

AFSCME – Another Long, Drawn-Out Negotiation

The lead negotiator for the union representing district part-time, non-instructional staff, in its quest to get a contract calling for pay increases, confirmed Nov. 17 receiving an offer for the first time after about 18 months of negotiations.

"They have sent us a proposal we are reviewing," said Steve Tully, associate director of District Council 52 of the American Federation of State, County and Municipal Employees.

The offer comes after Tully told JCEA.org the previous day that he had "put a call" into the administration seeking to continue discussions. He represents about 350 employees.

It also comes 28 days after the negotiator personally appeared before the board, when he complained too many of his rank and file have only earned \$8.50 to \$9.50 an hour for far too long.

Such employees have never had a collective bargaining agreement from the school system and it's about time, he said.

Following the board's Nov. 17 meeting, Hope Blackburn, general counsel for the school district assured there has been substantive dialogue between the two sides to try and resolve the impasse.

"I can say discussions have been ongoing up to and including today (Nov. 17)," she said.

Blackburn declined to characterize how the continuing negotiations have taken place, since Tully reported on Oct. 20 the two sides (as of that time) last had a face-to face meeting in September.

In a Nov. 16 text, Tully seemed to say the latest push developed after he contacted the central office by phone.

Speaking following the board's Nov. 15 caucus, Superintendent of Schools Dr. Marcia Lyles explained, "We can stay in touch and communicate in other ways, such as by email and telephone,"

In addressing the board last month, Tully described the situation as a matter of "respect and fairness for these part-time workers," for which negotiations began around the middle of 2015 but where progress had apparently been moving at a snail's pace.

Tully also called for the board to adopt a state legislative proposal eventually raising the minimum wage - a reality, in terms of current pay for at least many within his local's ranks, from \$8.38 to \$15 an hour. The city council earlier approved a similar resolution for municipal employees.

"We've tried to get a contract for a year and a half," he told the board. "And we have not been successful because this district doesn't want to give these part-time workers a fair, living wage."

Tully explained any agreement would cover such personnel as custodial staff, security officers, bus chaperones and cafeteria workers, among others. And he credited them with often playing low-key roles to help keep certain daily aspects of the district running smoothly and efficiently.

"These workers are an integral part of this district," he said, maintaining they are very visible daily to the students, since they perform so many useful roles serving them.

The negotiator described his rank-and-file's situation to the board as very unfair, compared to "high-

salaried" personnel - such as high-level administrators and supervisors - who, he said, generally receive "generous increases." He cited lawyers in particular.

Tully recalled much of the legal work was previously done using district lawyers based in the human resources department. Citing his participation in a disciplinary hearing earlier in the day, he complained two outside counsels were used when only one was needed.

"There are some in this room who will say, 'This costs too much. We don't have the money to pay these workers, but that's nonsense,'" said Tully, receiving repeated and enthusiastic applause from the audience. "This is not about having money. It's about priorities."

Board Member Marilyn Roman agreed with Tully's assessment. At the board's Nov. 17 meeting, she said the district's expending in excess of \$147,000 in legal fees using outside attorneys over the last two months (more than \$96,000 in October, over \$51,000 in November) seems exorbitant.

"We need to start looking at these bills and what we can do in house," said Roman, adding, "We keep spending money in giving these legal jobs."

Trustee Ellen Simon disagreed, saying the board has only one attorney on staff currently handling student records, while an assistant counsel is on maternity leave.

Thus, she said the district has no choice but to extensively farm out legal work under its current table of organization.

"By contrast, the city has 16 staff attorneys with a much smaller budget, Simon claimed. "The bills are there because the model is to do work with outside counsels."

Simon, who is leaving the board after one term after declining to run for re-election, said the board could consider discussing restructuring its legal department to keep more work in house.

"These people deserve to be treated with dignity and they deserve to be treated with respect," he said. "We don't want anything more and will not settle for anything less because we deserve a fair contract."

Further, the union official alleged the district spends extravagantly in certain areas and needs to perform a lot more work "in house," rather than continuing with outside contracts to help make the needed funds available.

The state minimum wage proposal Tully was referring to called for phasing increases in over five years to get to \$15 an hour. Sponsors included State Sen. Sandra Cunningham (D-31) and Assembly Speaker Vincent Prieto (D-32). It cleared both houses of the Democrat-controlled state legislature in June but Republican Gov. Chris Christie vetoed it in August.

By Chris Neidenberg