

# TAAAC ACTION REPORT

Your Professional Organization

Volume 37, Number 1



Teachers Association of Anne Arundel County, An MST/NEA Affiliate

September 2004

## Change in Health Care Challenged Grievance Pending, Court Action Possible

At its August 4, 2004 meeting, the Board of Education was presented with a recommendation from the Superintendent to award the hospital-medical insurance contract to UnitedHealthcare (UHC). The move would change the Preferred Provider Network from CareFirst BlueCross BlueShield following a competitive bidding process in which UHC offered a potential savings of nearly \$15 million over the life of the contract. About \$1.7 million would be experienced during the current fiscal year, since the change would become effective on January 1, 2005, in the middle of the fiscal year, and in the middle of the term of our Negotiated Agreement.

As you are aware, our current Negotiated Agreement clearly identifies CareFirst BlueCross BlueShield as the agreed upon network. Further, the language in the Agreement explicitly requires TAAAC concurrence for any change of carrier. But in spite of the clear and unambiguous language, the Superintendent is taking a position that this does not have to be negotiated. Twelve of TAAAC's elected leaders who carry the CareFirst BlueCross BlueShield PPN have initiated a grievance, and this matter may very well end up being argued before an arbitrator whose decision will be binding. However, the local Board may be voting on the recommendation as early as September 1. Concerned members should know this:

If the Board unilaterally votes to impose the change in networks contrary to the terms of a Negotiated Agreement only recently ratified, TAAAC will seek an injunction in the Circuit Court.

While United Healthcare is a reputable carrier, there are concerns on the part of TAAAC leadership regarding the comparability of the physician network, disruption of care to current members, and the effectiveness and efficiency of administration. And, there are concerns beyond the identity of the carrier which include the integrity of the collective bargaining agreement, the need to negotiate where the potential savings are spent, and the need to provide assurances to current PPN users and TAAAC.

TAAAC will continue to keep its members informed on this matter. Members should check the TAAAC website for periodic updates.

## Appeal Victory Puts Teacher Back in Classroom!

On March 15, 2004, an Annapolis High School teacher was suspended without pay and recommended for termination for alleged misconduct in office and willful neglect of duty. TAAAC immediately filed an appeal regarding the Superintendent's action, which secured the teacher's pay and benefits while working at an alternative assignment. *After five months of legal proceedings, hearings and oral arguments presented to the Board of Education by MST/NEA legal counsel, the Board rendered their decision to return the teacher to the classroom without prejudice or any disciplinary action.* This decision is in concurrence with a prior recommendation by an independent hearing examiner hired to arbitrate the 6-202 Appeal Hearing, opposing the recommendation of termination by the Superintendent.

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**Sheila M. Finlayson**

***Welcome back!***

I hope your summer gave you time to rest, to spend quality time with family and friends and to retool for the new year. Returning to new students, new courses and curriculums and new schools may be as exciting for teachers as for students. I hope the beginning of the year has gone smoothly.

This year, not unlike others, promises to be a very busy one. We are still waiting to be called back to the bargaining table to discuss the change in the Preferred Provider Network. We have shared all of your questions with the Central Office staff and by the time you receive this newsletter, we should have all of the responses in writing. Rumors are abound but we'll wait to hear the facts at the table.

As I write this commentary, I am concerned about a number of things, which I must share with you. Not least of all is the lack of knowledge, on the part of the administration, of what our negotiated agreement says. For two years now I have offered copies of our contract so that they may be made aware of what it says so that egregious mistakes are not made. For

# COMMENTARY

two years now, that offer has been ignored.

In the admirable quest for success in our schools, teachers are being ignored. Top down management, where teachers are not given the credit of having a valuable thought is prevalent. And when teachers are "chosen" to be involved, they are the ones who will repeat the party line.

*"Teachers teach the children and you deserve to be recognized as partners in this school system."*

I have a growing concern that people are put in places to cause more harm than good to employees. Is there really an attempt to get rid of the experienced teachers? Or to get rid of those who don't teach to the test? Or those who don't raise the test scores high enough? How many of you have found yourself on a plan of action, after a year of successful observations? What resources are teachers given to help you become better teachers?

As a result of the increase in test scores last spring, we saw glowing compliments about the success of our students and our schools. Dr. Smith and Members of the Board took the praise and made the perfunctory comments about "good" teachers. However, there was never an attempt to really show

appreciation to the teachers. Did you receive a letter saying great job, you are the backbone of the system, you deserve the credit? Coordinators take their charges for lunches and dinners to celebrate, yet principals are reprimanded for buying token gifts for their staffs.

Too often I am told that we need to improve morale in our schools. Well a little bit of recognition goes a long way. While we appreciate all of the new programs and materials of instruction that have been provided, they are meaningless without hard working, dedicated teachers putting them to use. Teachers teach the children and you deserve to be recognized as partners in this school system. You deserve much of the credit for any successes the Anne Arundel County Public Schools have received. It could not be done without you.

Instead of the praise for a job well done, we return to school to an effort to save money at the expense of the employees. The proposed change in the Preferred Provider Network may not be a bad thing if it is being done fairly. I am as wedded to BC/BS as the next guy but would be willing to change if I am assured that the level of coverage I will receive is the same or better than what I have now. Nothing less! And no promises of what might be occurring in the future.

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## TAAAC Action Report

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**Teachers Association of Anne Arundel County**

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## **From Contentia this month . . . *Sick Leave and Personal Business Leave Used Together?***

Here's a scenario that could happen to any Unit I member in AACPS. You take a few days of personal business leave, to take care of some, well, personal business. You've had the leave approved in advance by the principal and while you're taking care of your personal business, you come down with some horrible illness that lays you flat. So, you call in sick the day after your personal business day and subject yourself to bed rest and recuperation. You return to work the following day and two weeks later you receive your paycheck and ...WHAT? ... you've been docked a day's pay!! What happened? **(9354)**

Here's what happened. Somewhere in the massive flow of communications that is generated by the Board of Education, a misinterpretation of Unit I employees' rights has occurred. For some inexplicable reason, the payroll department "red-flags" this event every time it occurs and your pay is erroneously docked.

There are two separate Articles of the Negotiated Agreement that must be looked at to fully interpret your rights in this scenario. Article 5, Sick Leave, sets forth the provisions regarding sick leave and requires:

*"Sick leave shall be applicable on all duty days of Unit I members during the regular work year."*

The key words here are, "all duty days"; this means you can use sick leave on any day you are required and/or scheduled to work. Any day, regardless of whether the day is used immediately before or after, or in conjunction with a personal business leave day. TAAAC has been successful in winning grievances on this matter when a legitimate sickness causes an employee to use sick leave immediately before, or after, a personal business leave day. However, there are some limitations regarding the use of personal business leave. These provisions are found in Article 8, Other Leaves, which requires:

*"Personal business leave shall not be taken immediately before or immediately after a holiday or week-day when school is closed, nor on an in-service day for teachers, nor at the beginning or the end of the school year."*

There are subsequent definitions and clarifications of the use of personal business leave in Article 8, however, no prohibition of using sick leave and personal business leave together is explicitly or implicitly stated. The payroll department's continued practice of withholding income from a Unit I employee's paycheck when this scenario presents itself is unacceptable, and constitutes a grievance. TAAAC is not condoning or encouraging the abuse of sick leave benefits; this scenario applies to legitimate illness resulting in a Unit I employee's need to call in sick.

### **New Sick Leave Bank Rules**

As of July 1, 2004, the TAAAC Sick Leave Bank is open **only** to **TAAAC members**.

Current non-members who have participated in the TAAAC SLB in prior years have been removed from the TAAAC SLB roster.

Anyone who is currently a non-member and wishes to participate in the TAAAC SLB must first submit a TAAAC membership application.

Unit I employees who join TAAAC will be eligible for enrollment in the TAAAC SLB in their first 30 days of membership or during the open enrollment period of July 1 through September 30.

# 2004 NEA Convention Rocked Washington D.C.



The day after the 9,000 delegates to the NEA Convention voted to endorse John Kerry, Kerry and newly named running mate, John Edwards, joined us via teleconferencing.



On very short notice, Congresswoman Hillary Rodham Clinton visited the National Assembly and brought an inspiring message about the upcoming elections.



At the 7 a.m. Caucus, TAAAC President Sheila Finlayson and Delegates Ron Russell and Cheryl Menke must smile for the camera.



Delegates Donzella Parker Bert, Kathy Naeseth, and Carol Petrosky sit among the Maryland delegation during a Business Session.



During a Business Session, the TAAAC delegation took a minute to pose in front of the NEA stage for a group photo.

## Mission Statement

TAAAC is an advocacy organization which exist to further the professional concerns, economic interests, Human and Civil rights of its members, and to promote equitable, quality education in Anne Arundel County Public Schools.

**You may have won \$10.00! Have you spotted the last four digits of your phone number?**

# Kathy's Workman's Comp. Misadventure

"If you are injured at work, call the TAAAC office to obtain the proper Worker's Compensation paperwork." I'd heard these words at many Representative Assembly meetings and repeated them to members in my building. When I was injured at school in April, I followed this recommendation and my Workman's Compensation odyssey began.

The packet of information I received contained a step-by-step guide to filing my claim, as well an application for a sick leave bank grant. It also contained the name of an attorney who specializes in Workman's Comp claims. This attorney, Mr. Bryan Marshall, has an agreement with MSTTA to provide his services to members on a contingency fee basis.

Since I had heard many horror stories about dealings with our Risk Management office, I made the decision to retain Mr. Marshall's services. Mr. Marshall verified that all paperwork was properly completed and filed, translated legalese for me and pushed the Risk Management office when necessary. His office also provided personal encouragement and moral support.

Risk Management is a typical bureaucracy and seemed to need a lot of prodding. I not only had to have medical documentation from my own three doctors, but also had to travel to Pikesville to see a doctor chosen by the Risk Management office. (I felt the doctor there tried very hard to convince me that my work-related injury was due to a previous incident, which it was not.)

At one point during this process, I received correspondence saying that I was no longer covered. When I contacted my attorney, he said it was a mistake and that the document should not have been sent to me. I should not have been surprised at this error since the Risk Management office never managed to get my name correct, despite my many attempts to correct it. **(0367)**

During this process, I was not receiving my salary. I mistakenly thought that I could not use the Sick Leave Bank, since I was out on Workman's Comp. I should have applied for a Sick Leave Bank grant to cover my absences until my claim was approved.

I was injured in April and received the first Workman's Comp check at the end of May, over a month later. My last check came at the end of June. Since we are a two-income family, I was able to wait to be paid but I should not have had to wait.

My adventure came a little closer to its end when I received notification that Workman's Comp was not contesting my claim, but I still am awaiting a final hearing on my injury.

So... "if you are injured at work, call the TAAAC office." That is the best advise you will ever get; follow it!

*The author of this article is Kathy Naeseth, Secretary-Treasurer of TAAAC.*

## TAAAC Holds One-Day Representative Training

For many years, TAAAC has sponsored a two-day training for Representatives. As many new Representatives are joining us each year, we have the need to accommodate more than the usual 40 or 50 who attend. This year the Representative training will be a full-day event beginning with breakfast and lunch included.

The training will include How to Hold a 10-minute Meeting, Robert's Rules of Order, the TAAAC contract, and Membership Recruitment.

# It's Time to Party for Public Education!

*Stand up for our schools and our kids on September 22 and host a House Party.*

Across the country and in Anne Arundel County, children are lacking health care or preschool. Schools are outdated and classrooms are overcrowded. Teachers are being laid off or forced out of the profession. Colleges and universities are being priced out of reach. The unfunded federal education reforms are handing schools failing grades without the resources to succeed. Education is clearly not a priority. **(2787)**

NEA and other organizations in a new coalition have kicked off an unprecedented effort to host "house parties" and other get-togethers to raise the profile of education issues nationwide.

More than 2,000 NEA members, hundreds of MSTA and TAAAC members, have already signed up to host "house parties." Join us by hosting or participating in one of these parties to spread the word about public education. NEA will provide you with a detailed "How To" guide with step-by-step instructions about how to host a house party for education. Invite your friends and neighbors, who are not educators (they know the issues), to talk about what is needed to accomplish your community's education goals. See your building representative for more information.

## Fulbright Memorial Fund Teacher Program

Fully Funded 3-Week Study Visits to JAPAN  
for educators: grades 1-12

Apply on-line: [www.iie.org/fmf](http://www.iie.org/fmf)  
Information: 1-888-527-2636, [fmf@iie.org](mailto:fmf@iie.org)

## Employment Opportunity:

Elementary or Middle School Teacher needed to support homework supervision and limited after school transportation for a great 7<sup>th</sup> grade boy in Annapolis! Time commitment: three to four days per week from 4:45 until 6:00 p.m. for the duration of the academic school year. If interested, please call 410-266-6277.

## Members on the Move

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**Susie C. Jablinske**



Elected President of the National Council of Urban Education Associations (NCUEA)

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**Yolie Marshall**



Elected Alternate to the NEA Resolutions Committee

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**The following TAAAC members took part in the MSTA 2004 Summer Training Series:**

**Donzella Parker Bert  
Gloria Day  
Mary Lou Dulina  
Donna Kachura  
Shirley Little  
Timothy Mennuti  
Sarah Weller**

(Continued from page 2)

The other major problem with this healthcare issue is the refusal on the part of the administration to recognize that our contract language explicitly states "With the concurrence of TAAAC...." Two other school system unions have similar language in their contracts. Legally, since BC/BS is specifically named in the agreements, they must have our concurrence. Bad advice may lead us into court on this one. (3901)

This is a very difficult time and I suppose the word of advice that I give you is to be cautious and to "watch your back." There is a growing atmosphere of vindictiveness and retaliation in our system. Reeking fear into the lives of subordinates seems to be the norm of the day. (Research indicates that this is often a result of the pressure of high stakes testing.) Far too often people are reprimanded without cause and when they are cleared of the accusation, further charges follow. Don't make any assumptions, when in doubt ask the questions, and let us know what is going on. Don't assume that there is any issue too small or unimportant. Document everything; yet be careful about what you put into writing.

I fully expected to have a quiet beginning to this school year. It is turning out to be anything but quiet. Take solace in knowing that your Association is diligently working everyday to make sure that you receive the support you need and deserve. Students count on teachers and teachers count on TAAAC.

Thank you for all you do for the children and for our school system.

## 2004 TAAAC Committees and Chairpersons

**Bargaining Support Team:** Chief Negotiator Bill Jones

**Bylaws:** Ron Russell

**AACPS Calendar:**

Elementary Rep. - Susie C. Jablinske

Nancy Wagner (Alt.)

Secondary Rep. - Tim Mennuti

Louis Czachor (Alt.)

**Credentials:** Richard Benfer

**Elementary Concerns:** Mirjam Spaar

**Finance:** Kathy Naeseth, Secretary-Treasurer

**Foundation for Educational Excellence:** Susie C. Jablinske

**Government Relations:** Anne Russell

**Human Relations:** Michael Barnett

**Membership:** Allison Crews

**Minority Affairs:** Nina Gaither

**Nominating:** Richard Benfer

**Read Across America:** Dona Force

**Sick Leave Bank Advisory & Approval Committees:** Michael Svec

**Special Ed. Task Force:** Gail Wood

**Special Events:** Donzella Parker Bert

**TAAAC-Retired:** Bud Stupi

## MSTA CONVENTION 2004

Friday, October 15 & Saturday, October 16  
Ocean City, Maryland

**FREE! No registration fees or costs**

Take up to four workshops Friday, 8:30 a.m. - 5:15 p.m.  
Take up to two workshops Saturday, 8:30 a.m. - 12:45 p.m.

**NEW Teachers! Friday Only!** MSTA's complete **I Can Do It** classroom management training, 8:30 a.m. - 5:15 p.m.

**Four** certificates in the **Building Learning Communities** strand qualify for **one MSDE Continuing Education Credit.**



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**FOR local office use only**  
 NEA \$ \_\_\_\_\_  
 MSTA \$ \_\_\_\_\_  
 TAAAC \$ \_\_\_\_\_  
 Total \$ \_\_\_\_\_

**2004-2005 ENROLLMENT FORM**

**New! Fast! Easy!** Sign up online! Pay by credit card! Visit [www.mstanea.org](http://www.mstanea.org) **FREE!** Dues-TAB insurance! See attached registration.

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SOCIAL SECURITY NUMBER

FIRST NAME M.I. LAST NAME

				<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Dr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.	
ADDRESS					
CITY STATE		ZIP			
HOME PHONE					
HOME EMAIL			WORK EMAIL		
DATE OF BIRTH		ETHNICITY (Optional)		<input type="checkbox"/> Black <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> Caucasian (not of spanish origin) <input type="checkbox"/> Native Hawaiiin/Pacific Islander <input type="checkbox"/> Other	
MONTH / DAY / YEAR					
POLITICAL PARTY			REGISTERED VOTER		
<input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Independent <input type="checkbox"/> Other			<input type="checkbox"/> YES <input type="checkbox"/> NO		

TAAAC LOCAL

SCHOOL NAME

POSITION

SUBJECT

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 HIRE DATE

**Check your salary level for dues computation:**

Over \$32,104  \$16,052 - \$32,104  Below \$16,052

**Check one:**

Full-time  Part-time  10ths

**Method of payments:**

Payroll deduction (See below, sign and date.)  Cash / Check  10 Month  12 Month

**Payroll Deduction Authorization**

I authorize the Board of Education to deduct from my salary bi-weekly payments for membership dues as indicated hereon. I understand that such deductions shall continue from year to year for the dues set annually unless I rescind such authorization in writing to TAAAC over my original signature in accordance with local by-laws between August 15 and September 1.

\_\_\_\_\_  
 SIGNED

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 EMPLOYMENT DATE

Dues payments are not deductible as charitable contributions for federal income tax purposes. Dues payments (or a portion) may be deducted as a miscellaneous itemized deduction. Annual membership dues to the NEA includes \$4.55 for NEA Today, \$2.50 for NEA-Retired and/or \$17.00 for the Higher Education publications. The NEA publication(s) received by members are based on membership category. Annual membership dues to the MSTA includes \$8.10 for the MSTA Action Line.

**PLEASE RETURN WHITE, CANARY AND PINK COPIES TO YOUR LOCAL • RETAIN THE GOLD COPY FOR YOUR RECORDS**