



# MCS D-MCEA Negotiation Update: July 10, 2014

## MCS D Proposals Strike at the Heart of Collective Bargaining, MCEA Weighs Legal Action in Response to District Obstinacy

STUART FL — After five bargaining sessions, most of the nearly 50 proposals brought to the table by MCEA and MCS D remain unresolved. On May 21, MCS D proposed stripping the Contract of key rights and benefits, including (but unfortunately, not limited to):

1. Eliminating renewal for Annual Contract teachers who receive “Highly Effective” evaluation scores
2. Eliminating sick leave payouts for retiring employees
3. Eliminating the annual option for sick leave payouts
4. Reducing employees’ take-home pay by raising health insurance premiums anywhere from \$500-\$1000 (depending on your plan)
5. Ending retiree health insurance benefits after 5 years
6. Eliminating MCEA’s right to file grievances when it feels an employee has been unjustly terminated
7. Eliminating MCEA’s right to bargain health insurance

Your MCEA Bargaining Team has steadfastly refused to accept any of these changes without justification. MCS D claims it needs another \$2 million in savings before it will even make a proposal on salaries. Until the reports showing the District’s financial position at the end of the fiscal year (which was June 30) are available, there is no way MCEA will be able to make an informed response to any of the District’s proposals that have fiscal implications.

How the District’s proposals to eliminate job security for Annual Contract teachers and eliminate MCEA’s rights to negotiate health insurance plans and to grieve unjust discipline help accomplish its budget goals is unclear. MCEA has made a number of zero-cost proposals to the District to give it the opportunity to show that its bargaining position is really about the budget and not about attacking teacher’s rights, but the District has failed at nearly every opportunity to do so.

For instance, in response to recent concerns that the District may be unjustly moving jobs out of the MCEA Bargaining Unit and thereby robbing the employees performing those jobs of their right to be represented by a union, MCEA made a proposal that it and the District would jointly seek legal clarification on whether similar jobs in the future could lawfully be moved outside of the bargaining unit. It’s a very simple, common sense, zero-cost proposal to resolve an issue early before it gets to a stage where costly litigation is required to settle the matter. But bizarrely, the District dismissed this proposal without even offering a counter, simply claiming a “Management

Right” to move jobs around however it pleases.

This response from the District has been typical of this year’s contract negotiations. Many of MCEA’s proposals have been simply rejected out of hand with little to no reason offered beyond parroting of the “Management Right” excuse. The MCEA Negotiation Team feels that the District is doing a very poor job of showing good faith in negotiations, if it is indeed doing any job at all.

When MCEA requested that MCS D bring a proposal to the bargaining table on evaluation cut scores, it once again refused, claiming a “Management right” to unilaterally determine evaluation cut scores, which in turn determine job security and salaries, as required by Senate Bill 736. While the District may be able to get off using the “Management Right” excuse with some proposals, it won’t work for all of them. Copious amounts of case law prove that MCS D does *not* have a “Management Right” to force MCEA to waive its statutory right to grieve unjust discipline or to negotiate health insurance, for instance, and MCEA’s position is that the District’s refusal to negotiate evaluation cut scores is no less lawful.

It is hard to imagine how the stakes in the current battle between MCEA and MCS D could get any higher: if MCS D prevails in its claims that it does not have to negotiate evaluation cut scores, the results would be devastating for teachers around the state. It would essentially mean that all a District would have to do is raise the bar for achieving an “Effective” rating so high that no teacher could reach it, and it could have the power to fire any teacher it wanted, and would never have to give a raise to its employees again. Sound crazy? It’s not as crazy as you might think: remember, without the “Governor’s Money” this year, teachers would likely not have gotten a raise for the seventh year in a row. MCEA believes the District would like nothing more than to have the unilateral power to determine salaries and job security for every teacher, and we don’t trust them to have that power. If you don’t, come to our next bargaining session, and bring a colleague (or two, or three...). See you there, details are below!

What:	MCS D-MCEA Negotiations — Session Six
When:	July 23, 2014, 11:00 AM
Where:	School Board Meeting Room 500 E Ocean Boulevard, Stuart, FL 34994
Why:	To Stop MCS D’s Rampage Against Your Rights!