



MTI UPDATE

September 18, 2015

To All MTI Members:

Good news as the school year begins!

Thanks to the hard work of MTI leaders and staff, as well as that of sister unions AFSCME and the Building Trades Council, *Union members will continue to enjoy the rights, benefits, salary schedules – and employment security which fair labor relations systems provide. This includes what is known as “Weingarten Rights” that an employee is entitled to representation by his/her Union in any meeting which could lead to discipline or dismissal* (see reverse of MTI membership card). Because MTI was able to continue these Contract provisions in the Act 10-mandated **Employee Handbook**, employees will enjoy them even after MTI’s five (5) Collective Bargaining Agreements, and those of AFSCME and the Building Trades Council, expire. And, **because MTI is the certified representative for circa 4,700 District employees, members will continue to have access to MTI representation.** Leaders of these Unions worked in concert with District representatives to move Contract provisions into the Employee Handbook, which will replace Contracts on July 1, 2016.

As most are aware, Governor Walker’s Act 10 (2011) eliminated collective bargaining for all public employees, save police and firefighters, on all issues other than base wages. **The Handbook will establish employment policies for each and every District employee.** The Madison Board of Education approved a process which enabled collaboration between MMSD Administration and employee representatives from MTI, AFSCME, and the Building Trades Council to create and recommend to the Board provisions to be included in the Handbook. This group is known as the *Employee Handbook Oversight Group*.

The Oversight Group has been diligently working over the summer to complete the Employee Handbook for the Board’s consideration. MTI’s goal was to have a draft Employee Handbook ready for Board consideration at the start of the school year so as to provide employees advance notice regarding changes created in the development of the Handbook, so that each employee can plan accordingly. For example, younger employees contemplating starting a family will need to consider how maternity and childrearing leave may be impacted by the Handbook. Older employees planning for retirement will need to consider factors relative to that time of life. ***The work of the Oversight Group is now complete and the recommended Handbook, which these parties developed, will be presented to the Board of Education’s Operations Work Group for their discussion on September 21. The Board will act on the Handbook at their regular Board meeting on September 28.***

Of great importance to MTI members is that the Employee Handbook recommendations by the Oversight Group ***continue the vast majority of the terms previously negotiated by MTI*** in the Union’s five Collective Bargaining Units. *For example:*

- *The salary schedules as set forth in MTI’s five Contracts continue;*
- *Planning time as set forth in the Teacher Contract continues;*
- *TERP and access to accrued sick leave to pay insurance premiums after retirement continue;*
- *Sick leave, medical leave and childrearing leave options continue;*
- *Just cause and due process for non-probationary employees continues, as regards non-renewal of Contract;*
- *Just cause and due process protection continues for all employees relative to any kind of discipline or termination;*
- *Seniority rights for surplus and layoff continue.*

Additionally, the parties have agreed to two critical components:

- A ***Grievance Procedure*** which includes access to a *mutually selected* Independent Hearing Examiner to interpret and enforce the terms and conditions of employment which are included in the Handbook. Unlike MTI’s current Contract grievance procedure, the Handbook grievance procedure enables final review by the Board of Education (as is required by Act 10) should either party appeal a decision by the Independent Hearing Examiner. **Of significance is that the Board’s review is limited to the record established in the grievance hearing, and the decision rendered by the Independent Hearing Examiner.**
- An annual ***Handbook Review*** process in which proposed modification of **the Handbook is subject to a joint employer-employee committee for discussion and recommendation** to the Board of Education, similar to the process used to create the Handbook. **The Handbook cannot be modified by any other process.**

Of the grievance procedure, MTI Legal Counsel Lester Pines said:

“I congratulate MTI and its sister Unions of District employees (AFSCME and The Building Trades Council) for achieving an agreement that the Independent Hearing Officer will be mutually selected by the Union and the District (Act 10 would have enabled the Board of Education to unilaterally appoint the Hearing Officer), and that a grievance can be filed regarding extensive provisions included in the Handbook (Act 10 would limit grievances to termination, discipline and issues regarding work-place safety), and further achieving a limit on what the Board can consider should an appeal of the Hearing Officer’s ruling, enabled by the Statute, be made to the Board. That the Unions gained agreement that the Board cannot consider anything other than the evidence, testimony and decision by the Hearing Officer; i.e. the Board cannot consider any new claims, evidence or testimony, ONLY that on which the

Hearing Officer based his/her decision. That provides an exceptional safeguard for District employees. MTI leads the way again.

Act 10 prohibits a Union from negotiating the binding arbitration of grievances. The law provides that every municipal employer, including school districts, must adopt a grievance procedure containing: (1) a written document specifying the process that a grievant and the employer must follow; (2) a hearing before an Independent Hearing Officer; and (3) an appeal process in which the highest level of appeal is to the governing body of the local unit of government (i.e., Board of Education). The law limits the grievance procedure to termination, discipline and issues regarding work-place safety and it enables the employer (Board of Education) to unilaterally select the Independent Hearing Officer. As noted, **MTI** was able to significantly improve the latter two categories to the benefit of Union members.”

While the process to create and modify the Handbook has been different than that by which our Collective Bargaining Agreements were created and modified, **MTI's** experience in working with District management to create the Handbook has been positive, particularly in comparison to that which has occurred elsewhere in Wisconsin under Act 10.

Along with provisions previously set forth in Collective Bargaining Agreements, **the Employee Handbook will also contain District policies and expectations**, some of which have existed for years (e.g. confidentiality, copyright), and some of which are new (e.g., honesty, professional appearance/staff dress code). These subjects were advanced by management appointees to the Oversight group. The employee representatives advocated for revisions in these topics to assure the clarity which employees need and deserve. The Oversight Group also worked to create “common language,” whenever possible, on topics applicable to all District employees (e.g., bereavement leave) to assure that a Food Service worker who loses a wife or partner receives the same amount of paid time off as an Administrator who loses a husband or partner. At times, in order to provide common language for all employees, certain employee groups will realize a reduction in the benefits, while other employee groups will realize an improvement.

The Employee Handbook will also contain a series of Addenda specific to each employee group (Educational Assistants, Supportive Educational Employees, et al.). **Representatives from each Union group worked in solidarity to promote the needs of all Union members.** *While the majority of Contract rights and benefits associated with each employee group continue in the Handbook, others were modified in the process.* For example, teachers will have one (1) less “Voluntary Day” at the beginning of the school year in 2016 and will be required to attend at least one (1) after school event (e.g., Open House). These changes, advanced by management, were agreed upon by the Oversight Group, after months of discussion and debate, in order to forge the best Employee Handbook possible. *While compromises were necessary to reach agreement, the end result is a Handbook that protects those Contract rights that MTI members have consistently advocated as crucial conditions of employment.* And, the annual Handbook Review process will allow **MTI** to advocate for changes needed in the future.

The one item on which the parties were not able to reach consensus is the Superintendent's recommendation that the District consider external and internal candidates simultaneously for vacant support positions (such consideration is already applicable to teacher vacancies). The employee representatives continue to oppose this recommendation since it devalues the service of current employees, reduces opportunities for advancement and, at least for custodial workers, would represent a significant change in their current career ladder progression. On this issue, **MTI** will advocate against the Superintendent's recommendation. **Under Act 10, the Board of Education ultimately has the authority as to whether to adopt all, none, or parts of the recommendations advanced by the Oversight Group.** *However, it is MTI's expectation that the Board will adopt the joint-recommendations of the Oversight Group, which worked diligently to achieve the collaborative recommendation.*

The Oversight Group has worked over the past three months to merge eight (8) Collective Bargaining Agreements, dozens of Human Resources personnel policies, and numerous Board of Education policies into the Employee Handbook which will cover ALL District employees. In addition to the Oversight Group, four (4) joint Union/District Work Groups were created to provide **additional employee** voice on matters such as EEN, planning time and school calendar, human resources and benefits issues, as well as issues affecting substitute teachers. Throughout that process, **MTI's** goal has been to: 1) *develop an Employee Handbook that supports the mission of the District, as well as the employees charged with accomplishing that mission;* and 2) *develop a local process enabling continued Union participation and advocacy in the MMSD, even though the State's current political leaders have done everything possible to marginalize, demean and silence the voice of public employees and their Unions.* We believe these Employee Handbook recommendations, and the collaborative process used to develop the Handbook, provide **MTI** a foundation for that ongoing work.

In the weeks and months ahead, **MTI** will continue to work with District management to explain and orient employees regarding the contents of the Employee Handbook, what is changing, and what is continuing when it becomes effective next July. Watch for future communications and meetings. **Member participation is crucial to the continuing success of MTI in advocating for and representing the needs of its members.**

The Oversight Group's recommended draft of the Employee Handbook is available for review via the **MTI** website www.madisonteachers.org.

The **MTI** Oversight Group appointees include:

- Andrew Waity, MTI President
- Erin Proctor, EA-MTI President
- Kris Schiltz, SEE-MTI Past President
- Mike Lipp, MTI Past President (retired)
- Peg Coyne, MTI Past President (retired)
- Doug Keillor, Assistant Director
- John Matthews, Executive Director