

United Educators of San Francisco
Executive Board
Wednesday, October 7, 2009, 4:15 p.m.
Official Minutes

Agenda

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

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

Finance Report..... Elaine Merriweather, Treasurer
M/S/C to accept the September 30, 2009 Finance Report as presented.

COPE Finance Report..... Ken Tray, COPE Director
M/S/C to accept the September 30, 2009 COPE Finance Report as presented.

COPE is co-sponsoring, with Board of Education President Kim-Shree Maufas, a fundraiser for Tom Ammiano on November 12, 2009, at the home of Les and Linda Plack, 426 Urbano Street.

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

- 1) California Council of Urban Education Ass'ns \$100.00
- 2) National Council of Urban Education Ass'ns. \$365.00
- 3) San Francisco Education Fund \$200.00
- 4) San Francisco Organizing Project \$100.00
- 5) AFT Program Policy Council up to \$1,000.00
- 6) NAACP Dinner and Gala (Ad plus 2 tickets) \$375.00
- 7) Membership Conference Childcare up to \$250.00

M/S/C **COPE Recommended Expenditures**

- SFLC COPE Fundraiser \$1,000.00

Resolutions

1. M/S/C as amended with a recommendation to the Assembly to pass: Support the Grass Roots Committee for Social Security Fairness..... Gerry Meister
Whereas the NEA/CTA and the AFT/CFT have endorsed the Social Security Fairness Act now in Congress (S 484 and HR 235) that would repeal the grossly unfair Social Security offsets that drastically reduce earned Social Security benefits for many UESF members when they retire, and

Whereas the Grassroots Committee for Social Security Fairness, an all-volunteer group of Bay Area educators and other public service employees, active and retired, is dedicated to raising public awareness of these offsets as part of the campaign to convince Congress to repeal them, and

Whereas, as reported in the September UESF Educator, President Obama has said, "Nobody should be penalized for serving our children, and that's why I support repealing the GPO/WEP and will work to do so as President," and

Whereas most UESF resources must now be focused on passing healthcare reform and the Employee Free Choice Act, it is also important that UESF members, active

and retired, learn more about the offsets and have an opportunity to work directly with an organization dedicated to raising public awareness of this issue, expected to be addressed by Congress in early 2010.

Therefore be it resolved that UESF endorse the Grassroots Committee for Social Security Fairness efforts to convince the public and Congress that the Social Security offsets should be repealed, and

Be it further resolved that UESF invite the Committee to offer a workshop about the offsets at the October 31 membership conference.

M/S/C to amend by removing the final resolved, which read: Be it finally resolved that UESF contribute \$200 to the Grassroots Committee to help the group accomplish its goals.

2. M/S/C with 2 abstentions to move the resolution to the Assembly with no recommendation: Mobilizing to Save Public Education – UC Berkeley....Cynthia Lasden

Whereas funding for public education in California has suffered since before the passage of Proposition 13 in 1978, so much so that this state is now 47th in the US in per pupil spending; and

Whereas recent cuts to California public education have severely multiplied the crises of access, opportunity and employment at ALL levels; and

Whereas the SFUSD is projected to be hit with another round of severe cuts for next academic year; and,

Whereas the mass demonstrations of students, educators, and workers who shut down major sections of the UC system on September 24, 2009 to protest fee hikes and continued cuts in education have contributed to a growing mobilization to oppose public education cuts; and,

Whereas The San Francisco Labor Council recently endorsed the October 24 Mobilizing Conference to Save Public Education to be held at UC Berkeley;

Therefore, be it resolved that UESF endorse the October 24 Mobilizing Conference to Save Public Education---initiated by UC students, workers and their allies; and,

Be it further resolved that UESF send a representative to participate in the Mobilizing Conference; and,

Be it further resolved that UESF support the Mobilizing Conference with a \$100 donation; and,

Be it finally resolved that UESF publicize the Mobilizing Conference to our members in email blasts, the Educator and any other possible means of communication.

3. M/S/CU as amended: Teachers4Social Justice Conference (Emergency resolution)... Jeremiah Jeffries

Whereas Teachers 4 Social Justice is a non-profit organization that promotes peer-based approaches to professional development for teachers and functions with volunteer assistance from classroom teachers; and

Whereas Teachers 4 Social Justice has been presenting an annual conference for educators since 2001 and will present the 2009 conference on Saturday, October 10th, 2009; and

Whereas the conference is free of charge and includes lunch and childcare; and Whereas the workshops presented at the conference deal with many issues that SFUSD teachers struggle with: war and current events, building classroom community, social justice and ethnic studies curricula; and provide quality professional development opportunities for our members; and

Whereas many teachers involved in the organization and participants are SFUSD educators and members of UESF;

Therefore Be it Resolved that UESF will have a table at the conference, to be a visible presence for members; and

Be it finally resolved that UESF will donate \$100 to help with the cost of the conference.

M/S/C, 17-6 amendment: that the final resolved be amended from a donation of \$500 to a donation of \$100.

Note: As this is a time-sensitive item, it is an emergency resolution and will not go to the Assembly for a vote.

4. M/S/F October 17th Anti-War March and Rally (Emergency Reso)...Lita Blanc, presented by Cynthia Lasden

Whereas UESF has long opposed the US incursions into Iraq and Afghanistan and hereby re-affirms our continued opposition to these US occupations; and

Whereas this fall, as US forces in Iraq have no clear exit strategy and pressure is exerted to increase US military commitment in Afghanistan, as we near the 8th anniversary of the US invasion of that country; and

Whereas the opposition to the Iraq and Afghanistan occupations continues to need political efforts, including necessary public demonstrations as well as a host of tactics, including legislative lobbying, non-violent civil disobedience, etc.; and

Whereas billions of dollars are being spent on the wars in Iraq and Afghanistan as public schools are pitted against each other for Race to the Top funding and

Whereas the SF Labor Council—at its Sept 21st delegates meeting--- endorsed the anti-war mobilization called for Oct 17th, the 40th anniversary of the Vietnam War Moratorium; and

Whereas UESF seeks to act in conjunction with other anti war labor forces in opposition to the US presence in Iraq and Afghanistan; and

Therefore be it resolved that UESF mobilize for and participate in the march planned for Saturday October 17; via participation in the labor contingent and

BE IT FURTHER RESOLVED that UESF electronically publicize the October 17th labor contingent, and

Be it finally resolved that UESF notes that the focus of its participation on October 17th is opposition to the US presence in Iraq and Afghanistan, and that UESF participation in the Oct 17th events does not suggest endorsement of any additional slogans or demands offered by the Oct 17th coalition or its members.

There were serious concerns expressed by some members about the publicity flyers because of the content about Israel and Palestine.

- 5. M/S/C with a recommendation to the Assembly to pass: In Unity There is StrengthDennis Kelly & Linda Plack
Whereas, San Francisco Federation of Teachers (AFT/CFT#61, AFL-CIO) and San Francisco Classroom Teachers Association (NEA/CTA) joined forces in 1989 to form the United Educators of San Francisco (AFT/CFT#61, AFL-CIO, NEA/CTA); and

Whereas, UESF, San Francisco’s union for Teachers and Paraprofessionals, has a proud record of mobilizing its members to defend and promote the interests of those who do the work in our schools day in and day out; and

Whereas, UESF is now the most powerful, articulate and consistent voice for San Francisco’s public schools and the students and families they serve; and

Whereas, UESF among other achievements won the contract fight of 2005-2006 by strategic organizing and finally mobilizing over 2500 members to a strike vote meeting, won full CTA membership for paraprofessionals, passed the historic Proposition A in 2008 and has formed active UBC’s at almost every school site; and

Whereas, the challenge represented by the current economic and fiscal crisis is a daunting one, we have learned through struggle and celebration of victory, that in unity there is strength and by sticking to the union we will protect our work and save our schools;

Therefore Be it Resolved that the UESF Membership Conference on October 31, 2009 will commemorate our 20 years of unity with Joan-Marie Shelley, UESF’s first president, as an honored guest.; and

Be it Finally Resolved that we here assembled as the United Educators of San Francisco Assembly express our gratitude to President Joan-Marie Shelley for the foresight and tenacity to lead the education workers of the San Francisco Unified School district into our merged union and to start us on the path to success we have followed for the past twenty years.

- 6. M/S/CU with a recommendation to the Assembly to pass: One Union, Our Priorities to the Board Budget Committee.....Ken Tray

Whereas, school sites face and will continue to face the danger of mid year budget cuts and further cuts for the 2010-2011 school year; and

Whereas, teachers and paraprofessionals are the best and most knowledgeable advocates of priorities for school site expenditures; and

Whereas, the Board of Education and Superintendent need constant reminders of their commitments to make cuts as far away from the classroom as possible; and

Whereas, the Budget Committee makes decisions that often have a direct impact on school site funding; and

Whereas, UESF must call on all of our political allies inside and outside SFUSD, including rank and file and union leaders, elected officials, community leaders and community of faith leaders to help us find adequate funding to defend our schools and our work; and

Whereas, the COPE Director and the COPE Committee responsibilities include organizing members and communicating UESF priorities to the Board of Education and government and community leaders,

Therefore Be it Resolved that each UBC will be urged to send one or more representatives to attend at least one Board of Education Budget Committee meeting during the 2009-2010 school year; and

Be it Further Resolved that the COPE Director and COPE Committee will be directed to implement the spirit and provisions of this resolution.

M/S/F amendment: Add to the end of the final resolved: “and work with the Peace, Justice and Human Rights Committee.”

The Board of Education’s schedule of Budget Committee meetings was included in the meeting packet.

7. M/S/CU as amended: October 15, Save Public Education Rally (Emergency reso)..... Susan Solomon & Ken Tray

Whereas, educator unions and their supporters will rally at Noon on Thursday, October 15 to “Save Public Education; and

Whereas, UESF representatives have joined with AFT 2121, California Faculty Association, the California State University Employees Union at SF State, and their students in planning the rally; and

Whereas, the rally calls for progressive taxation so that corporations and the wealthiest Californians pay their fair share to save public education, from preschool to Graduate school; and

Whereas, the message of the rally will keep our eye on the prize of the November 2010 election when, by joining the entire education community together, we will be

able to end the tyranny of the anti-public schools minority in the state budget process;

Therefore Be it Resolved that UESF join our higher education sisters and brothers in sponsoring the October 15 rally to Save Public Education, and urge UESF members who are free at that time to join the rally, and

M/S/C to strike the final resolved, which read: Be it Finally Resolved that UESF contribute \$200 toward rally expenses.

The rally is on the steps of City Hall.

Note: As this is a time-sensitive item, it is an emergency resolution and will not go to the Assembly for a vote.

8. M/S/CU with a recommendation to the Assembly to pass: Tsunami Relief....Linda Plack, Carolyn Samoa, Susan Solomon & Ken Tray

Whereas, on September 30 a catastrophic tsunami struck American Samoa; and

Whereas, scores of people, maybe hundreds, died and thousands more are in need of food, clothing and shelter; and

Whereas, the territories capital, Pago Pago suffered widespread destruction disrupting government services, and

Whereas, many UESF members have family and friends on the American Samoan islands in need of immediate assistance.

Therefore Be it Resolved that UESF donate \$200 to the American Red Cross Samoan Relief Fund.

There was a brief discussion, with suggestions made, about how to streamline the process for resolutions so there is both sufficient time for members to consider the resolutions and a way to complete the meetings in a timely way.

(5:15) **Special Orders of Business**

A member whose grievance, 0809-75, the Executive Board voted in June 2009 not to take to arbitration, appealed the decision.

M/S/C to reconsider the previous vote of the Executive Board, and take the grievance to arbitration, pending Sister Solomon's review of the timeliness of the grievance filing.

1. Grievance Committee Arbitrations Report.....Stan De Bella

M/S/C to accept the committee's recommendation to take grievance 0910-10 to arbitration.

(EH)No response step 1 or step 2

Grievant takes Wednesdays off after being assaulted by a student. He should be paid his regular salary. Brought this one up last year and won, they are doing the same again.

Violates 14.4.4

Remedy: Make grievant whole

Field rep and Committee recommend for arbitration.

M/S/C to accept the committee's recommendation to take 0910-04 to arbitration.

(AB) No response to step 2 (filed at step 2)

Grievants requested voluntary transfers, interviews and consideration for open positions for which they applied and were qualified. District did not comply within required timelines, inappropriately placed some one else in said positions without following established protocols, discriminated against individuals for Union activity and then required grievants to stay in the positions they attempted to vacate.

Violates 15.3, 15.3.1, 15.3.4, 15.3.5, 15.3.6, 5.7 and board policies 4410, 4430 and 4450

Remedy: District will place grievants in open positions of their choice as soon as said positions open up.

District will cease and desist from all disparate treatment

District will investigate all district personnel, including site principals and placement staff, to see why such violations occurred.

District will take affirmative steps to assure that such violations do not reoccur.

Make grievants whole.

Field rep and Committee recommend for arbitration.

M/S/C to postpone action on 0809-92.

(EM) No response step 1; denial at step 2.

Grievant received a letter of reprimand for an "alleged" incident. Site manager referred to grievant as "SENIOR TEACHER" WHEN NO SUCH POSITION EXISTS therefore no specific responsibilities exist. Many of the responsibilities listed were for the Lead teacher, the grievant is not the lead teacher on site.

Violates 5.7, 30.1.2, 30.1.3.1, 30.1.3.3, 30.1.3.4, 30.1.4.3

Remedy: District shall rescind letter of reprimand from grievant file and make grievant whole

Field rep and Committee recommend for arbitration.

M/S/C to accept the committee's recommendation NOT to take 0910-05 to arbitration.

(SS) Denied at step 2 (filed at step 2)

Grievant received a three day suspension without pay based on incidence allegedly occurring in their classroom while peer PAR coach was observing. Written reprimand was basis of suspension. The principal wrote: "it strains credulity that you could not hear all these statements..." In fact the grievant submitted a doctor's note establishing that they were suffering from hearing loss at that time.

The peer coach should have been instructed by their supervisors to intervene if a PAR participant shows need for assistance with classroom management.

Suspension was not timely, about 60 days past incident. Suspension violates 41.3, 18.1 41.4.2 and 30.1.6.

Remedy: Rescind three day suspension and make grievant whole

Field rep recommends **against** arbitration.

M/S/C to accept the committee's recommendation to take 0910-09 to arbitration.

(EH) No response to step 1 or step 2

Grievant has sixteen SPED students assigned; class limit by contract is twelve.

Violates 31.8.6, 9.5.7, and 9.3.4.2.1

Remedy: Reduce caseload to contractual limit of 12 and supply support mandated under 31.8.6

Field rep and Committee recommend for arbitration.

M/S/C to accept the committee's recommendation to take 0910-01 to arbitration.

(EH) No response to step 1 or step 2

Grievant is fully credentialed teacher with CLAD and applied for tenured track position with SFUSD. SFUSD did not hire grievant although they did hire others who were uncredentialed!

Grievant had filed a grievance last year against the principal for revealing to a parent that they were to be reported to CPS. (Grievant was temporary teacher last year. She was not dismissed or non-reelected.)

Such conduct is retaliation for protected concerted Union activities.

Violates 5.7, 14.7, 19.7

Remedy: Restore pay and lost benefits and make grievant whole.

Field rep and Committee recommend for arbitration.

M/S/C to accept the committee's recommendation to take 0910-03 to arbitration.

(EH) No response step 1 or step 2

Grievant has fourteen students in a special day class with at least one student classified as severely impaired. (.5.7.11 states that class size ranges shall be determined by the MOST severe disability, therefore their class size limit is set at ten by 9.3.4.2.1

Violates 4.1, 9.5.7.11 and 9.3.4.2.1

Field rep and Committee recommend for arbitration.

M/S/C to accept the committee's recommendation to take 0910-02 to arbitration.

(EH) No response to step 1 or step 2

Grievant is a Kindergarten teacher assigned 24 students in violation of contract size limits.

Violates 9.3.1, 9.3.4.1, and 9.8

Remedy: reduce class size to contractual limits or add certificated employee to assist.

Field rep and Committee recommend for arbitration.

Reports

1. President's Report..... Dennis Kelly

a) M/S/C with 2 abstentions: Bargaining Committee Appointments:

Darcie Chan Blackburn	Susan Kitchell	Linda Plack
Larry Blake	Daniel Markarian	Carolyn Samoa
Liz Conley	Claire Merced	Susan Solomon
Janet Eberhardt	Betty Robinson-Harris	Ken Tray (alternate)
Dennis Kelly	Patty Mann (taking place of Jane Blanchard)	

b) Bargaining Strategy

M/S/CU to authorize the President to explore the possibility of extending the current UESF certificated and classified contracts.

c) M/S/CU President Kelly requested authorization to pursue the possibility of bringing an AFT organizer on staff at UESF. (This authorization does not obligate UESF to add this staffing, only to enable Brother Kelly to look into it.)

c) Election Committee Report: Jeremiah Jeffries was elected to the CTA State Council. Congratulations were extended to Brother Jeffries.

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

- Personnel Committee Report

M/S/C to approve the CSO/NSO reopener contract for the UESF professional staff.

3. Paraprofessional Issues Carolyn Samoa

UESF continues to meet with SFUSD on improving the paraprofessional retirement plan. The 1992 bargaining notes are being used as a reference. The next meeting will be before the October Assembly meeting.

4. PJHR Committee Lita Blanc

(written report attached)

5. Retired Division Gerry Meister

Health Service System Director Bart Duncan resigned again. Catherine Dodd is the interim director.

Good of the Order / Announcements: Best wishes to Sandra Mack, who is recovering from knee surgery. Pam Routh would like feedback from members on their opinions about KALW.

Adjournment: 6:37 p.m.

Respectfully submitted,

Susan Solomon, Secretary