

**MINUTES OF THE SPECIAL MEETING TO TAKE ACTION ON VARIOUS CONTRACTS
OF THE BOARD OF TRUSTEES
POCATELLO/CHUBBUCK SCHOOL DISTRICT NO. 25
Highland High School Auditorium
1800 Bench Road
Pocatello, ID 83201
4:30 p.m.**

Tuesday, June 1, 2010

BOARD MEMBERS/SUPERINTENDENT PRESENT:

Marianne Donnelly, Chair	John Sargent, Member (by phone)
Janie Gebhardt, Vice Chair	Jackie Cranor, Member
Frank Rash, Clerk	Mary Vagner, Superintendent

Welcome, Call to Order and Statement of Purpose

Chair Donnelly called the meeting to order at 4:34 p.m. She said the purpose of the meeting was to take action on High School Media Specialists, High School Counselors, adopt a last best offer with the Pocatello Education Association (PEA) for the 2010-2011 school year and defer calendar adjustments to the Calendar Committee.

Approval of Agenda

A motion was made by Ms. Gebhardt and seconded by Mr. Rash to approve the agenda and the addendum to the agenda as presented. The voting was unanimous in the affirmative.

Public Comment on Items on the Agenda

There was no public comment at the time of the meeting.

Take any Further Action, if necessary, to address High School Media Specialist Contract Days and Compensation with Regard to Pending Recommendation Relating to the Same

Ms. Vagner said included in the packet was a copy of the Resolution pertaining to the High School Media Specialists that had not requested a Due Process Hearing and spoke to the fact they were provided the opportunity to participate and the Due Process Hearing did indeed take place and those High School Media Specialists that chose not to participate were subject to the same decision and shall have contract days modified and reduced the same as those that participated.

A motion was made by Ms. Gebhardt and seconded Ms. Cranor that:

WHEREAS, the Administration of the District previously provided a recommendation to the Board of Trustees with regard to additional contract days for specified individuals employed at the District as High School Media Specialists, and;

WHEREAS, the Board of Trustees issued notices of such recommendation and scheduled a due process hearing relative to such recommended reductions for such specified individuals employed at the District as High School Media Specialists, and;

WHEREAS, the Board of Trustees conducted a due process hearing associated with this recommendation and issued a determination subsequent to this hearing associated with this recommended reduction;

WHEREAS, a number of individuals employed at the District as High School Media specialists either consented to the recommended reductions advanced by the Administration or chose not to participate in the due process hearing addressing this recommendation.

NOW THEREFORE BE IT RESOLVED that: All District employed High School Media Specialists who have consented to this reduction and/or who chose not to participate in the due process proceedings are subject to the same determination as held by the District Board of Trustees subsequent to the Due Process Hearing and shall likewise have the extended days of the Contract modified and reduced seven (7) days, to the same extent as those who participated in the due process hearing.

The voting was unanimous in the affirmative.

Take Any Further Action, if necessary, to address High School Counselor Contract Days and Compensation with Regard to Pending Recommendation Relating to the Same

Ms. Vagner said the Resolution for High School Counselors was identical to the High School Media Specialists with the exception of a one (1) day reduction versus a seven (7) day reduction.

A motion was made by Ms. Gebhardt and seconded by Mr. Rash that:

WHEREAS, the Administration of the District previously provided a recommendation to the Board of Trustees with regard to additional contract days for specified individuals employed at the District as High School Counselors, and

WHEREAS, the Board of Trustees issued notices of such recommendation and scheduled a due process hearing relative to such recommended reductions for such specified individuals employed at the District as High School Counselors, and;

WHEREAS, the Board of Trustees conducted a due process hearing associated with this recommendation and issued a determination subsequent to this hearing associated with this recommended reduction;

WHEREAS, a number of individuals employed at the District as High School Counselors either consented to the recommended reductions advanced by the Administration or chose not to participate in the due process hearing addressing this recommendation.

NOW THEREFORE BE IT RESOLVED that: All District employed High School Counselors who have consented to this reduction and/or who chose not to participate in the due process proceedings are subject to the same determination as held by the District Board of Trustees subsequent to the Due Process Hearing and shall likewise have the extended days of the Contract modified and reduced one (1) day, to the same extent as those who participated in the due process hearing.

The voting was unanimous in the affirmative.

If Necessary, Adopt Final Findings of Fact and Conclusions of Law per Board Action on Findings of Fact and Conclusions of Law Directed at the May 29, 2010 Special Meeting and Impose Last Best Offer as Outlined in Idaho Code 33-522 for Various Contract Items with the Pocatello Education Association (PEA) for the 2010-11 School Year and Adopt 2010-11 Negotiated Agreement between the Pocatello/Chubbuck School District No. 25 Board of Trustees and the Pocatello Education Association (PEA)

Ms. Vagner said further discussion and direction from the Board was necessary relative to the levels of a non-recurring one-time stipend and the fund balance reduction before action could be taken on a last best offer or the amended Negotiated Agreement between the Board of Trustees and the Pocatello Education Association (PEA). She said there is a Decision in the Findings of Facts and Conclusions of Law that spoke to a non-recurring one-time stipend based on a holdback of 0%, 1% or 2%. She said each time a change to the salary reduction was made it determined the level of the stipend payout. She said the return had to be adjusted because of the affect on the fund balance. She said with the salary reduction adjusted to 4% the calculation needed to be adjusted and had not taken place previously. She said the amended stipend payout had been prepared for Board consideration. She said 20% would remain in the District's fund balance with 80% returned to employees in the form of a one-time non-recurring stipend. She said

prior to adopting the negotiated agreement the administration needed direction from the Board as to a percentage. She said Mr. Reed and Mr. Smart would review the options with the Board. She said once the administration received direction from the Board on the percentage the Board would be asked to take action on a last best offer and the 2010-11 Negotiated Agreement. Mr. Reed said included in the addendum was a revised stipend payout sheet. He said the percentage was adjusted due to the reduction in salary. He said it was an issue of fiscal accountability. He said there had to be some balance to offset unexpected expenditures. He said the Board adopted a lower salary reduction of 4% and needed discussion as to the stipend percentage. He said the stipend payout was based on an 80/20 split. He said based on a 4% salary reduction, a holdback and an 90% escrow account the fund balance would be reduced to 1.7%. He said if the escrow account was at 60% it would leave 1.91% in the fund balance. He said if the holdback was reduced to a 2% holdback it would leave the fund balance at 2.03%. He said any holdback beyond 2% would further reduce the fund balance and there would be no distribution of the escrow account. He said it was a complicated formula and asked if the Board had any questions. Ms. Vagner said the documentation was in the packet and Mr. Reed could go through it further if needed. She said all the formulas were based on an 80/20 split. Mr. Reed said 80% would go to employees and 20% would go back to the District to lessen the impact to the general fund. Chair Donnelly asked if there were any questions or further discussion. Ms. Vagner said the administration recommended the Board adopt the 45% and 1% with an understanding that it was based on an 80/20% split.

A motion was made by Mr. Rash and seconded by Mr. Sargent to base the one-time only non-recurring stipend on a Fund Balance at 4% Salary Reduction Modifying Escrow % with a 0% – 2% holdback based on an 80/20% split with an escrow account at 40% for a 0% holdback, an escrow account at 5% for a 1% holdback and an escrow account at 1% for a 2% holdback. The voting was unanimous in the affirmative.

Ms. Vagner said two Resolutions were included in the packet based on the action taken at the May 29, 2010 special meeting. She said the Resolution to impose a last best offer and adopt the 2010-11 Negotiated Agreement between the Pocatello/Chubbuck School District No. 25 and the Pocatello Education Association (PEA) was the Resolution the Board would take action on. She said the document in the packet that was called the MOU had percentages that needed to be filled in based on the action the Board had just taken on the stipend. She said the correct percentages would be filled in to match the action of the Board. She said other changes to the Negotiated Agreement deal with dates, the re-identification of articles, items in the agreement from 09-10 that were stricken with nothing replaced. She said Article 4.1 remedied deficits for funding and the Board's authority to impose a last best offer. She said the next change was to page 7 and addressed early retirement incentive grants stating that during all subsequent years of a financial emergency the early retirement grant would be suspended and used to fund the false corner. She said the next change addressed work days. She said language was put into place to address the deletion of language pertinent to collaboration and planning days for elementary. She said Article 11.1 addressed the reduction in contract days from 190 days to 180.5 days. She said the agreement would maintain five paid holidays, two and a half record days, one orientation day, one preparation day, three staff development days. She said preparation and record days would remain free of meetings. She noted that the article on amendments was not subject to Article 4. She said the next change addressed the 4% salary reduction. She said the next change addressed the provision to freeze all movement of steps and lanes. She said no individual shall experience any movement in steps or lanes. She said all subject individuals would remain in the same cell as the salary 2009-10 school year and the placement of all current and new personnel would be consistent with the 2009-10 school year. She said this would ensure that new employees would not have an advantage over current employees with steps and lanes. She said modifications to the Article that addressed a last best offer were also not subject to Article 4. She said the next change was regarding a 4% reduction to the extra-curricular pay schedule. She said the next change was to adopt a last best offer. She said the agreement could only be modified by mutual consent between the Board of Trustees and the PEA. She said the next change applied to the deletion of Appendix A that only applied to the 2009-10 Negotiated Agreement. She said language was added to remove the appendix

as it was no longer applicable in accordance with Idaho Code. She said the last change was relative to the adoption of the Negotiated Agreement and Findings of Fact, Conclusions and Law and Decision and to impose a last best offer. She said the Resolution to impose a last best offer and adopt the 2010-11 Negotiated Agreement was included in the packet and stated that a hearing was held May 29, 2010 where the Board finalized and adopted the Findings of Fact, Conclusions of Law and Decision and based on the Findings the Board has imposed a last best offer. She said the administration recommended the Board adopt the Resolution as if read into the minutes.

A motion was made by Ms. Gebhardt and seconded by Mr. Rash that:

WHEREAS, the Board of Trustees held a single group due process hearing on the 25th of May, 2010 related to the Administrative Recommendation to reduce compensation associated with the pending financial emergency of the District;

WHEREAS, the Board of Trustees met on the 29th of May, 2010 and during such meeting deliberated and reached a decision as to the subject matters of the single group due process hearing of May 25th; and

WHEREAS, on the 29th of May, 2010, the Board of Trustees finalized written Findings of Fact, Conclusions of Law and Decision as to the subject matters of the single group due process hearing of May 25th and adopted those Findings of Fact, Conclusions of Law and Decision and directed the Superintendent to issue the written document to the District's Certificated Professional Employees;

NOW THEREFORE BE IT RESOLVED, that based on the adoption of the Findings of Fact, Conclusions of Law and Decision, the Board of Trustees imposes the last best offer as outlined in Section 33-522, Idaho Code for the items contained in the Negotiated Agreement between the Pocatello/Chubbuck School District No. 25 Board of Trustees and the Pocatello Education Association as addressed and declared in the Findings of Fact, Conclusions of Law and Decision;

FURTHER, BE IT RESOLVED, that the Board of Trustees directs modification to and adopts, as amended, the 2010-11 Negotiated Agreement (as attached) between the Pocatello/Chubbuck School District No. 25 Board of Trustees and the Pocatello Education Association, as outlined in the District Board adopted Findings of Fact, Conclusions of Law and Decision.

The voting was unanimous in the affirmative.

Defer Calendar Adjustments to the Calendar Committee to be Completed by June 8, 2010 in Time for Board Action at the June 15, 2010 Regular Board Meeting

A motion was made by Mr. Rash and seconded by Ms. Gebhardt to defer calendar adjustments to the Calendar Committee to be completed by June 8, 2010 in time for Board action at the June 15, 2010 Regular Board Meeting. The voting was unanimous in the affirmative.

Take Action to Hire and Issue Employment Contracts for Certificated Non-Administrative Teaching Personnel per Attached List in Accordance with Imposed Last Best Offer for 2010-11

Ms. Vagner said included in the packet was a Resolution that stated the necessary actions for declaration of a financial emergency were met, a last best offer was imposed and modified the language of the Negotiated Agreement consistent with the Findings of Fact, Conclusions of Law and Decision and to hire and issue contracts per the attached list.

A motion was made by Ms. Cranor and seconded by Mr. Rash that:

WHEREAS, the Board of Trustees has completed all necessary action pursuant to the provisions of the statutes associated with a financial emergency, imposed the last best offer, modified the language of the Negotiated Agreement between the District Board of Trustees and the Pocatello Education Association consistent with the Findings of Fact, Conclusions of Law and Decision of the Board of Trustees and having adopted this Amended Negotiated Agreement with newly imposed language;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby hires the listed certificated non-administrative teaching personnel to serve as teachers for the District for the 2010-2011 school year in accordance with the terms and conditions as established in the imposed last best offer;

FURTHER, BE IT RESOLVED, the Board of Trustees directs that Standard Teacher Contracts, documented on the new forms as recently approved by the State Superintendent of Public Instruction, be issued for each such listed person, documenting employment with the Pocatello/Chubbuck School District No. 25 for the 2010-2011 school year, with terms and conditions as established in the imposed last best offer.

The voting was unanimous in the affirmative.

Adjourn

A motion was made by Ms. Gebhardt and seconded by Mr. Rash to adjourn. The voting was unanimous in the affirmative. The Board adjourned its Special Meeting at 5:07 p.m.

APPROVED ON:

MINUTES PREPARED BY:

Secretary, Board of Trustees

BY:

Chair

ATTESTED BY:

Clerk