

MINUTES

CTA CBLT

Remotely via Zoom

June 3, 2020

In Attendance

Robert Bixler	District	Farrah Hawkins	CTA	Megan Oates	CTA
LeighAnn Blackmore	District	Alex Heidelberg	District	James Preusser	District
Doreen Concolino	District	Myrlene Jackson-Kimble	District	Maribel Rigsby	CTA
Albert Davies	CTA	Daphne Lewis	CTA	Elizabeth Silva	District
Wendy Doromal	CTA	Clinton McCracken	CTA	Mary-Grace Surrena	CTA
Gloria Fernandez	District			Stephanie Wyka	District

Additional Attendees/Guests

Dia Falco	CTA	Lucia Piva	CTA	Mark Richard	CTA
John Palmerini	District				

Minutes

Jim Preusser	Good Morning Wendy
Wendy Doromal	I'm here, I had some technical difficulty.
Jim Preusser	Good Morning Wendy, Good Morning CTA. Wendy, I will turn it over to you.
Wendy Doromal	We were thinking there are some important items to discuss. School Counselors, School Psychologists starting July 1, summer duties, school reopening and reappointment. I think you have a response for reappointment. We will start with School Counselors.
Jim Preusser	Please put your questions in writing so I can send it up to leadership. We have a long list of action items that you sent to us, and there are some outstanding items. LeighAnn completed a comprehensive answer and extensive review. Those items have been worked on for some time. The action items were sent yesterday for your review.
Wendy Doromal	There were many documents. We received the email yesterday afternoon. It would have been helpful if we had them within a week after the request for information. It is not helpful to have action items that were already resolved.
Jim Preusser	We have a long list of action items. I stated in an email last time. LeighAnn sent you responses. The items have been worked on.

Wendy Doromal	We got them yesterday in the afternoon, what would help if we had them within a week and not helpful to have action items that were resolved already.
Jim Preusser	We are trying to get you the information and fulfill the request for information. However, it does take some time to get the information. I understand your point.
Wendy Doromal	In future if we could have response within a week, and certainly before a bargaining session.
Jim Preusser	Depending on what you are requesting it does take some time to get the information. I understand your point.
Wendy Doromal	When a News You Can Use goes out, we have requested to be notified. A News You Can Use was sent yesterday and we were not notified.
Mark Richard	Thanks for sending materials. To Wendy's point, we need to get information on a more timely basis when practical. Some things go back to January. If you believe they are not relevant under Florida Statute 447 which I find hard to believe, we will send on a records request. Let us know if you think it is not relevant.
Jim Preusser	If there is something not relevant to the topic, I will let you know. It's not that I would find the information not relevant to bargaining. I am hopeful we can get you the information you need and address your questions.
Mark Richard	I think we agreed to this last time, most of these subjects today would be impact bargaining. However, School Counselors is a main table issue, but we need it done on an expedited basis. We want to make sure we are not going to have an impasse problem defining topics. I believe we are not holding each other to the strictest of categories.
Jim Preusser	On the response on summer school, we have an existing MOU that includes summer school. The MOU ends June 30. We don't think we need to change the MOU for summer school. The MOU states to revisit the language only if there is a change in CDC guidelines. There are no changes in distance learning for the summer. The MOU of March 18, and the Addendum of April 21 stay intact. We don't believe there is a change in parameters. I would like to hear what you think is different.
Maribel	Current MOU language, STO schools requiring 3 hours of live lessons.
Jim Preusser	Specifically, what about STO schools? In all STO schools? We need more information.
Mark Richard	Then let me turn to School counselors and summer. It is our understanding that they normally get 20 days stretched out over summer. This year they are only getting 7 to 14 days. They have an extensive list of things to accomplish; contacting students once graduated to keep in contact, Bright Futures scholarships, enrolling in summer programs, etc. Come July, they have to enroll students in classes. They cannot accomplish everything during 7 to 14 days. Media specialists and magnet coordinators, don't know how many days they are provided. They also have many things to accomplish.
LeighAnn Blackmore	We can see how many days the schools were provided for extended employment. Schools are able to supplement days, but these particular days are provided by the District. Can you provide the list from the counselors?
Maribel Rigsby	I have received information from the counselors.

Jim Preusser	Please include list along with the questions so we can be in touch with leadership and provide you with answers.
LeighAnn Blackmore	I will look into it.
Wendy Doromal	This is good. Jim, do you have an answer to our revised Reappointment MOU?
Jim Preusser	I will let John Palmerini, our attorney, respond.
John Palmerini	I have taken a look at the MOU. It references passages in Contract that we believe are no longer operative. My advice is that it is pending litigation, and we not agree to this MOU. You are trying to get us to reaffirm language that we believe not to be operative.
Mark Richard	If in fact you believe this is no longer operative, you have the duty to bargain even per Article II. Has the full PERC adopted the ruling so we have a recommended order? I have never known a district to not want to talk about something. I do not see how legally we cannot talk about it.
John Palmerini	CTA filed exceptions, the ruling is current law of the case until PERC says it is not.
Mark Richard	No, once PERC rules it is the law of the case. The ruling itself doesn't preclude us from bargaining. I don't see how it is legally stopping us from bargaining.
Lucia Piva	The revision to the MOU intends to only address this year. Also, the MOU outlines that teacher evaluations be waived. The MOU does not waive any of the parties' rights for future years. District can pursue litigation.
Mark Richard	We heard you. You have a case. But given COVID-19 and now the protests in the streets, I would think that the parties should do something in the moment for this summer. Unprecedented times this summer. We recognize the legal positions, not infringing on it. No one will be compromised by entering into this. I don't understand this blanket no. We can craft language that gives you legal comfort.
John Palmerini	With respect, I get where we are in society, however, last week's events are a stretch to emphasize. The problem is that you all are not litigating this case. Nothing is to stop the union from saying that the District has just reaffirmed the 3.0 language. My advice is for our folks not to do that.
Mark Richard	We lawyers should not get in the business of telling folks how to educate. All we have is great uncertainty. We can draft it in a way so you are not injured. Real life folks need answers. We can figure this out. No go is unacceptable for us. How can we solve the problem?
Wendy Doromal	That is correct
John Palmerini	If we are going to talk about this, then the Purpose section would need to go. The Whereas section speaking to Article VIII and X would have to go. In the Therefore section, number 3 would have to come out.
Jim Preusser	If you want to re-craft something, we would be happy to look at it, but the way it is written now, it is a non-starter.

Mark Richard	Is there a desire on your part, to help solve the issue? Excluding PERC?
Jim Preusser	I need to see the language, and we always will look at things.
Wendy Doromal	We now want to discuss School Psychologists Summer and Mary Grace has specific questions for you. They are returning July 1. What are the safety precautions in place, what would job assignments would look like?
Jim Preusser	Please provide this issue in the list of questions so we can respond.
Mary-Grace Surrena	<p>The MOU expires June 30. Psychologists return July 1.</p> <ol style="list-style-type: none"> 1) Are they returning to buildings? 2) What type of work (assignments) would we be doing for students? <p>We need to know these things so we will know how to craft an MOU in future.</p>
Jim Preusser	Yes, you would be returning to your workplace. We will get a response.
LeighAnn Blackmore	What would your assignments be any other summer?
Mary-Grace Surrena	Individual face-to-face interviews with students. Lots of material. Interviews with parents. We would be across a table, not six feet apart.
Jim Preusser	Add questions to action items.
Wendy Doromal	<p>Topic main concern for us, discussion for school reopening. We know there is a task force the District has set up, top heavy with administration and want to review what we want to consider. CDC guidelines protect students and employees and families they would be going home to and ability to screen at the work site. Widespread and accurate testing is available. Specifically based on CDC recommendations and AFT considerations. That would be again insuring the safety and health, emotional and mental, insure modification for special needs children. That every student will have a device by July. Suspending standardized testing and teacher evaluations. We demanded impact of health, safety and workload. As far as health and safety temperature check and safety supplies, masks, gloves, hand sanitizer dispensers. What physical barriers, hand washing stations, soap in bathrooms and other places. Sanitation of the buildings, a break such as Wednesday, to deep clean. Social distance on busses less students' space in classrooms. Class size have went up how do we achieve smaller classrooms. Restrict large meetings, school passing, will students move or will teachers move. What kind of work will be in place for vulnerable employees and students? Are nurses going to be in every school? Expanding school clinics, limiting visitors, the day and hybrid options, splitting schedule, training, we should be looking at training for safety protocols and distance learning. Look at planning time and schedules and our contract regarding duty free lunch we would have to bargain that. Privacy of employees not using their personal devices, training regarding HIPAA with administrators. Just an initial overview, a short list of things, FEA came out with a press conference, They had Angie Gallo and Johanna Lopez on their task force and had a wide variety specifically for Florida. Like what we have been asking for. There is a lot to this and we have to insure that people are first and foremost protected.</p>

Mark Richard	I underscore what Wendy said. We appreciate your team being here today. None of us have done this before. AFT has spent lots of time listening to health care experts, educational experts, and physical plant logistics and has put together best practices, based on science and medicine. The prerequisite is legitimate partnership and a voice in the development of plans. We need partnership in the creation. We understand who gets to make the final decision, but I went through your PowerPoint and we don't know where we fit in with the decision. OCCTA is the voice of our teaching professionals. Officially, legally and professionally, we have the right to be on the ground floor, to have a voice, to have input. The product will not be as good unless we have the input. We don't have an inkling on what the solutions will be this year. Has distance learning worked? What are we going to do for at-risk students? We have psychological challenges, and safety challenges. What to do if students don't comply? What to do if teacher feels at risk? Our perception is that we are on the outside trying to get in the center. We are urging and demanding to be in at the ground floor every day, every minute. We are super diligent. We are frustrated and worried that the machinery is going on and all we get is PowerPoints. We are already behind the curve. Please reconsider this.
Jim Preusser	<p>Thanks for the comments. As I stated in the last bargaining session, these are the points I want to make:</p> <ol style="list-style-type: none"> 1. No decision from the DOE or governor. We don't bargain decisions we bargain the effect of the decision. We know that the union has the right to bargain the effects or impact. 2. I mentioned in the last bargaining session as well, we do have these work groups. The intent is that this is the think tank. It's not just teachers and administrators. We are not top heavy with administrators. I am one of the chairs. This is brain storming. Wendy had lots of questions and these questions would come up in these work groups. Mark, you are mentioning we are not including the union and in the think tank groups we are. Mandatory subjects of bargaining will of course be negotiated. Give it a chance, it starts tomorrow. Wendy is involved as well. We intend to take information back to the Superintendent, Deputy Superintendent and the Board. This first set of discussions is the ground floor. No decisions being made with this group.
Wendy Doromal	I did ask for a list.
Jim Preusser	I will get it to you today.
Mark Richard	All I am saying is, if you are given only a binary choice, you won't even think of a C and D.
Jim Preusser	No one is constraining the discussion.
Mark Richard	You are. It is already June 3 and we feel that the pressure of the timing of the real world. These sessions are behind the 8-ball and you all had to make a decision. I'm not pointing fingers here.
Jim Preusser	Mark, you are not giving this a chance.

Mark Richard	I just read the PowerPoint, decisions are already made.
Jim Preusser	Please give a chance, you're making an opinion on what you think will happen.
Wendy Doromal	We have to think of the times that committees have not worked. Credo of District, put in committee, have them meet, and behind the scenes make the decision. Just like mental health, and the evaluation process where PDS made their own evaluation system and then you just fling it at us. We do not want this to happen with this. We know teachers working conditions determine student learning conditions. Teachers calling about the uncertainty, it is so stressful, we need to know that the District is going to hear us. We want to bargain the impact, we want to have a voice. We want to be heard.
LeighAnn Blackmore	You were invited.
Jim Preusser	What I said was we bargain the impact, not the decision. When word comes from the state/DOE we will start bargaining the impact. The District understands we have to bargain the impact. I have said it in other bargaining meetings and in emails. In terms of the work group, it has not started and you have your people contributing to the conversation tomorrow. You need to give it an opportunity. You are jumping the gun. We need to go through the process.
Wendy Doromal	There is some confusion in the News You Can Use. We need to respect teachers and they are stressed. Florida is 47th in nation in salaries. Teachers lost 2 nd and 3 rd job with this virus. Their spouses lost jobs and have no unemployment. Our teachers are in peril. We want to make sure that everything is considered. I am glad to hear you say it will be considered.
Jim Preusser	We don't bargain decisions, we bargain the effects of decisions. Some of the things you mentioned will be impact bargaining. If you will submit those questions and issues we can look at this.
Wendy Doromal	What is the District doing to push the state to a decision? You are about to lose your workforce and we need to push the state to make decisions. Has there been any discussions regarding contacting the state?
Jim Preusser	I don't know specifics, I'm not in those discussions but the Superintendent always has the best interests of all. I can ask her, but she is always trying to get info from state and pushes back when appropriate.
Wendy Doromal	Has there been a letter written to speed this up?
Jim Preusser	It's the entire state, but our leaders are always looking out for the best for our employees and students.
Mark Richard	<ol style="list-style-type: none"> 1. On bargaining side: impact and effects (if it falls under this category) we are supposed to bargain ahead of the implication. Effects is not just after the decision. 2. Concerning our Contract and the spirit of this District, the teachers are asking to partner and you only have a bureaucratic answer. <p>Committees are starting tomorrow, but what about this PowerPoint: packets discussed with teachers, partnership with university, recovery, summer school already started. Page 15,</p>

	summer instructional PD, parent support, were we on the ground floor on any of this? We have labor management. School system not a widget factory.
Jim Preusser	With all due respect, don't lecture me. You are talking about PowerPoint packets. We are going to caucus.
Mark Richard	May I finish my point? It appears to us that in this PowerPoint, we had no input. We should have had input. On Page 25, diagram classroom design of 22 stations, social distancing set up of 13 students. It may allow the 6 foot distance. We want to help build the plan, not just react to it. We want to be with the people who build it, who design. If not, you are limiting creativity. This is a high end request, we can't just do a MOU. We have to be together in this pandemic. I know this is not you and that you do want to solve problems.
Jim Preusser	I understand what you are saying. However, the reason I keep referring to effects bargaining, is that the District has a legal duty to discuss the effects. I am sure everyone is pushing for an answer. Until I have more concrete information, how can I bargain an effect before I know the decision? The Superintendent called me specifically about the work groups. I then called Wendy and she and several of her committee members here will be there. I am trying to get you on the ground floor. Give it a chance to get started.
Wendy Doromal	<ol style="list-style-type: none"> 1. There are districts already impact bargaining what reopening will look like. 2. While we appreciate being included, we have reservations due to past committee work. We were burned every time. It was a delay tactic. We want to make sure we get to bargain for teachers, students and community to protect them. There is no reason we can't discuss items we have.
Jim Preusser	I appreciate the conversations. If you get the issues to me I can look at them. Some may very well be impact issues.
Wendy Doromal	I sent you the FEA report, and I sent the AFT report to Superintendent.
Jim Preusser	There were some proposals we gave last time, if there are answers to those proposals we could record them now. The next date for bargaining is June 11. If we need to extend beyond 2 hours, we could do that. And we can schedule additional dates on calendar.
Mark Richard	Is it your understanding that all the issues social distancing, safety, ADA issues, nothing has been decided concerning the reopening of schools?
Jim Preusser	I did not say that, those type of things have been discussed (with other bargaining unit) because we have employees back to work. I will welcome talking with you about that. I will be happy to answer all your concerns.
Wendy Doromal	We didn't bargain that and I have asked about PPE.
Jim Preusser	I do not have any concerns talking about that for employees returning to work on July 1. We can address those things. I can get you answers at the next bargaining session or before on the costs, etc.
Wendy Doromal	It would be beneficial to have people from procurement and budget brought to the bargaining meeting.
LeighAnn Blackmore	Last Thursday, I sent you the CDC guidelines we are following on face coverings.

Wendy Doromal	I am asking if the district is going to buy and provide masks.
Jim Preusser	We are not going to tell employees that they have to come back to work without a mask. Put everything in writing to me so I don't miss anything.
Mark Richard	<p>I have been involved with PPE litigation with other labor management groups, school systems and universities. Early on in one school district when it was clear that a particular bargaining unit returned the best approach when everyone was involved all the time. If all groups were not taken into account, one group might be told something differently. No matter when, all the stakeholders should be there.</p> <p>No discussion is too early. The state is not going to give us specifics on how to reopen. A lot of places, government sectors, weeks ahead of time, have been discussing. We are weeks behind the curve. A linear approach should be reconsidered. It is a dynamic process.</p>
Jim Preusser	I really believe that is the intent of the discussions that begin tomorrow. We will have a multitude of subject area experts including teachers and your members to discuss this. There are four different groups: workforce, operations, safety and curriculum. Please have an open mind to the discussion. I understand your concerns and positions. All of us are thinking the same way. We probably should have had these committees earlier. We have been thinking of these things, employees are already back at work. This is a ground floor think tank. We will be brainstorming. Many things will lend itself to bargaining.
Mark Richard	If gloving and masking decisions were made for other groups, and we were not involved and if same decision is for us, then we were not included. But whatever those are, we thought it would be better to get all the stakeholders together.
Jim Preusser	Those conversations were specific to that unit.
Mark Richard	Are there any non-administrators chairing committee?
Jim Preusser	No. The purpose of the chair is to capture ideas and issues and to report out.
Wendy Doromal	This is not a committee of the CBLT. Just some committee created by the District?
Jim Preusser	It is not a CBLT committee.
Wendy Doromal	It was unilaterally created by the District and only given a certain number of slots.
Jim Preusser	I would call it partnership. I disagree with your position.
Wendy Doromal	No, it was talked about in Board workshop where we could not comment.
Jim Preusser	I think we have talked about this quite a bit, you can believe it was done unilaterally. I think it is a partnership. I disagree with your position. I do not have anything else for today. Please let us know if you think there is something outstanding.

LeighAnn Blackmore	I am going to finish speaking I have one item I received this morning and 2 or 3 items incomplete.
Mark Richard	So we can help you, is there any way this bargaining process can be sped up. I do not know why we are not bargaining 10 or 12 hours in a row.
Jim Preusser	What bargaining is out there, it is clean up language. The language we sent over to you has been sitting out there for 2 years. It is clean up language. It is clean up language pure and simple. We tried to make movement on some things, the District has made movement and if we can't come back to an agreement then we can't.
Wendy Doromal	Some of the things you can't agree on when the survey is clear. We will not be able to do it at the table, we'll just have to go to the media and community to explain.
Jim Preusser	We did make movement in Mental Health to spread out the days. Other proposals are in your court.
Wendy Doromal	Clean up language is not a priority when we have critical concerns.
Jim Preusser	I have records on what has been passed and comments made. I am happy to take a look at your other proposals, but I must have it in advance. I have replied to critical concerns.
Mark Richard	We don't have collaborative bargaining. It's linear. We have a problem about walkthroughs.
Jim Preusser	We gave you a counter. If you don't agree, then you don't. We replied to the walkthrough and you still want to debate it some more.
Mark Richard	Are we at impasse?
Jim Preusser	We are going to end the call now.
Mark Richard	You are ending the call unilaterally. Only method to resolve is to pass paper?
Jim Preusser	What have you been doing?
Mark Richard	Issues: Clean up/economic...
Jim Preusser	We hope to have some numbers for savings and costs.
Doreen Concolino	I will have it to you by end of week.
Jim Preusser	The Governor has not even signed the budget, categorical was things that are savings and your 3 rd point?
Mark Richard	The economics is my question when different methods of bargaining, traditional count with red and the joint problem solve. I am not suggesting we move into that but all I am trying to do, you respect our issues and you respect us all but is there a way we do not put these important issues.

Jim Preusser	If you want to socialize something with me verbally I have no problem with that.
Wendy Doromal	I think what is happening we spend a lot of time preparing our proposals and give in advance and get things from the District last minute.
Jim Preusser	I disagree, we can talk with you about this offline. Mark, we can talk about your concerns. District is always wanting to find solutions. Happy to continue to talk. If CTA wants to send me things to consider before we get to the table, I would be able to think about it. Going to caucus now.
Mark Richard	We will put in a request. Thank you everyone.
Jim Preusser	I am going to caucus and I think we are done for the day.