



Bargaining Survey #1 – Information Packet

Below are brief descriptions of the key issues that remain in bargaining. Each issue corresponds to a question on the Bargaining Survey. For more information on any of these issues visit the PAT website under the *Bargaining Briefs* section.

1. Working Without a Contract for 1-½ Years

The PAT contract expired June 30, 2016. Because of the ongoing dysfunction in PPS we have not been able to reach a new agreement with the District. This means that you and your colleagues have been working without a contract for one-and-a-half years now, another sign of the District's disregard for professional educators.

2. Salary Proposal Leaves PPS in Bottom Third of Metro Area

Portland Educators have not received a cost of living increase for two years because we've been working under an expired contract. Other compensation (e.g. extended responsibility pay and hourly rates) that is based on the salary schedule has also been frozen. Currently PAT's base salaries are the lowest in the Metro 14 comparison group. Under the District's salary proposal, we will move slightly up in the Metro 14 rankings and no longer be dead last in the region.

3. Eliminating Maintenance of Insurance Benefits

Currently, the District is required to maintain health insurance and other insurance benefits (e.g. disability, life, dental, vision, prescription drugs) during the term of our contract. The District is proposing to shift this obligation onto the Health and Welfare Trust, which is jointly managed by PPS and the various unions that represent PPS employees. PAT does not believe that we can contractually require the Trust to maintain these benefits, since we collectively bargain with the District, not with the Trust. This proposal is an effort to shift future cost increases onto PAT members. It raises other concerns, like what would happen if the Trust were to disband.

4. Unlimited Snow Make-Up Days With No Additional Pay

PPS wants to include the following new language in our contract: *PPS believes that the Board may close school during an inclement weather day and add days at the end of the year so long as it does not change the number of days teachers are required to work.* Our current contract states that these days are treated as paid administrative leave days. Before last year, PPS has added days to the calendar when we dropped below the number of state-mandated instructional days. PPS agreed to bargain with us last year over snow days, but now the District says it can implement these additional days without bargaining.

5. Adding Two Instructional Days Instead of Funding More Staffing or Workload Relief

Our current contract allows the District to add two additional paid instructional days to the school year. However, the District is required to eliminate those two additional days before it can consider any staffing reductions. For years we have argued that it's essential to fund a better school year before funding a longer one. This summer the District reluctantly agreed to eliminate the two additional days, but only after PAT filed an unfair labor practice. The District wants to restore the two additional instructional days, as well as eliminate workload protections, at the same time they are raising class sizes across the District.

6. Eliminating Workload Protections

The District wants to delete the key sentence in our contract that requires PPS maintain workload comparable to the 2010-11 school year. That year is the workload benchmark in our contract because it was the last year high schools had a 5 of 7 school schedule, and before SPED moved to full inclusion (without adequate supports). This language provides important protections against any future effort by the District to force educators to do more

with less. The District also knows that if it eliminates this language, it no longer needs to abide by previous arbitration awards requiring more staffing at the high schools. In addition, this language is the basis for other workload grievances such as extending the student day in grades 6-8, and increasing workload for special educators, TOSAs, ADs, and elementary specialists.

7. A Safe and Secure Learning Environment

PAT is pushing to improve school climate and create a safe and secure learning environment for both students and staff. Our concrete proposals include restoring a full continuum of special education services; fully funding the Rapid Response Team; developing and funding interventions for students who've threatened or caused harm to students or staff before returning them to class; allowing educators to write referrals for any student under their supervision at any stage of the referral process as well as track the status of their referrals; and continuing the work of school climate teams in every building.

Over the past two years PAT and the District reached several safety and student discipline-related agreements, with the clear goal of providing safe teaching and learning conditions as well as reducing exclusionary discipline for students of color. Unfortunately, the District never fully implemented these interim agreements, which is now the subject of a class-action grievance. Now, the District wants to drop this new language from our contract and they continue to shortchange the required interventions.

8. Improved Class Sizes and Caseloads

This is at the heart of our fight for the schools Portland students deserve. We have advanced bargaining proposals that extend the high school student load and caseload goals established in the 6 of 8 arbitration award to all grade levels and all educators. In addition to establishing student load and caseload goals at all grade levels, we're also proposing additional compensation in cases where the District exceeds these goals. Our hope is that the District will keep student loads below these new goals rather than paying members for overloads. The District originally proposed its own class size caps, but later withdrew that proposal.

Now the District is returning to the 2013-14 playbook that brought us within 24 hours of a strike in our last bargain, using a legal maneuver to object to key PAT proposals like our plan for addressing student load and caseload. The District's strategy is to object to these proposals as "permissive" under the state bargaining law. Permissive subjects of bargaining may be bargained by school districts. They are not prohibited. However, the law allows districts to object to permissive bargaining topics and refuse to bargain over them. These legal maneuvers only add to the confusion around bargaining and they delay progress towards a settlement.

9. More Professional Development Time, Less Time in Staff Meetings

PPS is the only district in the region with a two-hour mandatory staff meeting beyond the regular workday. And although we have a comparable amount of student instruction time vis-à-vis most other districts in the region, we have significantly fewer professional development, planning, or grading days. PAT has made a proposal to improve professional development by eliminating late starts, reducing staff meetings to one hour a week, and increasing the number of professional development days.

10. More Elementary Preparation Time

Elementary educators in PPS have significantly less planning time than many neighboring Districts. For example, elementary educators in our District are only guaranteed 260 minutes per week of personal planning time while Beaverton educators have 675 minutes per week. We're proposing to increase elementary planning time to 300 minutes a week. However, the only way we can do this without significant additional funding is as part of a larger proposal that decreases staff meeting time, adds professional development days, and increases the workday by up to 15 minutes.

11. Restore Early Retirement Benefits to All Educators

In order to avoid a strike during our last bargain, we reluctantly agreed to limit the early retirement benefit to members with 15 years of service in the District as of June 30, 2016. We're pushing to restore this important bridge to Medicare, and provide early retirement insurance and stipends to all current and future PAT members. Under our proposal, savings from the Health and Welfare Trust will be used to offset early retirement costs.

12. Additional Case Management Time and Overload Pay for Special Educators

Over and over we've seen how shortchanging special education creates problems that ripple across entire schools. Classroom teachers struggle with a shortage of support staff, and other resource people like counselors or reading specialists are pulled away from their own cases to help address the most urgent special education needs. PAT has made several proposals to address the acute special education problems, including caseload and student load goals, with overage pay for special education teachers and specialists. We have also proposed increasing case management time and restoring the past practice of paying members to attend an IEP meeting during personal planning time at the end of the workday.

13. Limit the Number of Preps

PAT is proposing that if teachers in grades 6-12 have more than three distinct courses to prepare that they will either have a reduction in student contact time, have an increase in personal planning time, or be paid a stipend per semester for each additional preparation over three.

14. Enforce the 6 of 8 High School Arbitration Award

The power of our workload language was clearly demonstrated when the District shifted to a 6 of 8 schedule. In three separate cases arbitrators ruled that this move was an increase in our workload. But once again PPS has unilaterally decided to ignore these legal precedents, starting the school year with approximately 48 fewer FTE at the high school level than required by multiple arbitration awards. In response, PAT has once again filed an unfair labor practice charge against the District. It is no coincidence that the District has now proposed removing workload protections from our contract.

15. PPS Must Provide Curriculum Materials in the Language of Instruction

Dual language instructors need curricula and materials in the language they're teaching. When the District hasn't provided it they've been forced to fill in the gaps, translating materials as well as instructing their students. This is a workload issue that the District must resolve. But rather than providing immediate workload relief, or accepting our bargaining proposal, the District has denied the problem exists. After dual language instructors demonstrated that many curriculum materials are not translated at all, or are not translated with the same quality or in the same number as for English speakers, the District insisted that the Dual Language Instruction (DLI) Department—the office that has already failed to provide sorely needed resources—will now pick what materials it will translate.

16. Parking, Free of Charge

New buildings are popping up all over Portland, and this expansion has put a real squeeze on available parking in many neighborhoods. The District should provide parking, free of charge, to all educators. Instead, PPS wants educators to shoulder this cost. For example, PPS recently dropped a long-standing practice, and started to make PAT members pay for parking at the Ramona site in the Pearl. This averages \$200-\$300 a month. We are concerned that this problem will expand to other sites, including Lincoln once reconstruction begins.

17. Workload Protections for Extended Responsibilities

Workload protections should cover all our work, including extended responsibilities. PAT has multiple proposals addressing extra responsibilities. One of the most significant is to extend the workload protections to extended responsibilities like TOSA and Athletic Director positions. We also have a proposal to double extended responsibility pay for media specialists assigned to two sites.

18. Approve Unpaid Leave and Part-Time Status Requests

One issue affecting teacher retention is the way PPS handles requests for unpaid leave, as well as requests to go part-time. In recent years, PPS has denied multiple requests from teachers who want to take a semester or more of unpaid leave. The District has also denied many requests to go part-time, particularly after stress leaves, demanding that members return full-time to work or quit. This has led to a number of educators leaving the District. We have proposed that PPS automatically approve the first year of an unpaid leave request, at any point in an educator’s career.

19. Timely, Thorough, and Objective Investigations

We believe that it’s in everyone’s interest for the District to conduct timely, thorough, and objective investigations of personnel complaints—something we’ve spelled out repeatedly in negotiations. In our last bargain, for example, we secured new language requiring the District to conduct prompt investigations, and to provide a reason for putting any educator on administrative leave for more than 10 days. Unfortunately, PPS has repeatedly ignored these requirements and we have multiple grievances demanding the District follow our contract and respect due process instead of sweeping problems under the rug.

20. Protect Due Process Rights

Over the past four years PAT has filed multiple member rights grievances. These include violations of our evaluation procedure, failure to follow the complaint procedure, and failure to respect contract provisions addressing due process and just cause. We also have pushed for procedures and administrative protocols that would ensure timely, thorough, and objective investigations and guarantee due process rights to all members facing termination.

One glaring example of the problems we face is the fact that PPS unilaterally started issuing employment contracts to temporary teachers that stated they could be fired at will with no due process rights, which is in violation of our contract and a violation of state law. We have also pushed to clarify administrative leave procedures in the hopes of eliminating or reducing the length of paid administrative leaves that take members out of the classroom. Finally, we’ve pushed to clarify the District’s complaint procedure, including guaranteeing members the right to representation during investigations.

21. Resolve Outstanding Grievances, Wipe the Slate Clean

Before the ink was dry on our last contract, PPS started unilaterally ignoring key provisions of our collective bargaining agreement. As a result, PAT has filed approximately 100 grievances to uphold the contract. In addition, PAT has proposed bargaining solutions to resolve many of these issues. We are offering to “wipe the slate clean” and resolve most, if not all, of the outstanding grievances connected to key contract provisions. Those include: 1.) Transfer grievances over letters of intent and the handling of mergers and closures; 2.) Workload grievances for 6-8 teachers whose instructional day was lengthened; 3.) Salary placement and advancement grievances for new employees who were promised one salary and then told later they will make several thousand dollars less.