

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

MINUTES for January 11, 2022

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

MEMBERSHIP MEETING

QUORUM/CALL TO ORDER 4:46 p.m. An absence of a quorum was established.

WELCOME & HAPPY NEW YEAR

The President reported:

- **PSEA Officer Elections**
 - The 2022 PSEA Officer Elections have concluded. The Secretary will announce the winners, who have won their seats by acclamation, in further detail later in this meeting.
- **Just for Fun – “Kid President”**
 - Members were presented a video from legendary internet personality “Kid President” regarding New Year’s Resolutions, then invited to make a comment in the chat feature about which piece of his advice they found most inspirational.
- **PSEA Gear**
 - We have all-new PSEA-themed masks, lanyards, and pins at the PSEA Office! E-mail our Office Manager, Karen Burns, at karenburns@powaysea.org or stop by the office if you would like to pick up some PSEA gear.
- **Guest Speaker**
 - Our intended guest speaker was to be Rebecca Lee, our newly appointed PUSD Personnel Commission Director, who could not join us tonight due to a scheduling conflict. She comes to us from San Diego Unified and started in this position in December 2021. With a Director in place, we can now move forward with the Classification Reviews. For more information about the Classification Review Cycle, please visit the PUSD website using the following link:
<https://www.powayusd.com/Departments/Personnel-Support-Services/Employment/Classified/Personnel-Commission.aspx>
Here you will find detailed information about the 6-year Cycle. Funding for the Classification Review was secured in our last contract ratification, so it shall continue forward. Year 1 of the Review was completed in 2018; Year 2 was completed in November 2021. We are currently in Year 3, to be completed by the end of the 2021-2022 school year. The Review looks closely at two major factors – **Internal Alignment** and **External Alignment**. *Internal Alignment* studies the specifics of job descriptions, determines whether they need to be updated, and compares them with other jobs within

the same job family. *External Alignment* studies the job descriptions using a consultant brought in by the District who compares the job specifics, such as duties and compensation, with comparable jobs in other school districts.

- **PSEA Negotiation Updates**
 - Our current CBA expires on June 30, 2022. The focus will now be on *successor negotiations*. In this process, PSEA puts forward the Articles of our contracts that we want considered, and both parties' initial proposals are revealed in a public forum (i.e. School Board meeting) – this is called *sunshining*. We put our Articles forward, but the District has not included their sunshine proposals on the January School Board meeting agenda. The District must put forward their sunshine proposals at two School Board meetings which means we will now start negotiations in late March rather than February.
- **COVID-19 Related Updates**
 - PSEA receives daily reports of COVID numbers, District-wide and per site, and these numbers are on the rise (220 students and 50 staff just yesterday). For the latest numbers, see the District's COVID-19 Dashboard on the PUSD website here: <https://www.powayusd.com/en-US/Communications/COVID-19-Updates>
There was a recent San Diego County briefing, outlining the latest COVID-19 standards. PSEA will send out a communication soon with all the relevant links and the latest changes to policy and protocol.
 - At-home test kits should be covered by insurance starting this Saturday (January 15).
 - COVID -19 SPSL (Supplemental Paid Sick Leave) has been extended and applies to classified employees as well as certificated employees. It has been extended through the end of the 2021-2022 school year. There is a form that must be filled out to access this pay; the form also outlines the specifics on how to qualify. SPSL creates a one-time block of 80 hours of additional sick pay per employee to be used only within this current school year and only to be used for qualifying COVID-related illness/quarantine/etc. It is retroactive to the beginning of the school year, so if you used your own sick leave to cover COVID-related absences that may qualify for SPSL, or if you submitted a SPSL form and you were denied, contact PSEA. Governor Newsom's latest budget calls for a renewal of SPSL funds.
 - PSEA is aware of incidents of COVID-19 protocol not being followed at various sites and/or inconsistencies in the protocol's application within the same site. Refer to the **COVID-19 Decision Tree** for clarification: <https://covid-19.sdcoe.net/Portals/covid-19/Documents/Health%20Practices/COVID-19-Decision-Tree.pdf?updated=011222>
This flow chart represents the current California laws and Cal OSHA standards governing the handling of COVID-19. If these standards are not being followed, discuss the details of what you feel isn't being followed with your immediate supervisor. If you feel protocols still aren't being followed, there may be a violation that can be mitigated through a Cal OSHA complaint, filed by either an individual or by PSEA. If you feel that you may have a legitimate complaint, what do you need to have ready? Details. Document any relevant communications with superiors, the nature of the potential contact or exposure, vaccination status of those involved, etc.
 - At-home test kits are only being dispensed to students, not staff. However, purchasing your own at-home test kits can be reimbursed by insurance, but this is a very new regulation and PSEA will be looking into the specifics. Everyone can now order test kits online for free.
 - The Supreme Court is currently hearing a case regarding the federal vaccine mandates. No decision yet, so the mandates remain in place.
 - **"Fully vaccinated"** – is that with or without a booster shot? No hard rules exist, only guidance, and there are contradictions among agencies regarding the definition.
 - **"Close contact"** is defined as being within 6 feet of an infected individual for at least 15 minutes.
 - Daily case count e-mails from schools have been suspended, due to the significant rise in daily counts and office staff being overly-burdened. If you are not receiving any information about the positive cases at your own site, contact Pamela Contreras at PSEA.

- ADA (Americans with Disabilities Act) governs workplace accommodations for medical/physical disabilities. Legally mandated workplace accommodations are not the same as industry-specific guidance in the education field. This guidance addresses the issue of employees with high-risk factors with respect to COVID-19, but does not function the same as a medical disability (with documentation) which may qualify an employee to request a legal accommodation. You may have a legal claim with the EEOC (Equal Employment Opportunity Commission) if you have a valid case protected by ADA.
- If COVID-19 is creating a bigger workload for you, talk to us.
- **Personnel Commission**
 - The PUSD Personnel Commission is a three-member panel of commissioners who are responsible for hiring and recruiting. They are a neutral entity that handles discipline appeals of classified employees, as well. One commissioner is appointed by the District, one by PSEA, and one is a joint appointee (approved by both parties). The joint appointee seat is currently open. District Management has taken legal action against the Personnel Commission, claiming that the Commission has violated a September 2021 amendment to the Brown Act, which sets the rules for public access to legislative board meetings. The recent amendment mandates a certification every 30 days as to whether it is safe to continue in-person meetings due to COVID-19. Last fall, the commission went over 30 days without a review, resulting in this legal action. The commission's purpose is to maintain transparency of processes and ensure a merit-based system of decision making.
- **PSEA Officer Election Updates**

The Secretary reported:

 - Two candidates for the PSEA Board of Directors have won their respective elections by acclamation (meaning they were the only applicants to these seats) and will be sworn-in to their new terms at the February 8 PSEA Board meeting. Courtney Martin will continue into the next term as President and Nancy Hall will take on the duties of Parliamentarian. We still have 3 open Member-At-Large positions and a Treasurer position. Are you interested in becoming part of your Union's governing Board or know someone who might be? Talk to a PSEA Board Officer if you would like to be considered for an appointment to a Board seat. We would also love to see Members from Unit II have more representation on our Board!
- **Membership Updates**

The President reported:

 - We enjoyed a successful Fall Membership Drive! Shout-out to our Site Representatives for their efforts in bringing in new Membership. We grew by 84 new Members in the last couple months. We still have a few Site Representative positions at various sites where employees have left the District or transferred to another site – contact PSEA if you are interested. A warm welcome to our two newest Site Reps at Meadowbrook Middle School: **Peggy Verdugo** and **Adriana Gonzalez**.

ADJOURNMENT OF MEMBERSHIP MEETING

6:31 p.m.

***** 10-MINUTE BREAK *****

BOARD MEETING

QUORUM/CALL TO ORDER 6:42 p.m. A quorum was established.

CLOSED SESSION

- Nothing to report.

REVIEW & APPROVAL OF MINUTES

- **December 13, 2021 Meeting Minutes** – *Motioned by:* Nancy Hall; *Second by:* Gale Ching. Unanimously approved.

OFFICER REPORTS

PRESIDENT'S REPORT

The President reported:

- Nothing to report.

VICE PRESIDENT'S REPORT

The Vice President reported:

- Absent.

TREASURER'S REPORT

The Treasurer's Report was delivered by The Treasurer.

Beginning Balance:	\$181,773.94
Deposits/Credits:	\$43,436.09
Withdrawals/Debits	\$17,265.10
Ending Balance:	\$207,944.93

The President ordered the Treasurer's Report be filed.

SECRETARY'S REPORT

The Secretary reported:

- Nothing to report.

PARLIAMENTARIAN'S REPORT

- Currently vacant.

MEMBERS AT LARGE REPORTS

- **Albert Felix:**
Next month will be Alberto's last meeting as a PSEA Board Officer. He sincerely thanks the Board for all their hard work. Keep the fight going!
- **Gale Ching:**
Gale is currently helping with the Scholarship and Catastrophic Leave Committees. Site Reps should look for more information relevant to their on-site bulletin boards, to be dispensed soon.
- **Christine Robinson:**
Nothing to report.

GENERAL COUNSEL'S REPORT

Our General Counsel reported:

- **PERB Charges**
 - A long-standing PERB (Public Employment Relations Board) Charge has finally been settled with the District, pending School Board approval at the January 13th meeting. This charge regards the pay rates of our substitute teachers, who are part of our Union. We negotiated that anyone who subs is to be paid at Step-1 of whichever position they are subbing for. We originally noticed a discrepancy back in August 2019 and filed a charge in September of that year. The resolution includes back pay for subs affected by the underpayment. By our calculation, the collective underpayment over 2.5 years is approximately \$25,000. This resolution will also codify the "classified substitute rule" into our contracts, a rule determining how to pay contracted employees working out-of-classification work on a time sheet. In summary, if an employee's contracted hourly pay rate is between Step-1 and Step-5 of the job that employee is subbing for, pay for the out-of-classification work remains at the employee's current hourly rate. If the employee's current hourly pay rate is less than Step-1 of the job that employee is subbing for, the employee is now paid at Step-1 of the job he or she is subbing for.
 - There is one other pending PERB charge regarding the intimidation of an employee who challenged and spoke out about a medical accommodation.

DIRECTOR OF EMPLOYEE RELATIONS REPORT

The Director of Employee Relations reported:

- Nothing to report.

COMMITTEE REPORTS

- **Professional Learning – Julianne Phillips:**
 - Pro-Growth Day is January 31. About 30 classes and multiple SPED-focused breakout sessions will be offered, as well as our keynote speaker. We are working on getting these offerings uploaded onto the Professional Learning website. It is still pending whether the classes will be in-person or virtual. Many CLC’s are currently running with 2 new ones available this week and 7 more lined up through June. The latest Learning Letter was sent out recently to classified employees via email.

GENERAL ORDERS

- None reported.

NEW BUSINESS

- None reported.

MEMBER QUESTIONS/COMMENTS

- None reported.

EVENT CALENDAR

- | | |
|------------------------|---|
| • January 13, 2022 | School Board Meeting |
| • January 17, 2022 | Holiday – Dr. Martin Luther King Jr.'s Birthday |
| • January 24, 2022 | Personnel Commission Meeting |
| • January 31, 2022 | Non-Student Day – Professional Growth Day |
| • February 8, 2022 | PSEA Board Meeting |
| • February 21–25, 2022 | District Recess – Presidents’ Day |

ADJOURNMENT OF BOARD MEETING 7:01 p.m.

ATTEST:

Davin Erickson, PSEA Secretary

Date: _____

Next Meeting: February 8, 2022