

## Teacher Negotiations Meeting Minutes

Thursday, March 10; 6:30 p.m.  
Central Office Board Room

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**Facilitator:** - Dr. Douglas Sullivan

**Negotiators Present:**

**Representing School Board:** Mrs. Kris Fehr and Mrs. Sarah Ricks

**Representing Dickinson Education Association (DEA):** Mr. James Fahy, Mr. Lyle Smith, Ms. Sarah Berglund, and Mr. Jay Schobinger.

**Others:** Vince Reep, Leslie Wilkie, Barb Binstock, Shawn Knipp, Amanda DeMorrett, Brenda Loney, Megan Morey, Diana Stroud, Leann Mehrer, Jim Steckler, Scott Schmidt, Shary Smith, Laura Bloom, Barb Bonicelli, Julie Maes, Mary Ann Reisenauer, Dawn Sipma, Tracy Sipma, Jill Nelson-Wetzstein, and Twila Petersen.

**Call to Order** – Chair Douglas Sullivan called the meeting to order at 6:30 p.m. Consensus was that effective with tonight's meeting minutes that Dr. Sullivan be listed as a facilitator.

**Review and Approval of the March 1, 2016, Meeting Minutes** – A copy of the meeting minutes had been emailed to the team previously and copies were available for the team members. Chair Sullivan opened the floor for discussion. There were no objections to the minutes as presented; therefore, by consensus both parties agreed the March 1 meeting minutes were approved. Mrs. Fehr and Mr. Fahy signed and dated the minutes.

**Ground Rule #9** – Chair Sullivan noted the DEA had requested this topic be put on the agenda. Mr. Smith said after the last meeting there was a discussion with the DEA executive committee. The executive committee did not feel the DEA negotiators had the authority to incur the expense for half the cost of the recorder. He noted the DEA would like an opportunity to take the topic to its March 21 DEA member meeting for a vote by the membership. Mr. Smith said at the end of the last negotiating sessions it was difficult to convince the DEA members to pay for half the recorder fees. He had forgotten to bring up the topic at the March 1 Teacher Negotiations meeting. Mr. Smith said there were also some questions that would need to be answered or clarified. He asked why the DEA should help pay for something that should be already covered by the Board. Mr. Smith referenced the last meeting when it was said that the minutes would be the Board's minutes if they incurred the full cost of the recorder. Mrs. Ricks was not comfortable bringing up this topic again since it was agreed to at the March 1 meeting. She understood what Mr. Smith was saying that the DEA executive committee didn't feel the DEA negotiators had the authority to authorize paying half the cost of the recorder. Mrs. Ricks said she felt that this would set a precedence for this to happen again in the future and allowing just a few people in the DEA to have enough power in the organization to overturn an agreement that had been made by the negotiating team, which had even received input from their resource person. Mrs. Ricks said it concerned the Board negotiators that a statement agreed at the table was not binding. Mr. Smith responded that what is agreed to at the table has to be ratifiable. Mrs. Ricks agreed that anything in the negotiated agreement would have to be ratifiable; however, the ground rules were for the purpose of the negotiating teams. Mr. Smith explained that he had erred, he was wrong (in assuming the DEA negotiators had the authority). Mrs. Ricks asked what new information or facts was available that has changed. Mr. Smith explained the process; whenever there is a DEA budgetary issue it needs to be brought before the members for a vote. Mrs. Ricks said that this would delay the negotiations and it should have been discussed before coming into the first negotiations meeting. Mr. Smith agreed. Mrs. Ricks asked what other questions need to be answered. Mr. Smith shared information from research that had been done regarding other Class A schools and the cost incurred for the recorder. Fargo and Grand Forks do their own minutes, Mandan splits the cost of the recorder, Bismarck the cost is split, Williston School Board provides and pays for everything, West Fargo pays \$50 a session with the cost split, and in Minot both sides take their own minutes. Mr. Smith said another thing that irritates the members is that the DEA negotiates for three groups. They negotiate for the DEA members, they negotiate for non-members, and they also negotiate for the administrative group. Mrs. Fehr asked for clarification on how the DEA negotiates for the administrators. Mr. Smith responded that the emergency clause was a topic that has been discussed at the teacher negotiations for many years. After there was an agreement with the Board and the DEA language was

incorporated into the Teacher Negotiated Agreement. That language was then borrowed and placed in the Administrative Negotiated Agreement. He said that the emergency leave is not an isolated incident. It irritates the DEA members that they have to pay to do it, to have it negotiated. He added if the Board would pick up the full cost for the recorder it would alleviate the situation. It is a small amount for the Board to incur and a large amount for the DEA to incur. He added that he would hope the Board would still want DEA input on the minutes and agreeing to the minutes. Mrs. Ricks clarified that the DEA negotiators were asking for a revision on ground rule #9 requesting the Board bear the full cost for the recorder even though the DEA members have not voted. Mr. Smith responded that was accurate. Mrs. Fehr inquired if there was anything else on the ground rules that DEA negotiators had a concern because the negotiations could not proceed until the ground rules were established. Mr. Smith responded there were no other concerns with the ground rules other than #9. Board negotiators requested a short recess to caucus. At 6:46, Chair Sullivan declared a five minute recess for the Board negotiators to caucus. At 6:57 Chair Sullivan called the meeting back to order and opened the floor for discussion. Mrs. Ricks stated for the minutes that the Board does not agree that the DEA negotiates for the administrators. She added, in the past, there has been language borrowed all the time from other contracts and other districts. In regards to the matter at hand, she asked the DEA negotiators if this is an isolated incident. Mr. Smith responded that it was. Mrs. Ricks said she wanted to be sure the DEA executive committee would not be interfering with negotiations in the future as the team moves forward and wanted to make sure a tentative agreement was going to stand. If that is not the case then the executive committee would need to be at the table so that the team can move forward; not be taking two steps forward and one step back. Mr. Smith concurred. Mrs. Fehr said the Board negotiators would like to suggest a compromise. The compromise would be that the Board bear the cost of the recorder for the first four meetings and after that the cost of the recorder be shared (equally between the DEA and the Board). Mr. Smith responded that two of the meetings were spent on ground rules. If the team would have accepted the DEA proposed ground rules then they would have been done already. Mrs. Fehr said they could start counting the four meetings after today's meeting. Mr. Smith responded that he still wished to take it before the DEA members for a vote and added he would work hard (to get it approved). Mr. Fahy appreciated the compromise and said he would work hard to make it happen. Mrs. Fehr said negotiations could not proceed until the ground rules are resolved. She added that legal counsel has advised the Board negotiators that if the Board incurs the full cost for the recorder that the minutes become the official minutes of the negotiation session with no input. At 7:02 p.m. Chair Sullivan declared a two-minute recess for the Board negotiators to caucus. At 7:06 p.m. Chair Sullivan called the meeting back to order and opened the floor. Mrs. Fehr said the Board negotiators were having trouble with this because this is the first time it has ever been dealt with. She asked for clarification regarding the process for the DEA negotiators. Mr. Smith responded the normal process is for the budget committee to bring forward to the members at a DEA membership meeting a budget item to be voted on. Mrs. Fehr said this topic has been discussed since the first negotiations meeting and added a DEA meeting could have been held before today. Mr. Smith agreed and added he "dropped the ball on it". Mrs. Ricks inquired if there is ever a situation where things come up that have to be taken care of (without a membership vote). Mr. Smith responded yes and asked what the Board negotiators were suggesting. Mrs. Ricks said she was suggesting that the DEA negotiators do have some authority to use expenditures on behalf of their organization, if it is in the best interest of their entire organization. She added that it was the Board negotiators' belief that it would be in the best interest of everybody if they could move forward tonight. Mr. Smith concurred and said (the DEA negotiators) agreed to the Board's compromise. Consensus was that the Board would bear the cost for the recorder for the next four meetings (or the first six meetings) and then subsequent meetings (after the 7<sup>th</sup> meeting) the cost for the recorder would be shared by the Board and the DEA.

At 7:10 p.m. Chair Sullivan declared a recess for the purpose of revising #9 in the ground rules. At 7:16 p.m. the meeting resumed.

**Sign Ground Rules** – A copy of the ground rules with the revision to ground rule #9 was approved by both parties and signed by Mr. Fahy and Mrs. Fehr.

**Financial Presentation** - Assistant Superintendent Reep distributed copies of the 2015-2016 DPS Salary Schedule Index. Mr. Reep suggested that he and Mr. Fahy meet as they have done in previous negotiations. He offered to get together with negotiators and go through the material in detail. For the benefit of those in the audience Mr. Reep explained the final draft was done on January 12, 2016. He noted this could change due to staffing changes such as employees resigning during the year. In terms of where they are for 2015-2016 he suggested using the proposed document with the FTEs of 270.13 and an index number of 444.7459. Mr. Reep distributed a second sheet with information regarding revenue and expenditures pertaining to teacher salaries and benefits. It was clarified there is only one salary schedule for all teachers. Mr. Reep agreed to share electronic copies of the salary index and calculator. He noted there are 30 individuals that are eligible for career increments next year. The horizontal movements in the past three years has averaged \$45,000. Some individuals move across lanes aggressively. Teachers have until the last



Friday in August to submit their application for additional credits for salary schedule advancement. Mr. Reep explained the amount for health insurance, term life, and the Employee Assistance Program changes every month. He said the base line total is \$22,298,000. Mr. Reep explained some of the revenues and the budgeting process for the District. The preliminary budget is set by the Board in August. The Certificate of Levy is done in August and can be amended until October. The projected budget for property taxes in 2016-2017 is \$9,700,000. That number represents a 12% increase to what is currently being levied. The past year the taxable valuation grew by 26.3%. The county and city assessors have shared with Mr. Reep that the tax valuations could stay the same as last year or there may be a 7% increase. By state law the District cannot go higher than 12%. The District could have 12% in taxable valuation and then it would not need to change the mills. Or, the board could decide to levy more mills to get to that 12% because by law in North Dakota the District can levy 60 mills in the general fund. But because the taxable valuation has increased so largely the District's 60 mills is only 53.17 and it can't levy more than that because it has already hit the 112% cap. The state foundation aid is based on previous year's average daily membership (ADM). It is also receiving funds from last year's county money and oil and gas monies and tuition. Mr. Coleman at DPI uses all of last year's data to pay the District for this year. For next year's budget the 2016 taxable valuation is an unknown. Mr. Reep shared he thought the District could get 112% either by increasing in mills or if the valuation does hold and doesn't start to decline. Through legislative action the District received funding in this biennium for hub city oil and gas. This will be re-evaluated on June 1. Ryan from the State Treasurer's office shared with Mr. Reep that he felt the hub city funding would continue through the second year of the biennium. It is unknown if there will be future hub city funding and it would need legislative action for it to continue. Mr. Reep said he is really guessing how much money the District will receive. The state funding formula imputes the non-foundation aid payments. For every dollar that is received, 75% of it is imputed and subtracted from the foundation aid payment. This equalizes out the payments for the school districts across the state. The District recorded \$4.6 million this year and the reason it isn't \$5 million is because the July and August payments are from last year and then the new payments start in September so it lags two months from the treasurer's office. In July and August the District received \$229,167 and then in September the new bill hit and it was for \$416,667 but when that's imputed against the District's foundation aid the net result is that it will be less money in foundation aid next year on the per pupil payment. The number Mr. Reep is using now is -\$544,000; even though he is projecting that the District will increase by 50 students in ADM from what is being used in the funding formula now to what it will be at the end of the year. Mr. Reep noted the District lost 95 students since September 4 and all of those students did not go all at once. Each day a student is in the District can be claimed. Mr. Reep has a spreadsheet that tracks those students. Mr. Fahy asked what Mr. Reep was predicting for ADM for next year. Mr. Reep responded it would be 50 more than it was on his spreadsheet for this year. He cautioned that if Mr. Coleman uses the fall enrollment as what our ADM was going to be, Mr. Reep would reduce that by 50 because there are 95 less students and he also uses what the District got last year in county hub city oil monies. Mr. Coleman does not update the hub city funds and that is a big concern. Mr. Reep offered and encouraged to meet to go over the three page spreadsheet. The budget number that Mr. Reep is using now is -\$500,000. If oil and gas holds at least for next school year, \$773,779 is the moving number in new funds that he would have available now. Mr. Reep explained there were some purchases such as land and furniture and fixtures for the new middle school and infrastructure that the District used the hub city oil money because it was one time funding.

Mrs. Ricks asked if the projected amount of new money available for next year was \$773,779. Mr. Reep responded that amount was correct. Mr. Fahy inquired what percentage of the budget they were looking at for salaries and benefits. Mr. Reep responded he had not figured that out for the teacher group. The District is at 75% total with all the employee groups and that includes student services. Mr. Fahy inquired what was the projected number of new FTEs. Mr. Reep and Dr. Sullivan responded they were projecting seven new FTEs.

**Present Topics for Negotiation** – Chair Sullivan opened the floor for discussion. Following were the items presented.

- a. Salaries (proposed by Mrs. Fehr)
- b. Evaluate and Discuss Some of the Indexes on the Salary Scheduled (proposed by Mr. Schobinger)
- c. Contract Language Clean Up (proposed by Mrs. Ricks)
- d. Graduated Personal Leave (proposed by Ms. Berglund)
- e. School Calendar (proposed by Mrs. Fehr)
- f. Outside the Work Day Compensation (proposed by Mr. Fahy)
- g. Management Right's Clause (proposed by Mrs. Fehr)
- h. Licensed Teachers Substitute Pay (proposed by Mr. Fahy)
- i. Recruitment of Highly Qualified and Experienced Teachers (proposed by Mrs. Fehr)
- j. Clarify the Definition of National Certification (proposed by Mr. Smith)
- k. Retention of Highly Qualified and Experienced Teachers (proposed by Mr. Fahy)

**Debrief** – Chair Sullivan summarized the meeting. The March 1 meeting minutes were approved and signed by Mr. Fahy and Mrs. Fehr. The ground rules were revised with a revision to ground rule #9 and then the revised ground rules were approved and signed by Mrs. Fehr and Mr. Fahy. Assistant Superintendent Reep provided financial material for both parties. In terms of the topics for negotiation: the Board topics were salaries, language cleanup, the school calendar, management rights clause, and recruitment experienced and highly qualified teachers. The DEA topics were to discuss some of the indexes on the salary schedule, graduated personal leave, outside the work day compensation, licensed teacher sub pay, definition of national certification, and retention of teachers.

**Schedule Next Meeting Date and Time and Agenda Items** – By consensus, the next meeting was scheduled for Thursday, March 17 at 6:00 p.m. and will be held at the Central Administration Office in the Board room. Chair Sullivan stated the first couple of items on the agenda will be a call to order and review and approve the March 10 meeting minutes. He suggested item III be the presentation of topics for negotiations. Chair Sullivan noted that topics can be presented for two meetings after the ground rules are established. Mrs. Fehr said that the topics cannot really be prioritized until all the topics are presented. Mr. Fahy said that the team could choose a couple of topics that could be easy. The topic he is looking at that is quite possibly easy is the one for unlicensed substitute pay which is in place, the DEA would like it in the negotiated agreement. Mr. Fahy said that it is a current practice. He added the team could clarify the definition of national certification. Chair Sullivan distributed copies of the paired comparison chart to prioritize all the topics once they are placed on the table. Mr. Fahy was not sure if prioritization is necessary since the team has to talk about all the topics anyway. Mrs. Fehr felt the team needs to decide what topic to discuss first. Mr. Fahy proposed that rather than prioritizing each team propose one or two topics per meeting. Chair Sullivan suggested at the next meeting the team present topics for negotiation and then the next item would be to discuss the topics. That would leave it open for each party to decide how they want to proceed. Mr. Fahy remembers that prioritizing caused some issues last time as well. Mrs. Fehr felt that creating the problem statements was difficult. Mrs. Fehr would like to try to understand what the DEA's topic is and what the problem is; that is important to her. Mr. Fahy suggested the Board present one topic and then the DEA present one topic. Some of the topics are fairly easy and could get off the table in a short amount of time. Mrs. Fehr was not sure if taking turns going back and forth would work since there may need to be additional information. Mrs. Fehr said she does not know anything about the licensed teacher substitute pay and inquired if Mr. Reep needed to provide some information on that topic. Mr. Fahy suggested to do what Dr. Sullivan said and start with the discussion and what is the issue and why the team feels it is important.

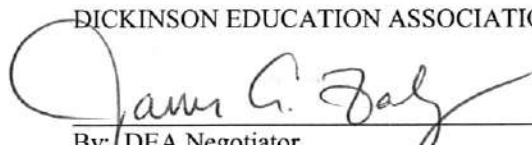
**Adjournment** – Chair Sullivan declared the meeting adjourned at 7:57 p.m.

Dated this 17th day of March, 2016.

DICKINSON PUBLIC SCHOOLS

  
By: Board Negotiator

DICKINSON EDUCATION ASSOCIATION

  
By: DEA Negotiator