

United Educators of San Francisco
Executive Board
Wednesday, August 18, 2010, 4:00 p.m.

1. Roll CallRoberto Michel, Sergeant at Arms
2. Approval of MinutesSusan Kitchell
(Substitute for Susan Solomon)

MSC to accept the minutes of the August 4, 2010 Executive Board meeting as corrected.

Finance Report.....Elaine Merriweather

MSC to accept the Proposed 2010-2011 Budget as presented.

Sister Merriweather announced at the last meeting that members should contact her with suggestions for this year's budget. She received none. The Budget Committee met on August 17, 2010 to prepare the proposed budget.

Special Order of Business

1. California Nurses Association, re: CPMC Hospital Plans.....Eileen Prendiville
Ms. Prendiville gave an overview of Sutter Health's plans regarding building a new hospital at the old Cathedral Hill Hotel site. (See flyer for more information.) CNA is asking for support from other unions in their dispute with CPMC and also requesting that unions sign on to the Coalition for Health Planning---San Francisco. There is a danger that St. Luke's Hospital will close if a Cathedral Hill hospital is built.

MSC that UESF sign on to the Coalition for Health Planning—San Francisco.

2. COPE Endorsement Report..... Ken Tray
Brother Tray reviewed what occurred at the COPE endorsement recommendation meeting of August 3. (See minutes of the August 4 Executive Board meeting for additional information about the August 3 meeting.) Bill Barnes is a latecomer to the election and does not seem to be a viable candidate at this time.

MSC to endorse Emily Murase as a candidate for the Board of Education.

MSCU to endorse Sister Elaine Merriweather as a candidate for the West Contra Costa County (Richmond) Board of Education, and to urge our members who live in Richmond to support her.

Brother Tray presented working drafts of the COPE 2010 Campaign Budget and the Fall Campaign plan, which were distributed at the meeting. He reviewed the campaigns in which UESF will be involved, including the anti Proposition B campaign, which, if passed, will significantly increase the cost of UESF members' dependent health care coverage. There were flyers available about Prop B at the meeting.

MSC to extend discussion for 5 minutes.

Several suggestions were made to move our campaigns forward.

3. Grievance Committee Report Stan DeBella

MC to accept the committee's recommendation to take case 0910-64 to arbitration. (AB) No response to step 2

Grievant has been verbally harassed by principal at site in front of entire staff. Principal physically pushed grievant when attempting to question them.
Violates preamble of contract, sec. 5.7, 14.1, 14.7,

Remedy: 1) Principal will cease and desist from all harassment and disparate treatment of grievant.

2) Principal shall withdraw documentation or disciplinary actions with prejudice.

3) Grievant shall be made whole.

Field rep. and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-91 to arbitration.

(AB) no response to step 2. Filed on behalf of affected teachers.

District and principal at site implemented major changes in site operation, including facilities management and planning without involvement or consensus of the UBC. Site and district management met with staff and gave false and misleading information when specifically questioned about said changes involving a sharing of facilities.

Violates: Preamble, article 25.3.2, 25.6, 25.7, 25.9

Remedy: 1) Rescind the agreements requiring the facility and operation.

2) Cease any facility changes, room assignments or other actions in violation of contract.

3) Reach consensus with UBC on any and all such future proposed changes.

4) Abide by all contractual provisions mandating UBC involvement

5) Make all educators whole.

Field rep. and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-85 to arbitration.

(AB) No response to step 1 or 2

Site administrators unilaterally developed the 2010-2011 Master Schedule without the involvement or concurrence of the UBC, despite repeated requests for such a meeting.

Grievant and others are being reassigned in an arbitrary manner without the knowledge or concurrence of the UBC, in violation of past practice and contractual agreements.

Violates: Articles 15.7, 25.3.2, 25.6, 25.7, 25.9

Remedy: 1) Rescind the unilaterally promulgated Master Schedule

2) Meet with the UBC to develop a Master Schedule in accordance with the processes outlined in article 25.

3) Rescind the reassignments of grievant and all similarly affected staff.

4) Abide by all contract provisions mandating UBC involvement in decision-making in the future.

5) Make all affected grievants whole.

Field rep and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-74 to arbitration.

(AB) No response step 2

Grievant unfairly evaluated and subject to disparate treatment based on race and age by an administrator. Evaluated without the principal's expectations or other required materials.

Not notified in a timely manner of observations and conferences. Grievant was the subject of intimidation and a hostile work environment through the principal's unprofessional and negative statements, causing severe emotional distress.

Violates: Article 16.2, 16.3, 16.9, 16.10 16.12, 5.7, 14.1, 14.2.1 and 14.7

Remedy: Principal shall immediately cease and desist discrimination and disparate treatment of grievant and create a non-hostile work environment.

Weakness: Not likely to prove racial discrimination. Grievant has history of problems at other sites. Major timelines were met satisfactorily; grievant has spotty record of responding to the union.

2) Grievant's WCPR's and summary evaluations for 2009-10 shall be withdrawn and destroyed.

3) Grievant shall be placed in an alternative, mutually agreeable work site for 2010-2011.

4) Grievant be made whole

Field rep. and committee recommend for mediation.

MC to accept the committee's recommendation to take case 0910-71 to arbitration. (SS) No response step 2

Grievant was inappropriately consolidated at site. Grievant has seniority on placed teacher and contract states that a teacher on leave for one year or less the replacement does not have retention rights. Grievant has clear credential, replacement does not. Position was not advertised or posted in violation of contract.

Violates: article 15.5.2, 15.7

Remedy: Place grievant into their previous position and make them whole

Field rep. and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-90 to arbitration.

(SS) No response step 1. Step 2 response was late.

Grievants have been reassigned to different grade levels and different classrooms.

Reassignments do not conform to seniority, credentials, qualifications, special skills, or program need. Principal did not try to reach consensus with UBC.

Remedy: Principal work collaboratively with the UBC with the goal of reaching consensus. If any reassignments are found necessary, the principal will follow the contract provisions regarding reassignments as related in contract and grievants be made whole.

Field rep. and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-87 to arbitration. (EH) all affected teachers No response to step 2

Grievants were reassigned within their school for the 2010-2011 year in violation of contractual obligations. Volunteers were not sought and there was no evidence of reassignment based on district seniority, credentials, qualifications or special needs.

Violates: 15.9

Remedy: Teachers be placed in their previous assignments. Principal reach consensus with UBC on any reassignments deemed necessary by consensus. Teachers be made whole.

Field rep. and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-86 to arbitration. (SS) No response step 1 or 2

Grievant received a written reprimand for an alleged incident with student that occurred 6 weeks previously. The reprimand included a recommendation for a five-day suspension without pay.

Violates: Articles 30.1.2, 30.1.3.3, 30.1.5 and 30.1.4

Remedy: Written reprimand and recommended suspension be rescinded and removed from grievant's file and grievant made whole.

Field rep. and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-89 to arbitration. (SS) No response step 1 or 2

Grievant received an evaluation of needs improvement; however, a conference as described in contract was not held.

Violates: Article 7.1.6.3

Remedy: Performance appraisal report be rescinded and removed from their file and grievant made whole.

Field rep. and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-65 to arbitration (SS) No response step 1 or 2

Grievant was the only teacher of color to be non-re-elected in the SPED dept at their school. She was also the only teacher called in to a meeting with AP and questioned about their marked goal progress reports. Their class was disrupted when AP entered their class to check on phone that was already verified as working. Received a verbal reprimand because of the phone incident. Colleagues have witnessed disparate treatment of grievant and she did not receive a proper evaluation this year.

Violates: 5.7, 16.4, 16.7.1, 16.15, 19.8.2.1, 19.8.2.2

Remedy: Grievant be treated equitably and fairly and recommendation for non-re-election be rescinded and grievant made whole.

Committee recommends for arbitration.

MC to accept the committee's recommendation to take case 0910-79 to arbitration. (SS) no response step 2.

Grievant received an unsatisfactory performance appraisal yet no conference was held

Violates: 7.1.6.3

Remedy: Grievant's 2009-2010 Performance Appraisal be rescinded and removed from their file and grievant be made whole.

Field rep and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-57 to arbitration. (SS) no response step 1 or 2

Grievant received a written reprimand that included a recommendation for suspension without pay. The written reprimand was not preceded by at least 2 related written reprimands; this reprimand with a recommendation for suspension violates the contract

Violates: 30.1.3.3, 30.1.3.5, 30.1.4

Remedy: Written reprimand be rescinded and removed from grievant's file and grievant be made whole.

Field rep and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-61 to arbitration. (AB) no response step 1 or 2

Grievant received a written reprimand in violation of progressive discipline.

Violates: 5.7, 30.1.3.1, 30.1.3.3, 30.1.3.4, 30.1.4, 30.14.1

Remedy: Retraction of written reprimand and remove from file and make grievant whole

Field rep and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-80 to arbitration. (SS) no response step 1 or 2

Grievant received less than satisfactory evaluation in November but no affirmative assistance supplied. Principal waited five months to reevaluate and then did so twice in two weeks.

Violates: 16.2, 16.18

Remedy: Rescind and remove WCPR and Summary Evaluation from grievant's file and grievant be made whole

Field rep and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-82 to arbitration. (EH) No response step 1 or 2

Grievant received annual evaluation on June 4th stating Needs improvement. Contract states evaluations must be received no later than June 1st; therefore evaluation is untimely.

Violates: 7.1.4

Remedy: Rescind and remove evaluation and make grievant whole.

Field rep and committee recommend arbitration

MC to accept the committee's recommendation to take case 0910-81 to arbitration. (EH) no response step 1 or 2

Grievant received an evaluation of needs improvement on June 4; therefore it is untimely.

Violates: 7.1.4, 7.1.6.2, 7.1.6.3

Remedy: Rescind and remove evaluation form grievant's file and make them whole.

Field rep and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-83 to arbitration (EH) No response step 1 or 2

Same as above different teacher.

Field rep and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-70 to arbitration. (LC)

Grievant's Summary Evaluation was changed from highly satisfactory to satisfactory with no supporting documentation. Grievant asked for supporting documentation and gave administration a week to respond. They came up with general evidence from class visits, not communicated to grievant previously and copy of California Standards for Teaching Profession highlighted to justify the change. Grievant had no prior knowledge of this document.

Violates: 16.22, 16.25

Remedy: Rescind and remove evaluation and reinstate the highly satisfactory status.

Grievant be allowed to transfer to a professionally safe environment free of harassment.

Field rep and committee recommend arbitration.

MC to accept the committee's recommendation to take case 0910-75 to arbitration. (EH)

Grievant was discharged for alleged verbal interaction with non-public school employee.

Discharge is too harsh for this alleged incident and violates progressive discipline

Violates: 18.7, 19.2.1, 18.8.2.2

Remedy: Make grievant whole in all respects.

Field rep and committee recommend for arbitration.

MS to suspend consideration until there is more information. MSC: Substitute resolution: conditional support until we know the grievance was submitted in correct form. 0910-60 (AB) No response step 2 All affected teachers

District violated various timelines and procedures established in the contract regarding return from leave, voluntary transfer, and consolidation.

Violates: 15.1.5, 15.1.1, 15.1.5.3, 15.3.3.1, 15.1.5.4, 15.5.3, 15.3.3.2, 15.6, 19.7

Remedy: District will comply with the contract and make affected teachers whole.

Field rep and committee recommend for arbitration.

MC to accept the committee's recommendation to take case 0910-72 to arbitration.

(AB) no response step 2

Grievant was improperly evaluated out of cycle, not provided timely observations and received disparate treatment. Evaluation process was used to target grievant.

Violated: Articles 5.7, 14.1, 14.2.1, 16.2, 16.25.2, 16.8.1, 16.5, 16.8.2, 16.10

Remedy: Principal shall remove and destroy all documentation regarding the 2009-2010 evaluation form grievant's file. Principal will cease and desist from harassment and disparate treatment of grievant. District will give grievant full consolidation rights, grievant be made whole.

Field rep and committee recommend arbitration.

MC to accept the committee's recommendation to take case 0910-68 to arbitration.

(SS) no response step 1 or 2

Grievant was observed 3 times in 2009-2010 school year and was not provided affirmative assistance. Furthermore, there was only one week between the last two observations, giving grievant inadequate time to improve performance.

Violates: 16.2, 16.12.1, 16.18

Remedy: Grievant's WCPR and summary evaluation be rescinded and removed from their file and grievant be made whole.

Field rep and committee recommend for arbitration.

MSC President's Recommendations for Expenditures	Dennis Kelly
1. Tom Ammiano for Assembly (COPE)	\$250.00
2. San Francisco Ed Fund Fundraiser	\$400.00
3. Proposition D Ballot Argument Expenditures.....	\$434.00
4. Benefit for Castlewood Workers, Unite HERE Local 2850.....	\$250.00

MSC to add item #4 to the President's Recommendations.

Reports

1. President's Report Dennis Kelly
 - Retired Division Dues Proposal: (See page 20 of the meeting packet for an explanation of the proposal.) MSC to accept the new dues agreement.
 - MSC to approve the UESF Committee assignments for the 2010-2011 school year (included in meeting packet. Brother Kelly shared some sad news: There is a vacancy on the Professional Development Committee because of the death of member Kathleen Cecil.
 - The state audit of the SFUSD Special Education Department is not yet finalized.
 - Brother Kelly has advised the District to get out a report about what is going on with the Student Support Services Department before *The San Francisco Chronicle* does. Currently, there are SSSD administrators on leave pending the results of an investigation.

2. Executive Vice President's Report.....Linda Plack
Information about the UESF Executive Board and staff retreat, taking place August 27-28, was reviewed. The information will be sent out again, including agenda, directions to the venue, and roommates.

3. Paraprofessional Issues.....Carolyn Samoa
Paraprofessional layoffs have been reduced to 44. UESF continues to work on getting paras out of PARS and into Social Security.

4. Retired Division Gerry Meister
There was a luncheon for new members.

Adjournment: at 6:36 p.m. in memory of teacher and Executive Board member Kathleen Cecil.

Respectfully submitted,
Susan Solomon, Secretary