



Fresno Teachers Association

Memorandum

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Associate Staff:

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Janette Lomeli
Administrative Assistant

Diana Renovato
Accountant

TO: FTA Faculty Representatives

FROM: Tish Rice, President

DATE: March 8, 2018

RE: Contract Waivers

The FUSD/FTA collective bargaining agreement contains an article which provides a procedure should a school site wish to waive any of the provisions outlined in the agreement. The specific article which outlines this process is Article 66.3 Shared Decision Procedures/Waivers. Enclosed with this memo you will find a document which briefly outlines the waiver process, including deadlines provided for within the FTA Standing Rules. The most important timeline is that the FTA Executive Board wants **all waiver requests and renewals submitted to them by April 2, 2018** for any waiver which will be in place for the 2018-19 school year.

As noted above your site may wish to initiate a new waiver or renew an existing waiver. The process for renewing an existing waiver is quite simple. First, update your site's waiver to include language for the 2018-19 school year. Second, conduct a secret ballot vote of the updated waiver with your staff. Third, send a copy of your updated waiver along with a memo summarizing your waiver vote to the FTA office by April 2, 2018.

PLEASE NOTE THAT YOU DO NOT NEED TO COMPLETE A PETITION FOR YOUR WAIVER IF YOU ARE ONLY RENEWING AN EXISTING WAIVER. This is a reminder to all sites currently holding a waiver that your waiver will expire at the end of the 2017 – 2018 school year. You must renew your waiver each year. For any site wishing to initiate a new contract waiver the process outlined above has two additional steps. First, any proposed contract waiver language should be submitted to the FTA Office for review to insure that it meets the needs of the site and appropriately details the contract provisions wishing to be waived. Once the proposed waiver has been reviewed, then it is placed on a petition which needs signatures from 25% of the FTA members at the site to agree that it should be brought to the entire FTA membership at that site for a secret ballot vote. Once the signatures have been gathered the waiver petition must be submitted to FTA in order to verify the signatures. The FTA Office will contact the person submitting the waiver petition once it has completed the verification process. At that point you may then conduct the secret ballot vote and submit the results as outlined in the previous paragraph.

The FTA Executive Board encourages and appreciates education innovation and reform brought forward by its members. If you have any questions regarding this please feel free to contact FTA at 224-8430.



Fresno Teachers Association

Waiver Guidelines

The specifics of the waiver process can be found in Article 66.3 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. Below is an outline of the process FTA utilizes when processing waivers.

- A waiver is to be initiated by a petition signed by 25% of the Association members at that site.
- The waiver petition must clearly identify which contract provision(s) are to be waived and what the new language would say.
- The waiver 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.
- The FTA Faculty Representative, upon receiving verification from FTA regarding the waiver 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 to the FTA Executive Board for approval. Be sure to keep a copy of all documents submitted to FTA and FUSD.
- If you are renewing an existing waiver then all you need to do is update the waiver to reflect the appropriate school year and submit it to the faculty for a secret ballot vote. There is no need to conduct a waiver petition when renewing an existing waiver.
- **In accordance with FTA Standing Rules all waiver requests must be submitted to FTA no later than April 1st prior to the school year in which the waiver will be implemented.**

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 a shortened process.

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, please feel free to call the FTA Office at 224-8430.

MEMORANDUM

To: FTA Executive Board
From: Rep Name, Rep School
Date:
Re: Waiver Vote

We conducted a secret ballot vote on the (waiver name). The results of the vote were ___ yes, ___ no. We have attached a copy of our waiver to this memo.

We are requesting that the FTA Executive Board approve our waiver for the 2018-19 school year.

Attachment

SAMPLE WAIVER

PREP TIME IN WORK DAY

School Name

We, the teachers at *school name*, are requesting a waiver of the FUSD/FTA collective bargaining agreement for the 2018-2019 school year. We wish to waive Article 20-Hours to change section 5.2.2, to allow our prep time to be used to meet the contractual 45 hours per year of administration called meetings. This means that our meeting time will be the last 45 minutes of our prep time, and will be used once every other week in conjunction with 15 minutes from the eighth hour of the contractual Work Day, for meetings called by site administration and added to the meeting held during the eighth hour, thereby negating the need for multiple meetings weekly. This lost planning time will be counted towards the 45-hours of meeting time referred to in the Collective Bargaining Agreement, Article 20-Hours, section 1.3.

We understand that this does not pertain to meeting/professional development scheduled on the 18 days a year which we do not receive prep time during our duty day.

Should site administration not be willing to apply this lost prep time towards the above referenced 45-hours of meetings per year, this waiver will become null and void.

This waiver will sunset at the end of the 2018-19 school year at which time we understand we can apply for another waiver.

SAMPLE WAIVER

PREP TIME IN WORK DAY DESIGNATED SCHOOLS

School Name

We, the teachers at *school name*, are requesting a waiver of the FUSD/FTA collective bargaining agreement for the 2018-2019 school year. We wish to waive Article 20-Hours to change section 5.2.2, to allow our prep time to be used to meet the contractual 45 hours per year of administration called meetings. This means that 45-minutes of our prep time will be used in conjunction with 15-minutes from the last hour of the contractual Work Day, for meetings called by site administration. This lost planning time will be counted towards the 45-hours of meeting time referred to in the Collective Bargaining Agreement, Article 20-Hours, section 1.3. Impacted employees will be able to either remain on campus until the end of the 8 ½ hour for their prep; or leave at the end of the (1) hour meeting and work on their lesson preparation off campus.

We understand that this does not pertain to meeting/professional development scheduled on the 18 days a year which we do not receive prep time during our duty day.

Should site administration not be willing to apply this lost prep time towards the above referenced 45-hours of meetings per year, this waiver will become null and void.

This waiver will sunset at the end of the 2018-19 school year at which time we understand we can apply for another waiver.

SAMPLE WAIVER
EXTEND DUTY FREE LUNCH

School Name

We, the teachers at *school name*, are requesting a waiver of the FUSD/FTA collective bargaining agreement for the 2018-2019 school year. We wish to waive Article 20-Hours to change section 1.4, from "a duty free lunch of at least 30 minutes" to allow for additional time in which site members will be able to work with individual students for a longer period of time.

This waiver will sunset at the end of the 2018-19 school year at which time we understand we can apply for another waiver.

SAMPLE WAIVER

EIGHT PERIOD DAY

School Name

We, the teachers at *school name*, are requesting a waiver of the FUSD/FTA collective bargaining agreement for the 2018-2019 school year. We wish to waive Article 20-Hours to change section 6, from “the traditional school’s seven (7) period day” to read “eight (8) period day”. We understand that by making this change this means we will teach six periods, prep one period and have lunch one period.

This waiver will sunset at the end of the 2018-19 school year at which time we understand we can apply for another waiver.

SAMPLE WAIVER

ALL DAY KINDERGARTEN

School Name

We, the teachers at *school name*, are requesting a waiver of the FUSD/FTA collective bargaining agreement for the 2018-2019 school year. We wish to waive Article 20-Hours to change section 5.1, from 47,700 minutes to 55,800 minutes for kindergarten teachers. We additionally understand that by making this change that the kindergarten teachers will be subject to the same daily schedule as all other teachers at the site including prep time.

The purpose of this request is to offer an all-day kindergarten program for the students at our school. This waiver will sunset at the end of the 2018-19 school year at which time we understand we can apply for another waiver.