

April 16, 2009

A special meeting of the Board of Education of the Oak Park and River Forest High School was held on Thursday, April 16, 2009, in the Board Room of the high school.

Call to Order

President Conway called the meeting to order at 7:35 a.m. A roll call indicated the following members were present: John C. Allen, IV (arrived electronically at 8:38 a.m.), Jacques A. Conway, Valerie J. Fisher, Dr. Ralph H. Lee, Sharon Patchak-Layman, and John P. Rigas. Also present were Dr. Attila J. Weninger, Superintendent; Jason Edgecombe, Assistant Superintendent for Human Resources; Cheryl Witham, Chief Financial Officer; Jack Lanenga, Assistant Superintendent for Operations; and Gail Kalmerton, Executive Assistant/ Clerk of the Board of Education.

Visitors

Kay Foran, Communications and Community Relations Coordinator; Tom Kirchner, Toni Hagins, Anthony V. Ariola, Maurice Perez, Rich Loza, Patti Collins, Myles E. Beckam, Paul Villanueva, Rachel Alex, Ben Capellupo, Liliana Paniguer, Shea Marshall, Robert Collins, Art Chambers, Charles Smith Jr., Debra Perez, Carmen Perez, Carrie Calls, Ronald E. Lee, Al Melianio, John Ridenour, Clem Simon, Tyson Roan, Bill Marc, Annie Valdez, Ronald Lee, Robert Collins of OPRFHS Buildings and Grounds; Wyanetta Johnson, community member; C. T. Simons and Jim Sostake of GCA; Matt Brandon, Gene Washington, and Wayne Lindwall of the SEIU, James Paul Hunter, FSEC Chair; Joe Kostal, Faculty Member, Amy McCormack and Terry Finnegan, Board of Education members-elect; Paul Keller of Ancel Glink (arrived at 7:51 a.m.); Terry Dean of the *Wednesday Journal*; Chuck Fieldman of the *Oak Leaves* and Debra Kadin of the *Chicago Tribune*.

Visitor Comments

Anthony V. Ariola, five-year employee in the B&G Department addressed the Board of Education.

Mr. Ariola pointed out the following items:

- 1) Five years ago, the atmosphere was different at the high school; the feeling was that everyone took care of one another;
- 2) Outsourcing made them feel as if they had to either take the contract or be dismissed;
- 3) The proposed contract would limit the amount of vacation he would receive in the future.
- 4) It was unfair that one person doing the same work as the person next to him/her would earn six dollars less than he/she would.
- 5) Engineers working on Easter will get less overtime; it is a sacrifice for them not to be with their family on this day. He felt a reasonable contract would not be about taking less.

Mr. Ariola acknowledged that the B&G employees were scared and that they did not want to lose their jobs, but they did not want a “garbage” contract. Mr. Ariola attended OPRFHS, has children of his own, and he felt OPRFHS was the best school he has seen. The high school’s motto is “For Those Things That Are Best.” He asked how this high school could bring in second best after having the best. The threat of outsourcing B&G employees was not fair. He was disappointed in the administration. He asked not to have his job taken away from him and for the Board of Education and the administration to reach a fair contract.

Lark King, resident, B&G electrician and a member of the B&G negotiating committee, addressed the Board of Education.

Mr. King stated that the perception was that the administration views B&G personnel as an inferior class of people. A new form of discrimination has arisen and it divides people by income. After the administration voted itself a 5 percent raise, it became budget conscious. He had been warned about the “big bad administration.” He and the other electrician are required to change clocks two times per year because of daylight savings time. The last time they did so, they requested overtime. When they did not receive it, they asked why. Before checking past practice, the Administration said the work should not take that long to do.

T. Kirchner, a 22-year employee at OPRFHS as building carpenter and assistant union steward, read the following statement.

“My name is Thomas Kirchner. I am Assistant Steward of the Building and Grounds Bargaining Unit. I have worked for OPRF for 22 years. I have had the honor and responsibility of serving on the Union Negotiating Committee for seven contracts. I am here today to ask the Board of Education to 1) leave tabled the consideration of actions to outsource custodial services and reduction in force, or 2) reject those actions altogether. I also ask the Board to continue to talk with the Building and Grounds Negotiating Committee to firm up the loose ends of tentatively agreed language; language which has been re-written, revised, or removed from our most recent working agreement.

“The Administration announced a tentative agreement with Building and Grounds employees on March 25, 2009. That announcement mentioned a couple of items – length of term and annual cost of living increases - that were part of the package expected to be ratified by employees the following week. That package was narrowly defeated.

“Issues that spurred the rejection were related to specific language which had been agreed to in concept with a commitment to finish the language later and a very concerned reaction to statements made by a Board member during the Board meeting on March 26, 2009. The statements were made after the tentative agreement was reached but before the vote and brought the intentions of the Board into question.

“Some of the Administration’s proposed language changes are grammatical, some are organizational. However, many are substantive, and as such, have required thoughtful consideration; first to have been written by the Administration, then to be understood by this Committee. This Committee found it disingenuous that the Administration would, at one point during negotiations, chide the Committee for applying such thoughtfulness to consideration of these language changes.

“The Union Committee has been and pledges to continue negotiating in good faith.

“An often stated goal of the Administration during our negotiations was to establish the starting wages of the Building and Grounds employees at the midpoint of a range of wages gleaned from a pool of school districts selected by the Administration, from the Northwest Personnel Administrators group of member school districts.

“I have for you today comparisons of the wages of Oak Park and River Forest High School Custodians and the wages they would receive at each of the comparison districts. We added a district that has historically been used as comparative to us. You will notice in each of the scenarios I present to you today, that the starting custodian wage of \$18.01/hr. proffered to this Committee as last and best offer by the Administration is not at midpoint. It is substantially below the average wage shown in the comparisons.

“This Negotiating Committee met with Administration again on Monday, April 13th. We feel that negotiations actually went backward that day.

“Of legitimate concern to this Committee is that the actions of the Administrative negotiating team belie its stated intentions and have been, at times, regressive.

“On behalf of the Building and Grounds employees, I ask the Board to continue to work with this Committee to close the narrow gap in our negotiations. We want to conclude these negotiations

and have a settlement that serves the best interests of all parties in question.”

Robert Collins, resident of 829 Hayes, Oak Park, addressed the Board of Education. Being a Baptist preacher, he had prepared a sermon. While being the newest B&G employee, he has had spirited conversations with both Robert Zummallen and Mr. Edgecombe. While he had not graduated from OPRFHS, his children did and they were successful. He was proud of them. He stated that first impressions were often the last impressions. When the union voted the contract down, he was angry with his co-workers. After a couple of days, he found compassion. Asking anyone to sign a blank check is not a good thing. In biblical terms, first comes knowledge, then comes understanding and then comes wisdom. If one has the knowledge, one gains an understanding. If one has understanding, one gets wisdom. His compassion comes from the standpoint that there was a misunderstanding and he was not sure if it were deliberate or unintentional. Why does he want to work here? He has been a resident of Oak Park for 30 years, pays high taxes, he wants to reap some of the rewards/benefits of being an employee at OPRFHS. Financially, he both needs and wants his job. His wife is an employee at OPRFHS and she loves her job. If a house is divided, it will not stand. His plea is for the Board of Education to think of B&G employees when making the decision.

Clem Simon, a 13-year OPRFHS B&G employee, noted that he had been outsourced at the Library. He came to OPRFHS because he needed to pay for his children to attend Fenwick High School. He supported his children through school and he has almost paid off their college debts. While he was happy that the District had not cut any of the health benefits, he did not like the fact that people had to work another 15 minutes, from 11:30 to 11:45 p.m. He did not believe any more work would be accomplished during that time. Mr. Simon, who works in the Fieldhouse, said it could be quite active there.

Patricia Collins, secretary to the B&G Department, read the following statement:

“Several thoughts and questions came to mind while looking over the March 17 and March 26, 2009 Board packets and the Request for Proposal. Many of them would affect the cost savings outlined. I felt I should still share these with you.

- In Section M of the RFP – Item 1k lists reporting burned out lights as a job responsibility. The task of replacing burned out lights was shifted from the electricians to the custodians as part

of their route work two years ago. According to work orders entered – 185 requests for changing light bulbs were entered between February 2007 and December 2008. In addition, custodians routinely change bulbs on their routes.

- Where are set up responsibilities outlined in the RFP/quotes? Does anyone have any idea exactly what and how many ‘extra duties’ fall to set up? Do you think an outside service is going to do what our set up crew does at no extra charge?
- Concerning Sodexo - there seems to be a large discrepancy in the turnover rate in the proposal originally submitted and in their response to Tim Keeley’s 03/17/09 request for additional information. Their original proposal states a 59% turnover rate for 2008. In the vendor turnover rate spreadsheet in the 03/26/09 Board packet, Sodexo’s North American Midwest turnover rate for 2008 is listed at 11%.
- There is a debate as to whether or not wages are included in the term “benefits package.” Has the District taken into account legal costs concerning this argument should the decision be made to outsource?
- Has the District taken into account the new law concerning Cobra payments for Americans laid off since November 2008? I understand companies are obligated to pay their laid-off employees’ Cobra payments for a period of 9 months. Another expense incurred.
- I cannot understand the three year cost comparisons based on 5% annual salary increases. The last time B & G received a 5% increase was 2002-2003. Since then, they received 2.25% for two years and 3% for the last four years.
- On the three-year cost projections – are the worker’s compensation figures based only on custodial staff or does that figure include all Buildings & Grounds staff?
- Where are the reference checking scores? Can we see the information rather than just the scores?
- New employees would be paid between \$10.00/hour and \$13.00/hour. What kind of workers do you think that will attract? I believe there is truth to the saying that you get what you pay for.
- Has the Board seen the negative articles concerning GCA and Sodexo?

“This has been an extremely difficult experience. I have heard reports that staff members are swearing at B & G Staff for not having voted in favor of the proposed contract. This was directed at a staff member who actually voted in favor of it. I respect the Board’s financial resolution adopted in January 2009. But I feel that the Buildings and Grounds staff deserves a raise for the 2008/09 school year just as all other staff members received. Administration should take the lead by not getting big raises for

the upcoming school year and the rest of the groups can follow suit.

“I believe we are all in agreement that outsourcing is not the best thing for this school. I am asking once again that the consideration for outsourcing be put to rest and both sides work at coming to a mutually acceptable agreement.”

Peter Hermann, 14-year resident in Oak Park and a 21-year employee, addressed the Board of Education. He stated that he loved this school and everything about it. He truly enjoyed coming to work. He also understood the challenging economic times and that this was not a time to be selfish. With double-digit unemployment, he was happy to have a job. When the tentative agreement was announced, he never thought it would be possible for a high caliber school to write such a contract for its employees. He complained that future carpenters, electricians, etc., would only receive five vacation days per year for the first five years of service. He voted no to the contract. He understood that there were generous holidays, but he did not believe that families could go on vacation with only five vacation days available to them. In addition, new employees will start with a salary that is 22 percent less. The skilled maintenance workers now make \$10 less per hour than other trade people do, which is satisfactory because of the benefits at OPRFHS. He asked the Board of Education to consider the different elements of the contract and come to a happy agreement.

Toni Hagins, assistant head of custodians and chief steward for the B&G union, addressed the Board of Education. She asked to continue the negotiations and to come to an agreement with the District. These people are custodians and neighbors, and most people know them by their first names. Negotiations are never easy, but Buildings and Grounds committed for many, long hard months and it has negotiated in good faith. She asked the Board of Education to allow them to continue to serve the school, to continue to negotiate this contract, to remove those agenda items regarding outsourcing, and to vote it down.

**Board Member
Elect**

Dr. Lee moved to allow any newly elected Board of Education members to attend the closed session; seconded by Ms. Patchak-Layman. A roll call vote resulted in all five ayes. Mr. Allen had not yet arrived. Motion carried.

Dr. Lee believed it would be an advantage for the newly elected, but-not-yet-seated Board of Education members to observe the closed session, if the information was kept in strict confidence. Mr. Rigas and Mr. Keller concurred.

Closed Session

At 8:27 a.m. on Thursday, April 16, 2009, Mr. Rigas moved to enter closed session for the purpose of discussing Collective negotiating matters between the District and its employees or their representatives or deliberations concerning salary schedules for one or more classes of employees. 5 ILCS 120/2(c)(2); seconded by Dr. Lee. A roll call vote resulted in all ayes. Motion carried.

At 11:28 a.m., the Board of Education resumed its open session.

Additional Comments Dr. Lee considered it one of his special roles to talk about public things that people talked about only in private. In the *Wednesday Journal*, it was stated that much of this supposed impasse between the Board of Education and SEIU was laid on the shoulders of President Conway. Dr. Lee, having been at every Board of Education meeting, has never heard Mr. Conway say one word of about this Board of Education using outsourcing as an artificial club to hold over the union. It was unfair and there was no reason that Mr. Conway should be a scapegoat for the present situation. The present situation has to do more with feelings than with money.

Dr. Lee believed that many of the issues had caused hurt feelings could be called “red herrings.” To say that it was an insult or a lack of respect to consider outsourcing was not right. If he did not feel compelled to be judicious in his comments, he would call it ridiculous because this whole nation has been focused on Illinois politicians. Dr. Lee, being an elected official, was aware that people have been calling for Illinois politicians to be responsible. If the voters of Oak Park and River Forest feel that he has not been responsible, he will not be re-elected. He would not be offended as that was the way it should work.

Dr. Lee continued that the Board of Education could not ignore the fact that dozens of people could replace B&G employees, literally 10,000 people in Cook County. The Board of Education does not have the obligation to shelter them from the real world. It is not its job to make things as good as they used to be for them. This world, especially in the United States, is not as good as it was, and it is not the responsibility of this Board of Education to make it as good for the employees of this District. Dr. Lee acknowledged what they were feeling. People have said to him that the members of this bargaining unit do not want to appear to be chumps, meaning someone who would allow the Board of Education to cut the costs of this union as the primary tool for which the Districts can cut its operational costs. He was asked why would the Board of Education allow a cap or slowdown on the backs of custodians and the engineer salaries, when it was well known that the Board of Education could cut faculty, administrative or the superintendent salaries and save significant money. The Board of Education did not have the guts to hold the line in

other areas. That is a legitimate point. Speaking for himself, he does have the resolve to do hold the line with every other bargaining unit and to operate within its budget, so that the District does not have to do something suddenly eight to ten years later.

He asked why the Board of Education would start with the custodians. It is because it is the first contract that the Board of Education has had to negotiate since realizing what action had to be taken. That became clear when the economy of this country visibly started falling apart a few months ago. That is the real world and it is not the job of this Board of Education to shield this bargaining unit from this world.

Dr. Lee did not believe that the District had shown them disrespect. It is not disrespectful to say that the Board of Education has to look the alternatives, in spite of the fact that those alternatives are frightening to them. Most people in the country feel frightened. He is. His wish would be to stay in Oak Park for the rest of his life, but that will not happen if property taxes continue to rise. He reiterated that he was speaking for himself and not the rest of the Board of Education. He did not believe he was showing disrespect. He is against outsourcing and he does not believe it is in the school's best interest, but other things could be worse if the operating costs continue to rise. That is a reality and it is difficult to face. Dr. Lee believed that were the school is ten years from now is more important than where it is now.

Mr. Rigas commented that there was much discussion by people that morning attacking/disagreeing on what has happened with these negotiations. He stated that the Board of Education guides the negotiation discussions. The Board of Education members have to make the difficult decisions, as they are the ones who are the elected officials. It is not fair for anyone to blame the administration. Having sat across the negotiation table during faculty negotiations, he realizes that this is not fun.

On May 11, Mr. Rigas will be the president of the Village of River Forest and will have to deal with a \$1.5 million, representing 13 percent of the operating funds of the Village. Balancing the budget will be difficult. During the election campaign, Mr. Rigas received tremendous heat from his opponent for putting the high school in such good shape. The high school does not have to lay off people. Because it spends its money wisely, it does not have to fight to maintain educational standards. The Board of Education members have to make difficult decisions and often that is the reason why they are voted out of office. There should be no animosity towards this administration, as it is the Board of Education's decision as to whether the contract is ratified or not. Filing his own income taxes yesterday, Mr. Rigas stated that his own income was down measurably. The pension fund of his 77-year old father is down by half. He continued that when the current Board of Education makes bad

decisions, it haunts the next Board of Education and the next employees are the ones that get hurt.

Ms. Patchak-Layman agreed with Mr. Rigas that this Board of Education is making the decision and this negotiation was far more difficult. All of these decisions have to take place within the context of the bigger world. However, the Board of Education has to model for the students how it thinks employees should be treated, what fair bargaining is, what are the values that employees bring to the table, and how can those values be increased, so that the students get the best education and the value of all the adults serving this school. It is not a dollar for dollar trade when District wants to prepare students to move forward with the best education possible. Having outsourcing hanging over everyone's head set a tone for this negotiation that will take a long time to overcome in terms of employee morale. She laid this at the feet of the administrators who were doing the bargaining. The morale for this school rests with the administrators in how they conducted themselves. If after bargaining, the morale for the school is not improved, she laid this at the administrator's feet, as they were holding those conversations and saying to those employees whether they really valued their work. If it was suggested within those negotiations that the employees are not the best or not working to their optimum and management did not take the responsibility to help the employees improve, give the necessary instruction, etc., then there is a problem with the administration. Not to take into consideration the longevity and the values that this group has to the functioning of the school is a disservice to this school and the community. She did not believe this was a dollar for dollar situation.

Adjournment

At 11:50 a.m. on Thursday, April 16, 2009, Dr. Lee moved to recess this meeting until 7:30 a.m. on Thursday, April 23, 2009; seconded by Mr. Rigas.

All items on this agenda shall be on the April 23, 2009 Special Board Meeting agenda. Ms. Patchak-Layman stated that the meeting was being recessed because there would be further conversation with the union regarding the contract before the Board of Education.

A roll call vote resulted in all ayes. Motion carried.

Jacques A. Conway
President

Dr. Ralph H. Lee
Secretary