



821 Williamson Street • Madison, Wisconsin 53703-4503 • Phone (608) 257-0491 • Fax (608) 257-1168

Solidarity!

The Americans With Disabilities Act 2008 Amendments

The federal **Americans with Disabilities Act (ADA)** *prohibits discrimination on the basis of disabilities*. It also requires that reasonable accommodations be provided by employers to enable people with disabilities to participate as fully as possible in their employment environment(s).

In 2008, Congress passed amendments to the Americans with Disabilities Act of 1990, which became effective on January 1, 2009. The new and improved ADA law clarifies and reiterates who is covered under the ADA. The changes were made in response to federal appellate court decisions that continually narrowed ADA protections by imposing ever higher, more onerous standards on employees in meeting the qualification standards under the original ADA.

The revised definition of “*disability*” more broadly encompasses disabilities that substantially limit a major life activity. Congress clarified the definition of a disability to state that, “*an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability*”; and, “*an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.*” The amended language also states that mitigating measures, including assistive devices, auxiliary aids, accommodations, medical therapies, and supplies, (other than eye glasses and contact lenses) have no bearing in determining whether a disability qualifies under the law.

The effect of the 2008 amendments to the Americans with Disabilities Act is to make it easier for an employee seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.

MTI assists many members with ADA issues. If you have questions regarding the ADA, please contact Eve Degen (degene@madisonteachers.org) at MTI Headquarters.

Professional Development Opportunity through *Inside the School*

There is a new and very economical way to receive **Professional Advancement Credits (PAC)** with an online training service thru *Inside the School*. Online courses provide a variety of useful professional development opportunities in Special Education, Classroom Management, Lesson Planning for ELLs, legal issues in IEPs, Financial Literacy and a host of other valuable topics.

MTI's Collective Bargaining Agreement (see Contract Section III-H) has, for many years, enabled **salary schedule advancement by taking professional advancement credits**. These include course offerings approved by the Joint

MTI/MMSD Professional Advancement Credit Committee, as well as course work and individual projects as described in the Contract. **PAC credits can be applied for both vertical and horizontal movement on the salary schedule** (see Contract Sections III-A and III-G).

The unique cost saving aspect of this service is a flat fee for the training so one can do it individually from \$99 to \$199, or organize a group of teachers to defray the cost of the training (e.g., 20 teachers at a \$99 training = \$5 per person).

For more information and to sign up for class offerings visit <http://www.magnapubs.com>. Anyone with questions on this offering, professional advancement credits, academic credits, licensure issues, or general salary placement, contact MTI Assistant Director Ken Volante (volantek@madisonteachers.org) at MTI Headquarters.

Teacher Retirement and TERP Deadline February 15

In order for one to be eligible for the *MTI negotiated Teacher Emeritus Retirement Program (TERP)*, he/she must be a full-time teacher, at least 55 years old, with a combined age (as of August 30 in one's retirement year) and years of service in the District totaling at least 75. (For example, a teacher who is 57 and has eighteen (18) years of service to the MMSD would be eligible: 57 + 18 = 75.) **Teachers who are less than age 55 are eligible if they have worked for the MMSD at least 30 years.** Up to ten (10) *part-time teachers* are enabled to participate in TERP each year provided they have worked full-time within the last ten (10) years and meet the other eligibility criteria referenced above.

Retirement notifications, including completed TERP agreements, are due in the District's Department of Human Resources no later than February 15. Appointments can be made to complete the TERP agreement and discuss insurance options at retirement by calling Sharon Hennessy, MMSD Benefits Manager (663-1795).

MTI was successful in negotiations for the 2009-11 Contract in negotiating a guaranteed continuance of TERP for four years. **Thus, MTI members can be assured that TERP runs through 2013 and not feel pressured into retirement before they are ready.**

MTI Assistant Director **Doug Keillor** is available to provide guidance and/or to provide estimated benefits for TERP, insurance continuation, application of one's Retirement Insurance Account, WRS and Social Security. Call MTI Headquarters (257-0491) to schedule an appointment.

Labor History Required

Given the importance of unions and collective bargaining in Wisconsin’s history, the Legislature recently adopted, and the Governor signed, legislation requiring that these topics be taught in public schools. It is now among the State’s curriculum standards.

Wisconsin’s children should be familiar with the struggles of unions and their working class heroes who led the charge to bring equity and justice to the workplace.

As Oliver Wendell Holmes, Chief Justice of the United States Supreme Court, said “*Labor Unions were organized out of necessity ... that a single employee was helpless in dealing with the employer ... that a union gives workers the opportunity to deal on an equal footing with their employer.*” **With your employer, MTI is that vehicle.**

Many things we now take for granted, like salary schedules, health and dental insurance, worker’s and unemployment compensation, and even workplace safety and worker rights are benefits that have been won by unions.

**Click and Shop Union:
Affirm Your Values for the Holidays**

Union-made goods and services are now available, online, for the public to view and buy. The **Union Label & Service Trades Department of the AFL-CIO web site now features All-Union Gifts.** U.S. consumers will spend \$1 trillion by December 1. Imagine the impact if just a fraction of those dollars goes towards products made by our union brothers and sisters. Current offerings include: clothes, shoes, computers, greeting cards and gift wrap, sports equipment, toys and games. Millions of good family supporting jobs are disappearing from the U.S. economy. You can save money and jobs by clicking on www.ShopUnionMade.org. **Take a stand and make a difference!** Support good jobs by buying union-made goods and services when holiday shopping. **Solidarity!**

**EA-MTI: Transporting Students
Know Your Rights**

Section VI-M of the EA-MTI Collective Bargaining Agreement states that, “**Educational Assistants shall not transport pupils in private cars on school business.**” *This clause was negotiated to protect MTI members’ economic and safety interests.* EAs may not be “asked” or directed by their supervisors to transport pupils in their private vehicles during work hours.

Section VII-I of the EA-MTI Collective Bargaining Agreement enables the transportation of pupils, **only IF MTI and the District agree in advance to such an arrangement.** Because of the possible liability issues to which MTI members would be exposed, the Union usually declines any such proposals made by the District.

**Important Reminder:
WPS Health Insurance Deductible**

In 2004, when MTI and the District negotiated revisions in health insurance available to MTI represented District staff, it was agreed, for cost savings reasons, to have participants directly pay the deductible, rather than having it deducted from one’s wage check. Under the revisions, there is no longer a pre-paid deductible paid through monthly payroll deduction. **Note that the new deductible year begins January 1.**

Participating employees will be advised by WPS, following WPS being billed by the provider, of the amount due to be paid toward the deductible, as well as which provider of service they should pay, until the deductible (\$300/single or \$600/family) is satisfied. **Therefore, it is important to review the WPS EOB form and only make payments to a provider when WPS advises you to do so.** *Questions about your deductible? Contact WPS Customer Service at 221-7058.*

Need reimbursement for services paid for while on vacation (e.g. emergency room), or if your provider requires payment at time of service (e.g. acupuncture)? For faster reimbursement, itemized receipts can be submitted to Judy Wanless, Director of Claims, WPS, P.O. Box 8190, Madison, WI 53708-8190.

Harassment Inservices

Among the few MTI/MMSD mutually agreed upon obligatory inservices in which all District employees must participate is a one hour inservice on harassment. One need only attend the inservice once. For those who have not yet attended the course, it will be offered during the 2009-10 school year on the following dates from 4:15-5:15 p.m.

December 3	Memorial High School, Theater 300
February 9	La Follette High School, C17
March 11	Memorial High School, Auditorium
April 26	La Follette High School, C17

Calendar of Events/Deadlines

- Tuesday, December 1, 4:15 p.m., Harmony Grill
MTI Special Education Sub-Committee
- Tuesday, December 8, 4:15 p.m., MTI
MTI VOTERS’ Political Action Committee
- Monday, December 14, 4:30 p.m., MTI
MTI Board of Directors
- December 19 - January 3 Winter Break

Our Union Makes Us Strong!

Volume 44, Number 14, November 30, 2009
MTI’s web page - www.madisonteachers.org
MTI’s email - MTI@madisonteachers.org