

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

MINUTES for September 14, 2021

BOARD OF DIRECTORS	
PRESENT	ABSENT
Courtney Martin, President Nancy Brundrett, Vice President Davin Erickson, Secretary Nancy Hall, Treasurer Gale Ching, Member At Large Alberto Felix, Member At Large	Christine Robinson, 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	

MEMBERSHIP MEETING

QUORUM/CALL TO ORDER 4:47 p.m. A quorum was established.

HONORING Dianne Kodadek – Classified Employee & Founder of PSEA

The President reported:

- PSEA wishes to honor fellow classified employee Dianne Kodadek, who sadly passed away earlier this week. She was known to so many staff members but was best known as the founder of PSEA – founded nearly 12 years ago. It was Dianne's mission to create a local Union by Members, for Members. She was a rock, a pillar of this Association, a friend, and a mentor. The President invited the Members to honor Dianne with a moment of silence. A GoFundMe account has been set up to support her family, accessible through the following link: <https://www.gofundme.com/f/remembering-dianne-marie>

HEALTH & WELFARE 2022 UPDATES

The President reported:

- **Tentative Agreement:** We now have a tentative MOU (Memorandum of Understanding) with the District, which is subject to ratification by our Members.
- **Survey Results:** 506 Members responded. The results of this survey are essential – your Leadership and Negotiations Team will use this information to move forward. The results will also be shared with Management. Most Members who responded were benefitted employees; fewer than 12 were unbefitted respondents. The President explained the results of the survey in the form of graphical displays of respondents' answers, for example: *who opts-out of benefits, who receives cash-to-warrant, what were Members' thoughts regarding the potential reductions to these monetary allocations, what were Members' thoughts regarding potential salary increases, etc.* The District is interested in reducing/eliminating cash-to-warrant; PSEA's interest is in meeting Members' needs. The survey also allowed for Members' to make general comments; these comments mostly dealt with concerns regarding compensation and wages. Thank you to all Members for your feedback.

TENTATIVE AGREEMENT: HEALTH & WELFARE M.O.U. PLAN YEAR 2022

Our General Counsel reported:

- **The Need for an MOU**
 - Under our current Health & Welfare model, the District contributes a flat dollar amount per employee for benefits (\$11,168 per year in 2021 or \$1,116.80 tenthly).

- That District contribution is not enough to insure dependents at an affordable cost.
- The District contributes far more than is needed to post-retirement benefits, via “opt-out savings.”
- Over the years, PSEA has negotiated MOU’s annually for additional “premium supplement” funds to offset the cost of insuring dependents.
- Both PSEA and Management want to move away from these annual MOU negotiations and toward a new model.
- **The Plan Year 2022 MOU**
 - PSEA secured an additional \$1.4 Million of “premium supplement” for the 2022 Plan Year to help offset premium increases for employees insuring dependents.
 - Management will allocate \$750,000 (the same amount as last year) to the OPEB (Other Post-Employment Benefits) Irrevocable Trust, for the benefit of PSEA retirees.
 - Opt-out cash-to-warrant will remain as-is at \$325 per month (same cap as Plan Year 2021) and the Agreements will be updated to reflect this.
 - The participating cash-to-warrant cap will also remain as-is at \$250 per month for existing employees. New hires will not be eligible for cash-to-warrant starting in 2022.
 - All remaining PSEA-designated funds currently in “Fund 67” (the old account for post-retirement benefit funds) will be transferred to the OPEB Irrevocable Trust. This infusion of roughly \$2 Million will allow the OPEB Irrevocable Trust to grow at a faster rate.
 - PSEA and Management will continue to negotiate over a permanent redesign of our Health and Welfare model (along the lines of the “80/20” model we discussed in our last update and the last PSEA meeting), along with our negotiations over other reopened articles, such as Wages. Both sides commit to reach agreement by March 1, 2022.
- **The Impact of the MOU**
 - Benefitted employees who are insuring dependents are protected against catastrophic benefit increases.
 - Benefitted employees who opt for individual coverage, and those who opt out of coverage, keep their current cash-to-warrant funds.
 - The MOU provides both PSEA and Management the time needed to finish the negotiations on how to best transition to a new Health & Welfare model along the lines of the “80/20” model we have previously described.
 - **Employee Monthly Out-of-Pocket Costs:**

With the MOU

	<i>Employee +1</i>	<i>Employee + Family</i>
<i>Kaiser</i>	\$342	\$532
<i>Scripps</i>	\$382	\$543
<i>Sharp</i>	\$402	\$563

Without the MOU

	<i>Employee +1</i>	<i>Employee + Family</i>
<i>Kaiser</i>	\$406	\$902
<i>Scripps</i>	\$574	\$1,069
<i>Sharp</i>	\$689	\$1,289

With the MOU, families will pay approximately \$25 to \$70 more per month.
 Without the MOU, families will pay approximately \$400 to \$800 more per month.

- **Voting**
 - Voting will take place at the PSEA Office (*12245 World Trade Drive, Suite H*) on the following dates and times:
 - Wednesday, September 15, 12:00 pm – 7:30 pm
 - Thursday, September 16, 7:00 am – 5:30 pm
 - Friday, September 17, 8:00 am – 1:00 pm
 - Only PSEA Members can vote. Any classified employee can join PSEA at the polls and vote that same day.
 - PSEA will also be ensuring that current Members have filled out our updated membership forms.

- Ballots will be counted at 1:30 pm on Friday, September 17 at the PSEA Office.

MEMBER QUESTIONS/COMMENTS

- **Voting:** Any Member can volunteer to help count votes on Friday, September 17. On-site voter registration is acceptable. PSEA encourages all Members to come out and vote – your vote matters! We have a lot of work ahead of us: wages, minimum wage, staffing, etc. Show that we care and that we stand in unity.
- **Cash-to-Warrant:** Ideally, cash-to-warrant could be replaced entirely with comparable wage increases to offset the difference. Although many factors are involved in calculating a Member's particular amount of cash-to-warrant, it is PSEA's calculation that if it were eliminated, it would take, on average, approximately a 7% salary increase to compensate for its loss. PSEA is dedicated to ensuring that no hasty decisions are made without reviewing the financial impact to all Members affected.
- **Year-2 Classification Review:** Those affected received an e-mail from James Jimenez that the Review would likely be completed in October. Information regarding the Classification Review can be found under the Personnel Commission section of the District website. The Year-1 Classification Review is done, we are now on Year-2, although it should be on Year-5.
- **3-and-3 Employees:** Classified employees who are currently working 3 hours on contract with an additional 3 hours recorded on a time sheet are not affected by the potential changes to Article 8 (Benefits) because they are not benefit-eligible. If you are in this situation and have further questions, please contact PSEA's Director of Employee Relations, Pamela Contreras. Only benefitted employees receive the opt-out or cash-to-warrant funds.
- **Ratification of the MOU:** If the MOU is not ratified, we are back to what we had before – those employees with dependents will pay \$50 to \$300 more per month; those insuring a family will pay \$400 to \$600 more per month. Money that is in Fund 67 will stay where it is and not move to an irrevocable trust.

ADJOURNMENT OF MEMBERSHIP MEETING

5:44 p.m.

***** 5-MINUTE BREAK *****

BOARD MEETING

QUORUM/CALL TO ORDER 5:51 p.m. A quorum was established.

CLOSED SESSION

Nothing to report.

REVIEW & APPROVAL OF MINUTES

- **June 9, 2021 Meeting Minutes** – Motioned by: Davin Erickson; Second by: Alberto Felix. Unanimously approved.
- **August 24, 2021 Meeting Minutes** – Motioned by: Nancy Brundrett; Second by: Nancy Hall. Unanimously approved.

OFFICER REPORTS

PRESIDENT'S REPORT

The President reported:

- **Professional Learning Coordinator**
 - Our former Professional Learning Coordinator, Tania Rowe, has taken another job out of the District. After fielding many applications, we were faced with a difficult decision. However, PSEA is delighted with our final selection of Julianne Phillips as our new Professional Learning Coordinator. She starts this Friday, September 17. Welcome, Julianne!
- **Public Health Order & SPSL (Supplemental Paid Sick Leave)**
 - PSEA has met with District Management to discuss the logistics of the Health Order, which includes mandatory proof of vaccination or regular COVID testing. We also reaffirmed the security of the Google docs where employees submit their vaccination status.
- **COVID Testing**
 - There are many questions from Classified Employees regarding the logistics of proper

compensation for time, for mileage, and the availability of testing sites. The District is working on having multiple free testing sites available throughout the District.

Our General Counsel reported:

- **COVID Testing: Compensation for Time**
 - The time an employee spends getting tested and getting to the testing site – is it paid? We say yes. Any time your employer requires you to do something for the purpose of your job, it's paid time. There is support for this position in state law.
- **COVID Testing: Reimbursement for Mileage**
 - If you use a District vehicle to do your job functions, yes, you should be reimbursed. But if an employee must use work time to get to and from a testing site, the time is to be compensated. If you must do the testing on your own time, our position is that legally the District must compensate you for 3 hours for "calling you back" to work.
- **SPSL (Supplemental Paid Sick Leave) Status**
 - SB-95 (California Senate Bill No. 95) is in effect through September 30. We've seen many more COVID cases since school started in August. Will there be an extension of this Senate Bill? With the State Legislature currently out of session and the pending recall election, we will have to wait and see. It is always possible that the Legislature could pass something that is retroactive in nature once they resume session in December. The full State Senate Bill can be viewed at the following link:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB95
- **Compliance with Health Order**
 - Full compliance with the Health Order is due by October 15. That means all State employees, such as employees of a School District, must have either their vaccination status on file, or submit to regular weekly COVID testing. If you choose not to disclose your vaccination status, you will be regarded as unvaccinated.
- **Cal-OSHA Temporary Standard**
 - If you are in close contact with someone in the workplace during a high-risk period who has COVID-19, you will be excluded from the workplace – unless prior to exposure, that person was vaccinated or asymptomatic. The employer must then provide testing on paid time.

The President reported:

- **Staffing Shortages**
 - There is an extreme staffing shortage in the District with regard to Instructional Assistants, Extended School Services (ESS), bus drivers, etc. There is also much difficulty in finding substitutes and proper coverage for these shortages. PSEA plans to initiate meeting with impacted groups to discuss solutions. These conversations are already happening in our regular meetings with SPED Labor Relations, where we address not only the staffing and workload concerns, but also how we take care of the existing staff and the related rise in Workman's Comp claims/issues.
- **Wage Discrepancies**
 - Digital Schools has not yet been implemented. This proposed online resource would allow employees to verify and view leave balances and wage information. Some employees are still receiving letters from the District regarding overpayment. If you are experiencing this, contact PSEA – we will help mitigate these situations.
- **Evaluations**
 - We have communicated with HR about how employee evaluations should be done properly, in support of the employee. You are **always** entitled to Union representation at an evaluation meeting.
- **Interactive Accommodation Meetings**
 - Our Director of Employee Relations, Pamela Contreras, has been working through many of these meetings. Again, you are **always** entitled to Union representation in these meeting, whether it involves Workman's Comp or not.
- **Grievance with Management**
 - PSEA is managing one situation involving employees not working within a negotiated calendar, resulting in contract violations and underpayment to affected employees.
- **Membership**
 - PSEA will be launching a Membership Drive in October – back by popular demand!

VICE PRESIDENT'S REPORT

The Vice President reported:

- **Staff Shortages**
 - For those sites that are down several IA's – self-care is ultimately important right now. Take care of yourself. You should not be working for free. The Special Education Department is aware that this is a big issue. Just remember, your hard work is not unrecognized.
- **District COVID Dashboard**
 - The numbers of cases displayed on the District's COVID Dashboard come from the California Department of Public Health (CDPH). They are verified by a third-party organization, but there is a lag in updating the numbers in real time.

TREASURER'S REPORT

The Treasurer's Reports were delivered by The Treasurer.

Beginning Balance:	\$249,202.95
Deposits/Credits:	\$13,450.50
Withdrawals/Debits	\$27,711.98
Ending Balance:	\$234,941.47

The President ordered the Treasurer's Report be filed.

SECRETARY'S REPORT

- All Members are encouraged to get out and vote on the tentative MOU. Make your voice heard. Just to reiterate, voting will take place exclusively at the PSEA Offices, and here are the dates and times again:

- Wednesday, September 15, 12:00 pm – 7:30 pm
- Thursday, September 16, 7:00 am – 5:30 pm
- Friday, September 17, 8:00 am – 1:00 pm

Ballot counting will begin Friday at 1:30 pm.

PARLIAMENTARIAN'S REPORT

- Currently vacant.

MEMBERS AT LARGE REPORTS

- **Gale Ching:**
Gale Ching posted a link in the chat feature with the above dates and times for voting.
- **Alberto Felix:**
Nothing to report.
- **Christine Robinson:**
Absent. No report.

GENERAL COUNSEL'S REPORT

The General Counsel reported:

- **Unfair Labor Practice (ULP):** The District is paying Classified Substitutes incorrectly. We had a meeting with PERB (Public Employment Relations Board) and the District, and it looks like we have an agreement to settle, specifically, the entitled back pay of approximately \$25,000 to make affected subs whole.
- **Direct Dealing:** We have resolved an incident of "direct dealing" where the District bypassed the Union by offering "hero pay" directly to ESS employees during the past winter, where we observed a spike in COVID-19 cases.
- **Accommodation:** There was an incident where the District violated an employee's rights by sharing medical information. A reasonable accommodation was not respected, and this employee was directed not to opine openly on the situation. Now this case has three clear violations: ADA (Americans with Disabilities Act), FEHA (Fair Employment and Housing Act), and ULP (Unfair Labor Practices). We are pursuing these claims with an EEOC (Equal Employment Opportunity Commission) complaint against the District and we helped the employee seek outside counsel.

DIRECTOR OF EMPLOYEE RELATIONS REPORT

The Director of Employee Relations reported:

- **Self-Care:** This year is off to a rough start and PSEA is hearing this loud and clear from every department. We're short-staffed and employees are frustrated. Assert your rights and encourage coworkers to assert theirs regarding proper breaks and lunches.
- **Don't Rush In:** If a superior asks you to write down your account of an incident or if you are asked to have a meeting the same day as an incident, let them know you need to reach out to your Union Representative. If it doesn't feel right, take a step back, and call PSEA.

COMMITTEE REPORTS

- **Professional Learning:**

More info coming soon from our new Professional Learning Coordinator, Julianne Phillips.

GENERAL ORDERS

- **GO2021-09-01:** Approval to purchase equipment to allow in-person and web meeting attendance.
Motioned by: Nancy Hall; Second by: Gale Ching.
Unanimously approved.
- **GO2021-09-02:** Approval to purchase equipment for upgrading computers.
Motioned by: Nancy Hall; Second by: Alberto Felix.
Unanimously approved.

NEW BUSINESS

None reported.

MEMBER QUESTIONS/COMMENTS

- **Staffing and Substitute Shortages:** As discussed earlier, this is weighing heavily on the minds of many Members.
- **School Board Meeting (Today, September 14):** On the agenda – increase sub pay for substitute teachers. Meanwhile, the Classification Review is delayed and the District has hired more directors.
- **Online Voting:** Unfortunately, not for this vote (on the tentative MOU). We have discussed this among PSEA Leadership and the Negotiations Team, but at this time we cannot guarantee online voting security.
- **Contact Tracing:** We have reports of staff not being told about students who may be out due to COVID-19. Questions or concerns? Contact Pamela Contreras. There are lots of new cases across the District daily. A big shout-out to the Classified Employees who are compiling contact tracing information.
- **Voting:** We encourage you to vote in your Union and government elections. Every vote counts!

EVENT CALENDAR

- September 27, 2021 Personnel Commission Meeting
- October 14, 2021 School Board Meeting
- October 19, 2021 PSEA Board Meeting

ADJOURNMENT OF BOARD MEETING 6:45 p.m.

ATTEST:

Davin Erickson, PSEA Secretary

Date: _____

Next Meeting: October 19, 2021