

CBLT Bargaining Minutes

6/3/20

Virtual: ZOOM

1. CTA Proposed Agenda

- a. Main Table:
 - Counselor summer days
- b. Impact:
 - Non-reappointment
 - School Psychologist summer duties
 - Re-opening of schools

2. District Response

- a. Agreed to proposed topics and provided commentary on Action Items from 5/29/20
- b. A comprehensive response was forwarded to CTA on 6/2/20, and the District believes that most of the requests, dating back to January 2020, have now been fulfilled.
 - CTA has not had a chance to review them but appreciated the documents. In the future, requests are needed in a timelier manner, preferably within a week of the request, or at least a week before bargaining.
 - District understood this point but stated it is not always possible based upon the nature of the request, however they try to fulfill them based upon relevance. They added that many of the documents sent addressed issues already resolved but they wanted to fulfill their obligation.
 - CTA contended that the District's perception of a requested record's "relevance" was immaterial under Sunshine Law.
 - District clarified that their comment related to relevance pertaining to the topics being discussed at the CBLT. They will continue working toward improved communication to avoid assumptions.

3. Main Table Bargaining

- a. Counselor Summer Days
 - CTA wanted to assure that counselors can work 20 summer days, which has been past practice and proposed an MOU on 5/29/20. They added that there is a tremendous amount of work for counselors over the summer such as that related to graduating seniors and then scheduling classes for the next school year. CTA has been told that some schools are drastically cutting counselor hours.
 - District requested a list of counselor summer responsibilities.
 - CTA added that it is also reported that summer hours were being reduced for other members such as media specialists and magnet school coordinators.

4. Impact Bargaining

- a. Current Instructional MOU Discussion
 - District believes there is no need to make modifications to the MOU that expires on 6/30/20 since there has been no new direction from the CDC or FLDOE.
 - CTA relayed that STO schools are requiring three hours of live lessons.
 - District requested more information from schools that may be in violation of the MOU.
- b. Non-reappointment
 - District has reviewed CTA's proposal and maintains that are unable to bargain this MOU due to a pending grievance and litigation and because of the MOU's reference to specific contract language re: evaluations.
 - CTA's attorney asserted that a separability clause can allow the CBLT to bargain this without waiving rights and defenses asserted in the grievance or ULP, and asked if the District simply did not wish to bargain the proposal?

- CTA also reminded the District that the proposal was just for this year and would not infringe on any future legal positions. They are willing to craft additional language that offers the District legal comfort.
 - District stated that the CTA attorneys present at the CBLT are not litigating the open case and this proposal could put the District's legal team in a bind, referencing specific wording.
 - CTA asked if they added language that would give the District protection and confidence would they be willing to work with CTA to problem solve this issue?
 - District agreed to consider.
- c. School Psychologist Summer Duties
- CTA stated that because the MOU's for instructional personnel expire on June 30th, they have questions about the District's directives for school psychologists beginning on July 1st.
 - District stated that they will no longer work remotely and will return to their designated sites.
 - CTA explained that they will need to know school psychologists' assigned duties to prepare a new MOU for the next meeting.
 - District asked what the school psychologists typical duties entail during summer months.
 - CTA responded that their summer work predominantly required face-to-face evaluation work directly with students. If the District did not intend to allow this type of work, CTA would like to know what duties will be assigned?
 - District stated that they understood the question but also wanted it provided in writing.
- d. Re-opening
- CTA understands that we are still waiting for re-opening directives from the state but believe that discussions on extensive topics should begin so that we are not behind when the state decision is made. Example subjects include:
 - CDC guidance and public safety
 - Student success including emotional supports and modifications for students with special needs
 - Accessibility and equity in terms of closing the economic divide. CTA added that they were happy to hear that every student would be provided with a device by July
 - Suspending teacher evaluations and standardized testing for another year
 - Staff reporting locations and times, as well as workloads and lunch times if students cannot go to the cafeteria
 - Safety, such as health screenings, PPE supplies, disinfecting work areas
 - Enforcing social distancing to include busses, class size (stagger/split?), large gatherings (e.g. cafeteria), hallways during passing time
 - Addressing employees and students with at- risk conditions associated with COVID (will there be a nurse in every school?)
 - Limiting visitors
 - Thought-out training, to get a head start for staff, as opposed to the limited time for training when distance learning was initiated
 - HIPPA considerations
 - CTA relayed that FEA held a press conference sharing recommendations from a state task force that included OCPS School Board members Angie Gallo and Johanna Lopez. FEA, as well as AFT, have spent extensive time researching evidence-based suggestions from science and education and have also spoken to healthcare and educational experts to create their publications that outline priorities and recommendations. We have never done this before and should look to their guidance.

- CTA voiced that when they saw District documents, such as the PowerPoint from the School Board Work Session on May 21, 2020, they see that they are in the margins of re-opening planning, instead of on the ground floor, working integrally with District representatives. CTA wants to be partnered with, not consulted.
- Based on prior experiences, CTA relayed that the District has crafted plans, such as the Mental Health curriculum and the evaluation system, without including CTA input, and then the union appeared oppositional when they questioned components.
- District continues to maintain that CTA was invited to participate in the Mental Health planning, but never responded.
- District responded to CTA re-opening concerns by assuring that the work group, organized by the District, is the ground floor brainstorming committee for planning schools' reopening and CTA has been invited to participate with six representatives. All the things that CTA raised as subjects of concern will be addressed by this team and District will supply a list of team members and their titles to CTA today.
- CTA remained skeptical as committees have historically stalled efforts to bargain and wanted verification that this committee is not a CBLT subcommittee.
- The District stated that it is not and hoped that CTA would give the workgroup a chance, reiterating that CTA is coming in at the ground floor of planning. The recommendations from the workgroup will be shared with the Superintendent and School Board.
- CTA added that when the District already created school opening documents it was their opinion that this constrains their thinking and ideas. They also questioned if there were two work groups, as a recent News You Can Use (which CTA did not get copied on) referenced a Think Tank.
- District disagreed about opinions being constrained and responded that all ideas will be welcomed at the Re-Opening Workgroup sessions, with the team reviewing information from various sources, however no decisions would be made at this level.
- CTA sees the workgroup as a diversion tactic. The committee was created by and will be dictated by the District, composed primarily of administrators who also serve as subcommittee chairs.
- District stated that the role of committee chairs is to report out, not dictate. They feel that this group will be a partnership and disagreed with CTA's perspective.
- CTA spoke to the level of stress teachers and families are under, not knowing what to expect when schools are back in session and asked what the District was doing to get answers from the state. We are in a state of crisis, according to CTA, and the District is in danger of losing their work force.
- District understood CTA's position and has the best interest of every single employee in mind. All districts in Florida is experiencing this same thing. District was not certain of the exact actions that were in place for communications with the state but will ask the superintendent.
- CTA has repeatedly demanded to bargain the re-opening of schools and this group will need sufficient time to do so before implementation. They also pointed out that the content of the Board Workshop PowerPoint included items that were not discussed or bargained.
- District stated that they feel like they are being lectured.
- CTA clarified that they know the District tries to work with CTA but wanted our two groups to voice commitment to accept the challenge of problem solving together.
- District stated that it is difficult to bargain effects when no state decisions have been communicated. They are trying to include CTA at the ground floor of planning by involving CTA in workgroups.

- CTA relayed that other districts in our same position have begun bargaining. CTA remained skeptical of District actions due to being burned in the past and asked if any District decisions have been made about re-opening.
- District explained that some measures have been put in place for the employees who have returned to work buildings and will let CTA know about the types of supplies being provided at the next meeting or maybe before.
- CTA cautioned that once the District put measures in place for one group of employees, they will be more inclined to extrapolate those methods to other groups when they return. CTA believes it would have made more sense to have brought all stakeholders in and had safety discussions for all up front to include feedback the District may have considered. CTA respectively voiced that it was their opinion that we are behind.
- District asked CTA to please have an open mind. They maintained that they are thinking about all the things that CTA has mentioned. They would have liked to have started earlier but believed they were progressing as quickly as they could.

5. Final Comments

- a. CTA is extremely frustrated with the way bargaining is dragged out over many sessions and nothing seemed to get accomplished. They feel like it made more sense to just stay at the table for hours until agreements can be reached.
 - District believes that they have made movement on proposals but there were things they simply could not agree to.
 - CTA needs to know if the District is rejecting proposals or willing to offer counter proposals.
 - District believes that they have responded to all proposals, but CTA just does not like their answer.
 - CTA suspects that they will have to go public with unresolved issues if this team cannot settle them at the table and questioned if this group was close to the point of impasse, which no one wanted.
 - CTA added that there are various approaches to bargaining and this group should consider one that is more geared toward joint problem solving as opposed to simply passing language across the table. CTA spends extraordinary time preparing proposals and believes this time could be better spent problem solving in advance to conserve time.
 - District is happy to review proposals in advance and are willing to continue talking about how to improve the bargaining process.
- b. District will provide CTA with information related to costs and savings, during distance learning, by the end of the week.

6. Next CBLT meeting:

- a. June 11th 10:00-12:00 and the District can extend the session beyond 12:00 if necessary
- b. District is open to setting additional dates as soon as possible