

11 13 2012 PEA Grievance Hearing No. 317

For ADA assistance, contact the Office of Equity and Compliance, 534-0781, at least 3 business days before the meeting.

Call to Meeting to Order

Acceptance of Agenda

Grievance

1. [Grievance No. 317: Advanced Degree Supplements](#)

Attachment: [PEA Grievance #317.pdf](#)

Minutes:

Lee Littlefield, Polk Education Association Representative, reported that teachers receive advanced degree supplement based on contract language. The contract must be amended through mediation and ratification. It does not identify areas of advanced degrees that would not receive a supplement.

In 2011, the Legislature passed Senate Bill 736 which states the salary schedule can't be based on advanced degrees. PEA signed a tentative agreement on December 13, 2011 that states employees hired prior to July 1, 2011 will receive the base pay listed in the schedule. Those hired on or after July 1 will receive a Level 1 Bachelor's pay as the base pay; additional pay for advanced degrees would be paid as a supplement. The District agreed and the agreement was ratified. There is no mention of limiting pay for advanced degrees nor cutting back on who receives the supplements.

The bill states a school board may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advance degree is held in the individual's area of certification and is only a salary supplement.

The question is, does the phrase in the statute 'area certification' mean the title on the certificate.

Mr. O'Reilly asked if the intent is to pay supplements to employees regardless if they are teaching in the area of their degree?

Mr. Littlefield stated universities do not look at the states' list of certification titles. Degrees from outside of the state will not look at Florida's certification codes. He believes the statute was not intended to have an exact match with certificate title. The District has chosen to take a narrow view of the statute language. He asked that the law be interpreted to allow teachers with advanced degrees be paid the supplement, regardless of subject they are currently teaching.

Mr. Harris referenced an example provided by PEA; the employee has a degree in Curriculum and Instruction (a broad description) but their certification is Biology 6-12 and Middle Grades General Science. Since the two titles do not match, there would be no supplement for the advanced degree.

Mrs. Wright noted one example of an employee with Master's Degree in Computer Technology Education but is teaching Math 6-12. There are also degrees in Divinity, Interdisciplinary Studies, and Media Communication.

Mr. Mullenax noted that while the information provided by PEA identifies the area of certification, it does tell us what they are teaching. That is critical information.

Wes Bridges, Attorney for the School Board, clarified that the Statute addresses the area of certification; it does not mention what the teacher is teaching.

Mr. Littlefield stated that PEA is asking the District to interpret the law in a way that gives the employee the biggest advantage as possible. PEA is willing to go back to the table for further discussion with Human Resources.

Don Wilson, Attorney representing the Superintendent, commented that the bottom line is whether the School Board is going to follow the law. Prior to the new statute being passed, if you had a Master's Degree in anything, you received a supplement. In 2011, the Legislation changed the law to say that unless the advanced degree is held in the individual's area of certification and such compensation can only be given as a salary supplement. Ten days after the statute became effective, District staff sent a letter to PEA stating that the Collective Bargaining Agreement needed to be amended in order for the District to comply with the law. The Union refused and it did not get into the Collective Bargaining Agreement. The fact that the School Board and the Union does not agree does not mean that we can ignore the law. Employees listed on the documents provided by PEA signed employment agreements that said ..'all hired on or after July 1, 2011, supplements for advanced degrees shall only be given if the advanced degree is in the individual's area of certification'. It is not a simple issue. There are approximately 200 newly hired teachers with advanced degrees that are not in their areas of certification.

One of the examples named by PEA, is an employee with an advanced degree in Elementary Reading but her certification was Elementary Education. She received an email from Human Resources to apply to the Department Of Education to get an endorsement on her certification for Reading to qualify for the supplement. Each of the employees were notified of the requirement. District staff has indicated to PEA a willingness to work on each case to analyze the degrees to determine who receives a

supplement. A grievance is not the proper process.

He urged the School Board to deny the grievance.

Mr. Littlefield responded PEA is willing to meet with staff to review each individual to match their area of certification to the area they are currently employed to earn the supplement.

Mrs. Fields supports Mr. Wilson's suggestion that PEA and HR meet again to review the list provided by PEA.

Marianne Capozziello, President of Polk Education Association, stated their argument is the District's narrow interpretation of the law.

Motions:

Recommendation to deny Grievance and urge the parties to review the data again. - PASS

Vote Results

Motion: Lori Cunningham

Second: Frank O'Reilly

Lori Cunningham - Aye

Kay Fields - Aye

Tim Harris - Aye

Dick Mullenax - Aye

Frank O'Reilly - Aye

Hazel Sellers - Nay

Debra Wright - Aye

Motion Minutes:

Mr. Harris and Mrs. Wright had concerns on denying the grievance when there are individuals on the list provided that should receive the supplement.

Mrs. Cunningham believes staff and PEA will meet and resolve the issue.

Lois Schuck, Senior Coordinator, Teacher Certification, reported that there are three sections for areas of certification: specialization (elementary), education (professional preparation), and general knowledge (math, early sophomore classes). Someone going from a Temporary certification to the Professional certificate in Curriculum and Instruction, the coursework is education courses; the degree will say Curriculum

and Instruction. If the degree says Curriculum and Instruction with a concentration in Elementary Education or Reading, the employee received the supplement. The supplement follows the information on the actual degree.

Don Wilson reported a process will be created informing teachers how to appeal their denial.

Mr. Littlefield stated if the Grievance is denied, PEA will go forward with arbitration.

Adjournment

Meeting adjourned at 4:19 PM. Minutes were approved and attested this 11th day of December, 2012.

Hazel Sellers, Board Chair

John A. Stewart, Ed.D., Superintendent