



# bargaining brief

THE OFFICIAL BARGAINING NEWSLETTER FOR PAT MEMBERS

July 6, 2017 Issue #10

## **PAT Bargaining Team**

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## **District Returns to Legal Maneuvers to Force PAT to Eliminate Workload Protections**

If you were here in 2013 before PAT almost went on strike, you will be disappointed to learn that District negotiators are repeating the same aggressive legal strategy to force PAT to abandon protections in our contract. Once again District negotiators are refusing to bargain over certain “permissive” subjects of bargaining\*. This time around, PPS Chief Negotiator Laird Cusack is demanding that our workload language must be removed from the contract because it is “permissive” and the District chooses not to bargain over this topic. PAT disagrees with this legal analysis and may be forced to file another unfair labor practice charge for bad faith bargaining.

## **District Bargainers Object to Class Size / Caseload Limits**

District bargainers also object to class size and caseload limits even though we have been bargaining over these limits for around a year. In an absurd twist, the District’s current proposal includes class size limits, while its bargainers are objecting to PAT proposals that include any limit on class size or case load.

## **Aggressive Tactics Throw Monkey-Wrench into Mediation**

As in 2013, PAT will need to complete a legal analysis of the District’s strategic objections and create alternate bargaining proposals. (For those of you who were here in 2013, this is what forced us to create Student-focused and District-mandated proposals). Because Laird Cusack’s notice was delivered on Friday evening before the Fourth of July holiday, it has been more difficult to complete this work. All of this is happening just prior to our first mediation dates scheduled for Monday and Tuesday (July 10<sup>th</sup> and 11<sup>th</sup>).

## **District may Push to Impose its Contract by September**

The latest aggressive maneuver follows previous District actions withdrawing from interest based bargaining (IBB) and requesting mediation. That is the first of three decision points to move to imposing its contract on PAT members, or to a strike. PAT is dismayed that District negotiators are once again pushing us to the brink.

## **First Meeting of New School Board on Tuesday (07/11/17)**

Laird’s letter was copied to CFO Yousef Awwad, HR Attorney Stephanie Harper and an outside attorney. What is unclear is whether District negotiators are acting with the support and permission of the School Board. The new Board members also assumed their positions on July 1.

\*Oregon law defines three broad subject areas that help guide the collective bargaining process.

**Mandatory Subjects of**

**Bargaining:** Subjects that the employer is required by law to negotiate with their employee group. Mandatory subjects include wages, benefits, workload and certain working conditions

**Permissive Subjects of**

**Bargaining:** Subjects over which the employer is not required to negotiate. Examples of permissive subjects include testing, class size, and curriculum. It's important to note that permissive does not mean prohibited. Employers can bargain and reach agreement on permissive subjects.

**Prohibited Subjects of**

**Bargaining:** Subjects over which the employer is not allowed, by law, to negotiate. For example, age discrimination is an issue that would be illegal and therefore a prohibited subject.

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*“Though the District is objecting to class size and staffing proposals, it remains focused on losing as little ground as possible in the quality of student instruction, while managing the insufficient financial support from the State.”*

*Laird Cusack, PPS Chief Negotiator*

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## **Message from Steve Lancaster, PAT Bargaining Chair**

*Comments given at the 6-8-17 Bargaining Organizer Meeting*



It now seems clear that District leadership foresees a future of continued budget crises, and they want the ability to manage budget shortfalls by laying off educators and mandating that the same or even increasing levels of service be provided by the educators who survive the ax.

Chief Finance Officer Yousef Awwad knows that the single line of Article 5 that requires workloads to be generally comparable to the 2010-2011 school year prevents the District from doing whatever it wants with our workload. Without this single line, we lose a critical hedge of protection against potentially unlimited increased workload demands that can be imposed on us by the District.

District bargainers may start the next school year already imposing changes in our work year and workload. If we submit to their demands now, this will not just be bad for the next two years, it will be the new normal. If the District’s bullying behavior succeeds, we should expect more of the same during the next contract and your Bargaining Team will have no power to resist the inevitable continued erosion of your contractual protections. It is critical that we organize the membership to send a clear message to the School Board: stop these aggressive tactics and settle a fair contract now.