

United Educators of San Francisco
Executive Board
Wednesday, June 3, 2009, 4:15 p.m.
Minutes

Order of Business

Agenda

1. Roll Call..... Roberto Michel, Sergeant at Arms
 2. Minutes Susan Solomon, Secretary
M/S/C to accept the minutes of the May 6, 2009 Executive Board meeting as presented.
- Finance Report**.....Elaine Merriweather, Treasurer
M/S/C to accept the May 31, 2009 Finance Report as presented.
- COPE Finance Report**.....Ken Tray, COPE Director
M/S/C to accept the May 31, 2009 COPE Finance Report as presented.

Special Order of Business

1. M/S/C with 2 abstentions: Acceptance of Academic Calendar Survey Results Dennis Kelly
Whereas, over 1,199 individuals expressed their preferences in the Calendar Survey for the 2010-2011 school year; and

Whereas, 55.02% of the UESF members responding voted to accept the proposed calendar,

Therefore Be It Resolved that the president shall notify the district that the proposed 2010-2011 calendar is accepted.

Teacher Kenyatta Scott spoke in favor of the motion. He was on the Calendar Committee that included other teachers and parents.

UESF signed a Memorandum of Understanding with SFUSD so that, in the event this calendar is adopted, paraprofessionals will not lose the Memorial Day paid holiday.

2. Grievance Committee ReportStan De Bella
a) M/S/C to accept the committee's recommendation to take case 0809-31 to arbitration.

No response to step 2

Grievant has been subject of disparate and discriminatory treatment by principal. Principal has denied, intimidated and created a hostile work environment through unprofessional conduct and negative statements about grievant to staff and students. Harassed grievant and discouraged activities as elected UBC representative through unfair and unwarranted disciplinary actions. Principal unilaterally and improperly interfered with the UBC elections.

Violates Preamble to UESF/SFUSD Vision Statement and Articles 5.7, 5.2, 14.7, 25, 30 of contract along with Board policies 4410, 4450, 6000

Remedy: 1) Administration will cease and desist from all discriminatory and disparate treatment of grievant and show respect for grievant at all times.

2) Grievant shall have all disciplinary actions filed against them in the past year removed for their file. 3) Grievant shall be made whole.

We are well on our way to settling this grievance and a yes vote will help that process.

Field rep recommends for arbitration.

Committee recommends for arbitration.

b) M/S/C to accept the committee's recommendation to take case 0809-38 to arbitration.

Principal violated progressive discipline regarding the aggrieved by issuing a written reprimand. Grievant saw and confiscated a toy gun from one of her homeroom students on a Thursday. Student gave the toy up but asked that grievant not tell anyone. The following Monday there was a field trip to City Hall and several students were caught trying to bring a BB gun into City Hall causing a major commotion. When this teacher learned of this, she went to the principal and said she had confiscated a toy gun on Thursday and asked if this was this related. Principal used teacher as scapegoat and blamed her for not informing the principal immediately of the toy gun and blamed the City Hall occurrence on her actions. The picture of the BB gun taken to City Hall does not match the description of the toy gun. Teacher acted appropriately in taking the gun. Teacher has immaculate record at school.

Weakness: Having made deal with student not to tell anyone about the gun.

Violates 30.1.3.1, 30.1.3.3, 30.1.3.4, 30.1.4, 30.1.4.1, 30.1.4.3 and 30.1.5

Remedy: Immediate removal of written reprimand. Written apology for principal sending e-mail to school site members over non-secure e-mail server. Training for school site principal and assistant principal on following disciplinary procedures and dispensing them in a fair and equitable manner.

Will most probably settle this one prior to arbitration also.

Field rep recommends for arbitration.

Committee recommends for arbitration.

c) M/S/C to accept the committee's recommendation to take case 0809-42 to arbitration.

No response to step 2.

District has continually placed students in grievant's classroom in violation of contract class size recommendations. This is the second year in a row that this has been the case. At the start of the year, grievant had 1 SI student and 1 MR student, requiring a class size limit of 8-10; since that time, 4 more students were added. In January, SFUSD, EPC and the Special Education Director added another student designated ED which contractually should bring the class size to 6-8; however, 3 more students were added. In February, SFUSD added another student despite the written recommendation that said student be placed in Community Special Day School Program bring the class size to 12. Two days later another student was added to grievants class. In March another student was added bring the total back to 12 again, 4 students in excess of contract guidelines. We won the grievance last year but district has ignored the problem.

We want to have a mediator assigned so that these can be quickly dealt with vs. having to wait until the end of the year and have this repeated year after year.

Violates: art 5.7, 9, 9.1, 9.3, 9.5.7, 14.1.2, 22.1, 31.1.7 and board policies 4410, 4430, 4450 and 6000

Remedy: District will in future abide by the contract-stipulated class sizes. Provide grievant a classroom new and additional paraprofessional support to meet the needs of the students IEPs Freeze grievants SDC classroom to allow present population to make progress.

Field rep recommends for arbitration

Committee recommends for arbitration

d) M/S/C to accept the committee's recommendation to take case 0809-64 to arbitration.

Response due: May 28. No response received.

Statement of Problem/Concise Statement of Grievance

The grievant did not receive notice of consolidation on April 28, 2009; she received email notification on May 5 at 6:22 p.m., less than 24 hours before the consolidation fair. This is in violation of the district's own process and calendar for staffing and assignment, as well as a contract violation. In addition, the district's assertion that she was aware that her position was a limited-term one-year assignment this school year and that it was posted as such, is not verifiable. (She received a letter that said her position was "ongoing.") She was consolidated in the 2007-2008 school year as well.

Contract Articles violated: 15.1.5.1, 15.5.2, 15.5.3, 15.5.4, 15.5.5, 15.5.6 and any other article of the contract that may obtain.

Specify Remedy Desired (The remedy that would equitably adjust your grievance.)

That the grievant maintain her current position, or a position at her current site, for the 2009-2010 school year, and that the grievant shall otherwise be made whole.

Strengths: This is another example of a lack of transparency in the staffing process.

Weaknesses: The next least-senior teacher in the department is a teacher returning from parental leave, meaning he has a right to the position he vacated for the duration of his leave.

Staff Recommendation: move to arbitration

Committee Recommendation: move to arbitration

e) M/S/C to accept the committee's recommendation to take case 0809-68 to arbitration.

Response due: June 3. No response received.

The grievant did not receive notice of consolidation on April 28, 2009; he received email notification on May 5 at 6:30 p.m., less than 24 hours before the consolidation fair. This is in violation of the district's own process and calendar for staffing and assignment, as well as a contract violation. In addition, the district's assertion that his position is a one-year assignment for school year 2008-2009 is not verifiable. He was consolidated at the end of the 2007-2008 school year as well.

Contract Articles violated: 15.1.5.1, 15.5.2, 15.5.3, 15.5.4, 15.5.5, 15.5.6, and any other article of the contract, district policy, or state law that may obtain.

Remedy: That the grievant maintain his current position, or a position at his current site, for the 2009-2010 school year, and that the grievant shall otherwise be made whole.

Strengths: same as 0809-64

Weaknesses: The union received a copy of an email in which it was made clear that funding had to be found by the district to keep the grievant at his current site this year.

Staff Recommendation: move to arbitration

Committee Recommendation: move to arbitration

f) M/S/C to accept the committee's recommendation to take case 0809-71 to arbitration.

Response due: June 8 No response yet

Statement of Problem/Concise Statement of Grievance:

The grievant has been a 1.0 FTE librarian for the 2008-2009 school year at Aptos Middle School. She has been told that there will only be a .5 FTE librarian position at a middle school in the 2009-2010 school year, but she has been denied consolidation rights. This is in violation of 15.1.4, 15.1.5, 15.5.3, and any other article of the contract, district policy, or state law that may obtain.

Remedy: that the grievant be given all rights due to a consolidated unit member, and that she in all other ways be made whole.

Strengths: This could help strengthen UESF's assertion that unit members should be site-based, not centrally assigned.

Weaknesses: Every year for the past 5 years this has happened to this member and to other librarians, so the district may be able to claim past practice. (Not much of a weakness)

Staff Recommendation: move to arbitration

3. M/S/C with 1 abstention Prop A Overage Tentative Agreement.....Susan Solomon Whereas the Proposition A negotiations over unallocated revenue adhered to the guidelines established by the UESF executive Board; and

Whereas there will not be an Assembly meeting for three more months,

Therefore Be it Resolved that the UESF Executive Board hereby accepts the tentative agreement and directs the president to notify the district of its acceptance.

Copies of the "Tentative Agreement/Memorandum of Understanding Regarding Expenditure of Proposition A Unallocated Revenues Pursuant to the MOU Attached as Appendix M of the 2007-20010 Contract Between the Parties" were distributed to members at the meeting.

Backfilled PD days are only originating from 2008-2009 parcel tax revenue. The reference to the chart will be omitted, as there is no chart and there will be no chart.

There was a lengthy discussion about the proposed Tentative Agreement, especially about professional development.

M/S/C President's Recommendations for Expenditures	Dennis Kelly
1. Contribution to SFUSD Retirement Event.....	\$650.00
2. Vietnamese Cultural Association	\$200.00
3. CARA ½ page Ad	\$300.00
4. TACT Donation for 40 th Annual Scholarship Dinner (retro)	\$450.00

Resolutions

1. M/S/C Termination of Committees Dennis Kelly
Be it Resolved that the all committees, excluding Budget and Personnel Committees formed during school year 2008-2009, shall be deemed dissolved with appreciation and gratitude to the members who served on them.

Reports

1. Election Committee Report Chuck Turner
The Numbers

Of the more than 6000 ballots mailed out, there were 956 valid ballots returned, 788 by teachers and 168 by paras. There were also 188 Retired Division members voting for San Francisco Labor Council positions.

Election Guideline Complaints

There were few complaints and everyone should be complimented for running a smooth and fair election. There were a couple of things however, one about Building Reps being asked to distribute campaign material, and another about the use of school site UESF bulletin boards. We, the Election Committee, would like the Executive Board to consider making some additions to the election guidelines to cover these situations for future elections. For example:

Building Representatives, operating as Union officials, may not endorse or advocate, i.e., do work for any candidate, or slate of candidates, including placing campaign material in school mailboxes for a particular candidate or slate. The candidate or slate representative should put her material in the mailboxes. In schools where the secretary will not allow this, the candidate may ask the BR to assist in getting permission to place the material in the mailboxes or at a central location, such as a table in the staff lunchroom.

Space on UESF bulletin boards is to be shared equally. When there are just two slates the space should be divided 50/50. However, independent candidates will need to have access to bulletin board space as well.

Candidates' Forum

Some members of the Election Comm. question the value of the Candidates' Forum event. We should consider having an online forum instead of an event. If we do choose to have a forum event, with questions from the audience, we all agree that the moderator should instruct all speakers to stick to the issues rather than make personal attacks on their opponents. Questions will also be screened more rigorously with this in mind.

On the question of school sites having their own candidate forum, debates and meetings, we all agree that this has been the tradition and should be allowed to continue, as long as these types of meetings are open to all candidates and slates to participate.

Publicizing the Election

We all agree that we need to continue efforts to increase voter participation through creative ideas to publicize the elections. Perhaps greater use of email, and fewer mailings, would be a better way to disseminate the information.

Appreciations

We would like to thank Matthew Hardy and the entire office staff, especially Diane Hirasuna and Meg Kimura, but including Elaine Merriweather, Susan Solomon, Tom Lacey, Carolyn Samoa, Eric Hall, James Sheldon, Robert Sedor, and Maggie Murphy. Their help in sending out emails, reminders, preparing mailings, in running a successful election was invaluable. We couldn't have done it without them. Also, thanks to those of you who sent in suggestions about how to improve the election process, especially to Lita Blanc and Tom Edminster.

2. Paraprofessional Issues Carolyn Samoa
Sister Samoa will be working this summer, so problems and issues can be brought to her.

3. Substitute Issues Liz Conley
The last meeting of the year was good, though less-attended than usual.

4. Retired Division Gerry Meister
The division had a very good meeting with the Cal STRS CAO. He was very direct and helpful. Sister Meister attended the social security offset appeal meeting with over 200 people in attendance. There was a great deal of interest, a diverse group, and a large CTA presence. Barbara Lee spoke. There is going to be further activity: see socialsecurityfairness.com.

5. PJHR Committee Report..... Lita Blanc
(Written Report Attached) Additions: There was no official endorsement of Gay Pride Parade from UESF this year, but information about the parade will be delivered to UESF soon.

New Business: Brother Michel suggested a bargaining issue for the next time: how paras are paid vacation time.

The Elementary Committee's Fourth/Fifth Grade Prep Time Subcommittee has been attempting to get input from assistant superintendents on the implementation of the plan. Darcie Blackburn has written a draft of the report.

A suggestion was made that a different venue be found for Executive Board and Assembly meetings next year.

Good of the Order / Announcements: There is a vigil scheduled for 6:00-8:00 tonight at City Hall on behalf of two women going on trial in North Korea for espionage.

Adjournment: at 6:10 p.m. in memory of former member Zaida Rodriguez, and Elaine Merriweather's stepfather, James Trotter.

Respectfully submitted,