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Solidarity!

It is the Song that Doesn't End: WERC Punts Issue of Elementary Art, Music, Phy Ed and REACH Minutes Back to Arbitrator

Continuing the seemingly never-ending cycle of litigation **over the maximum number of minutes of instruction that can be assigned to elementary art, music, physical education and REACH teachers**, the Wisconsin Employment Relations Commission (WERC) has now affirmed Hearing Examiner Stanley Michelstetter's decision to dismiss a complaint filed by MTI over this matter, and *defer a decision on the issue back to a grievance arbitrator*.

On July 13, 2006, Arbitrator Jay Grenig issued an *award ruling that the MMSD was in violation of the long-standing past practice of limiting such teachers to 1,350 minutes of instruction per week*. The arbitrator further *ruled that the 1,350 minute standard could not be changed without "mutual agreement"*.

During negotiations for the 2007-09 MTI Teacher Collective Bargaining Agreement, **the District asserted that it was "repudiating" the practice of limiting the assignment of such teachers to 1,350 minutes and would commence assigning a greater number of minutes**. MTI Executive Director **John Matthews** directed Supt. Rainwater and Wisconsin Association of School Boards' negotiator, Bob Butler, to the terms set forth in Arbitrator Grenig's decision; i.e. *that the arbitration ruling established that the 1,350 minute standard could not be changed without mutual agreement, and the Union would not agree to increase the number*.

During the 2007-08 school year, **the District followed up on its threat and increased the assignments of some teachers beyond 1,350**. In response, *MTI filed a prohibited practice complaint alleging that the MMSD was refusing to honor the arbitration award which confirmed 1,350 as a maximum and that such could not be changed without MTI's concurrence*. WERC Hearing Examiner Stanley Michelstetter dismissed MTI's complaint due to his opinion that the previous arbitration award was not definitive on whether the 1,350 minutes was the sort of practice which could be "repudiated" unilaterally or not. The examiner further suggested that the Union would need to file another grievance in order for an arbitrator to rule on this issue. Hoping to avoid yet another lengthy legal proceeding on this matter, the Union appealed the examiner's decision to the WERC. **The WERC has now affirmed the examiner's decision, which punted the issue back to an arbitrator.**

MTI staff are working with Attorney **Richard Thal** on this matter and will be submitting the matter once again to arbitration. **Meanwhile, elementary art, music, physical education and REACH teachers want reasonable class loads and reasonable class sizes.**

H1N1 Flu Pandemic

As part of the Union's effort to serve the needs of all MTI members, MTI Assistant **Director Eve Degen** has been meeting with District Chief of Staff Steve Hartley, Director of Building Services Doug Pearson, Health Services Coordinator Freddi Adelson, and others since the **H1N1 flu virus** arrived last spring. It is predicted that H1N1 could infect half of the U.S. population this fall and winter, according to a recently-released White House report. Although most flu cases are predicted to be mild, thousands of people could require intensive care.

Varying reports indicate that an **H1N1 vaccination will be available mid-to-late October**. The first wave of vaccinations will be reserved for target groups, especially children, from 6 months to 18 years of age. Others in the target group include pregnant women; those under 25; anyone who is a household contact or care giver for any child under 6 months; anyone under age 65 who has a chronic health condition which makes them more vulnerable to flu; and health care workers.

The District is planning to run their yearly seasonal flu shot clinic beginning October 26. This is a different flu vaccination, and does not displace the H1N1 vaccination. MTI recommends that members discuss their health care needs with regards to flu questions or concerns with their personal physician or health care provider. MTI's negotiated health insurance plans cover the cost of seasonal and H1N1 flu shots.

MTI will continue to meet with the District as the flu season approaches, and will keep MTI members up-to-date via the *MTI Solidarity!* newsletter. Meanwhile, MTI advises members to use every available option to remain healthy.

Next week: *Common Sense Prevention*

"Back to School" Night

Although District management cannot unilaterally extend work hours for teachers, or direct members of MTI's "teacher" bargaining unit to attend **Open House/Back to School Night**, MTI suggests attendance. Participation is good public relations and will likely result in good will with your students' parents. Similarly, teachers cannot be directed to attend any other after school functions, such as PTO/PTA.

EA-MTI General Membership Meeting September 23

Members of MTI's educational assistants' bargaining unit will meet on **Wednesday, September 23, at 4:00 p.m., at MTI headquarters**. EA-MTI members are encouraged to attend the meeting to discuss the new school year and any areas of concern.

I Am a Substitute Teacher How Do I Get Hired Under Contract?

Getting hired as a regular teacher is a common question asked by members of MTI's substitute teachers' bargaining unit. For those interested in employment as a regular teacher, it is important to confirm with the Department of Human Resources that his/her application for a regular teaching position is current and active. A phone call or e-mail to Beth Weber, or to Employment Manager June Glennon can verify this information. MTI staff can also request specific information about an applicant and their standing amongst other applicants with the same licensure. MTI requests this information each semester in order to systematically monitor District hiring practices. MTI won the right to access this detailed information following a 1998 grievance.

The USO-MTI Collective Bargaining Agreement contains specific language regarding "**Hiring as a Regular Teacher**". For those who do not have a Contract, one can be found on MTI's webpage www.madisonteachers.org. Members are referred to Contract Section IV-E. The referenced Contract provision provides that:

"Substitutes who are qualified and available and who apply for a teaching position in the Madison Metropolitan School District, shall be given equal consideration (said consideration shall only be at the application and teacher employment pool levels) among the other applicants. Such consideration shall be based upon certification, qualifications, experience, and District service.

Qualified substitute teachers who: (a) are in the District's active candidate teacher pool (i.e. have successfully completed all screening steps); (b) have been employed in one continuous long-term substitute teacher position of twenty (20) work days or more, or on a temporary contract; and © have been rated in writing by the supervisor of said long-term teacher assignment as highly qualified candidates with maximum points available under the current rating system, shall be given stronger consideration than other external applicants for regular contracted teaching positions. Supervisors are not required to rate candidates."

The most important component of this language is the satisfaction of the criteria for a "**qualified substitute teacher**." These individuals receive stronger consideration than external job candidates. The District provides a ranking form for all substitutes who have worked in an assignment for 20+ days. If a principal ranks a substitute teacher highly in each of those categories, then that information is sent Downtown and the applicant's position in the hiring pool is strengthened.

General tips for improved consideration in the hiring pool include: positive work record; adhering to teacher lesson plans; and leaving good notes for the returning teacher. In addition, there is a much greater chance of being hired into recognized shortage areas such as special education, bilingual, instrumental music, etc.

For assistance regarding your standing in the applicant pool, contact Ken Volante (volantek@madisonteachers.org) at MTI Headquarters.

Coordinating the Union

MTI consists of nearly 5,000 members, in five bargaining units. They are: (1) all professionals employed by the District, whose position is not supervisory/managerial in nature, generally referred to as the "teacher bargaining unit"; (2) educational assistants, special education assistants, and nurse assistants, EA-MTI; (3) substitute teachers, USO-MTI; (4) clerical/technical employees (supportive educational employees), SEE-MTI; and (5) school security assistants, SSA-MTI. Each bargaining unit has its own Bylaws, Board of Directors, Bargaining Committee and Collective Bargaining Agreement.

To discuss how MTI's efforts on behalf of all of its members can be better coordinated and even more effective, the members of all Boards of Directors will meet this evening.

Teachers and Involuntary Transfer

Should the District, based on pupil enrollment, **determine to reduce staff at a given school by involuntarily transferring a teacher due to a "substantial change in the school's enrollment or substantial program change"**, they may do so **within the first 25 days of school**, under the terms and conditions of the Collective Bargaining Agreement, but only in accordance with the terms set forth in Section IV-E of MTI's Teacher Contract.

MTI's Contract provides that such transfer "*shall be the least senior teacher in the grade level (unit, grade or grade combination; e.g. 1-2) and/or department or subject (whichever is appropriate) from which the transfer must be made*". The Contract also provides that "*any teacher so transferred shall, when reasonably possible, be provided **five school days notice of the transfer unless the teacher waives the notice or a portion thereof in writing, and shall be afforded at least two (2) school days in the school to which he/she is transferred to prepare lesson plans prior to assuming the new assignment***".

Calendar of Events/Deadlines

- **Monday, September 14, 4:30 p.m., SCFL**
MTI Board of Directors
- **Monday, September 14, 5:00 p.m., SCFL**
Joint Meeting of Boards of all 5 MTI Bargaining Units
- **Tuesday, September 15, 4:15 p.m., SCFL**
MTI Faculty Representative Council
- **Wednesday, September 23, 4:00 p.m., MTI**
EA-MTI General Meeting

Our Union Makes Us Strong!

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MTI's web page - www.madisonteachers.org
MTI's email - MTI@madisonteachers.org