, so a tie-breaking process was used to determine who the 4<sup>th</sup> and 5<sup>th</sup> alternates would be. (They are Tom Harriman and Madeline Cabading.)

Ballots will be going out on March 10 for NEA RA and CTA State Council elections.

Thanks were given to the Election Committee for their hard work.

3. MSF to endorse: Passing the Budget on Time Act 2010.....Dennis Kelly

There were some reservations expressed about this proposed act, mainly that it does not address eliminating the need for a two-thirds majority for passing a new tax; it only addresses eliminating the need for a thirds majority for passing a state budget.

4. MSC: HSS Board Endorsement for Willie Lim.

Four candidates are running for one open position. Willie Lim addressed the Executive Board. Mr. Lim has been a member of his union, FPTE Local 21, for 28 years. He has just begun his campaign. He has been endorsed by several unions. It is Sharon Johnson's seat that will be vacant; she has endorsed him, as has Claire Zvansky.

MSC to suspend the rules so that it is possible to vote on an endorsement without going through the entire endorsement process.

**Finance Report**..... Elaine Merriweather, Treasurer

The AFT auditors came in during February. The results were fine.

MSC to accept the February 28, 2010 Finance Report as presented.

**COPE Finance Report**.....Ken Tray, COPE Director

MSC to accept the COPE Finance Report as presented. Brother Tray gave a brief report on the possible San Francisco parcel tax that is being discussed.

5. UESF Bargaining Proposals

**Re: Sunshine Notice**

Dear Carlos Garcia:

I am writing to request that you include this letter on the next Board of Education meeting agenda for the purpose of publicly noticing our initial proposals in accordance with Government Code Section 3547.

UESF is proposing changes in the following areas:

**Certificated Contract**

Article	Subject
18	Professional Development
14	Health and Safety
3	Definitions
5	Union Rights
7	Days and Hours of Employment for K-12 Teachers
10	Leaves
15	Staffing and Assignment
26	Living Contract Committee
16	Evaluation
25	Union Building Committee

**Classified Contract**

Article	Subject
1	Agreement and Union Recognition
3	Union Rights
7	Evaluation
11	Leaves
19	Discipline and Dismissal
21	Effects of Layoffs
27	Living Contract Committee
9	Hours of Work and Work Year
15	Health and Safety
17	U.S.P. Professionalization
App. E	Union Building Committee

The SFUSD was surprised to learn that UESF plans to sunshine proposals and not just respond to its proposals. The Executive Board reviewed the proposals prepared by the Negotiations Committee, based on recommendations made by members.

Suggestions for the certificated contract: 1) the way priority subs are selected is complicated. (28.3.7) Suggestion to use seniority as criterion. Liz Conley will check to assure that there are no dangers to opening Article 28. (See below.)

2) No consolidations after school starts.

3) Improve language on reassignment in Article 15.7.

MSC to approve the recommendations for the certificated bargaining unit, including those raised during the meeting.

Suggestions for classified contract:

1) Articles 2.14 and 2.15 and another section of Article 7 so that it is clear that administrators, not teachers, evaluate paraprofessionals.

2) Improve language in Article 5.3.

MSC to approve the recommendations for the classified bargaining unit, including those raised during the meeting.

MSC to reconsider the vote for proposals for the certificated bargaining unit.

MSC to drop certificated Article 28 from the bargaining proposals. (See above.)

**MSC *President's Recommendations for Expenditures* .....Dennis Kelly**

1. Nat'l Lawyers Guild Banquet, March 27<sup>th</sup> ..... 2@ \$135.00 = \$270.00
2. GGSC Leadership Trng. Support Ed Diff Times ..... 10@ up to \$20.00 each  
(transportation costs - form attached)
3. Labor Project for Working Families Sponsorship renewal ..... \$100.00
4. Cesar Chavez Holiday Breakfast ..... \$500.00
5. TURN "Satellite" Exploratory Meeting, April 24<sup>th</sup> ..... up to \$250.00  
(transportation costs)
6. CFT Convention: Ben Rust Luncheon & ECK-12 Breakfast ..... \$1,050.00
7. Building and Construction Trades "Vegas in San Francisco" 3 tickets ..... \$500.00
8. AFT/PPC housing ..... up to \$300

***COPE Report***

- MSC 2010 Endorsement Process ..... UESF/COPE Working Committee
  - March 3: Endorsement process approved by Executive Board
  - March 3: April 7, May 5 or June 2: Executive Board considers early endorsement of friendly school board candidates for reelection, San Francisco Labor Council endorsed candidates, other friendly incumbents and state initiatives and local propositions
  - June 1 UESF/COPE card with endorsement calendar sent to members
  - June 3: Working Committee and Executive Board volunteers compose candidate questionnaire
  - June 4-Early August: Questionnaire sent to all announced candidates
  - July 27: Working Committee and UESF/COPE volunteers screen questionnaires

- If viable candidates declare candidacy after our questionnaire deadline COPE Chair will confer with UESF officers about extending UESF/COPE calendar for inclusion in questionnaire and
- Recommendation Meeting.
- July 28: Invitations to candidates for UESF/COPE Recommendation Meeting
- July 30: Recommendation meeting reminder sent to all UESF/COPE members
- August 9: UESF/COPE Recommendation Meeting.
  - i. Candidates speak and answer member's questions
  - ii. Candidates must receive a 66% for UESF/COPE
  - iii. Recommendation
- August 18: UESF/COPE Committee (Executive Board) Endorsement Meeting
- Calendar dates may be slightly amended for practical considerations to allow for broadest participation and full involvement of viable candidates.

MSC to suspend the rules for endorsements in order to give an early endorsement to friendly school board incumbent Kim-Shree Maufas.

MSC to endorse Kim-Shree Maufas for school board.

### **Resolutions**

1. MSC Ratification: Constitution /Bylaws Proposal.....Tom Edminster & Dennis Kelly  
UESF shall adhere to the following procedure in ratifying any recommended changes in a contract or for a Memorandum of Understanding/MOU, or in a successor contract.
  - a Recommendations from the Bargaining Team or any body delegated with such responsibilities shall be presented to the Executive Board of UESF.
  - b Such recommendations for any contract settlement or contract modification resulting from UESF bargaining with the employer shall be heard by the Executive Board and shall receive a vote of support and then proceed to the delegate Assembly. If time is of the essence, an emergency Assembly meeting will be called by the Executive Board.
  - c Any recommendation for contract settlement which has the necessary review and vote from the Executive Board must also receive an affirmative vote of a majority of the members voting at the Assembly before proceeding to a vote of the membership. The Assembly shall decide whether the final contract ratification vote shall be made by mail ballot or by a membership meeting.
  - d Any recommendation from the UESF Bargaining Team or any such designated body for changes in wages, hours, and/or working conditions shall be sent to a vote of the membership for final review and approval. A membership vote shall occur by mail ballot or by a membership meeting noticed to all at least a week in advance.

(Note: 15% of the membership shall constitute a quorum at a membership meeting.- Approval shall be attained by a simple majority.)

MSC amendment to add to part b: If time is of the essence, an emergency Assembly meeting will be called by the Executive Board.

2. See page 1. This item was taken out of order: Apology for the Statements from UESF President ..... Karen Zapata, et al  
Whereas UESF is an organization that represents a diversity of educators, and

Whereas UESF is an organization that works to minimize its institutional racism through a democratic process and diverse leadership, and

Whereas many UESF members support and teach Ethnic Studies as both a discipline and integrated throughout their curriculum, and

Whereas many UESF members believe that Ethnic Studies should be institutionalized throughout the district as a way to increase student belonging, enhance interracial understanding, of decreasing drop out rates and countering the predictive power of demographics, and

Whereas a diverse coalition of students, community organizations and UESF members have spent years fighting to make Ethnic Studies a reality, and

Whereas the organizing work done by UESF members and SFUSD students around Ethnic Studies serves as a model for the type of grassroots activism that we will all be participating in on March 4th, and

Whereas the work of UESF members, SFUSD students and community organizations resulted in the unanimous and unprecedented passage of a resolution of support for Ethnic Studies by the SFUSD School Board, and

Whereas the singling out of Ethnic Studies, and Ethnic Studies alone, by members of the UESF leadership as an example of programs whose necessity may be called into question given the current fiscal crisis is unfair, inaccurate, unnecessarily divisive and reflects poorly on UESF's commitment to diversity, and

Whereas Dennis Kelly, president of UESF, wrongfully characterized the proud young people who came to stand up for a better education as "Hitler Youth" and misrepresented our union regarding UESF policy on Ethnic Studies programs;

Whereas UESF does not support or endorse hate speech of any kind from any of our members, and

Be it therefore resolved that UESF directs Dennis Kelly, UESF President to apologize and UESF as an organization, officially apologizes on behalf of our members who were misrepresented, to the youth and community organizers and UESF members who were wrongfully attacked with hate speech and that the apology be publicized on the UESF website, in the Educator publication and via the UESF email blast, and

Be it further resolved that UESF directs Dennis Kelly, President of UESF, take the time, before the end of March to sit down with the youth organizers of Ethnic Studies, at a time they can meet, to hear their concerns and offer them a formal apology, and

Be it further resolved that UESF formally recognize the efforts of the students who organized to make Ethnic Studies a reality through hard work and determination by including a statement as such in the official apology letter, and

Be it further resolved that UESF supports the SFUSD School Board's February 23rd, 2010 unanimous passage of the Ethnic Studies Resolution, and

Be it further resolved that UESF recognizes that Ethnic Studies can be implemented without reducing the number of classroom teachers and paraprofessionals, and

Be it finally resolved that UESF is committed to making Ethnic studies a reality throughout SFUSD and this will be reflected in our actions and statements.

- 3. Letter from Tom Edminster to Executive Board members regarding procedures followed to pass recent changes to the UESF Constitution and Bylaws.....Cynthia Lasden

Each item raised in the letter was ruled out of order because none was challenged during the meeting in which the vote took place. No one challenged the ruling of the chair at this March 3 meeting.

**Reports**

- 1. President’s Report ..... Dennis Kelly

- March 4 rally: Brother Kelly described the program of the rally, including descriptions of speakers and entertainers. Politicians will not be speaking. Matthew Hardy is doing an incredible amount and kinds of work to organize the event. The Civic Center rally is the critical event. Nearly 3000 “Defend the Classroom” buttons and UESF picket signs have been distributed.
- Change of April Assembly & Divisional meeting Dates, Assembly to 4/28 and Divisional to 4/21.
- Region 1 2010 Organizing Academy (See page 26 in meeting packet.) If there is interest, UESF will try to get the dates changed.
- Rebecca Hensler was appointed as the new Middle School Committee Chair.

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

Bargaining dates: March 6, 9, 10, and 16. On March 22-23, 4:30-6:00, there will be drop-in bargaining update meetings at UESF.

After March 4, starting March 5 and going for 48 days, there will be a CFT march from Bakersfield to Sacramento. UESF will provide some release time for participation. The idea is to go into communities and talk with people about the importance of raising revenue.

- 3. Child Development Committee Report .....Elaine Merriweather

It is clear that there will be cuts, but they have not been announced yet. There could be site closures or layoffs.

- 4. Paraprofessional Issues..... Carolyn Samoa

Potential layoffs went before the school board on February 23. It is not necessary for paraprofessional layoff notices to go before the board so early, as only a 45-day notice is needed for layoffs. The actual, final notice will be given sometime in June. There were 277 layoffs approved by the board, including 96 T10s who will be losing 1 hour of work/day.

- 1. Substitute Issues..... Liz Conley

Some of the principal evaluation surveys have been distributed at sites. They will all be distributed soon. The district expects the core substitutes to sign a document of acknowledgement of non-reelection at 6:00 am. Sister Conley is working on changing this requirement or getting extended hours pay if substitutes really have to do this.

2. Retired Division ..... Gerry Meister

There will be a summit on April 8 and 9 about the Social Security offset. Sister Meister sent 550 emails out last night, urging members of the Retied Division to attend the March 4 rally. There are just under 150 retiring members as of March 1.

**Good of the Order / Announcements:** There was a suggestion to move the chairs into a different configuration (not rows) for meetings.

**Adjournment:** at 7:17 p.m. in memory of Pat Morgan, who was first a longtime AFT, and then a UESF member.

Respectfully submitted,  
Susan Solomon, Secretary