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## **Negotiations Update – April 11, 2018**

On today, SAAAAC and AACPS were able to come to a Tentative Agreement on the Four Day Work Week.

The Four Day Work Week will take place between July 4 and August 14, 2018.

We will provide more details and a full bargaining update as soon as possible.

The next negotiation session is scheduled for April 24, 2018.

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## **Negotiations Update May 4, 2018**

### **BOE CONTINUES TO PUSH THE ELIMINATION OF 940+ UNIT IV EMPLOYEES FROM FMLA ELIGIBILITY**

SAAAAC Members:

Since the last update, we have had two bargaining sessions (April 11<sup>th</sup> and 24<sup>th</sup>). We previously put forth a communication announcing the agreement to a Four Day Work Week for summer 2018. At the two bargaining session, I wish we could say that “great strides” were made but that is not the case. The previous update was used as template to prepare this one. **Please do not assume that there is not NEW, relevant information in this edition simply because the format is similar to a previous update.**

This update contains information on the following subjects:

- Salaries (proposed by SAAAAC) – Article 15
- FMLA (proposed by BOE) – Article 11.7
- Posting of Vacancies (proposed by SAAAAC) – Article 7.1
- Electronic Signing of Performance Ratings (proposed by BOE) – Article 8
- Grade, Step, & Hourly Rate of Pay included on “check stubs” (proposed by SAAAAC)

#### **Salaries**

##### **STATUS: UNRESOLVED**

- As previously stated, SAAAAC has proposed a 2.5% COLA for all Unit IV employees and step increases for all eligible Unit IV employees.
- The Superintendent and BOE have proposed and put into their budget a 2% COLA and step increases for all eligible Unit IV employees.
- Anne Arundel County Executive Director Steve **Schuh** announced on April 27 that his “proposal allows for the equivalent of full-year and mid-year steps, subject to negotiations”. We (SAAAAC) interrupt this to mean a step on July 1 and another step at the mid-year point in January 2019. Upon our return to the bargaining table, we will confirm our understanding of such.

#### **FMLA** (proposed by BOE)

##### **STATUS: UNRESOLVED**

Since the last update, before SAAAAC could offer a counter proposal, the BOE started the meeting stating that it had an updated proposal to share.

Below is a summary of the “updated” BOE proposal:

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- A. The “updated” BOE proposal continues with the extreme conservative approach to FMLA language. In it they continue attempt to define eligibility as 1250 hours or more per year. Thus, eliminating **ALL** Unit IV employees who work 6.5 hours per day (or less). In another word, **ALL** 6.5-hour (or less) Teacher Assistants would be eliminated from FMLA eligibility. It would also eliminate some part-time 12-month employees whose total hours per year do not meet or exceed 1250 per year.
- B. The BOE “updated” proposal continues to propose changing the “twelve-month period” in which you are eligible for up to 12 weeks of FMLA leave from a FISCAL year (July 1 – June 30) to what we call a “rolling twelve-month calendar”. What does that mean? The new proposed method would require you to wait 12 months from the first day of your FMLA to be eligible for another FMLA leave period.
- C. The “updated” BOE proposal would allow you to use **twenty (20)** available Sick Leave days before being placed on FMLA and having the remainder of your leave run concurrently or simultaneously with your twelve weeks of FMLA leave. Be reminded, that current language requires you to use all available sick leave (ONLY) prior to going on FMLA. **With the change proposed by the BOE (as it is written), at the end of the twelve-week period (60 workdays), even if you have more leave available to you, if you can’t return to work, you could face termination.** This is a major concern for those Unit IV employees who have been good stewards of their leave and have accumulated many hours of leave in anticipation of one day falling ill.
- D. The “updated” BOE proposal continues with the rather vague language in comparison to the current language regarding retaining health insurance while on FMLA. The current language clearly states that BOE will pay 100% of the insurance premium during the twelve-week FMLA period, at the request of the employee. The proposed change replaces the very specific with vague (and potentially unenforceable) language.
- E. **In the “updated” BOE proposal, grants that Unit IV employees receive from the Sick Leave Bank “may” count against your eligibility.** In the original BOE proposal, grants from the Sick Leave Bank did not count against eligibility. *We call this bad faith bargaining and engaging in regressive bargaining.*
- F. For the 940+ individual who would no longer qualify for FMLA if the BOE definition of eligibility was agreed to, the BOE is proposing a concept called *Alternative Job Protected Leave (JPAL)*. Below is a summary:
  - 1. To be eligible for such, a Unit IV would have to work 87% of their total duty hours for which they are eligible to work in the 12 months prior to requesting JPAL. Any leave that you take during the 12-month period prior to requesting JPAL counts against the 87% requirement. For example, use of Bereavement Leave and Personal Business Leave would count against you in determining if you meet the 87% requirement and thus impact whether or not you qualify for JPAL.
  - 2. The “year” would be determined as in B (above).
  - 3. You could use up to twenty days (20) as described in C (above).

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4. Unit IV employees would no longer be able to request intermittent leave. This is especially disturbing and of concern to those who have medical conditions that “flair” up on an unpredictable basis and who previously could request Intermittent Leave under FMLA. This also is of concern to those who have children or immediate family members who need care on an intermittent basis.

*What is SAAAAC proposing?*

- A. We are countering to keep the definition of eligibility as stated in current contract language. This protects the 940+ individual who would be disqualified for FMLA.
- B. We are countering to keep the year defined as a fiscal year.
- C. We are countering to continue the practice of using all sick leave prior to being placed on FMLA.
- D. We are proposing to extend the definition of “immediate family” to include grandparents, grandchildren, brothers, sisters, parents-in-law and domestic partners.
- E. We are countering to keep current language regarding Sick Leave Bank grants not counting against FMLA eligibility and running concurrently with FMLA. We also do not believe that Assault Leave should be counted against FMLA eligibility and running concurrently with FMLA.
- F. We are proposing that time on FMLA be considered time worked when determining seniority and benefit eligibility.
- G. We are also proposing language that clarifies employee placement in the same job classification and location if they return from FMLA in sixty (60) days or less. For those whose absence exceeds sixty (60) days, placement in an equivalent job classification that does not result in a decrease in hourly rate of day or length of work year.

**It should be noted that everything we have proposed has been rejected by Melisa Rawles, BOE Chief Negotiator. On April 24, 2018, Melisa Rawles (BOE Chief Negotiator) added that the SAAAAC proposal were not in the best interest of the BOE as the employer. Our reply, the BOE proposals are not in the best interest of the employees.**

The BOE justifies their proposed changes by saying it’s an effort to curb “abuse”. That’s right, “abuse”. They have even gone as far to say that you (Unit IV employees) call the HR Department to complain about your fellow Unit IV employees “abusing” leave rights provided under the contract.

**REMEMBER:** On March 9, 2018, SAAAAC sent an information request to BOE Chief Negotiator Rawles asking her to provide us with the following information:

- During the years 2007 to 2017, how many Unit IV employees have been disciplined (excluding termination) for FMLA abuse/fraud? **Rawles’ response on March 15 was “0”.**
- During the years 2007 to 2017, how many Unit IV employees have been terminated for FMLA abuse/fraud? **Rawles’ response on March 15 was “0”.**

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- During the years 2007 to 2017, how many times did AACPS challenge a Unit IV employee's medical certification by requiring the Unit IV employee to submit to a second medical evaluation? **Rawles' response on March 15 was "0. However, there are instances where additional information has been requested from employees."**

**If the response to all three questions is "0", where is the abuse that they claim they are attempting to stop??**

**Posting of Vacancies** (proposed by SAAAAC) – Article 7.1

**STATUS: The BOE continues to reject our proposal for no reason other than they have no interest in promoting current Unit IV employees. We are of the belief that for all intensive purposes, there is no internal process for current Unit IV employees.**

SAAAAC proposed language that would strengthen the rights of current Unit IV employees by requiring the BOE to consider INTERNAL (current employees) candidates for positions **prior** to externally advertising positions. This would give qualified, current Unit IV employees the ability to get promoted over external (non-employee) candidates. The idea of promoting from within shows that AACPS is loyal to current employees. Also:

1. **It helps employee retention.** If employees understand that promoting from within is desirable by the BOE, the opportunity to move up the ladder is a strong incentive to work hard and remain with the BOE over a longer period of time.
2. **The BOE maintains its investment in employee skills and knowledge.** No explanation necessary!

**Electronic Signing of Performance Ratings** (proposed by BOE) – Article 8

**STATUS: Tentative Agreement has been reached on this item. This shall not be implemented until bargaining is complete and ratification has taken place by both parties.** "Electronic signatures" will be allowed on Performance Ratings when "administratively possible". SAAAAC Bargaining Team sees no problem with such. "Electronic submission" of rebuttals will also be allowed once the two procedures are ready to be implemented.

**Grade, Step, & Hourly Rate of Pay included on "check stubs"** (proposed by SAAAAC)

**STATUS: Tentative Agreement has been reached on this item. This shall not be implemented until bargaining is complete and ratification has taken place by both parties.**

On an annual basis an "electronic communication" be sent to each Unit IV employee that will include your Grade, Step and hourly rate of pay. A follow up "electronic communication" be sent when an employee receives a salary enhancement (COLA, Step, Career Ladder Upgrade or Promotion) during the year.

**It was agreed that the next bargaining session would be after the SAAAAC General Membership meeting (May 22, 2018) @ Severna Park Middle School.**



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## Negotiations Update

May 4, 2018

### **BOE CONTINUES TO PUSH THE ELIMINATION OF 940+ UNIT IV EMPLOYEES FROM FMLA ELIGIBILITY**

This update is rather long and would be difficult to read in its entirety via email. We have prepared the update in a pdf document for download and printing in an effort to optimize reading.

**[CLICK HERE](#)**

Sent on behalf of Helen Wilkerson, President



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## Negotiations Update July 18, 2018

### **SAAAAC STANDS FIRM ON FMLA - BOE CONTINUES TO PUSH THE ELIMINATION OF 940+ UNIT IV EMPLOYEES FROM FMLA ELIGIBILITY**

SAAAAC Members:

At our last negotiations session, July 10, 2018, the SAAAAC Bargaining Team, accompanied by MSEA Chief Legal Counsel Kristy Anderson, continued to argue that the BOE's interpretation of the federal statute, as it relates to their proposal, is based on faulty legal premise. MSEA's Anderson quoted federal statute regarding your union having the right to negotiate language **better** than that of the minimum required by federal statute. SAAAAC continued to reiterate the concept that federal statutes around FMLA are a "floor" (minimum) and NOT a "ceiling" (maximum). **YOUR CURRENT LANGUAGE IS BETTER THAN THE MINIMUM REQUIRED BY FEDERAL STATUTE.**

The BOE Bargaining Team, led by their Chief Negotiator Melisa Rawles (Director of Employee Relations) and Asha Smith (BOE FMLA "Expert") refuses to entertain any aspect of our counter proposals even though SAAAAC has incorporated several aspects of their proposal into our counter proposals. Rawles continuously stated that the SAAAAC proposal "is not in the best interest of AACPS." The SAAAAC Bargaining Team continues to state the BOE proposal "is not in the best interest of employees."

Based on the above, SAAAAC believes that Rawles and the BOE Bargaining Team are acting in bad faith as they refuse to consider any aspect of our proposal and demand to only negotiate around their proposal.

Because of SAAAAC continuing to submit counter proposals that Rawles refuses to engage over, the BOE presented us with their "last best offer" and has declared that it believes we are at impasse. Subsequently, the BOE has submitted their request to the MD Public Labor Relations Board for the assignment of a mediator. Because SAAAAC believes that the BOE has engaged in bad faith bargaining, we have expressed our willingness to continue to bargain to reach mutual agreement. Clearly, the BOE has other thoughts.

We will keep you informed as we prepare our response to the MD PLSRB.

You should also be aware that following issues are still unresolved as of this communication and could also be dealt with in an impasse proceeding.



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1. Salary (18-19)
  - a. The last SAAAAC proposal was a 3.454% COLA (retroactive to July 1, 2018) and one (1) mid-year step for all eligible bargaining unit members.
  - b. The “last best” offer by the BOE was a 3.454% COLA and one (1) mid-year step for all eligible bargaining unit members effective upon ratification (no retro).
  - c. **In plain terms, this means that the BOE will be holding salary increases hostage unless we give in to their reduction of FMLA benefits.**
2. Posting of Vacancies
  - a. **The BOE continues to reject our proposal for no reason other than they have no interest in promoting current Unit IV employees. We are of the belief that, for all intents and purposes, there is no internal process for current Unit IV employees.**
  - b. SAAAAC proposed language that would strengthen the rights of current Unit IV employees by requiring the BOE to consider INTERNAL (current employees) candidates for positions **prior** to externally advertising positions would give qualified, current Unit IV employees the ability to get promoted over external (non-employee) candidates.
  - c. Our proposal would allow the BOE to internally and externally advertise vacancies in a shorter time period than is currently established by the contract.





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Negotiations Update

July 18, 2018

**SAAAAC STANDS FIRM ON FMLA  
BOE CONTINUES TO PUSH THE ELIMINATION OF  
940+ UNIT IV EMPLOYEES FROM FMLA ELIGIBILITY**

This update is rather long and would be difficult to read in its entirety via email. We have prepared the update in a pdf document for download and printing in an effort to optimize reading.

**[CLICK HERE](#)**

Sent on behalf of Helen Wilkerson, President



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**October 2, 2018**

## **BARGAINING UPDATE**

### **IMPASSE 2018**

Dates for our impasse hearing have been formally set. The dates will be October 29th and 30th.

What is impasse? Impasse occurs when negotiations fail to lead to a completed agreement between the union (SAAAAC) and the BOE. Both SAAAAC and the BOE have submitted statements and other documentation to the MD Public School Labor Relations Board. SAAAAC and the BOE have mutually agreed upon a mediator. The mediator acts as a neutral third party to assist the two sides in reaching a compromise/agreement. Mediators lack power to make binding decisions, and they are employed only as advisors. If we are unable to reach a mutual agreement, the mediator will put forth a proposal to the MD Public School Labor Relations Board for consideration. A decision of the MD Public School Labor Relations Board is binding, meaning both parties would have to adhere to it.

For those who need to refresh their memory, I have included link to the previous update that was sent during the summer - [July 18, 2018](#).

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## **Negotiations Update – October 30, 2018**

# **TENTATIVE AGREEMENT**

After two days of impasse proceedings, on this evening (at approximately 8:30pm) , SAAAAC and AACPS were able to come to a Tentative Agreement on Salaries, Vacancies and FMLA.

We will provide more details and a full update as soon as possible.



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November 6, 2018

On October 30, 2018, SAAAAC and AACPS were able to come to a Tentative Agreement on Salaries, FMLA and other topics. Below you will find links to attachments that give the full details regarding the Tentative Agreement. We ask that you please bring your own copy as we will have limited color copies available.

**[Link to Ratification document.](#)**

As previously stated the meeting will be on Monday, November 12, 2018 at Magothy River Middle School. Remember, you will be voting on the entire Tentative Agreement, not each individual component.

If you have questions before the meeting, please feel free to email me.

Bradley Darjean, UniServ Director



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November 13, 2018

On yesterday, the Tentative Agreement between SAAAAC and the AACPS BOE was ratified by the SAAAAC membership. Thank you to those who came out to participate.

The BOE will be engage in the ratification process at its Wednesday, November 14th meeting. We will keep you updated.

Available for download is the **DRAFT FY19 Salary Schedule**.

Per my conversation with Melisa Rawles (AACPS Director of Employee Relations), upon ratification by the BOE, the COLA will be incorporated into the December 5 payroll distribution. She is also working on getting us a specific date in regards to the "back pay" or "retro pay" as the COLA was/is retroactive to July 1, 2018. We will keep you updated.

On behalf of President Wilkerson and the SAAAAC Board of Directors. we thank you for your support and patience. We couldn't have done it without you!

Brad Darjean, UniServ Director



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## November 15, 2018

On last night, the Tentative Agreement between SAAAAC and the AACPS BOE was ratified by the members of the AACPS Board of Education.

Available for download is the [FY19 Salary Schedule](#).

previously communicated, the COLA will be incorporated into the December 5 payroll distribution. HR/Employee Relations is working on getting us a specific date in regards to the "back pay" or "retro pay" as the COLA was/is retroactive to July 1, 2018. We will keep you updated.

On behalf of President Wilkerson and the SAAAAC Board of Directors. we thank you for your support and patience. We couldn't have done it without you!

As soon as we have a fully signed Memorandum of Understanding regarding the contract changes, we will post it for download.

Brad Darjean, UniServ Director