

THE SCHOOL BOARD OF ALACHUA COUNTY, FLORIDA
APPROVED MINUTES OF SPECIAL BOARD MEETING
APRIL 14, 2004

The School Board of Alachua County, Florida, met in special session duly called at 4 p.m. in the Boardroom, 620 East University Avenue, Gainesville, Florida. Present were: Barbara J. Sharpe, chairman; Tina Turner Pinkoson, vice-chairman; Jeannine M. Cawthon, Virginia S. Childs and F. Wesley Eubank, members; Sandra H. Hollinger, superintendent; and James F. Lang, attorney for the Board.

The meeting was called to order by Chairman Sharpe.

ADOPTION OF AGENDA Motion by Mrs. Cawthon Seconded by Mrs. Childs

Moved to adopt the agenda for the special meeting of April 14, 2004, as presented.

The question was called.

Upon Vote: Motion passed 5-0

PROPOSED
SETTLEMENT
AGREEMENT

A proposed settlement agreement was presented for consideration and action to resolve a pending administrative proceeding before the Florida Public Employees Relations Commission, captioned Alachua County Education Association vs. The School Board of Alachua County, Florida, Case No. CA-2003-080.

Superintendent Hollinger opened by introducing Mr. Wayne Helsby, attorney for unfair labor practice, and thanking him for coming to the meeting to answer any questions the members of the Board may have.

The Superintendent explained the rationale for her recommendation. In my conversations with Dr. Paulson over the last few weeks, we have spoken honestly and frankly about our differences in our communication style and the need for more positive communication to occur as we work to solve issues of mutual concern.

We have also agreed that the School Board's and ACEA's commitment to the children of Alachua County must be the primary focus of our endeavors in working together. Adult agendas and concerns are important, but not if they have the potential to become a major distraction to our mission to provide the very best educational experience for our children.

You have received several communications from Mr. Helsby, our attorney in the Unfair Labor Practice; our staff attorney, Mr. Robinson, and perhaps also from Mr. Lang, our Board attorney. There

are some differing opinions on the settlement language, which did not make my recommendation an easy one as I have utmost respect for their views.

My recommendation is made on the basis of good faith that ACEA will endeavor to cooperatively engage in positive communication with the Board that facilitates and enhances the mission of our school system—that every child has the opportunity to grow every year in a nurturing classroom with a truly focused, effective teacher to teach them, and to achieve this goal, we must strive for a collegial relationship.

Motion by Mr. Eubank

Seconded by Mrs. Pinkoson

Moved the superintendent's recommendation that the School Board approve the settlement agreement as presented with one change. Page 2, number 1, second to the last line in the sentence, change to, "which envelope shall be held in an appropriate file in the personnel office."

Mrs. Childs noted that she will be voting against this motion but hates to do this as she values the opinion of the superintendent and knows that she is sincere in making her recommendation to the Board.

She has several concerns about the agreement:

- In the first paragraph of the second page, she does not believe there is a need to talk about what the union has a right to do. She feels that it should read, "The School Board believes that the questioning of these employees and subsequent disciplinary actions were appropriate because of the content of the surveys and the concern that certain unprotected activity might occur after distribution of the surveys."
- She likes the change recommended in Item 1 of the second page, which is putting the envelope in the personnel office instead of the office of the staff attorney, but she doesn't believe the reprimands should be rescinded. She believes the behavior was inappropriate and, therefore, the ensuing investigation and reprimands were appropriate.
- In item three of the second page, she does not think the beginning of the sentence, "In recognition that the line between protected and unprotected activities is not always clear, and" is needed. She feels it should read, "In an effort to accommodate the School Board's legitimate concerns of such situations, the parties agree to the following procedure where the School Board believes that communications between the Association and its membership involving collective bargaining or other protected activities may have exceeded the bounds of such

protection. The School Board will contact the Association when an investigation is to be undertaken, and as allowed by law.” Her problem with number three is it has the union telling us how they are going to discipline our employees; she doesn’t think this is appropriate. It also talks about how they are going to do investigations, with which she has no problem. There is no way we should be dictated to by the union as to how staff will investigate issues such as this. She would not restrict them from having an ongoing parallel investigation, but she does not want to see staff restricted in anyway with investigations.

- She is still very concerned with item five. She is glad to hear the superintendent’s comments about talking with Dr. Paulson in good faith and wanting to work toward collegiality. She is concerned that this is going to be portrayed as “we won” by the union rather than “we came to a mutual understanding.”
- She is concerned about number four as she thinks some of our employees engaged in inappropriate activity.

Mr. Eubank does not have the same concern in number three. He does not see anything that prevents the district from doing its own investigation. He feels number four is fairly standard—we are not saying that someone didn’t do anything improper or unlawful—we are saying we don’t admit we did and they don’t admit that they did. He agrees with the superintendent on number five

The Chairman called for a roll call on the motion.

Mrs. Childs	No
Mr. Eubank	Yes
Mrs. Pinkoson	Yes
Mrs. Cawthon	No
Mrs. Sharpe	Yes
The motion passed 3-2	

Responding to Mrs. Childs, Mr. Helsby noted that the agreement now goes to the union and if they don’t agree to it as modified then we don’t have a settlement agreement.

Mrs. Childs asked if the district could start its own investigation before the union concluded its investigation and gave it to the district. Mr. Helsby agreed that, according to his interpretation, there is nothing in number three that would preclude the district from conducting its own investigation, no question about it. If it involved protected activities, it would entail the district giving some notice to the union.

Mrs. Childs asked that Mr. Helsby convey to the union that it is the district’s interpretation were the district to notice the union and the

district had not heard anything from the union within two days, nothing would preclude the district from moving forward with its own investigation.

Mrs. Childs noted that she is very concerned that we are going out on such a limb for good faith and collegiality and hopes that this Board will pay attention to that and expect that from the ACEA as we move forward in negotiations and other activities where we are working for the mutual benefit of this district.

Mr. Eubank noted that he would be highly disappointed if both parties did not adhere to the agreement, including number five. He does not anticipate anyone not following that and would like to give everyone the benefit.

Mrs. Pinkoson reassured her fellow board members that while it is very difficult for her to let some of these behaviors go unpunished, her thought is, hopefully, we are starting with a clean slate and moving forward with a new administration and looking to start things off on a positive note. She is ready to move ahead, and this does not mean this is not still in the back of her mind and those behaviors are condoned. She would jump on it if it happened again, pretty much the same way.

Mr. Helsby informed Superintendent Hollinger that there is a short timeline, as the Public Employees Relations Commission has asked that something be submitted by April 26, and he will communicate this to Mr. Brooks, attorney for the union.

Chairman Sharpe agreed with Mrs. Childs' concerns. However, she feels at some point there is a need to go ahead, hopefully, best for the district to go ahead and try to get this resolved. She believes there are some things you cannot legislate and one is getting along with other people. She feels the Board members might have done what they could to try and take the step to do that but wants to be sure that their hands are not tied if something negative comes out of this. She stated that we as a board have a right to do what is necessary to protect us, too.

ADJOURNMENT

The meeting was adjourned at 4:20 p.m.