

**STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD**

**45 Calvert Street, Room 102
Annapolis, MD 21401
Telephone: (410) 260-7291 Fax: (410) 267-7014**

**REQUEST FOR DETERMINATION THAT AN IMPASSE IN NEGOTIATIONS HAS BEEN
REACHED**
**(Pursuant to Education Article, Title 6, Subtitle 4, Section 6-408(e)(1) or Subtitle 5, Section 6-
510(e)(1))**

INSTRUCTIONS

Please type or print clearly, and complete all sections of this Request. (If a section is not applicable to your situation, so state and explain why.) File the original of this Request with Erica L. Snipes, Executive Director of the PSLRB, and simultaneously serve a copy on the other party (unless this is a joint request). Filing and service must be in person or by U.S. mail, return receipt requested.

I. REQUESTING PARTY OR PARTIES (Check appropriate line)

Employee Organization X
Public School Employer
Joint

II. PARTIES INVOLVED

A. PUBLIC SCHOOL EMPLOYER

1. Full name, street address, and telephone number of public school employer:

Howard County Public School System
10910 Clarksville Pike
Ellicott City, MD 21042
(410) 313-6600

2. Name, title, street address, telephone number, e-mail address, and fax number of public school employer representative to contact:

Pamela Murphy
Director of Staff Relations
10910 Clarksville Pike
Ellicott City, MD 21042
Email: pamela_murphy@hcpss.org

Phone: 410-313-6906

B. EMPLOYEE ORGANIZATION

1. Full name, street address, and telephone number of employee organization:

Howard County Education Association
5082 Dorsey Hall Drive, Suite 102,
Ellicott City, MD 21042
(410) 997-3440

2. Name, title, street address, e-mail address, telephone number, and fax number of employee organization representative to contact:

Erin Yeagley
MSEA UniServ Director and consultant to the bargaining team
Howard County Education Association
5082 Dorsey Hall Drive, Suite 102,
Ellicott City, MD 21042
Email: eyeagley@mseane.org
Phone: 443-766-9963

III. DESCRIPTION OF NEGOTIATING UNIT

A. Number of employees in negotiating units:

- a. Certificated Unit: 5087
- b. ESP Unit: 2207

B. Job categories in negotiating units:

- a. Certificated Unit:

Audiologist
Behavior Specialist
Behavior Analyst
Community Liaison
Teacher
Facilitator
Leadership Intern
Media Specialist
Occupational Therapist
Physical Therapist
Program Head
Psychologist
Pupil Personnel Worker
Reading Specialist
ROTC Advisor
Mental Health Therapist
School Counselor

Social Worker
Specialist
Speech Pathologist
Program Manager

b. ESP Unit:

Accountant
Analyst
Area Field Rep/FSN
Assistant
Assistant Data Program Evaluation
Assistant Manager
Audiovisual Producer
Bookkeeper
Braille Transcriber
Budget Analyst
Buyer
Clerk
Computer Operator
Coordinator
Database Administrator
Developer
Dietitian
Driver Trainer
Educational Interpreter
Engineer Telecommunications
Equipment Operator
Food & Nutrition Services Worker
Grade Scheduling Processor
Human Resources Business Partner
Interpreter
Learning Management System Administrator
Liaison
Manager
Mental Health Therapist
MPIA Compliance Administrator
Network Engineer
Nurse
Paraeducator
Photographer
Physical Therapist
Program Head for Educational Interpreter
Registrar
ROTC Advisor
School Bus Router
Secretary
Security Assistant
Senior Network Engineer

Server Engineer
Specialist
Technician

IV. NEGOTIATIONS AGREEMENT

- A. Effective date and expiration date of current negotiations agreement or, if none, of most recently expired negotiations agreement:

Effective Date: July 1, 2019
Expiration Date: June 30, 2021
(for both units)

- B. If there is no current or expired negotiations agreement, so state and explain why:

V. FACTS GIVING RISE TO THIS REQUEST

On a separate sheet of paper to be attached hereto, provide a clear and concise statement of the totality of the circumstances giving rise to this Request. Include in the statement:

- A. Date and duration of each negotiations session;
- B. Names and positions of attendees at each negotiations session;
- C. A list by topic (e.g., health insurance, leaves of absence) of all matters as to which the requesting party(ies) contend(s) that an impasse has been reached;
- D. A list by topic of all matters as to which the parties reached agreement during the current negotiations;
- E. The public school employer's required budget submission date (if relevant to this Request); and
- F. Any additional information which may be helpful to the PSLRB in dealing with this Request.

VI. POSITION OF OTHER PARTY (Unless this is a joint Request)

Does other party agree that an impasse in negotiations has been reached (Check appropriate line)

Yes _____

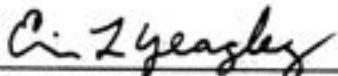
No _____

Do Not Know X (The BOE's Chief Negotiator, when asked whether the BOE will jointly file with us, said "no", however, it is not clear at this point whether this is because they disagree we are at impasse, or whether this is simply because they are now refusing to respond or take any particular action in regard to negotiations.)

VII. CERTIFICATION (If this is a joint Request, the signature of a representative of each party is required.)

I (we) declare that I (we) have read the information provided above, and that such information is, to the best of my (our) knowledge and belief, true.

Howard County Education Association
Requesting Party

, UniServ Director
Signature and Title of Representative
Filing this Request

Date: 5/28/2021

Statement of the facts giving rise to this Request

The following 16 negotiations sessions have taken place:

December 2, 2020 9am-3:30pm
December 7, 2020 9am-3pm
December 9, 2020 9:30am-3pm
December 16, 2020 9:30am-2pm
December 21, 2020 9am-1:30pm
January 6, 2021 10:30am-2:30pm
January 13, 2021 9am-11:30am
January 20, 2021 11am-1:30pm
February 3, 2021 1pm-3:30pm
February 10, 2021 1pm-2:30pm
February 24, 2021 1pm-1:30pm
March 3, 2021 3pm-3:30pm
March 10, 2021 3pm-4pm
March 17, 2021 3:30pm-4:30pm
March 31, 2021 2:30pm-3pm
April 14, 2021 2:30pm-3:30pm

Employee Organization Attendees: Sharon Gregory (Co-Chair, ESP Unit), Alison Daniels (Co-Chair, Certificated Unit), Colleen Morris (HCEA President), Benjamin Schmidt (HCEA Vice President), Teresa Dennison (HCEA Treasurer), Samuel Walters (HCEA Board of Directors), Jessica Nichols (HCEA Board of Directors), Erin Yeagley (UniServ Director)

Public School Employer Attendees: Pamela Murphy (Chief Negotiator), Theo Cramer (Community Superintendent), David Lerner (Chief Human Resource & Development Officer), Jennifer Peduzzi (Community Superintendent), Nasrene Mirjafary (Benefits Coordinator)

Note: Howard County Public Schools' budget is completed and was approved May 27, 2021. The allocation of funds within that budget are still subject to change if a negotiated agreement requires changes.

An impasse has been reached on the following matters:

ESP Contract:

- 1) Notification of job description changes: Article 3; HCEA proposal to provide for such notification
- 2) Involuntary transfers: Article 5; Three HCPSS proposals changing involuntary transfer process
- 3) Sick leave: Article 7; HCPSS proposal changing definition of immediate family
- 4) Annual leave: Article 7; HCEA proposal for additional annual leave
- 5) Leave cashout: Article 7; HCEA proposal for leave cashout
- 6) Child rearing leave: Article 7; HCPSS proposal changing criteria for use of leave
- 7) Bullying and harassment: Article 9; HCEA proposal for process for bullying and harassment complaints
- 8) Secretaries' duty year: Article 11; HCEA proposal for extra duty days for elementary school secretaries
- 9) Telework: Article 11; HCEA proposal for telework opportunities
- 10) Interpreter planning time: Article 11; HCEA proposal for provision of planning time for interpreters
- 11) Substitute teaching: Article 11; Two HCPSS proposals for broadening ability to mandate substitute teaching
- 12) Working out of grade: Article 11; HCEA proposal to broaden situations requiring extra pay for working out of grade
- 13) Technology: Article 11; HCEA proposal for provision of technology to unit members
- 14) Paraeducator planning time: Article 11; HCEA proposal for additional planning time for paras
- 15) Referrals: Article 11; HCEA proposal to change communication about referrals
- 16) Air Quality: Article 11; HCEA proposal to ensure better air quality
- 17) Tuition reimbursement: Article 12; HCEA proposal to increase tuition reimbursement
- 18) Professional Development: Article 12; HCEA proposal for a committee to improve ESP PD offerings
- 19) Interpreter salary lane definitions: Article 17; HCEA proposal to change criteria for interpreter salary lanes
- 20) Salary scales: Article 17; 6 HCEA proposals to increase salary via a step and a COLA for all represented employees

Certificated Contract:

- 1) Voluntary transfers: Article 6; HCEA proposal to revise the voluntary transfer process
- 2) Involuntary transfers: Article 6; Three HCPSS proposals to change involuntary transfer process
- 3) Reassignment: Article 7; Two HCPSS proposals to change reassignment process
- 4) Referrals: Article 9; HCEA proposal to change communication about referrals
- 5) Paraeducator assignment to teachers: Article 10; HCPSS proposal to strike language about para assignments
- 6) Substitute coverage: Article 11; HCEA proposal to broaden situations where teachers are paid for coverage
- 7) Summer employment: Article 12; HCPSS proposal to strike language prioritizing current employees for summer employment
- 8) Tuition reimbursement: Article 13; HCEA proposal to increase tuition reimbursement
- 9) Notification of job description changes: Article 14; HCEA proposal to provide for such notification
- 10) Professional Development: Article 14; HCEA proposal for a committee to improve Certificated PD
- 11) Sick leave: Article 15; HCPSS proposal changing definition of immediate family
- 12) Personal business leave: Article 16; Two HCEA proposals to enhance provision of PB leave
- 13) Sick Leave Bank administration: Article 17; HCEA proposal to share cost of SLB administration
- 14) Child rearing leave: Article 17; HCPSS proposal changing criteria for use of leave

- 15) Employment while on leave: Article 17; HCPSS proposal increasing prohibitions of employment while on extended leave
- 16) Extended sick leave: Article 17; HCPSS proposal to change definition of immediate family in regard to use of extended sick leave without pay
- 17) Return from leave: Article 17; HCEA proposal for position protection for a certain length of leave
- 18) Leave cashout: Article 18; HCEA proposal for leave cashout
- 19) Mandatory meetings: Article 18; HCEA proposal for limits on mandatory meetings
- 20) Teacher planning time: Article 18; HCEA proposal for additional planning time
- 21) Number of preps: Article 18; HCEA proposal for limits on number of lesson preparations per teacher
- 22) Telework: Article 18; HCEA proposal for telework opportunities
- 23) Casework days: Article 18; HCEA proposal for casework days for special educators
- 24) Special educator workload: Article 18; HCEA proposal to study special educator workload
- 25) ESOL workflow: Article 18; HCEA proposal to study ESOL workflow
- 26) Air Quality: Article 19; HCEA proposal to ensure better air quality
- 27) Bullying and harassment: Article 19; HCEA proposal for process for bullying and harassment complaints
- 28) Salary Scales: Article 20; 3 HCEA proposals to increase salary via a step and a COLA for all represented employees

Note: After the last date that the parties met at the table (April 14, 2021), there was some small movement via email, with the last movement from HCPSS being on May 4, 2021, on one item, and the last movement of HCEA being on May 12, 2021, which was the submission of HCEA's last best offer. On May 19, 2021, HCPSS chief negotiator Pamela Murphy told HCEA UniServ Director Erin Yeagley via phone that the HCPSS Board of Education will not and does not intend to respond to HCEA's last best offer. That is, they have neither rejected, nor accepted, nor countered our last package of bargaining responses, and according to Ms. Murphy, plan not to do so. Ms. Murphy did not provide a reason for this refusal to respond.

Prior to this breakdown in negotiations, our negotiations sessions had become much shorter and less productive. One significant impediment to progress was that, according to Pamela Murphy, the HCPSS team was not able to, and would not be able to in future sessions, develop any new responses to any item during the bargaining sessions; further, that she did not have and would not have the authority to do so during bargaining sessions. Therefore, HCEA requested of HCPSS that we schedule one or more full day sessions in which the HCPSS team would arrange to have access in caucus to whatever authority they would need to respond to bargaining items during bargaining sessions. They would not agree to this.

In the absence of any further responses from HCPSS, and with the HCPSS team not even having the authority to bargain at the table, we are at a loss as to how to continue from here without the intervention of a third party.

Agreement via T.A. has been reached on the following matters:

ESP contract:

- 1) Termination of rights: Article 1; HCPSS proposal to broaden criteria for returning employees to retain previously accumulated sick leave.
- 2) Grievance procedure: Article 2; Two HCPSS proposals to clarify grievance process and definition of "duty day".
- 3) Employee rights to representation: Article 4; HCPSS proposal to clarify employee rights to representation at meetings.
- 4) Vacancies: Article 5; HCPSS proposal to change requirements for filling of vacancies
- 5) Reassignments: Article 5; HCPSS proposal to change requirement for reassignments

- 6) Involuntary Transfers: Article 5; Two HCPSS proposals to change and/or clarify requirements for transfers
- 7) Reductions in force: Article 5; Three HCPSS proposals altering requirements for notice to HCEA of reductions in force, changing requirements for order of layoffs, and changing communication process to and from members regarding recall from layoff
- 8) Evaluations: Article 6; HCPSS language clarification regarding duty days
- 9) Sick leave: Article 7; Two HCPSS proposals clarifying and/or changing allowable use of sick leave
- 10) Personal leave: Article 7; Two HCPSS proposals changing allowable use of personal leave.
- 11) Bereavement leave: Article 7; HCEA proposal changing allowable use of bereavement leave
- 12) Annual leave probationary period and use increments: Article 7; Two HCPSS proposal changing allowable use of annual leave
- 13) Notification of return from leave: Article 7; HCPSS proposal to change process for employees to notify HCPSS of return from extended leave.
- 14) Family Crisis Leave Exchange: Article 7; HCEA proposal to implement a crisis leave exchange for the ESP unit.
- 15) Emergency closings: Article 10; HCEA proposal changing report time for 12-month employees during emergency closings.
- 16) Interpreters' duty year: Article 11; HCEA proposal adding possibility of 5 additional duty days
- 17) Adjustment of duty year: Article 11; HCEA proposal adding possibility changes to duty year based on school calendar changes
- 18) Interpreters breaks: Article 11; HCEA proposal adding interpreters to the list of ESP employees who get breaks during the workday in addition to lunch
- 19) Overtime policy: Article 11; HCPSS proposal clarifying laws which may be applicable to this policy
- 20) Paraeducator substitutes: Article 11; HCPSS proposal eliminating prohibition on providing subs for paraeducators.
- 21) Professional Growth Plans: Article 12; HCEA proposal describing process for creating professional growth plans
- 22) Duration: Article 18; duration of contract currently under negotiation

Certificated contract:

- 23) Evaluations: Article 5; Two HCPSS language clarification regarding the accessibility of observation reports, and adjustments to SLOs
- 24) Voluntary Transfers: Article 6; HCEA proposals to change the voluntary application process for reading specialists
- 25) Involuntary Transfers: Article 6; Three HCPSS proposals to change and/or clarify the transfer process
- 26) Assignments and reassignments: Article 7; Three HCPSS proposals to change the requirements and process for assignments
- 27) Discipline procedures: Article 10; HCPSS proposal to clarify laws applying to this policy
- 28) Employee rights to representation: Article 10; HCPSS proposal to clarify employee rights to representation at meetings.
- 29) Student investigations: Article 11; HCEA proposal to include additional employees in an exemption from being placed in an investigative position over students they serve.
- 30) Reductions in force: Article 12; Four HCPSS proposals altering requirements for notice to HCEA of reductions in force and from employees for recall, and changing requirements for order of layoffs,
- 31) Professional Growth Plans: Article 13; HCEA proposal describing process for creating professional growth plans
- 32) Association representation on committees: Article 14; HCEA proposal noting desirability of having Association representation on HCPSS committees.
- 33) Sick leave: Article 15; One HCPSS and one HCEA proposal clarifying and/or changing allowable use of sick leave
- 34) Bereavement leave: Article 15; HCEA proposal changing allowable use of bereavement leave

- 35) Notification of return from leave: Article 17; HCPSS proposal to change process for employees to notify HCPSS of return from extended leave.
- 36) Professional development: Article 18; HCEA proposal to provide testing-out option for PD.
- 37) Occupational Therapist stipend: Article 20; HCEA proposal for OT stipend
- 38) Duration: Article 26; duration of contract currently under negotiation

Agreement via proposal withdrawal has been reached on the following matters:

ESP contract:

- 1) Job sharing: Article 1; HCPSS proposal to strike some language.
- 2) Temporary employees: Article 1; HCPSS proposal to change criteria for bargaining unit inclusion
- 3) Evaluations: Article 6; HCEA proposal on legal prohibition of using leave use against employee
- 4) Sick Leave: Article 7; HCPSS proposal changing allowable use of sick leave
- 5) Return to position: Article 7; Two HCPSS proposals changing criteria related to employees returning from extended leave
- 6) Assault leave: Article 7; HCEA proposal to allow for assault leave
- 7) Lunch: Article 11; HCPSS proposal to change lunch break schedules
- 8) Committee work: Article 11; HCEA proposal to clarify allowable assigned committee work
- 9) Overtime: Article 11; HCPSS proposal to change language about when overtime can be worked
- 10) Staff meetings: Article 11; HCPSS proposal to broaden when staff meetings can occur
- 11) Biological waste cleanup: Article 11; HCPSS proposal to allow mandating ESP to clean up biological waste
- 12) Extreme temperatures: Article 11; HCEA proposal to limit work in extreme temperatures
- 13) Benefits credit: Article 14; HCEA proposal to provide monetary credit to employees not using HCPSS benefits

Certificated contract:

- 14) Negotiations process: Article 2; HCPSS proposal to change negotiations process
- 15) Academic freedom: Article 4; HCPSS proposal to clarify guidelines on academic freedom
- 16) Emergency Operating Procedures: Article 10; HCPSS proposal to change posted information on 911
- 17) Committee work: Article 11; HCEA proposal to clarify allowable assigned committee work
- 18) Notification of policy changes: Article 12; HCPSS proposal to change notification
- 19) Recall list: Article 12; HCPSS proposal to change requirements for placement of recalled staff
- 20) Sick Leave: Article 15; HCPSS proposal changing allowable use of sick leave
- 21) Assault leave: Article 16; HCEA proposal to allow for assault leave
- 22) Extended leave: Article 17; Two HCPSS proposals to change leave limits and criteria for placement upon return
- 23) Professional days: Article 18; HCEA proposal to increase professional days
- 24) Speech Language Pathologist casework: Article 18; HCEA proposal on reduction of SLP paperwork
- 25) Benefits credit: Article 21; HCEA proposal to provide monetary credit to employees not using HCPSS benefits