

FAQ – Contract Exceptions - Article 1.9

1. What is a contract exception?

A. It is a process that allows professional educators at a site to apply for an exception to the terms and conditions of the PAT/PPS Agreement.

2. Why do we have this process?

A. It provides some flexibility at a site to alter a requirement of the contract to better fit the unique needs of the site. At the same time, it preserves the integrity of the contract language because the exception is temporary (for one school year only), requires a vote of the educators at the site, and typically requires an option consistent with the contract for educators who do not support the exception. Approval by both PAT and PPS is required.

3. Why do we need a contract exception? It has been working fine at our building to just ignore the contract language.

A. PAT and PPS are the parties to the contract. Individual members or administrators cannot negotiate terms or conditions that deviate from the agreement. Unless PAT and PPS both approve an exception to their agreement, the terms and conditions as stated in the contract must be fulfilled. Without an exception, a deviation from the contract language is a violation of the contract which must be grieved, or it may become a negative precedent that could apply to all members across the district.

4. How do we apply for an exception?

A. Submit a Contract Exception Application form. It requires you to identify the contract provision for which you are requesting an exception, why you are requesting it, and what the impact on members is. It also requires a secret ballot vote.

5. My administrator asked me to submit a contract exception. What do I do?

A. This is a PAT process which should be initiated by the members and Reps, not the administration. If your PAT staff is interested in requesting an exception, the Head Rep should then consult with the administrator to make sure they are also on board. Both the Head Rep and the Site Administrator must sign off on the application.

6. Who must vote on a contract exception? And what does it take to pass?

A. All PAT staff at your site should vote. This includes educators in the PAT bargaining unit, whether they are PAT members or not, because they are covered by the contract. At least 75% of the members at the site must vote in favor of the exception before the PAT Advocacy Committee will consider it. **A non-vote counts as a “no” vote.**

7. Our music teacher would like an exception for a “0 period” before the regular school day for the band program. If the exception only impacts him, must the entire staff vote?

A. Yes, all PAT staff at your site should still vote even if the exception only impacts one or a few educators.

7. When are contract exception applications due?

A. Most exceptions deal with some condition of work year, work day or workload. These usually impact schedules or calendar planning for the new school year. Since a change **cannot** be implemented until both PAT and PPS approve, the application must be submitted before those schedules or calendars are set. This means filing in the spring in plenty of time to get additional information, problem solve any issues, and allow the application to work through the process.

The PAT Advocacy Committee set the deadline of August 5, 2020 this year.

8. Help! I just realized our building is not following the contract. Do I have to file a contract exception? What do I do?

A. Contact your UniServ Consultant. This may require a grievance. Remember, there is a 30-work day deadline for filing a grievance once a violation becomes known. Your UniServ Consultant will file one if appropriate or advise you about a contract exception or other action.

9. How does PAT decide whether to grant an exception?

A. The PAT Advocacy Committee reviews each application to make sure the proper process has been followed and the criteria met. It considers the impact on the bargaining unit as a whole and whether granting the exception would undercut an important principle recently established in bargaining. The committee is made up of 9 of your colleagues, approved by the PAT Executive Board. They are selected for their demonstrated advocacy and for their experience (e.g., K-5, K-8, Middle School, High School, programs).