

## OESPA-CBLT

Tuesday, October 12, 2016

8:30 a – 4:00 p

OESPA Office

~ AGENDA ~

### 1. INTRODUCTIONS & WELCOME

Name/Title/Work Location

### 2. MEANING OF CBLT

- ❖ Collaborative Bargaining Leadership Team

#### GENERAL BARGAINING PROCEDURES

- ❖ Gate Keeper
- ❖ Caucus

#### RELEASE TO BARGAIN COMMUNICATIONS

- ❖ Notice of Release comes from my office
- ❖ Notice sent to you → you provide your supervisor with a copy → supervisor releases you  
Qualifies for Union Leave; none of your leave balances are affected

#### BARGAINING TERMINOLOGY

- ❖ Memorandum of Understanding (MOU)
- ❖ Tentative Agreement (TA)

#### ESTABLISHING GUIDELINES/GROUND RULES FOR BARGAINING

#### COMMITTEES USED BY THE CBLT

- |                                    |                                |
|------------------------------------|--------------------------------|
| ❖ Union Management Meetings (UMMs) | ❖ Finance & Compensation (F&C) |
| ❖ Human Resource (HR)              | ❖ Training & Benefits (T&B)    |
|                                    | ❖ Fringe Benefits (Fringe)     |

### 3. TOPICS FOR THE BARGAINING TABLE FOR 2016-17

Topics

	Presenter
A. Insurance & Benefits 2016-17	District
B. Addendum to Article XV (bonus language for retirees)	Joint
C. Layoff language – Article X, H (possible rewrites)	District
D. Rest Periods & Lunch - Article XIII, B	District
E. Attendance Policy	District
F. Safe Driver Plan	Joint
G. Compensation for 2017-18	Joint
H. Employee concerted activity & prohibition on discussing investigations (Gag Order)	Union
I. Custodial Square Footage – Workloads	Union
J. Paid FMLA	Union

~~ Please Turn Over ~~

K. Transportation Bids	Union
L. Promotions	Union
M. Personal Leave with Pay	Union
N. Additional Compensation Incentives within Transportation	District
1. Combos	
O. Vacancies – Article X, A, 5	District

~~ Lunch ~~  
12:30 – 2:00 p

If we complete this agenda before lunch, we'll do lunch and return to our work place

**OESPA Bargaining  
October 12, 2016  
OESPA Office**

**Minutes**

The following notes represent a summary of the discussions that took place during the OESPA-CBLT on October 12, 2016.

**Intro and General Bargaining Procedures**

- Point of clarification/Information:
  - Ron Pilgrim: is the chief negotiator for the OCSB. Patricia Walker is the lead negotiator for the SBOC and has full authority to settle the OESPA contract. Kenrick Pratt, Chief Negotiator for OESPA expressed a desire to have Ron present at the CBLT meetings.
  - The CBLT is the official body that the Board recognizes. The CBLT is the body that negotiates and settles the terms and conditions of employment on behalf of the Board and the classified work force.
  - The gatekeeper is appointed by the CBLT and is responsible for keeping the speaking order during CBLT meetings.
  - Florina Mitchell (OESPA) will be the gatekeeper, Elizabeth Silva (District) serving as her backup.
  - A caucus is when either party wants to talk over a particular point away from the table. At any location we will have a separate room available for the caucus. When the District calls a caucus we will provide a reasonable expectation of how long the caucus will take. The District requests the same courtesy from OESPA. Kenrick suggested that while caucus is in session, a member of the caucus will provide an update on the progress of the caucus.
  - Notice of Release: OESPA members receive an Outlook invite from Patricia Walker or Donna Williams, the Executive Assistant for Labor Relations. This is the official 'Release to Bargain' notice for OESPA members. When the employee receives this invite, they are to provide a copy of this invite to their supervisor so the supervisor is made aware of the employee's absence from the work place.
  - The 75 days for Union leave, Article V, D, 2, do not include bargaining dates or UMM dates. It's not TDY. The leave for attending bargaining has to be entered by the school secretary or the site based person responsible for recording attendance and payroll. Lindsay will send out directions to all secretaries on how to record this absence.
  - Union leave, referenced in Article V, D, 2, is for meetings called and trainings provided by the union for union members where management is not included. If the union schedules a meeting or a program during the employee's duty day, and the employee elects to attend this meeting, but the union does not request union leave, the employee must charge their leave to one of their leave accounts (Personal or Annual). When requesting to use leave from their leave accounts, approval of this leave request is subject to the guidelines laid out in Article XVII.

- Bargaining terms:
  - A Memorandum of Understanding (MOU) is an agreement regarding a topic and/or procedure on which both the District and OESPA, referred to as 'the parties' agree. An MOU may not include any form of compensation. It has a shelf life, meaning it has an end date either included in the MOU or expires once a new contract is ratified.
  - A Tentative Agreement (TA): an agreement or set of agreements that represent proposals for changes and/or additions and/or deletions to existing language and must be ratified by majority vote of the full, participating classified work force. TAs may include any form of compensation.
  - For both the MOU and the TA, there are 2 original copies, signed by all members present at the time the documents are agreed on.
  
- Ground Rules/Guidelines for Bargaining
  - The gatekeeper maintains the speaking order of the meeting.
  - How do items get on the agenda?
    - a) Union stewards bring forth
    - b) Surveys to members
    - c) Issues that come through UMMs
    - d) Mandatory conditions of bargaining
      - \* When a change occurs to the terms and conditions of employment,
      - \* When the union makes a Demand to Bargain on an issue
      - \* Clarify language
  - Minutes: OESPA wants to sign off on minutes.
  
- What needs to happen in order to 'close a contract'?
  - Most language issues are resolved.
  - Wages have been settled.
  - TA's are folded into a ballot and the ballot is distributed to all classified employees. OESPA membership is not required.
    - a) The contents on the ballot cannot be bifurcated (or split). The entire ballot is either voted up or down.
    - b) It takes about 2 weeks to prepare ballot.
    - c) It takes about 2 weeks to print ballots and get them out to all employees for their vote.
    - d) An explanation of all language changes/additions/deletions has to be included with the ballots.
    - e) OESPA and the District may hold meetings to review and explain the language changes (TAs) on the ballots.
    - f) All classified employees are invited to attend these meetings.
    - g) The District sends out emails to managers clarifying proposed changes to the OESPA contract.
      - \* Ballots are distributed by either the courier or USPS.
      - \* TA's are put on Board agenda for ratification by the Board.
      - \* Security of Ballots is handled by OESPA.
      - \* Ballots counted by all members of the CBLT under the direction of OESPA.



- \* If there are more Yes ballots than No, the contract changes are ratified and changes are made to the contract. If there are more No ballots than Yes ballots, the contract changes fail and no changes are made to the contract.
  - \* The Board is informed of the ratification results at the next Board meeting.
  - \* The results of the counted ballots are usually announced through a joint communication between OESPA and the District.
  - \* The process is started to get raises into employees' paychecks.
- CBLT Committees
    - UMMs: For each job family, we have a committee made up of employees and managers of the particular job family. Issues discussed may come to the CBLT for possible inclusion in the contract. Many issues are resolved at the UMM table. Representatives from the UMM may come to the CBLT meetings to explain the issues in discussion at the UMM level.
    - HR/Finance & Comp and Training and Benefits: Research issues specific to these particular areas.
    - All sub-committees do research on topics assigned to them and their recommendations are to be data driven.
    - Members of the UMMs must be OESPA members, however, members of the sub-committees do not have to be OESPA members.
    - An equal number of representatives from the District and OESPA is required for the CBLT but not necessary for the UMMs or the sub-committees.
    - The Fringe Benefits Committee is a joint committee with an equal number of representatives from CTA, OESPA and the District. This committee makes recommendations to the CBLT on medical insurance.
- Next meetings Dates
    - Insurance will be meeting between now and November 1, 2016.
    - November 1 will be the Fish Fry at Facilities and Maintenance - Magic Way.
    - December 6 we will meet at Wekiva HS and lunch will be provided by culinary students.
    - January 6 we will meet OESPA.
    - February 7 we will meet at Mall of Millennia (tentatively). The backup meeting location will be at the OESPA office.
    - March 7 we will meet at the Pine Hills Transportation compound.
    - April 4 we will meet at Edgewater HS.
- Bargaining Topics to be discussed
    - Insurance and Benefits will be presenting at meeting later this month.
    - We need to do an addendum to Article XV: bonus language for retirees. Last year we gave a bonus for retirees. If the District gives raises after retirees leave their employment with the District, the District has to pay a fine to FRS. The fine is expensive. When we awarded the bonus for retirees, we limited the award to employees retiring by June 30, 2016. There were employees who retired in July. These individuals did NOT receive the raise because they retired after June 30. The CBLT needs an MOU that will clarify the intent of the bonus

for retirees and that the intent was to also include employees who retired in July, 2016. It was not the intent of this body to exclude this group of retirees.

- Layoff language needs clarity. Current language under Article X.H.3 reads:
  3. *The following procedures shall be used in laying off employees:*
    - a. *Employees will be laid off within their position title in the inverse order of their seniority. If employees have the same seniority, the employee to be retained shall be determined by lot.*
    - b. *As soon as an employee is notified of his/her pending layoff, s/he shall notify his/her supervisor and the Employment Services Department if s/he is interested in being assigned to any other position for which s/he is qualified.*
    - c. *Employees identified for layoff shall be placed in vacant positions for which they are qualified. An employee shall be first offered a vacant position at his own school/department and if there are no such vacancies, an offer shall be made for a position in another school/department. Acceptance of a vacant position shall carry no guarantee of the same pay grade, number of hours per day or number of days per year.*

We didn't have any positions for Control Center Operators. These employees were placed in a bus monitor position so they could keep insurance through August 31. Because of the paygrade the employees were coming from and the paygrade of the bus monitor position, some employees lost as much as \$5 per hour. We need to talk through this...

Kenrick requested some sort of advanced notice when this happens. If time permits, we could offer some sort of training program for other vacant positions or evaluate them for different positions.

Currently, OCPS does not have the capacity for the re-training of staff in this situation. We should explore the logistics for how these employees could be re-tooled for other vacant positions.

Unfortunately, we don't know what vacancies we'll have during the time employees are being displaced so re-tooling them inside the short re-assignment window is a challenge. We don't know vacancies until after the freeze is lifted. There is not training program for the higher level positions and the lower level positions, the employee may not want. The District does pay employees during the time they are being trained to become either a bus operator or a bus monitor and these employees were also provide insurance coverage through August 31. As 12 month employees, without this temporary placement, their healthcare would have ended June 30.

The CBLT should continue discussions on this issue and come up with other options. It was agreed this issue should be assigned to HR sub-committee.

- Rest Periods & Lunch: Article XIII.B:
  - B. *Rest Periods and Lunch*



1. *Employees who are scheduled to work at least three and one-half hours per day shall be granted a fifteen-minute paid rest period. Employees who are scheduled to work beyond six hours per day shall be granted an additional, separate paid rest period. The rest period shall be scheduled whenever possible, near the middle of a shift. The Board may vary the scheduling of such rest period(s) when, in its opinion, the demands of work require such variance. The length of the break shall be prorated for employees who are scheduled to work more than eight hours per day.*
2. *No employee shall be scheduled to work more than three consecutive hours without a scheduled break*
3. *Employees who are scheduled to work six or more continuous hours exclusive of the paid rest period shall be scheduled for a non-paid meal break of at least 30 minutes, provided this shall not be applicable to bus operators or monitors who work less than six continuous hours. The meal break shall be scheduled reasonably near the middle of the employee's workday.*

There is some confusion between #1 and #2. The second break is the issue. Employees have had a 2<sup>nd</sup> break with lunch. OESPA says employee's get 15 min break, lunch, 15 min break if work more than 6 hours. They say that #2 doesn't exclude #3. District interpreting that differently. District says that a 7 hour employee takes 15 min break after 3 hours, take lunch and then the work day is over before they can take a 2<sup>nd</sup> 15 min break after 3 hours of work. District wants to make sure the language is clear and we do it correctly. We also have to research Department of Labor rules about breaks and lunch.

- Attendance Policy: 110 drivers per day not coming to work. It's a huge problem. What can we do to make drivers want to come to work, and to realize consequences? Food Service tracks attendance. Send to HR.
- Safe Driver Plan: needs to be updated. We had a committee looking at this, but we need to get back and get it finished. Need to include non-OTETA plan as well. Appendix D and E. We need a Safe Driver committee to refer this to. Mike Barnett Safety Director needs to be on committee.
- Compensation for 2017-18: Won't have any info on budgets until March. OESPA: Employees need a living wage—have dignity of a living wage; Moving to \$10 per hour was a step in the right direction. Send to Finance and Comp.
- Employee concerted activity and prohibition on discussing investigations: Kenrick presented an opinion on a case from Boeing Case from 2015. OESPA wants the statement from ER on letters to be removed that can't discuss case with fellow employees. District will take this case to general counsel for review. OESPA not disputing employee's not talking to students. This is about employee's talking to other employee's about the case. Union stewards are

trained on how to conduct investigations. And, employee cannot retaliate against another employee.

- The discussion included concerns surrounding custodial square footage & workloads; work locations not being fully staffed. Some employee's responsible for cleaning 30K square feet. No way they can clean this much space. It will affect performance. 18K square feet is much more manageable. Kenrick referenced the National Centers for Education Statistics, and stated employees are overworked, not to mention the temp employee's that are brought in to help. Full time employees can't be held responsible for temp employee's work or lack thereof. Custodial managers should be present for this discussion. The CBLT would like to know if we are actually assigning this much square footage, or are we filling all positions that are vacant. We'd also like to look at student population vs square footage. We'd also like to look at retention rate and wages for custodians. We need to have a multi-tiered approach to fixing this. We need to look at the strength test as well; and to talk about event cleaning when a night custodian is pulled away from cleaning his/her assigned area to clean the school after an event.
- Patricia would like to have someone from Risk Management and John Morris, the Chief Facilities Officer, present at our discussions as well.
- Paid FMLA: Kenrick is gathering info from other unions and governmental institutions on what they do. We need to know how many employees actually go on FMLA and how much they leave they take over a 3 year period. Also, how much was paid vs. unpaid. Kenrick is suggesting shared responsibility between the employee and OCPS. Those who participate would contribute a certain amount per pay period and District match. This should be sent to the Fringe Benefits committee for discussion and vetting. Ask David Azzarito and Lori Cook come and give an overview of FMLA. California and Washington have a state-wide, state funded paid FMLA program.
- Transportation Bids: Kenrick would like clarity on how the bid process works, how drivers are removed from routes after they have already bid on them. He would like an expectations of the bidding process and what 'getting the route' means. Steve will bring in routing specialist to explain how routes are designed. For the first 6 weeks, it's really crazy and routes may change a little because of higher student counts. Steve will send over the procedure of bidding routes to OESPA. Also bring routing managers to explain the process to the CBLT. OESPA says this bidding process contributes to bad morale and employees leaving. We will bring in content experts first and then send to committee.
- Promotions: OESPA wants a career path to management. Too many employees only see a ceiling. Too often they apply for management but they aren't selected. A person with a 4 year degree and less experience gets the job and asks the person who didn't get the promotion for help. Patricia said there is an opportunity for partnership here. We have an Emerging Leadership training class. The supervisor recommends employees to the class. Kenrick says we need to make it where the employee can apply for the class and not rely



completely to identify who can go. However, we send an announcement to all classified employees. There is an application process. The employee initiates the process. Patricia: if there is a way we can enhance the email to make sure classified employees understand that it is for them, we will do so. OESPA—How many classified employees who go to ELA, get management positions? --Wants to know how many employees get promoted up to management through their family, i.e.: transportation employees in management positions. How many managers are brought in from outside...is there more in one family group vs. another? Post bio of new manager...so employee's know of work history. OESPA: Years of experience vs degree.

- Personal Leave with pay: OESPA wants to increase the number of paid personal days. Currently it is 6. Need to make sure employees understand that personal leave comes from sick leave.
- Compensation Incentives within Transportation: Patricia proposed some type of compensation for bus operators who drive combo routes. It would work very similar to the program where school based personnel who cover a class for more than 2 ½ hours of student contact time for a teacher that is out. We are looking to do something similar for our drivers who do combos. The District is proposing an additional \$15 for am and \$15 for a pm route. Could make up to \$30 per day. Is it mandatory to take the combo? Or can drivers volunteer for combos? And we are going to check and see if we can MOU now and start paying now?
- Vacancies: Article X.A.5: are paper copies necessary? Need to clean up language. Send to HR committee. We will show how to find vacancies on line at next meeting. Union would like electronic copies of vacancies.

#### 5. Advertisement

- a. *The Board agrees to post individual vacancy notices for Resident Custodians and Crew Leaders; clerical positions at grade 9 and above and all other positions at grade 12 and above at all worksites and in the Employment Services Department for a period of twelve calendar days, excluding paid holidays and periods of district-wide shut down. For the purposed of Article X.A.5., the floating (birthday) holiday shall not be considered as a paid holiday in the calculation.*
- b. *A listing shall be posted weekly at all worksites and in the Employment Services Department of all vacant positions, showing position title, paygrade and work location. A copy shall be sent to the Union. All positions except those in subsections 5.a above shall appear on said list before being filled.*

# OESPA-CBLT MEETING

Tuesday, October 12, 2016

8:30 AM - 4:00 PM

OESPA OFFICE

SIGN-IN SHEET

PIN	NAME	POSITION TITLE	WL NAME	SUPERVISOR NAME	CONTACT PHONE#
8649	Monroe Wilkerson	B.S.T. 1	Northwest Area	M. Loughran	(407) 656-5151
99876	Tony Smyrock	Refrigeration Tech.	Northwest Area	M. Loughran	(407) 656-5151
	Shondel Williams	TSR	East	P. Boyer	
10045	Florina Mitchell	para	Rocklake El.	Robin Brown	407 300 0059
8481	Helen Tyree	School Secretary	Colonial 9th	BETZABETH Bussan	407 580 9399
51436	Claywell Jean-Chandel	TSR	Bonaville East Lake	Pat Boyer	407 796.1538
13726	Noranda Anderson	Sr. Finance Specialist	Major Way	Julia Hamilton	407 403 1046
—	Melissa Pfeiffer-Hermann		OESPA		
	Henrik Pelt		—		
	Patricia Mahler	Admin			



# OESPA-CBLT MEETING

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PIN	NAME	POSITION TITLE	WL NAME	SUPERVISOR NAME	CONTACT PHONE#
8711	Michael Gavid	Sr. Mgr.	HR/ER	Leigh Ann Blackmore	200 2124
92541	Stephanie Heron	Director	Employment Svc.	Ron Pignone	200 2132
98512	Elizabeth Silva	Sr. Mgr	Compensation	Theresa Hester-Miles	*200 2172
	Krista Russell	SR Admin	Labon Melabon	Ron	200-2347
23649	Heimale Williams	Western Crew Leader	Custodian	Ron	407-776 7340.
29316	Julio Vazquez	Cost Control Tech.	Central Support Services	Kevin.	321-905-2403
51436	Clayton M. Jam-Chade	TSR	East de	P. Boyer	407-796-1538
99876	Tony Smyrock	Refit/Installation Technician	NW Maintenance	Mike Longman	407-658-5151
8649	Normand Mikarsin	B.S.T 1	Northwest Area	Mr. Longman	(407) 658-5151
57152	Almeda Jefferson	Sr. Administrator	FNS	Lola Gilbert	2025160

22566 Sunday Bonita Raynel