



Duval County Public Schools

November 22, 2011, Grievance Committee Meeting

Ms. Betty Burney, Chairman
Mr. Fred "Fel" Lee, Vice-Chairman
Ms. Martha Barrett
Ms. Ms. Becki Couch
Mr. W. C. Gentry
Ms. Mr. Tommy Hazouri
Mr. Ms. Paula D. Wright
Mr. Ed Pratt-Dannals, Superintendent

ATTENDANCE AT THIS GRIEVANCE COMMITTEE MEETING: Committee Members Betty Burney, Becki Couch, and W. C. Gentry, were all present. Mr. Gentry served as Chairman of the Committee.

CALL MEETING TO ORDER

[CALL MEETING TO ORDER](#)

Minutes:

The Chairman of the Grievance Committee called the meeting to order at 10:10 a.m.

GRIEVANCES TO BE DISCUSSED

[STEP III GRIEVANCE - SCHOOL MAINTENANCE EMPLOYEES & ASSOCIATES, INC. - PAINTERS](#)

Minutes:

Mr. Tad Delegal presented on behalf of the School Maintenance Employees & Associates, Inc. He indicated that the standard of review is that the Grievance Committee is not bound by previous determinations in grievance process, but can

review evidence and make their own decision.

Mr. Delegal indicated that during negotiations it was agreed that if jobs were lost due to contracting out services, those positions would be preserved for a certain period of time. This is in the Union contract. He contends that the craft of Painters are eligible for this provision and that the term craft is not defined in the contract. The Union believes there should be consistency in the way layoffs are handled. The group called Painters was eliminated. There is still a group called Painter/Glazier, but this is a different craft. The District contends they were not lost due to contracted services but to budget cuts, however, the craft has been in the process of being deleted for several years. The Union is requesting that the employees be reinstated and provided back pay.

Darrell Chatmon, Assistant General Counsel, Office of General Counsel, presented on behalf of the District. He agrees that a promise is a promise and both parties should be held to what it is supposed to be, and this is not a matter that should be considered beyond contract itself. He indicated that the craft includes Painters and Painters/Glaziers and they are different classifications within the same craft. He also stated that the District's position is that the Painters were eliminated due to budget issues and not contracted services. Mr. Chatmon stated that the Grievance Committee should deny the Grievance because the craft is not a classification; there is no basis for contracting being the reason Painters were eliminated; and, we still have the ability to have our needs met.

Mr. Delegal rebutted, saying that the Union cannot prevent a public employer from contracting out services. In 2007 the employer started contracting out painting services, but the Union could do nothing. Because certain services were contracted out the Union and employees suffered a loss because they were laid off this year, and they feel it has been part of a process and the contract refers to being eliminated, and this shows it is a process.

Questions:

Committee Member Burney asked if the District has contracted out painting services since the employees were cut. Mr. Chatmon indicated that painting services have been contracted out since the employees were cut, and that both contractors and painter/glaziers are performing needed services. Both groups will continue to provide these services. Ms. Burney asked if our contract services dollar amount has gone up since the employees were cut. Mr. Chatmon indicated that the amount had gone down. It was also stated that our school painting schedule has gone from a 6 year cycle to a 7 year cycle in 2009, to a 10 year cycle today.

Committee Member Couch asked about the representation of the Union being for both groups. Mr. Chatmon indicated that the Union represents all employees in the Union as a group and not by classification or craft.

Committee Chairman Gentry read the definitions regarding a Painter being a skilled craftsman and works without supervision and a Painter/Glazier works under general supervision and is a journeyman. However, it does not appear that the cuts were made because of an increase in contracted services, especially since the dollar amount went

down this year.

Deliberations & Motion:

After discussion, it was the decision of the Committee that while they agreed with the Unions position on Painters being a craft, the cuts to the employees were made due to comprehensive cuts in the budget and not contracting out the services, therefore, the Committee denies the Grievance.

Committee Chairman Gentry requested that Assistant Counsel Darrell Chatmon draft the final decision and provide copies to all parties involved.

Motions:

After discussion, it was the decision of the Committee that while they agreed with the Unions position on Painters being a craft, the cuts to the employees were made due to comprehensive cuts in the budget and not contracting out the services, therefore, the Committee denies the Grievance. - PASS

Committee Chairman Gentry requested that Assistant Counsel Darrell Chatmon draft the final decision and provide copies to all parties involved.

Vote Results

Motion: William Gentry

Second: Rebecca Couch

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|----------------|---------------|
| Martha Barrett | - Not Present |
| Betty Burney | - Aye |
| Rebecca Couch | - Aye |
| William Gentry | - Aye |
| Thomas Hazouri | - Not Present |
| Fred Lee | - Not Present |
| Paula Wright | - Not Present |

ADJOURNMENT

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Minutes:

The Chairman of the Grievance Committee adjourned the meeting at 11:10 a.m.

BSC

Superintendent

Chairman