

EEA/4J Bargaining Update

October 15, 2010



Dear Colleagues,

As you now know, Thursday night EEA's Bargaining Team presented a compromise proposal to the District and is awaiting a response. Below is EEA's proposal.

1. No furlough days would be restored this school year.
2. January 3 and March 28, the first days after winter and spring vacation, would be full days of planning instead of 2 hours planning and 5.5 hours professional development each day.
3. The District would pledge not to lay off members during the current school year.

There has been much confusion about the events that led to the District's Tuesday layoff notices. EEA leadership would like to set the record straight.

To begin, it is very unusual to discuss matters of this sort publicly, but we feel that District representatives breached our trust when layoff notices were summarily distributed to 82 licensed employees, not to mention many classified members. The District gave EEA no time to prepare its members for such a shock. This action gave the impression that EEA was to blame and had refused to discuss a solution. This is simply inaccurate.

The tragedy of this disaster was that it was completely unnecessary. The contract called for restoration of five instructional days based on any new sources of money becoming available to the District. The District responded that due to negative forecasts, the federal money that was contractually earmarked would not be available. However, one member of the District's team clearly stated that the District was ready to abide by its agreement, but that it was asking EEA to meet the District half-way in light of the financial reality—an almost verbatim quote. The EEA bargaining team logically took this as a clear signal that 4J was willing to discuss alternatives to "all or nothing." EEA then sent out a newsletter that answered many of the questions members had been asking about the issue. The Bargaining Update honored the agreement that we had with the District regarding confidentiality.

Prior to our second meeting, EEA leadership initiated a conversation with 4J lead negotiators to inform them that EEA was serious about reaching an agreement at the next scheduled meeting. EEA was aware of the nervousness among our members, classified employees, administrators, and 4J families, and did not want to prolong the process. Believing that the District truly wanted to meet in the middle, at our second discussion meeting EEA proposed a compromise position with no lay-offs. The District reiterated its initial position—no restoration of days. By using a small amount of the reserves, we emphasized that putting some of the instructional days back on this year's calendar would benefit students and staff. EEA received no response other than a reiteration of the District's initial position. The District did ask if EEA wanted to enter into formal bargaining, which would have thrown all elements of the contract into play, and the EEA team declined but wanted to continue discussions to get a resolve. EEA's team asked why there was no movement on the District's part in the face of a clear indication at the first meeting that the District would meet us somewhere in the middle. We received no answer.

Not wanting to wait any longer, the next day EEA's bargaining team sent a letter to the superintendent expressing EEA's frustration with the lack of collaboration on the part of the District team. Our answer came one week later in the form of a letter from George Russell to all 4J employees. The superintendent explained, among other things, that the Ed Jobs Bill money that the District received was used to shore up deficits, there was not to be any extra money, and the Board had decided that they would not use any reserve funds to honor its contract with EEA.

On the following Monday, the District contacted EEA to explain that the Board was not going to use reserves, it wanted expedited arbitration to rule on the District's obligation to restore the days, and that it would implement layoffs December 17th if the ruling went against EEA. Later that night, 4J sent an email to EEA President Dayna Mitchell informing her that layoff notices would be distributed the following day. First, one needs to understand that expedited arbitration is done when there is a grievance, and EEA had not filed a grievance, nor was it planning to. EEA gave 4J no signal that we had finished discussions; to the contrary, EEA was planning other proposals for future discussions in light of George's announcement about the Board's intention of not using reserves. Second, historically when layoffs have been necessary, the District has told EEA weeks prior that notices would be going out, and both parties have worked collaboratively to mitigate the shock and intense difficulties layoffs pose for members.

Instead of informing EEA that the District did not intend to do what it had said (to meet us half way) and to work for some sort of collaborative solution, it chose an option unilaterally that we had previously believed was unthinkable—frighten its employees with layoffs to gain an advantage in our discussions. The District gave EEA no time to prepare in any way to help its members deal with what 4J had planned and gave members the impression that EEA was the cause of this draconian measure. EEA truly hopes that the Board decided to go ahead with this action due to a misunderstanding of the information presented to them.

Our latest proposal does not cost the District any money and begins to address the concern EEA hears most often—workload. Most important, this proposal would give EEA members an assurance that at least for this year their jobs are secure, a goal EEA has had all along.

EEA sincerely hopes the District reconsiders this action, accepts our latest offer, and revokes its order to layoff members. Doing so would be a first step in restoring the trust between 4J and its employees.

Respectfully,

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EEA President

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EEA-4J Bargaining Chair

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