

Fresno Teachers Association

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Gary Alford
Associate Director

Brenda Emerson
Associate Director

MEMORANDUM

TO: FTA Faculty Representatives
FROM: Greg Gadams, President
DATE: January 28, 2009
RE: Waiver Process

This memo is to remind you of the waiver process in case your school site is contemplating applying for a contract waiver for the 2009-10 school year. The specifics regarding the waiver process are described in Article 63, Waivers, of the FUSD/FTA collective bargaining agreement. Please note that waivers are to be initiated by teachers and must note the specific article/section of the contract being waived.

Per FTA Executive Board Standing Rules, all waivers for the 2009-10 school year must be submitted to FTA no later than April 1, 2009. This will allow the FTA Executive Board adequate time to review the waiver request, follow up with an individual school site if there are questions or concerns, and to take board action on the waiver request before the last scheduled FTA Executive Board meeting on June 1, 2009.

Below is a review of the waiver process. For specific information please refer to Article 63, Waivers, of the collective bargaining agreement.

- A waiver is to be initiated by a petition signed by 25% of the Association members at that site.
- The petition must clearly identify which contract article and provision(s) are to be waived. Additionally, it must state the new language being sought (i.e., waiving kindergarten instructional minutes from 47,700 to 50,400 annually).
- The petition must be submitted to FTA for review of the language and membership verification of the signatures (please make sure they print their name beside their signature) prior to conducting a secret ballot election. It is recommended that you contact FTA to review waiver language prior to placing it on a petition for signatures.
- The FTA Faculty Representative, upon receiving verification from FTA regarding the petition, will conduct a secret ballot vote of the Association members assigned to their school site. The waiver must receive support from 75% of the Association members, who vote in order for it to be submitted to the FTA Executive Board for approval.

- Once the FTA Faculty Representative has conducted the secret ballot election and verified the 75% approval vote, he/she must submit the waiver, including a memo documenting the voting results and 2009-10 bell schedules (if waiver addresses instructional minutes) to both the FTA Executive Board and the FUSD School Board for their approval.

Please Be Advised – The FTA Executive Board has only been approving waivers which contain a sunset provision after one year. If the program is successful and a school site wishes to apply for a renewal of the waiver for the next year, they can follow this shortened process. Update the waiver to reflect the new school year including the sunset provision. Hold a meeting with all FTA members to discuss the continuation of the waiver. Finally, conduct a secret ballot vote and tally the results to make sure of the 75% favorable vote. You must send a copy of the updated waiver, along with a memo stating the voting results, to the FTA Executive Board as well as the FUSD School Board.

You will be advised in writing of the Executive Boards decision after all documentation has been reviewed and any questions answered. If you have any questions regarding this process or need assistance in formulating your waiver, please refer to the waiver information on our website fresnoteachers.org or feel free to call Brenda Emerson at the FTA office at 224-8430.

c: FUSD School Site Administrators
FTA Executive Board