

Proposed Education Staff Professionals (ESP) Contract Language, 2023-24

- 1. Employee Laptop Computers**
 - 2. Sign In/ Out Procedures**
 - 3. Bereavement Leave**
 - 4. Information and Reports**
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1. Employee Laptop Computers

Osceola County Education Association (OCEA) Proposal

Date: September 15, 2022

Article II: Miscellaneous Provisions

Section K.

Adequate and up-to-date equipment will be provided to all Education Staff Professionals. Each staff professional shall be assigned an individual laptop computer.

District's Response

Date: October 20, 2022; November 17, 2022; January 19, 2023

- Management's disposition is that revised contract language is not needed at this time to address OCEA's concerns.
- Management also has concerns about fiscal responsibility that are based upon the duties assigned to an employee's job and whether the employee may need a laptop computer for the majority of the employee's workday.
- Management commits to:
 - supporting each school to provide a small number of laptops for paraprofessionals to check out on a temporary basis; and
 - requesting the Chief Information and Technology Officer to attend a future bargaining meeting to answer questions
- Management requests related data from OCEA (e.g., survey).

2. Sign In/ Out Procedures

Osceola County Education Association (OCEA) Proposal

Date: September 15, 2022

Article XIII: Hours of Work

Section F. Straight Time Pay

Work time above the normal workweek but less than forty (40) hours shall be paid at the straight time hourly rate.

While Education Staff Professionals at may be required to sign in upon arrival at their school sites, they shall not be required to sign out on departure.

District's Response

Date: October 20, 2022; November 17, 2022; January 19, 2023

- Management's disposition is that revised contract language is not needed at this time to address OCEA's concerns.
- Education Staff Professionals employees are classified as "non-exempt" for overtime pay under the requirements of the federal Fair Labor Standards Act (FLSA). To comply with the federal FLSA, Management must document the time that non-exempt employees work for the purposes of compensation. Therefore, Management must continue to have consistent and required sign in/ out procedures for non-exempt employees.
- For more information, please see the document [United States Department of Labor, Wage and Hour Division Fact Sheet #21: Recordkeeping Requirements under the Fair Labor Standards Act \(FLSA\)](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs21.pdf) at the following website: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs21.pdf>
- For background information, Instructional employees are exempt under the definition of the FLSA, and *Article 6.10* of our *Instructional Employees' Contract* states:

6.10 While teachers may be required to sign in upon arrival at their worksite, they shall not be required to sign out on departure from their worksite except when permission from the principal is required to leave early.

Based upon this language, Management consistently requires teachers to:

- sign in for safety reasons (e.g., to ensure coverage for student supervision and to ensure teacher's wellness); and
 - sign out only if the teacher is leaving the campus before the scheduled end of the regular workday, again for safety reasons (e.g., to account for everyone in the case of an emergency situation or drill).
- Management commits to additional communication with School District administrators and payroll secretaries in order to ensure employees are aware of existing procedures that ensure consistency.

3. Bereavement Leave

Osceola County Education Association (OCEA) Proposal

Date: September 15, 2022

Article XV: Leave

Section L. Pallbearer/ Bereavement Leave

The school principal or any department head is authorized to approve any employee's request to serve as a pallbearer.

An employee who is absent from work due to the death of a member of their immediate family (spouse, sibling, child, parent, parent-in-law, grandparent, grandparent-in-law, domestic partner, and other members of the employee's household) may use up to (3) days of paid bereavement leave each school year. The use of bereavement leave shall not count against the employee's sick leave. If an employee requires additional time off for bereavement purposes beyond these three (3) days, the employee will use their sick leave for a reasonable number of additional days.

District's Response

Date: January 19, 2023

Article XV: Leave

Section L. Pallbearer/ Bereavement Leave

The school principal or any department head is authorized to approve any employee's request to serve as a pallbearer or to attend the funeral of a member of their immediate family (e.g., spouse, sibling, child, parent, parent-in-law, grandparent, grandparent-in-law, domestic partner, or other member of the employee's immediate household).

4. Information and Reports

Osceola County Education Association (OCEA) Proposal

Date: September 15, 2022

Article IV: Association Rights

Section C. Information and Reports

1. The Board agrees to furnish copies of any Board-related public documents requested by the Association free of charge. The Board agrees to provide the Association electronic access to the public documents in connection with Board meetings, including access to the Board agenda and supplemental packet, (excluding employee application and reference forms) upon publication, without cost. The Board further agrees to provide the Association with public documents regarding work-related issues (i.e., pay, benefits, and working conditions) at least 24 hours prior to announcements to the employees, public, and press. In addition, the Board shall provide the Association access to all public records not exempted by Florida Statutes within thirty days of such request. The School Board directory will be supplied to the Association electronically without cost no later than ten (10) days following the first employees' payday.
2. The Board will provide the Association with the names and addresses of all new bargaining unit employees and all retiring bargaining unit monthly.

District's Response

Date: October 20, 2022; November 17, 2022; January 19, 2023

- Management's disposition is that minimal revisions to contract language are needed to address obsolete references, but revised contract language beyond obsolete references is not needed at this time to address OCEA's concerns.
- Management complies with *Chapter 119 – Public Records, Florida Statutes*.
- Management provides many existing public records through the School District's public website at minimal or no cost to parents, students, community members, or OCEA.
- Management also provides a clear process for anyone to make a public records request through the SDOC public websites:
 - [Public Records Request](#)
 - [JustFOIA Portal](#)
- Management has fulfilled OCEA's requests for information with available existing public records pursuant to *Chapter 119 – Public Records, Florida Statutes*.
- For more information on relevant Florida law regarding public records, please see the [Florida Attorney General's Government-in-the-Sunshine Manual](#) at the following website:

- [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/\\$file/SunshineManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/$file/SunshineManual.pdf)

SDOC Counter-Proposal

Date: October 20, 2022; November 17, 2022; January 19, 2023

Article IV: Association Rights

Section C. Information and Reports

1. The Board agrees to furnish a copy of any Board-related public document requested by the Association in writing at the cost established in state law. The Board further agrees to provide the Association electronic access to public documents in connection with Board meetings, including access to the Board agenda and supplemental packet, (excluding employee application and reference forms) through the School District's public website at no charge. In addition, pursuant to *Chapter 119 – Public Records, Florida Statutes*, the Board shall provide the Association access to all existing public records not exempted by Florida Statutes within a reasonable timeframe of such request. The School Board directory will be supplied to the Association electronically without cost no later than ten (10) days following the first employees' payday.
2. The Board will provide the Association with the names and addresses of all new bargaining unit employees and all retiring bargaining unit employees quarterly.