

**HCESC RESPONSE TO THE BOARD OF EDUCATION'S
PROPOSALS OF 3/31/10**

2nd Negotiations Session - April 13, 2010

Board: New 3.13 Single School Waiver - With the approval of 75% majority vote of represented unit members in an individual school, the Superintendent may waive articles and/or sections within the negotiated agreement with the exception of:

- *The basic compensation on the salary schedule;
- *Health care or other employee benefits;
- *Access to the grievance procedure and any appeal process or provisions contained in the negotiated agreement;
- *The duration clause of the agreement;
- *The bargaining unit composition
- *an employee's right to representation and
- *Association and employee rights

Neither individual members of the bargaining unit nor the Association may file a grievance with regard to the merits of a waiver granted above.

HCESC response: Under Article I, Section 1.1 - Recognition, HCESC is recognized as the "exclusive public school employee organization for all employees in the unit." The purpose of a union is to represent the employees and enforce the contract. To allow individual employees at individual schools to essentially vote away their rights under the contract, violates the whole concept of joining an organization to collectively protect those rights.

If the Union allowed the Administrator at a single school to convince or coerce individual HCESC unit members to forego their rights, we might as well not have a union at all. We will not agree to dismember the negotiated agreement.

Even in a public charter school, individual employees cannot vote away their rights. In the Education Articles of COMAR, Section 9-108, it states, "the employee organization and the public charter school may mutually agree to negotiate amendments to the existing agreement to address the needs of the particular charter school." Similarly, employees at a HCPS single school cannot "negotiate" an amendment to the negotiated agreement; only their legal representative may do so.

If there is a specific right in the contract that the Administration would want to temporarily disregard, HCESC, as the legal representative of the employees, for the right reasons, might be willing to negotiate a Memorandum of Understanding for a certain practice for a limited amount of time.

Board: New 5.11 Low Performing Schools - The Superintendent's statutory right to transfer employees into or out of low performing schools, schools identified as in (need of) improvement or restructuring, or public charter schools shall not be subject to any procedural

steps or timelines, including those contained in this negotiated agreement.

HCESC response - We recognize the Superintendent's statutory right to transfer employees into and out of the schools mentioned in the proposal, however we cannot agree to a blanket dismissal of the contractual procedures and timelines.

We would consider a Memorandum of Understanding that might, for example, require the Board to give notice to employees in advance of a restructuring or reorganization allowing employees time to voluntarily transfer in advance of the restructuring or reorganization, or other provisions that protect the employment of our bargaining unit.

Board: Add to 7.1 - No new longevity increments will be provided during the 2010-2011 fiscal year.

HCESC response - According to the figures provided by Mr. Staab, providing a longevity increment for those who are entitled would only apply to 27 HCESC employees and result in a cost of \$20,250. In other words, the costs are minimal to the Board and impact is low on students.

Board: Amend 9.4 to eliminate the Traditional Health Insurance Plan

HCESC response - Actual # is 11.4. - We could agree to drop the Traditional plan as it only affects a very small number of HCESC employees, but we have a few questions:

- a. If an employee who is 65 or over is on Medicare with the Traditional plan as their supplemental plan, would they be able to switch to the PPO?**
- b. Can an employee whose spouse reaches the age of 65 and is therefore eligible for Medicare, can the employee pick up a PPO?**

Board - Amend 9.5 - The Board's rate of contribution to the coverage made available under 11.1 is ~~90%~~ 80% of the total premium. The Board's rate of contribution applicable to the coverage made available under 11.4 shall be ~~80% of the total premium for the Traditional Health Insurance Plan and~~ 80% of the total premium for all other provided health and dental insurance plans.

HCESC response - Along with the increase in co-pays and deductibles proposed by the Board, a reduction in the rate of contribution from 90% to 80% is totally unacceptable for several reasons:

- a. 79% of HCESC employees are below the federal poverty level of \$29,326 for a family of four; 46% are below the federal poverty level for a family of two; 26% are below the federal poverty level of \$14, 403 for a family of 1. These figures are at 133% of the federal poverty level and at that level many of our unit members are eligible for food stamps, Medicaid, and CHIPS - the state medical program for children. Having had no wage increases last year and**

possibly this year, a reduction in the Board's contribution to the overall health premiums is essentially a pay cut. It directly reduces the amount of take-home pay of those employees who have health insurance for their families through the Board.

b. Secondly, if the Board continues to propose reductions in salary, in our minds, it will join the ranks of organizations such as Wal-Mart, who insist that they provide health benefits for their employees but in actuality only offer benefits to full-time employees and most Wal-Mart employees are part-time. Those few who are eligible, cannot afford the high premiums. As a result, several states resorted to pushing for laws that require employers to provide health insurance or pay a fine. The reason--the Medicaid rolls in those states have an overwhelmingly number of Wal-Mart employees who cannot afford health insurance.

A stagnant paycheck is a hardship but a reduction in pay for many of our members will result in a hard choice: paying the bills or going to the doctor, and it will push more HCESC employees below the federal poverty line.

Board: Salary - Maintain 2009-2010 salary schedules with no step increment.

HCESC response - Maintain our proposal for step increments for all those eligible in 2010-11.