

United Educators of San Francisco
Executive Board
Wednesday, September 2, 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 June 3, 2009 and August 26, 2009 Executive Board meetings as presented.

Finance Report.....Elaine Merriweather, Treasurer

M/S/C to accept the August 31, 2009 Financial Report as presented.

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

M/S/C to accept the August 31, 2009 COPE Financial Report as presented.

Special Orders of Business

Grievance Committee Arbitrations ReportStan De Bella

M/S to accept the Grievance Committee's recommendations for all listed grievances, except those that were pulled.

Before voting on this motion, the Board carefully reviewed each one to determine if extended discussion was needed on any of them.

M/S/C with one abstention to accept the Grievance Committee's recommendations on all grievances except 0809-55 and 0809-74. **(But see the 2 motions directly below.)**

M/S/C to accept the committee's recommendation to take 0809-55 to arbitration.

M/S/C to accept the committee's recommendation to take 0809-74 to arbitration.

0809-87 (SS) No response step 1 or 2

Grievant received their summary evaluation on June 1st rated needs improvement and no copies of back-up material 2009. Although previously ratings were satisfactory (2) and highly satisfactory (1) This violates Art. 16.25.1 and 16.25 and is a clear violation of timelines. (Administration at site has a history of bad jobs on evaluations)

Remedy: Grievant's Summary Evaluation be rescinded and removed from their personnel file and grievant be made whole

Weakness: Grievant has resigned from the district

Recommendation: **No arbitration**

0809-75 (SS) No response to step 1 or 2

Grievant received their 2008-09 summary evaluation with a rating of unsatisfactory. Their previous rating was satisfactory and no copies of written back-up material were attached to the summary evaluation. District agrees that documents should have been attached. Violates 19.8.2.1, 19.8.2.2, 16.25

Weakness: Timeliness is an issue.

Remedy: Evaluation be rescinded and removed from personnel file and grievant made whole

Recommendation: **No arbitration**

0809-67 (SS) No response to step 1 or 2

Grievant volunteered to be consolidated and was told they could not because of their “needs improvement” evaluation. No such wording in the contract. Violates 19.8.2.1, 19.8.2.2, 15.5.5

Remedy: Grievant be given consolidation rights for the 2009-2010 school year

Strength: Contract does not stipulate a satisfactory evaluation

Weakness: The school year has begun, the teacher is in PAR and there is some past practice (but no contract language)

Recommendation: **Arbitration**

0809-21 (EH) No step 2 response Employee treated unfairly, inappropriately disciplined. Violates 19.1.1. 19.2.1.1, 19.2.1.2, 19.2.1.3 19.2.1.4, 19.3.1

Remedy: Withdraw warning with prejudice

Grievant had no problems until placed under new supervisor. Supervisor had forced others to leave site. Grievant not given adequate support. Supervisor discriminated against this para for language and age. Did not give this para adequate training (restraint) yet others had had the training twice.

Recommendation: **Arbitration**

0809-32 (AB) No response to step 1 or 2

Grievant subject of disparate and discriminatory treatment based on union involvement, race and age. Administration denied required and appropriate paraprofessional staffing, refused to allow appropriate preparation period, intimidated and created a hostile work environment through unprofessional conduct (Grievant was a teacher is now working as a para) Violates 14.1, 14.2, 14.7, 16, 25

Remedy: Administration cease and desist from disparate and discriminatory behavior. Grievant be provided with adequate para support to perform job. Grievant be given two duty free prep periods as accorded other SPED teachers. Grievant be provided a working telephone in the classroom.

Withdrawal of grievant’s unsatisfactory Evaluation and an outside evaluator be appointed. Grievant be made whole.

Recommendation: **Arbitration**

0809-58 (AB) No response step 1 or step 2

Principal did not evaluate staff, including the elected UBGC members, uniformly and equitably according to district protocols for at least two years. Violates 4.4, 4.5, 5.7, 19.7 25. Only evaluated one staff member, the UBC representative AND FAILED THEM!

Remedy: Rescind any warnings, disciplinary action or other actions/ documents based on performance. Evaluate ALL bargaining unit members by contract protocol. Permanently remove any and all 2007-2008 and 2008-2009 less than satisfactory evaluations from personnel file and make grievant whole.

Recommendation: **Arbitration**

0809-53 (AB) No response step 2

Principal announced to staff unilateral decisions regarding many matters of school planning and operation of mutual concern to the staff without attempts to reach consensus or reaching concurrence with UBC on such matter including g scheduling, budgeting, staffing assignments, master schedule, school site planning, Balanced scorecard, Professional development, facilities management and planning and meetings. Violates 7.2.7 and 25.3

Remedy: Confer with the UBC on all matters related to school operations and reach consensus.

Recommendation: **Arbitration**

0809-56 (EH)

SFUSD unilaterally shut down the web based certificated teacher job vacancy report in violation of Art. 19.7. Teacher openings can not be evaluated by teachers! Violates 4.5, 4.4, 5.4, 5.5, 15.1.5.1, 15.1.5.2, 15.2.5.3, 15.1.5.4, 15.3.2 and 15.3.3.1

Remedy: Restart consolidation process and voluntary transfer timelines with vacancies properly posted and any jobs awarded prior to compliance be withdrawn and subject to contractual process.

Recommendation: **Arbitration**

0809-83 (EH) no response to step 1 or step 2

Grievant was given a Needs Improvement evaluation with two or more areas being unsatisfactory. Violates 7.1.6.3 (when it appears to the evaluator that a rating of needs improvement or unsatisfactory is likely in two or more areas of performance a conference shall be held...) No such conference was held and therefore the evaluation is invalid. Violates 22.2, 7.1.6.2, 7.1.6.3

Remedy: Withdraw evaluation with prejudice

Recommendation: **Arbitration**

0809-62 (EH) no response to step 1 or step 2

SFUSD unilaterally changed the timelines and procedures called for in article 15.3 through 15.5 in the contract. In the past teachers would communicate directly with a prospective school site before voluntary transfer. Now HR is aware of all teachers considering transfer as are ALL administrators!

Remedy: Restart the voluntary transfer process in confirmation with the procedures in the contract and past practice.

Recommendation: **Arbitration**

0809-59 (EH) No response to step 2

Grievant's summary evaluation was satisfactory although written classroom performance were outstanding and highly satisfactory. There was no other written documentation with evaluation. As required by 16.25 to override the WCPR Evaluator sited that grievant did not have a BCLAD (not required of the position) and had excused medical absences (Irrelevant)

Remedy: change evaluation to highly satisfactory and remove inappropriate comments regarding BCLAD and medical absences.

Recommendation: **Arbitration**

0809-44 (EH)

Grievant has taken off every Weds. Due to a work related assault. SFUSD has been paying them for these absences and recently stopped doing so and docked pay for previous paid absences Violates 14.4.4

Remedy: make grievant whole and comply with 14.4.4

Recommendation: **Arbitration**

0809-50 (EM) No response step 1 or step2

Grievant has been trying to transfer for six months. Not given an interview for six months. Position was the same classification they submitted request for. Violates 123.1, 12.2, 12.2.1, 12.3, 12.3.1, 12.3.6, 12.2.2. 16.1.1

Remedy: Allow grievant to transfer to allow them to work both positions at same site

Recommendation: **Arbitration**

0809-55 (EH) No response step 1 or step 2

Grievant had concerns about parent's interaction with their child (their student) and went to the principal prior to reporting to Child protective services. PRINCIPAL CALLED THE PARENT AND INFORMED THEM THAT THEY WERE GOING TO BE REPORTED! This endangered the grievant and violated the contract 6.9.2, 6.9.3, 14.2.1 and penal code 111166(i)L

Remedy: Written apology to grievant from the principal and grievant made whole

Recommendation: **Arbitration**

0809-74 (EH)

Teacher returned from personal leave and is given a position filled by a tenured teacher in violation of contract 10.2.4.3 and 19.9.10. This needs to be expedited because if left until the beginning of the next school year will result in harm to grievant

Remedy: Teacher be retained in current position and grievant made whole.

Recommendation: **Arbitration.**

0809-48 (AB) No response step 1 or step 2

District unilaterally ceased to provide duty free lunch and prep periods to grievant from 1/5/09 onward and has not reimbursed grievant for said time. Violates 7.2.2, 7.2.5.1.1 4410 4430 and 4450

Remedy: SFUSD shall pay grievant hourly rate for all duty free time and make grievant whole.

Recommendation: **Arbitration**

M/S/C **President's Recommendations for Expenditures** Dennis Kelly

- Council of Classified Employees Conference, 10/16-18...6@\$500.00=\$3,000.00

Resolutions

1. M/S/C to pass with a positive recommendation: Revival of Peace Justice and Human Rights Committee Tom Edminster
Whereas the Peace Justice and Human Rights Committee[PJHRC] has been a UESF committee for most of the life of this organization, and has its roots in the activities and concerns of UESF members, and our relationships to multiple activities for peace, justice, solidarity and human rights beyond our immediate organization; and

Whereas the UESF is served by having a such committee of concerned members whose mandate is to review, have oversight over and make recommendations concerning endorsements, policy initiatives, their related alliances and coalitions in the general field of 'peace, justice and human rights;' and

Whereas the PJHRC in recent years has assisted UESF in a number of manners, among them the UESF affiliation with United States Labor Against War [USLAW] and in assisting in UESF's continuing activities and union identity in anti-Iraq war activity, and also in helping lend UESFs voice to activities in support of immigrant students and families;

Therefore be it resolved that UESF authorizes the resuscitation/revival of the PJHRC as a special committee** of UESF; and

Be it further resolved that PJHRC shall comply with all existing rules governing the behavior of UESF committees; and

Be it further resolved that the PJHRC shall function, as in its past, open to all UESF members who share these concerns and are able to participate actively in the life of the committee.

2. M/S/C to pass it with a positive recommendation: Class Size Increase...Dennis Kelly and Susan Solomon
Whereas, kindergarten-third grade class size for the 2009-2010 school year increased from 20to 22 students; and

Whereas, the Weighted Student Formula was decreased by 2% for each school; and

Whereas, SFUSD central office staffing increased by 12% or approximately \$2,000,000 for the 2009-2010 school year; and

Whereas, studies demonstrate that class size is a significant factor in student achievement; and

Whereas, historically the San Francisco Board of Education committed itself to make cuts as far away from the classroom as possible;

Therefore Be it Resolved that UESF demand that SFUSD reprioritize its allocation of funds, eliminate the increase in central office staffing and use those monies to help alleviate increases in class size.

Suggestion for amendment to be brought forward at the September Assembly meeting: that EPC place students at underenrolled schools.
UESF will need to request information about class sizes from SFUSD.

3. M/S/C with 1 abstention to pass with a positive recommendation: Close Prop.13 LoopholeLinda Plack and Ken Tray

Whereas, San Francisco Assessor Phil Ting is launching a statewide campaign to reform Proposition 13 by creating a “split-roll” tax system that would protect residential property owners and force corporate property owners to pay their fair share of public expenditures; and

Whereas, closing Proposition 13 corporate tax loopholes generates revenues for schools, public health, and public infrastructure and can help California regain its role as a leader in public education; and

Whereas, the California Federation of Teachers, California Labor Federation and many other labor, political and community groups are building a movement to support initiatives that would eliminate the 2/3 requirement to pass a state budget or pass new revenue-raising measures; and

Whereas, the 2/3 requirement to pass a state budget or to raise new revenues allows a small minority of conservative Republicans to starve public education of the resources we so desperately need; and

Therefore Be it resolved that UESF endorses the “Close the Loophole” Campaign, and

Be it further resolved that UESF joins with CFT and the California Federation of Labor to form a coalition that will support and pass state initiatives that will eliminate the 2/3 vote budget and revenue raising requirement; and

Be it finally Resolved that UESF will work within the CTA State Council to ensure that CTA will join in coalition with the other like-minded bodies and endorse and support campaigns to close Proposition 13 corporate loopholes, fix the budget crisis and institute progressive taxation to support public education, public

health, public safety programs and important public infrastructure for the good of all Californians.

- 4. M/S/C to pass with a positive recommendation: Race to the Top: The Wrong Track Linda Plack and Ken Tray
Whereas, UESF supports the Obama Administration’s intent to bridge the achievement gap and improve underperforming schools by offering \$4.35 billion in Race to the Top grants; and

Whereas, Race to the Top funding is only available to states that have no “legal, statutory or regulatory barriers to linking data about student achievement or student growth to teachers for the purpose of teacher and student evaluation; and

Whereas, California law does not prohibit linking student and teaching data for the purposes of evaluation; and

Whereas, student and teacher data is already linked at the local level and local districts are held accountable for use of this data to revise and improve school plans; and

Whereas, UESF believes that teacher evaluation must remain at the local level as a crucial tenet of collective bargaining; and

Whereas there is no body of research or evidence that paying teachers based on test scores improves education; and

Whereas, teaching to the test takes valuable time and focus away from critical thinking and creative activities that prepare students for college and careers; and

Whereas, our democracy relies on new generations of students that can engage the political, cultural and social landscapes with critical and creative minds;

Therefore Be it Resolved that UESF strongly objects to any state legislation that removes local control of teacher evaluations to appease Secretary Duncan’s ill conceived “Race to the Top” federal dictums.

Reports (These reports may be made in writing...not to exceed 5 minutes each)

- 1. President’s Report Dennis Kelly
 - a) Randi Weingarten Visit: 10:00-11:00 on Ronn Owens radio show; 4:00-6:00 at Diego Rivera Theatre, City College of San Francisco. Members were encouraged to call in to the radio if their schedules allowed and to attend Weingarten’s forum at CCSF.
- 2. Executive Vice-President.....Linda Plack
 - a) Educators Housing: UESF is continuing to work on this issue. BAE, the development firm hired by SFUSD, is looking at rentals and purchases. We want them to look at other options, like limited equity housing and rental subsidies. The emphasis is for options of use of surplus District property.
 - b) Building Corporation (2310 Mason Street, co-owned by UESF and NALC, Local 214): A briefing for new Executive Board members will take place at a subsequent

meeting. There is an opening on the Building Corporation Committee. Members who are interested should contact Sister Plack.

3. Paraprofessional Issues Carolyn Samoa

All laid-off paras were placed into special education positions. UESF continues to meet with SFUSD to work on para retirement plan issues. The district is aware that it was not in complete compliance for PARS contributions. A CTA lawyer is working with UESF. The next UESF para meeting will be a UBC training. Substitute para jobs are posted on EdJoin.

Old Business: A concern with the change in the calendar for 2010-2011 school year was expressed.

Good the Order / Announcements: School Loop, the online student data and communication program: at one site, teachers are told they have to be fully trained and using it by December. Parents are being urged to ask for teacher responses. Clarification: Use of School Loop is not mandatory yet at this time. There is a need to push for training because it very likely is coming. (It is used in other California school districts.) When/if it becomes mandatory, UESF will have to engage in effects bargaining. There are many issues related to School Loop. Members were urged to give UESF any information they have in writing so it can be brought to the attention of the district.

Concerns about District's preparedness for H1N1. There has been some District response, but not much.

Members were asked to give copies of their sites' Principal's Expectations to the UESF office.

Adjournment: at 5:42 p.m. in honor of Andrew Kellerer and Bert Toler.

Respectfully submitted,

Susan Solomon, Secretary