

RECORD OF PROCEEDINGS 10721

SPECIAL SESSION

September 22, 2020

The Gahanna-Jefferson Board of Education met in Special Session on September 22, 2020 by Teleconference. President Beryl Piccolantonio called the meeting to order at 6:22 p.m.

ROLL CALL:	Mr. Matthew Campbell	Present
	Mrs. Jennifer Chrysler	Present
	Mr. Bryan Hairston	Present
	Mrs. Daphne Moehring	Present
	Mrs. Beryl Piccolantonio	Present

A. HUMAN RESOURCES

ITEM(S) FOR ACTION (3)

20-09-116

Moved by Mrs. Chrysler, and seconded by Mr. Hairston, upon the recommendation of the Superintendent, that the Gahanna-Jefferson Board of Education approved the following:

1. Resolution - Aides MOU

The Gahanna-Jefferson Board of Education approved the following Resolution:

Between the Board of Education of the Gahanna-Jefferson City School District and The Ohio Association of Public-School Employees (OAPSE)/ AFSCME Local 4, AFL/CIO
And it's Local #299

This Memorandum of Understanding ("MOU") is entered into this ___ day of August 2020 by and between the Board of Education of the Gahanna-Jefferson City School District ("Board") and the Ohio Association of Public-School Employees (OAPSE)/AFSCME Local 4, AFL/CIO, and its Local #299 ("Association") (collectively the "Parties").

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WHEREAS, the Board and the Association entered into a collective bargaining agreement for the period of July 1, 2019 through June 30, 2021 (“Negotiated Agreement”);

WHEREAS, Article 31 of the Negotiated Agreement (“Duration”) provides that the Board and Association shall reopen negotiations on the issue of wages only for the 2020-21 contract year;

WHEREAS, the Board was able to certify the existence of necessary funds and the Parties recently engaged in reopener negotiations on the issue of wages as set forth in Article 30 of the Negotiated Agreement (“Paid Time/Wages”); and

WHEREAS, the Parties are mutually desirous of memorializing their mutual agreement with regard to the aforementioned wage reopener.

NOW THEREFORE, in exchange for consideration, the value and sufficiency of which is herein acknowledged, the Parties agree as follows:

1. The Parties agree that there shall be a two percent (2%) base wage increase applied for the 2020-2021 contract year.
2. All other terms of the Negotiated Agreement shall remain in full force and effect during the period of July 1, 2020 through June 30, 2021.
3. This MOU shall prevail over any contrary provision in the Negotiated Agreement or any successor agreement.
4. This MOU constitutes the entire agreement between the Board and the Association regarding the issues outlined herein. There are no other written or verbal agreements, understandings or arrangements between the Parties regarding the issues outlined herein. Any amendment to this MOU must be in writing and signed by the Parties.

2. Resolution – Aides Work Assignments 2020-2021

The Gahanna-Jefferson Board of Education approved the following Resolution:

A Resolution Adopting a Memorandum of Understanding with

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The Ohio Association of Public-School Employees (OAPSE)/
AFSCME Local 4, AFL/CIO, and it's Local #299 (AIDES)
("Association") Regarding Work Assignments
for the 2020-2021 School Year

WHEREAS, the Board and the Association entered into a collective bargaining agreement for the period of July 1, 2019 through June 30, 2021 ("Negotiated Agreement");

WHEREAS, various provisions of the Negotiated Agreement establish terms and conditions relative to bargaining unit members and the workplace;

WHEREAS, to effectuate the goals and meet the exigencies presented by the Covid-19 pandemic, the Parties believe it is in their mutual best interest to modify the Negotiated Agreement and memorialize certain work expectations for the 2020-2021 school year as set forth specifically in this MOU;

WHEREAS, Section 3313.17 of the Ohio Revised Code permits the Board to enter into contracts and agreements; and

WHEREAS, the Board desires to enter into a memorandum of understanding ("MOU") to memorialize the Parties' mutual agreement with regard to the District's utilization of bargaining unit members to perform work outside their classification, job title/assignment, and/or job descriptions during the 2020-2021 school year.

NOW, THEREFORE, BE IT RESOLVED by the Board:

Section 1. That the Board hereby adopts the MOU that is attached hereto, and which is incorporated herein by reference, and hereby approves the proposed terms as set forth in the MOU.

Section 2. The Board hereby authorizes the Superintendent and Treasurer (or their respective designee(s)) to effectuate the MOU with the Association and to take all actions as may be necessary to implement this Resolution.

Section 3. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were

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adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public or in executive session as permitted by Ohio law.

Section 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

3. Resolution – Aides Wage Reopener 2020-2021

The Gahanna-Jefferson Board of Education approved the following Resolution:

A Resolution Adopting a Memorandum of Understanding with
The Ohio Association of Public-School Employees (OAPSE)/
AFSCME Local 4, AFL/CIO, and its Local #299 (Aide)
("Association") Regarding Wage Reopener

WHEREAS, the Board and the Ohio Association of Public-School Employees (OAPSE)/AFSCME Local 4, AFL/CIO, and its Local #299 ("Association"), currently are parties to a collective bargaining agreement covering terms and conditions of employment for bargaining unit members effective the period of July 1, 2019 through June 30, 2021 ("Negotiated Agreement"), which provides that the Board and Association shall reopen negotiations on the issue of wages only for the 2020-2021 contract year;

WHEREAS, the Board has certified the existence of necessary funds and the Parties recently engaged in reopener negotiations on the area of wages;

WHEREAS, Section 3313.17 of the Ohio Revised Code permits the Board to enter into contracts and agreements; and

WHEREAS, the Board desires to enter into a memorandum of understanding ("MOU") to memorialize the Parties' mutual agreement with regard to negotiated terms of the wage reopener and with regard to wages for the period of time covering July 1, 2020 through June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Board:

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Section 1. That the Board hereby adopts the MOU that is attached hereto, and which is incorporated herein by reference, and hereby approves the proposed terms as set forth in the MOU.

Section 2. The Board hereby authorizes the Superintendent and Treasurer (or their respective designee(s)) to effectuate the MOU with the Association and to take all actions as may be necessary to implement this Resolution.

Section 3. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public or in executive session as permitted by Ohio law.

Section 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Roll: Ayes – Piccolantonio, Chrysler, Hairston, Moehring
Abstains – Campbell
Nays – None
Motion carried.

B. HUMAN RESOURCES

ITEM(S) FOR ACTION (3)

20-09-117

Moved by Mr. Campbell, and seconded by Mrs. Moehring, upon the recommendation of the Superintendent, that the Gahanna-Jefferson Board of Education approved the following:

1. Resolution - Maintenance Collective Bargaining Agreement

The Gahanna-Jefferson Board of Education approved the following Resolution:

Accepting the Collective Bargaining Agreement

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Between Gahanna-Jefferson City School District
Board of Education and The Ohio Association of
Public-School Employees OAPSE/AFSCME
Local 4, AFL/CIO and its Local #399 (Maintenance)

WHEREAS, Ohio Revised Code Section 3313.17 permits the Board to enter into contracts, including those contracts collectively bargained pursuant to Chapter 4117 of the Ohio Revised Code;

WHEREAS, the Board has engaged in collective bargaining with the Ohio Association of Public-School Employees OAPSE/ AFSCME Local 4, AFL/CIO and its Local #399 (Maintenance) ("OAPSE") during which the parties have come to an agreement; and

WHEREAS, Section 4117.09 requires a collective bargaining agreement to be reduced to writing and executed by all parties.

NOW, THEREFORE, BE IT RESOLVED by the Board:

SECTION 1. That the proposed revisions to the prior Collective Bargaining Agreement between the Board and OAPSE, attached hereto as Exhibit "A" and incorporated herein fully as if by reference, are hereby accepted and approved for execution on behalf of the Board.

SECTION 2. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

BE IT FURTHER RESOLVED that this Board so charges the Superintendent and Treasurer with carrying out any functions necessary to implement this action.

All formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code, unless a lawful exception applies.

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2. Resolution - Maintenance Work Assignments 2020-2021

The Gahanna-Jefferson Board of Education approved the following Resolution:

A Resolution Adopting a Memorandum of Understanding
With the Ohio Association of Public-School Employees
(OAPSE)/AFSCME LOCAL 4, AFL/CIO and it's Local #399
(Maintenance) ("Association") Regarding Work Assignments
for the 2020-2021 School Year

WHEREAS, the Board and the Association entered into a collective bargaining agreement for the period of July 1, 2020 through June 30, 2021 ("Negotiated Agreement");

WHEREAS, various provisions of the Negotiated Agreement establish terms and conditions relative to bargaining unit members and the workplace;

WHEREAS, to effectuate the goals and meet the exigencies presented by the Covid-19 pandemic, the Parties believe it is in their mutual best interest to modify the Negotiated Agreement and memorialize certain work expectations for the 2020-2021 school year as set forth specifically in this MOU;

WHEREAS, Section 3313.17 of the Ohio Revised Code permits the Board to enter into contracts and agreements; and

WHEREAS, the Board desires to enter into a memorandum of understanding ("MOU") to memorialize the Parties' mutual agreement with regard to the District's utilization of bargaining unit members to perform work outside their classification, job title/assignment, and/or job descriptions during the 2020-2021 school year.

NOW, THEREFORE, BE IT RESOLVED by the Board:

Section 1. That the Board hereby adopts the MOU that is attached hereto, and which is incorporated herein by reference, and hereby approves the proposed terms as set forth in the MOU.

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Section 2. The Board hereby authorizes the Superintendent and Treasurer (or their respective designee(s)) to effectuate the MOU with the Association and to take all actions as may be necessary to implement this Resolution.

Section 3. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public or in executive session as permitted by Ohio law.

Section 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

2. Resolution - Maintenance MOU

The Gahanna-Jefferson Board of Education approved the following Resolution:

Memorandum of Understanding
Between the Board of Education of the Gahanna-Jefferson
City School District and The Ohio Association of
Public-School Employees
(OAPSE)/AFSCME LOCAL 4, AFL/CIO
And it's Local #399

This Memorandum of Understanding ("MOU") is entered into this ___ day of September 2020 by and between the Board of Education of the Gahanna-Jefferson City School District ("Board") and the Ohio Association of Public-School Employees, (OAPSE)/AFSCME Local 4, AFL/CIO, and its Local #399 ("Association") (collectively the "Parties").

WHEREAS, the Board and the Association entered into a collective bargaining agreement for the period of July 1, 2020 through June 30, 2021 ("Negotiated Agreement");

WHEREAS, various provisions of the Negotiated Agreement establish terms and conditions relative to bargaining unit members and the workplace;

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WHEREAS, the Director of the Ohio Department of Health issued a series of orders, which directed that due to the outbreak and spread of Covid-19, schools in the State of Ohio, including the Gahanna-Jefferson City School District (the "District"), were to be closed to students for an extended period of time from March 17, 2020 through the remainder of the 2019-2020 school year;

WHEREAS, the Director of the Ohio Department of Health and the Governor of Ohio have indicated that social distancing and other safety protocols related to the Covid-19 pandemic will likely remain in place for the 2020-2021 school year;

WHEREAS, as part of its reopening plan, the District may require the cross-over of certain job duties performed by bargaining unit members in order to help retain staff and implement certain health and safety protocols in response to the Covid-19 pandemic;

WHEREAS, to effectuate these goals and meet the exigencies presented by the Covid-19 pandemic, the Parties believe it is in their mutual best interest to modify the Negotiated Agreement and memorialize certain work expectations for the 2020-2021 school year as set forth specifically in this MOU;

NOW THEREFORE, in exchange for consideration, the value and sufficiency of which is herein acknowledged, the Parties agree as follows:

1. The Parties agree that, to address the health, safety, and operational concerns presented by the Covid-19 pandemic, the District may utilize bargaining unit members to perform work outside their classification, job title/assignment, and/or job descriptions during the 2020-2021 school year. The District may exercise its discretion and management right to assign work duties to bargaining unit members – regardless of an employee's current classification, job title/assignment, or job description – on an as-needed basis depending on the District's operational needs. The conditions of the assignment, including but not limited to assigned duties, start/end times and location, may change on a day-to-day basis. In order to make its best efforts to retain personnel, the District may alter the work hours for specific positions as well (as opposed to eliminating specific positions and then re-posting revised positions).

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Notwithstanding the foregoing, any proposed change of shift or assignment to weekend work (Saturday/Sunday) will comply with the terms of the Negotiated Agreement.

2. Nothing herein shall restrict the District's right to enact a reduction in force consistent with the Negotiated Agreement and/or Ohio law. The Association President will be notified in advance of Board action if a reduction in force may occur.
3. The Parties agree that this MOU shall be effective for the 2020-2021 school year only or for the period of the Covid-19 public health emergency, termination/expiration of a hybrid plan of instruction or remote learning for students due to Covid-19, if such emergency ends before the 2020-2021 school year. Further, if necessary, the Parties will assess the need for any extension of this MOU beyond the 2020-2021 school year.
4. No grievance shall bear any merit if it is based upon challenging any of the provisions set forth in this MOU. However, this does not prevent the Association from bringing a grievance to enforce the terms of this MOU.
5. This MOU shall prevail over any contrary provision in the Negotiated Agreement or any successor agreement.
6. This MOU shall set no precedent in any other matter between the Parties and shall not be referred to by any party in any other matter unrelated to this MOU or in regard to any other employee.
7. This MOU constitutes the entire agreement between the Board and the Association regarding the issues outlined herein. There are no other written or verbal agreements, understandings or arrangements between the Parties regarding the issues outlined herein. Any amendment to this MOU must be in writing and signed by the Parties.

Roll: Ayes – Moehring, Piccolantonio, Campbell, Chrysler, Hairston
Nays – None
Motion carried.

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EXECUTIVE SESSION

20-09-118

Moved by Mrs. Moehring, and seconded by Mr. Hairston, that the Gahanna-Jefferson Board of Education went into Executive Session pursuant to Ohio Revised Code 121.22 (G) for the purpose of:

- The appointment, employment, dismissal, discipline, promotion, demotion, compensation of an employee or official, or the investigation of charges or complaints against an employee, official, licensee or student, unless the employee, official, licensee or student requests a public hearing.
- The purchase of property for public purposes or the sale of property at competitive bidding.
- Conference with the Board's attorney to discuss matters which are the subject of pending or imminent court action.
- Preparing for conducting, or reviewing negotiations or bargaining sessions with employees.
- Matters required to be kept confidential by federal law rules or state statutes.
- Specialized details of security arrangements.

Roll: Ayes – Hairston, Moehring, Piccolantonio, Campbell, Chrysler
Nays – None
Motion carried.

Mrs. Piccolantonio declared the Board into Executive Session at 6:34 p.m. and back into Special Session at 7:47 p.m.

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ADJOURNMENT

20-09-119

Moved by Mrs. Chrysler, and seconded by Mr. Campbell, the Special Meeting of the Gahanna-Jefferson Board of Education adjourned at 7:48 p.m.

Roll: Ayes – Chrysler, Hairston, Piccolantonio, Campbell
Nays – None
Motion carried.



President



Treasurer