

Poway School Employees Association
Board of Directors Meeting
12245 World Trade Drive, Suite H
San Diego, CA 92128
WEBINAR

MINUTES for August 24, 2021

BOARD OF DIRECTORS	
PRESENT	ABSENT
Courtney Martin, President Nancy Brundrett, Vice President Davin Erickson, Secretary Nancy Hall, Treasurer	Phil Benedict, Member At Large Gale Ching, Member At Large Christine Robinson, Member At Large Alberto Felix, Member At Large
OTHERS PRESENT	
Pamela Contreras, Director of Employee Relations Ricardo Ochoa, General Counsel List of other attendees on file in the PSEA office	

BOARD MEETING

QUORUM/CALL TO ORDER **4:48 p.m.** An absence of a quorum was established.

CLOSED SESSION

Nothing to report.

REVIEW & APPROVAL OF MINUTES

- **June 9, 2021 Meeting Minutes** – Review and approval postponed until the next Meeting, due to the absence of a quorum.

OFFICER REPORTS

PRESIDENT'S REPORT

The President reported:

- **Negotiation Updates – Health & Welfare**
 - PSEA will be sending out a survey soon to all Members for their input, thoughts, and preferences regarding Health & Welfare benefits.
 - Article 8 of Unit I & II agreements describes in detail how our current Health & Welfare model is constructed.
 - Current negotiations are focused on the challenges and potential changes to that model, and what is being considered going forward – this will give Members some context when filling out the survey.

Our General Counsel reported:

- **The Current H&W (Health & Welfare) Model:**
 - **District contributes a flat dollar amount per employee for benefits (\$11,168/year in 2021, or \$1,116.80/tenthly).**
 - This amount increases yearly by the arithmetic average of cost increases in the basic plans (Kaiser, Sharp, Scripps).
 - This amount used to be tiered (a 4-hour employee got less than an 8-hour employee) but in 2015 PSEA negotiated to eliminate the tiers.
 - Employees using less than District contribution are paid the rest as “cash-to-warrant” (\$2,500 cap in 2021).
 - Employees who opt-out get “opt-out funds” (\$3,250 in 2021) and the rest (opt-out savings) goes to fund post-retirement benefits.
- **Problems With The Current Model:**
 - **The District contribution is insufficient to insure a family at an affordable cost.**

- Kaiser family costs \$1,964.71/tenthly (approximately \$848/month more than the District contributes).
- Scripps HMO family costs \$2,358.41/tenthly (approximately \$1,241/month more than the District contributes).
- Sharp HMO family costs \$2,580.19/tenthly (approximately \$1,463/month more than the District contributes).
- And that's not even factoring in the cost of family dental insurance, which costs an additional \$214.57/month.
- **The District contributes far more than is needed to post-retirement benefits.**
 - PSEA's post-retirement benefits (OPEB) are generally funded by opt-out savings (the difference between the District contribution and the opt-out funds paid to benefitted employees who opt out).
 - PSEA and the District agree that we need to contribute approximately 1% of unit salaries per year to OPEB to keep it solvent.
 - For 2020, 1% of unit salaries was estimated at approximately \$750K.
 - In 2019, opt-out savings were approximately \$2.5M, more than 3x what is needed to adequately fund OPEB.
- **Past Efforts To Fix The Problem:**
 - **Over the years, PSEA has negotiated for additional "premium supplement" funds to offset the cost of family health premiums.**
 - PSEA has negotiated for approximately \$1.1M/year in additional funds, on top of the District contribution, to offset premiums (\$370K from OPEB and \$745K from the General Fund).
 - Unfortunately, the \$1.1M has not been enough to keep pace with rising health costs.
 - As a result, for the last several years, PSEA has asked the District for additional one-time contributions of premium supplement funds, either by diverting opt-out savings from OPEB or using OPEB funds that have already been set aside.
 - There is no guarantee the District will continue to agree to do so, which could lead to devastating premium increases for families.
- **A Potential New Model:**
 - **PSEA and Management are exploring a potential new model.**
 - **Rather than a fixed dollar amount, we are looking at a cost-sharing model.**
 - Under this possible model, the District would pay 100% of the cost of individual benefits, and 80% of the cost of employee +1 and family benefits.
 - This possible model would keep the current employee out-of-pocket costs roughly the same (in line with recent annual increases), without PSEA having to ask the District for millions of dollars each year.
 - The shift to a cost-sharing model, however, poses a challenge with the concept of participating cash-to-warrant since we would no longer be using a flat dollar contribution.
 - **As part of this new model, we are also exploring the possibility of improving the current OPEB benefits by fixing some discrepancies.**
 - Right now, Unit I Members have to wait until 15 years of service to qualify for OPEB, while Unit II Members qualify after only 10 years.
 - Right now, Unit II Members with 15 years of service get 75% of the District contribution, while Unit I Members get 80%.
 - Right now, the contribution for Unit I Members goes up to 90% at 17 years of service, while Unit II Members stay at 75% until 20 years of service.
 - The District seems willing to fix this discrepancy if we move to this new model but might be unwilling to do so if we don't.
- **Other Issues With The Old Model:**
 - **Prior to 2015, the cost of family health insurance was even more out of reach.**
 - Prior to 2015, the District contribution was tiered:
 - Employees who worked between 6 and 7.75 hours/day received 92% of the District contribution.
 - Employees who worked between 4 and 5.59 hours/day received 73% of the District contribution.
 - By eliminating the tiers, PSEA was able to make the cost of family health insurance more affordable.

- One unintended consequence of this, however, is that a number of employees who previously didn't receive participating "cash-to-warrant" became eligible for these funds.
 - For example, an employee working >6 hours/day who selected Kaiser employee-only would not have received any "cash-to-warrant" under the tiered benefits, but now receives \$250/month in addition to their benefits.
- **PSEA Members receive quite a bit more in opt-out funds than do others.**
 - PSEA Members currently receive \$3,250/year, while PFT and APSM Members receive \$1,250/year.
 - Classified employees in the Chula Vista Elementary School District receive \$1,200/year in opt-out funds.
- **PUSD is the only District we know of that provides participating "cash-to-warrant" – meaning that some employees receive benefits and cash.**
 - The District and School Board have made it clear they believe that H&W funds are meant for providing benefits, not for supplementing income, and they would like to phase this out.
- **Challenges In These Negotiations:**
 - **PSEA faces a number of challenges in the negotiations over a new H&W model:**
 - How to balance the goal of protecting families from exorbitant premium increases with the reality that moving to a cost-sharing model renders "cash-to-warrant" obsolete as a concept?
 - How to find a compromise between the District's goal of phasing out "cash-to-warrant" and our goal of insulating our Members as much as possible from the impact of such a phase out?
 - How to respond to the District's desire to reduce PSEA opt-out funds to be more in line with that of other units and districts?
 - How to handle the fact that, no matter what we do, changes will affect different Members differently, and there's no way to negotiate something that meets everybody's goals and preferences.

The President reported:

- **Final Thoughts**
 - This is not easy, and PSEA is doing everything it can to protect all our Members. We want to know what our Members think by reaching out to them with the upcoming Health & Welfare survey, so we can determine what we can do to act collectively to meet our Members' priorities.
- **Questions, Comments, and Concerns**
 - Be sure to fill out the survey and if you have further questions about the above information, contact our President, Courtney Martin. Its results will be shared with the District.
 - None of this will affect union dues.
 - There is a tremendous burden on the staff who manage open enrollment to have a Health & Welfare model ready each year.
 - OPEB (Other Post-Employment Benefits) is currently funded by opt-out savings. In the proposed new model, we would not receive the same District contributions as before. They are proposing to contribute 1%, but all opt-out savings would go to the general fund.
 - PSEA and the District are both disinterested in eliminating opt-out cash, we just disagree on the amount.
 - If you have consumed all your personal sick leave due to COVID-19, contact PSEA for help.
 - State Public Health Officer Order of August 11, 2021 – the state mandate for public employees to divulge their COVID-19 vaccination status. PSEA met with the District and PFT (Poway Federation of Teachers) last week to discuss concerns regarding this health order, specifically the security and privacy of health information and a guarantee that such collected information cannot be sold. According to the District, there is one manager of the online form per site, and that manager is the only one with authorized access. This health order authorizes the governor to enforce such measures described in the health order, and PSEA must comply.
 - We have verified security of the information via Google forms with Management.
 - PSEA is in the process of researching the logistics of COVID-19 testing required of the unvaccinated, as per the above health order.
 - The individual vaccination survey is to be completed by August 31, with full District compliance by October 15.

- Year-2 Classification Review Update – it is over 3 years delayed and should be on Year 5. The Review was completed by an outside consultant and presented to the Personnel Commission. It is ready to be presented to the School Board. It is currently stalled because the District wants to negotiate the recommendations. Additional job duties have been added to some job classifications without a salary readjustment.
- Next Monday, August 30, is the next Personnel Commission meeting. PSEA recommends all Members to attend Personnel Commission meetings.
- There is a staff shortage – PSEA has been very busy across the District doing what we can to help mitigate this crisis. Support staff in Special Education can expect more communication from PSEA.
- PSEA meets with Management every other week to discuss labor relations: workloads, staffing, and contract rights and how to address them. There is currently a huge workload issue with instructional assistants, custodial staff, office staff, health technicians and other groups. Also, there are plenty of workman’s comp issues (your union representative is essential to have at all employee interactive meetings regarding workman’s comp.)
- PSEA has addressed staff work calendars that do not match contracted calendars and we have also regularly audited many recent payroll issues. PSEA has also been regularly involved in employee evaluations, many of which have turned out to have clear grievances. We have paid close attention to all Board policies that may affect our Members and we are still challenging situations involving out-of-classification work.

VICE PRESIDENT'S REPORT

The Vice President reported:

- PSEA is monitoring and mitigating many ongoing issues regarding the everyday logistics of Instructional Assistants’ jobs. Many IA’s have reported breaks being denied, out-of-classification work, and designated one-on-one IA’s being repurposed to work with multiple students. All of it is a systemic problem. No lunch or break is outright illegal. Some sites are trading breaks for earlier release – talk with your supervisor to see if there is a compromise, as long as it is compliant and legal. Be diligent – take notes, document your start and end times, and email PSEA if there are clear safety issues for children and/or staff. The more you bring attention to these issues, the more they can’t ignore them. Many feel that they are treated like second-class citizens. There is need everywhere in the District – perhaps a transfer might be a logical course of action.

The Director of Employee Relations reported:

- Over the last 12 to 13 months, we have been lenient, but our kindness has been mistaken for weakness. We are very concerned not only about child safety, but also staff safety. There have been many recent workman’s comp claims and a severe staff shortage everywhere. Encourage your coworkers to contact PSEA if they are experiencing any of these concerns. Use our collective voice. PSEA knows that our Members care about kids, but the District takes advantage of us.

TREASURER'S REPORT

The Treasurer's Reports were delivered by The Treasurer.

June Financial Report:

Beginning Balance:	\$206,361.94
Deposits/Credits:	\$44,954.87
Withdrawals/Debits	\$27,706.28
Ending Balance:	\$223,610.53

July Financial Report:

Beginning Balance:	\$223,610.53
Deposits/Credits:	\$39,168.98
Withdrawals/Debits	\$13,576.56
Ending Balance:	\$249,202.95

The President ordered the Treasurer's Reports be filed.

SECRETARY'S REPORT

- Be vigilant. If it feels wrong or like it might be a labor violation, document it and contact PSEA. There may be a collective grievance in there.

PARLIAMENTARIAN'S REPORT

The President reported:

- Currently vacant.

MEMBERS AT LARGE REPORTS

- **Gale Ching:**
Absent. No report.
- **Christine Robinson:**
Absent. No report.
- **Alberto Felix:**
Absent. No report.

GENERAL COUNSEL'S REPORT

The General Counsel reported:

- **Unfair Labor Practices (ULP's):** PSEA is currently exploring a number of Unfair Labor Practices. We are actively keeping an eye out for contract violations, such as the denial of breaks and lunches. Administrators will take advantage of your generosity by denying breaks. It is in your best interest to send a strong message – enforce your rights by taking your breaks.
- **Direct Dealing Charge from December:** ESS aides were not ready to come back to work during the pandemic. They protested to the Board, so the District offered “hero pay”. Making such concessions directly with Union Members, rather than engaging in the normal negotiations process with their Union is called “direct dealing” – an illegal practice that circumvents negotiations by granting unilateral concessions. PSEA reached a resolution without having to raise the concern to a PERB (Public Employment Relations Board) Charge.

DIRECTOR OF EMPLOYEE RELATIONS REPORT

The General Counsel reported:

- **Protected Concerted Activities:** Our General Counsel discussed the legal status of various strikes and other forms of protected concerted activity that Members expressed interest in.

COMMITTEE REPORTS

- **Professional Learning:**
PSEA recently sent out an email announcing the open position of Professional Learning Coordinator. We have received many responses and interviews will be conducted soon.
- **Scholarship Committee Report – Gale Ching:**
Absent. No report.

GENERAL ORDERS

Review and approval postponed until the next Meeting, due to the absence of a quorum.

NEW BUSINESS

None reported.

MEMBER QUESTIONS/COMMENTS

- **ESY (Extended School Year) 2021:** Many Members reported that this year's ESY was total chaos. This included a lack of proper staffing and poor pay. PSEA will address these concerns in our regular SPED Labor Committee meetings.
- **Library Media Technicians' Workload:** Changes in expectations of your workload? Contact Courtney Martin, PSEA President to address the specifics.
- **COVID-19 Concerns:** We keep in mind and address the needs of all our Members with respect to all aspects of COVID-19.
- **Testing Sites:** The District is requiring a specific type of COVID-19 test for those employees who are unvaccinated or decline to state their vaccination status. PSEA will investigate this.
- **Personnel Commission:** PUSD has lost another Director of the Personnel Commission. We are still moving forward with the Classification Review and PSEA will be involved in upcoming interviews.

- **TB (Tuberculosis) Tests:** There is a way to do a virtual test with a District nurse via Zoom.
- **PSEA Site Representatives:** Spread the word to your constituents that SPPL (Supplemental Paid Sick Leave), the extended leave-of-absence provided by the state to cover sickness and/or quarantine due directly to COVID-19, will expire at the end of September.

EVENT CALENDAR

- August 30, 2021 Personnel Commission Meeting
- September 6, 2021 Holiday – Labor Day
- September 9, 2021 School Board Meeting
- September 14, 2021 PSEA Membership & Board Meeting

ADJOURNMENT OF BOARD MEETING 6:54 p.m.

ATTEST:

Davin Erickson, PSEA Secretary

Date: _____

Next Meeting: September 14, 2021