

Hopkinton School Committee Executive Session Minutes

Date: 1/19/12 Time: 6:29 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss strategy with respect to collective bargaining or litigation, or grievance, with the HTA, to discuss strategy with respect to contract negotiations with non-union personnel, and to comply with other laws.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member		X
Nancy Burdick, Member	X	
Rebecca Robak, Member	X(late arrival)	
Dr. Landman, Superintendent	X	
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance	X	
Other: _____	Other: _____	

Discussion/Votes:

The Superintendent wanted some direction on the [REDACTED] After some discussion, the consensus opinion of the Committee, at this point in the budget process, is to make provisions for the following: [REDACTED] Mr. Mick wanted it noted that he did not want to have it at 5% for the paraprofessionals but for now it was amenable to that [REDACTED] as per the recommendation of Mr. Dumas. Mrs. Burdick concurred.

The settlement agreement awards a \$1,200.00 lump sum to be paid to the three staff members: MaryLyn Friedman, Meghan Weiss, and Jennifer Smith.

HTA President, Dan Mazur, has signed the settlement agreement on behalf of the HTA. Once the Committee votes to ratify the settlement agreement, the Committee should authorize the Chair to sign the settlement agreement on behalf of the Committee. The HTA agrees to withdraw the 10/18/11 grievance with prejudice.

On a motion made by: Mr. Mick, seconded by: Ms. Robak, the School Committee voted to ratify the settlement agreement as written.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member			Absent
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

To comply with the law, the Committee took up the business of approving the outstanding Executive Session minutes of 6/17/10. That session included discussion of extending the contract of then Asst. Superintendent Mary Colombo.

On a motion made by Mr. Mick, seconded by Mrs. Burdick, the School Committee voted to approve the 6/17/10 Executive Session minutes as written.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member		Absent	
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to go out of Executive Session and back into the regular meeting at 6:48 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member		Absent	
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes I

Date: 3/15/12 Time: 7:00 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss strategy with respect to collective bargaining with the HTA and the paraprofessional SEIU.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair		X
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X (late arrival)	
Dr. Landman, Superintendent		X
Dr. DeMello, Asst. Superintendent	X	
Mr. Dumas, Director of Finance		X

Other: Ms. Kim Pulnik, Director of HPS Human Resources

Other: Mr. Norman Khumalo, Town Manager

Discussion/Votes:

Ms. Pulnik updated the Committee on the status of the negotiations with the SEIU Paraprofessionals unit. Discussion covered what the Committee has tentatively agreed to. [REDACTED]

An update on the HTA negotiations was provided. [REDACTED]

On a motion made by Mr. Aghababian, seconded by Mrs. Burdick, the School Committee voted to go out of Executive Session and enter into the regular meeting 7:35 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair		Absent	
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes II

Date: 3/15/12 Time: 11:07 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: For the purpose of discussing strategy in preparation for negotiations with the Superintendent of Schools over the process and instrument for his performance evaluation

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair		X
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent		X
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X

Other: _____

Other: _____

Discussion/Votes:

The School Committee discussed a proposal from the Superintendent to re-negotiate his evaluation procedure under Section 4 of his contract, and defer salary compensation under Section 3B of his contract. By general consensus, the School Committee agreed that there would be no way to develop a performance improvement plan for the Superintendent within the bounds of the Open Meeting Law, and without having a public performance evaluation of the Superintendent, as per the provisions of his contract.

The School Committee took no action on this proposal, and generated a list of questions for further discussion with school counsel.

On a motion made by Mr. Aghababian, seconded by Ms. Robak, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 12:23 AM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair		Absent	
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 3/27/12 Time: 7:08 PM

Meeting Place: Administrative Conference Room

Reason(s) for Executive Session: To discuss strategy with respect to collective bargaining with the HTA and the paraprofessional SEIU.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X- late arrival	
Nancy Burdick, Member	X	
Rebecca Robak, Member		X
Dr. Landman, Superintendent	X	
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance	X	
Other: Mr. Khumalo, Town Manager	Other: Mrs. Pulnik, HPS Director of Human Resources	

Discussion/Votes:

Mrs. Pulnik led the discussion about a 3-year wage proposal strategy with respect to the 78 member paraprofessionals unit. The discussion resulted in the following 3-year proposal: cost of living increase of 0.25% in Year 1 with [REDACTED] days of Professional Development and [REDACTED] for education; a [REDACTED] increase in Year 2 with [REDACTED] sick days and an additional [REDACTED] personal days; and a [REDACTED] increase in Year 3.

Ms. Robak opened the discussion regarding the HTA negotiations and sought guidance on a wage proposal. The committee discussed and identified the following as important to include in the negotiations: removing the co-pay language from the contract; [REDACTED]; number of sick days for new hires; and control of meeting time. The Middle School schedule is also in need of amendment to rectify a grievance and to facilitate the delivery of Response to Intervention (RIT) services to students.

On a motion made by Mr. Mick, seconded by Mrs. Burdick, the School Committee voted to go out of Executive Session at 9:25 PM to enter back into the Working Session meeting.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 3/28/12 **Time:** 7:40 PM

Meeting Place: Central Office Conference room

Reason(s) for Executive Session: For the purpose of discussing strategy in preparation for negotiations with the Superintendent of Schools over the process and instrument for his performance evaluation.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member		X
Dr. Landman, Superintendent		X
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X

Other: Michelle McNulty, Legal Counsel

Other: _____

Discussion/Votes:

The School Committee discussed a proposal from the Superintendent to re-negotiate his evaluation procedure under Section 4 of his contract, and defer salary compensation under Section 3B of his contract.

Attorney McNulty provided legal advice regarding issues which would affect the Committee's ability to consider or agree to the specific requests proposed by Dr. Landman, regarding the advantages and disadvantages of the proposal and regarding the likely result and ramifications agreeing to defer the superintendent's evaluation process.

By general consensus, the School Committee decided not to agree to this proposal, and proceed as planned with the Superintendent's evaluation on April 26 or May 3. Ms. McNulty was directed to convey this information to Dr. Landman's attorney.

On a motion made by Mr. Mick, seconded by Mr. Aghababian, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 8:55 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member			Absent

Hopkinton School Committee Executive Session Minutes

Date: 4/12/12 **Time:** 8:16 PM

Meeting Place: Central Office Conference room

Reason(s) for Executive Session: For the purpose of discussing strategy with respect to collective bargaining or litigation with the HTA and SEIU Paraprofessionals.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member		X
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
 Dr. Landman, Superintendent	 X	
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X

Other: _____ Other: _____

Discussion/Votes:

Ms. Robak updated the committee on the progress of the negotiations with both the HTA and SEIU paraprofessionals. No action was taken.

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to go out of Executive Session and enter into the regular meeting at 9:36 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member			Absent
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee

Executive Session Minutes

Date: 4/26/12 Time: 7:00 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: For the purpose of contract negotiations with the Superintendent of Schools over issues which may include the process and instrument for his evaluation; and strategy related thereto.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair		X
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent	X	
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X

Other: Michelle McNulty, Legal Counsel Other: Rosann DiPietro, MASS Legal Counsel

Discussion/Votes:

Dr. Landman and his attorney noted that since the parties were not able to renegotiate the terms of his evaluation process, they were prepared to submit a proposal for his separation of employment. His attorney presented a proposal for the Committee's consideration which included his resignation at the conclusion of this fiscal year. Dr. Landman and Attorney DiPietro were excused from the room. The Committee considered the proposal and Attorney McNulty then engaged in negotiations with Dr. Landman and his counsel. After several proposals and counterproposals were made, an agreement was reached in concept. Counsel for the Committee was charged with drafting a settlement agreement which included a full release of claims by Dr. Landman, which subject to agreement of the parties, would then be brought back to the Committee for final approval.

On a motion made by Mr. Aghababian, seconded by Ms. Robak, the School Committee voted to: go out of Executive Session and enter into the regular meeting at 7:25 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair		Absent	
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

**Hopkinton School Committee
Executive Session Minutes**

Date: 5/3/12 **Time:** 9:45 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: For the purpose of discussing strategy with respect to collective bargaining with respect to the SEIU and the HTA; Strategy related to negotiations with non-union personnel, the Elmwood School Principal; and strategy with respect to litigation.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent	X	
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X
Other: Mr. Khumalo	Other: _____	

Discussion/Votes:

Ms. Robak updated the Committee on the negotiations between the HPS School Committee and the HTA. Conversation regarding the benefits of removing the healthcare co-pay language out of the contract were discussed. No action was taken.

Ms. Robak updated the Committee on the negotiations between the HPS School Committee and the SEIU Paraprofessionals union. No action was taken.

Dr. Landman updated the Committee on the decision to hire Mr. David Ljungberg to be the new Principal of Elmwood School. Dr. Landman was seeking authorization from the Committee regarding the negotiations for that contract.

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to authorize Dr. Landman to enter into contract negotiations with Mr. David Ljungberg regarding a Principal position within the Hopkinton Public Schools. A roll call vote was taken:

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Dr Landman left the session at 10:40 PM

The Committee discussed strategy related to negotiations with Dr. Landman. The Committee reviewed and discussed proposed language for Dr. Landman's resignation letter; a Joint statement to be issued by the Committee and Dr. Landman and language for a reference letter to be prepared by a member of the school committee, all of which were submitted to the Committee as drafts representing the legal advice of the Committee's counsel, Michelle McNulty. The proposed settlement agreement between the HPS School Committee and Dr. Jonathan Landman, also drafted and submitted as the legal advice of the Committee's counsel, Michelle McNulty, was also reviewed by the Committee. According to advice of the Committee's counsel, these documents are part of an on-going settlement discussion with counsel representing Dr. Landman and, as such, are not public record and are not admissible in any forum. Nor should these documents be viewed as a concession or waiver of any right or claim that Dr. Landman may currently have relative to his employment status with the District. While it is necessary to share these draft proposed documents with the Committee members, the Committee was instructed by counsel that they should be considered confidential and should not be released or forwarded to any other party.

On a motion made by: Mr. Aghababian, seconded by: Ms. Robak, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 11:10 PM. A roll call vote was taken:

Jean Bertschmann, Chair	X
Troy Mick, Vice Chair	X
Scott Aghababian, Member	X
Nancy Burdick, Member	X
Rebecca Robak, Member	X

Hopkinton School Committee

Executive Session Minutes I

Date: 5/8/12 Time: 6:03 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss strategy with respect to collective bargaining or litigation because the Chair declares that an open meeting may be detrimental to the public body's bargaining or litigating position

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X late arrival (6:08 PM)	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X late arrival (6:13 PM)	
Dr. Landman, Superintendent	X	
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X
Other: Mr. Khumalo, Town Manager (late arrival 6:12 PM)		Other: _____

Discussion/Votes:

The Committee received an update on the HTA negotiations. Discussion centered on the benefits and options of removing the healthcare co-pay language from the contract. No action was taken.

The Committee received an update on the negotiations with the SEIU paraprofessionals. Ms. Robak was seeking authorization from the Committee to make a counter wage proposal offer. By general consensus the Committee authorized Ms. Robak to offer the discussed counter wage proposal.

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to go out of Executive Session at 6:58 PM and enter into the Working Session meeting taking place during the Annual Town Meeting.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee

Executive Session Minutes II

Date: 5/8/12 Time: 11:05 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: For the purpose of discussing strategy with respect to litigation.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair		X
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent		X
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X

Other: _____

Discussion/Votes:

The School Committee reviewed and discussed with the Superintendent proposed drafts of Appendix C to the Settlement Agreement and Release of Claims as well as proposed drafts of the Settlement Agreement and appendices to the Settlement Agreement, as drafted by Counsel for the Committee as well as a version of Appendix C to be part of the employee's personnel file as proposed by the employee.

On a motion made by: Mr. Aghababian, seconded by: Ms. Robak, the School Committee voted to: go out of Executive Session and enter back into the working session to adjourn at 11:30 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair		Absent	
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee

Executive Session Minutes II

Date: 5/17/12 Time: 10:00 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: For the purpose of discussing strategy with respect to collective bargaining with SEIU and HTA.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent	X	
Dr. DeMello, Asst. Superintendent	X	
Mr. Dumas, Director of Finance	X	
Other: _____		Other: _____

Discussion/Votes:

Ms. Robak updated the Committee on the HTA negotiations. Discussion about the Middle School schedule and whether it needs to be impact bargained; the HTA is anxious to hear our response to their wage proposal; and the HTA will have a leadership change but the President (Dan Mazur) will remain at the helm. The Committee discussed the importance of removing the healthcare co-pay language out of the contract and the impacts of the new educator evaluation system on the contract.

Ms. Robak updated the Committee on the Paraprofessional SEIU negotiations. A discussion of how to respond to their counter proposal on wages, holidays, personal days and professional development days was discussed.

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 10:30 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee
Executive Session I
Minutes

Date: 5/30/12 **Time:** 7:37 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To conduct strategy with respect to collective bargaining with the HTA and Paraprofessionals (SEIU) and to discuss strategy with respect to contract negotiations with non-unit personnel.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Jon Graziano, Member	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
 Dr. Landman, Superintendent	 X	
Dr. DeMello, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X

Other: _____

Discussion/Votes:

A recap of the most recent negotiation session with the HTA (May 23, 2012) was provided to the Committee by Ms. Robak. Discussions regarding the HMS and Hopkins School schedule changes were something the Committee wanted to

_____ By general consensus, _____
the negotiating team will prepare for a future meeting with the HTA reps.

With respect to the Paraprofessionals (SEIU) negotiations, it was reported by Ms. Robak that the team was working toward a Committee goal _____. By general consensus, the Committee endorsed that goal.

Due to the length of the discussion on the negotiations with the HTA and the Paraprofessionals, the discussion of the contract negotiations with non-unit personnel will take place in another Executive Session after the discussion of Old Business portion of the Working Session.

On a motion made by Mr. Aghababian, seconded by Mr. Graziano, the School Committee voted to go out of Executive Session at 7:58 PM and enter into the regular meeting. A roll call vote was taken:

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Jon Graziano	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee
Executive Session II
Minutes

Date: 5/30/12 **Time:** 10:50 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss strategy with respect to contract negotiations with non-unit personnel.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Jon Graziano, Member	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent	X	
Dr. DeMello, Asst. Superintendent	X	
Mr. Dumas, Director of Finance		X

Other: _____

Discussion/Votes:

Dr. Landman discussed his rationale and plan for salary for Mr. Kiernan who will assume the role of Vice Principal for Hopkins and Elmwood schools. By general consensus, the Committee supported the \$87,000.00 salary for Mr. Kiernan. Next, Dr. Landman looked to gauge whether the Committee was committed to sticking to the 1.5% budgeted for all non-unit personnel or if there was an appetite for more than 1.5%. By general consensus, the Committee indicated to sticking with the percentage budgeted for and asked Dr. Landman to come back with a recommendation regarding any merited adjustments across the non-unit personnel at the June 7, 2012 meeting

On a motion made by Ms. Robak, seconded by Mr. Graziano, the School Committee voted to go out of Executive Session at 11:37 PM and enter into the regular meeting for the purposes of adjourning the Regular Meeting. A roll call vote was taken.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Jon Graziano, Vice Member	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 6/7/12 **Time:** 10:52 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss strategy with respect to collective bargaining with respect to the SEIU and HTA and non-unit personnel.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Jon Graziano, Member	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent	X	
Dr. DeMello, Asst. Superintendent	X	
Mr. Dumas, Director of Finance	X	

Discussion/Votes:

Ms. Robak updated the committee on the negotiations between the HPS School Committee and the SEIU Paraprofessionals union.

Ms. Robak updated the committee on the negotiations between the HPS School Committee and the HTA. The Assessment Summit scheduled for teachers with Administration scheduled for June 8th, 2012 has been cancelled at the request of the HTA. There has been agreement between the parties on the Hopkins School schedule changes. Dr. DeMello will work with members of the HTA and others on the Administration team to discuss assessment measures that could be appropriate for use with the new educator evaluation system. No actions taken by the Committee.

Dr. Landman inquired about the Committee's appetite for non-union salary increases beyond the 1.5% budget in the salary reserve. The Committee took no action on this and Dr. Landman committed to bringing more information to consider at the next meeting.

On a motion made by Ms. Robak, seconded by Mr. Graziano, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 11:45 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Jon Graziano, Member	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 7/20/11 **Time:** 10:25 PM

Meeting Place: Administrative Conference Room

Reason(s) for Executive Session: To discuss strategy with respect to collect bargaining with the Custodian's Unit and to discuss strategy in preparation for negotiations with non-unit personnel.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent	X	
Dr. Colombo, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X
Other: _____	Other: _____	

Discussion/Votes:

Ms. Robak updated the Committee on the negotiations with the Custodians Unit and the implications for negotiations with the newly formed SEIU Paraprofessionals union.

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 10:33 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

**Hopkinton School Committee
Executive Session Minutes**

Date: July 24, 2012 Time: 8:00 pm

Meeting Place: **Administrative Conference Room**

Reason(s) for Executive Session: To discuss strategy with respect to collective bargaining with the HTA and/or strategy with respect to contract negotiations with non-unit personnel, the Interim Superintendent.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Nancy Burdick, Chair	X	
Scott Aghababian, Vice Chair	X	
Jean Bertschmann, Member	X	
Jon Graziano, Member	X	
Rebecca Robak, Member	X	
Dr. DeMello, Acting Superintendent		X
Mr. Dumas, Director of Finance		X
Other: <u>Michelle McNulty, Legal Counsel</u>		Other: _____

Discussion/Votes:

The School Committee and Michelle McNulty discussed strategy with respect to negotiations with the Interim Superintendent. The School Committee reviewed a draft contract prepared by Ms. McNulty and discussed parameters for the negotiations, including [REDACTED]. Other items discussed included [REDACTED]. The Chair will contact the Interim Superintendent and communicate the Committee's offer. It is anticipated that a final contract will be brought back to the Committee for approval at a meeting to be scheduled prior to August 1, 2012.

Mrs. Burdick left the meeting to call Dr. Hiersche with the offer.

Ms. Robak and Ms. McNulty updated the Committee regarding negotiations with the HTA. Good progress is being made, and three more meetings have been scheduled. The most recent meeting primarily consisted of the School Committee countering the HTA proposals. The focus of proposals has narrowed. The HTA expressed appreciation of the School Committee's role in health care negotiations with the town, and asked that the School Committee continue to be involved in that process.

The history of COLA proposals to date is:

HTA Proposal	District Counter	HTA Counter	District Counter
[REDACTED]			

Mrs. Burdick re-joined the meeting and reported that Dr. Hiersche accepted the proposals offered by the School Committee. Ms. McNulty updated the draft contract for Mrs. Burdick to send to Dr. Hiersche on July 25, 2012. Ms. McNulty left the meeting.

On a motion made by Ms. Robak, seconded by Mr. Graziano, the School Committee voted to go out of Executive Session and enter into the Working Session at 9:15 PM.

Roll Call Vote:

	Yes	No	Abstain
Nancy Burdick, Chair	X		
Scott Aghababian, Vice Chair	X		
Jean Bertschmann, Member	X		
Jon Graziano, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 8/8/11 Time: 10:34 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss strategy with respect to collect bargaining with the Custodian's Unit

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member		X
Dr. Landman, Superintendent	X	
Dr. Colombo, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X
Other: _____	Other: _____	

Discussion/Votes:

An update on the negotiations with the Custodian's Unit was provided to the Committee. No action was taken.

On a motion made by Mr. Mick, seconded by Mr. Aghababian, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 10:36 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member		Absent	

Hopkinton School Committee
Executive Session I
MINUTES

Date: August 28, 2012 **Time:** 7:01 pm

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: #3, To discuss strategy with respect to contract negotiations with unit personnel, the HTA, as well as strategy with respect to litigation.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Nancy Burdick, Chair	X	
Scott Aghababian, Vice Chair		X (late arrival – 7:15 pm)
Jean Bertschmann, Member	X	
Jon Graziano, Member		X (late arrival – 7:05 pm)
Rebecca Robak, Member	X	
Dr. Hiersche, Superintendent	X	
Dr. DeMello, Assistant Superintendent	X	
Mr. Dumas, Director of Finance		X
Other: <u>Mrs. Pulnik, Director of Human Resources</u>		Other: _____

Discussion/Votes:

Mrs. Pulnik updated the Committee regarding the recent negotiations with the HTA. The HTA counsel, Ms. Sullivan, will be leaving for a new assignment shortly. Consequently, the HTA has put together a package together for the Committee to consider in the hopes of settling the contract relatively quickly.

The School Committee asked clarifying questions and agreed to continue the discussion at the conclusion of the Working Session.

On a motion made by Ms. Robak, seconded by Mr. Graziano, the School Committee voted to go out of Executive Session and enter into the regular working session at 7:29 pm.

Roll Call Vote:

	Yes	No	Abstain
Nancy Burdick, Chair	X		
Scott Aghababian, Vice Chair	X		
Jean Bertschmann, Member	X		
Jon Graziano, Member	X		
Rebecca Robak, Member	X		

**Hopkinton School Committee
Executive Session II
MINUTES**

Date: August 28, 2012 **Time:** 11:30 pm

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: #3, To discuss strategy with respect to contract negotiations with unit personnel, the HTA, as well as strategy with respect to litigation.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Nancy Burdick, Chair	X	
Scott Aghababian, Vice Chair	X	
Jean Bertschmann, Member	X	
Jon Graziano, Member	X	
Rebecca Robak, Member	X	
Dr. Hiersche, Superintendent	X	
Dr. DeMello, Assistant Superintendent	X	
Mr. Dumas, Director of Finance		X
Other: _____		Other: _____

Discussion/Votes:

The Committee continued its discussion of the HTA proposal. By general consensus, [REDACTED]

Dr. Hiersche updated the Committee regarding two legal cases. A suit brought by a student against a staff member was reported in the paper, without the district being contacted for comment. A second suit brought by a student against a former staff member was served the morning before this meeting. No action is necessary by the Committee at this time.

On a motion made by Mr. Aghababian, seconded by Mr. Graziano, the School Committee voted to: go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 11:45 pm.

Roll Call Vote:

	Yes	No	Abstain
Nancy Burdick, Chair	X		
Scott Aghababian, Vice Chair	X		
Jean Bertschmann, Member	X		
Jon Graziano, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 9/1/11 **Time:** 7:00 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss strategy with respect to collective bargaining with the HTA and to discuss strategy with respect to litigation.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member		X
Nancy Burdick, Member	X	
Rebecca Robak, Member	X - (recused herself for discussion and vote)	
Dr. Landman, Superintendent	X	
Dr. Colombo, Asst. Superintendent		X
Mr. Dumas, Director of Finance	X	
Other: _____	Other: _____	

Discussion/Votes:

The custodians accepted the healthcare changes and they have agreed to adding a \$250.00 increase to the wage base effective July 1, 2011 and on.

On a motion made by Mr. Mick, seconded by Mrs. Burdick, the School Committee voted to ratify the Memorandum of Understanding between the Hopkinton Public School Custodian Union and the Hopkinton School Committee.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member		Absent	
Nancy Burdick, Member	X		
Rebecca Robak, Member	X - (recused herself from the vote)		

Mr. Aghababian arrived after the vote was taken.

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to go out of Executive Session at 7:21 PM to resume the regular meeting.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 10/20/11 **Time:** 10:55 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss collective bargaining strategy with SEIU Paraprofessionals union.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent	X	
Dr. Colombo, Asst. Superintendent	X	
Mr. Dumas, Director of Finance		X
Other: _____	Other: _____	

Discussion/Votes:

The Committee received an update on the negotiations between the HPS School Committee and the SEIU Paraprofessionals union. The parties have met 3 times thus far and there has been an extension of the number of meetings to eventually get to a single version of a contract. It was pointed out that when the union was formed the English Language Learner tutors were not included in the group.

No action was taken by the Committee.

On a motion made by Mr. Mick, seconded by Mr. Aghababian, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 11:02 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 11/17/11 **Time:** 10:44 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: For the purpose of discussing collective bargaining with SEIU Paraprofessionals unit and receiving a legal update.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
 Dr. Landman, Superintendent	 X	
Dr. DeMello, Asst. Superintendent		
Mr. Dumas, Director of Finance		

Other: _____

Other: _____

Discussion/Votes:

Ms. Robak and Mr. Aghababian updated the Committee on progress to date with the negotiations between the School Committee and the SEIU Paraprofessionals.

Dr. Landman updated the Committee on a legal claim.

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 10:57 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee

Executive Session Minutes

Date: 12/1/11 Time: 6:00 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: #3 and #4

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair	X	
Scott Aghababian, Member	X	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X (late arrival 6:22 PM)	
Dr. Landman, Superintendent	X	
Dr. Colombo, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X

Other: Michelle McNulty, Legal Counsel Other: Kim Pulnik, HPS Director of Human Resources

Discussion/Votes:

The School Committee heard a grievance of the HTA presented by the following individuals: Anne Sullivan, HTA Legal Counsel, Dan Mazur HTA President, Megan Weiss, HTA member, Debbie Arienti, HTA Board Member. Michelle McNulty recommended [REDACTED]

On a motion made by Mr. Mick, seconded by Mrs. Burdick, the School Committee voted to authorize M. McNulty to negotiate a settlement on behalf of the Hopkinton Public Schools for a \$1,200.00 one-time payment to Megan Weiss, MaryLyn Friedman and Jennifer Smith contingent upon the verification that there are no additional grievants.

If it is determined that there are more HTA members affected by this issue, Ms. McNulty will return to the Committee for discussion.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

At Dr. Landman's request, the Committee discussed strategy for budgeting in the salary reserve line item for non-unit personnel. [REDACTED]

On a motion made by Mr. Mick, seconded by Ms. Robak, the School Committee voted to go out of Executive Session and enter back into the regular meeting at 7:20 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair	X		
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Hopkinton School Committee Executive Session Minutes

Date: 12/20/11 Time: 7:10 PM

Meeting Place: Middle School Workroom

Reason(s) for Executive Session: To discuss strategy with respect to collective bargaining with the HTA and to discuss strategy with regard to litigation.

Roll call taken in open meeting with the following attending Executive Session:

	Present	Absent
Jean Bertschmann, Chair	X	
Troy Mick, Vice Chair		X
Scott Aghababian, Member	X (late arrival 7:15PM)	
Nancy Burdick, Member	X	
Rebecca Robak, Member	X	
Dr. Landman, Superintendent	X	
Dr. Colombo, Asst. Superintendent		X
Mr. Dumas, Director of Finance		X
Other: _____	Other: _____	

Discussion/Votes:

The School Committee strategies with respects to collective bargaining with the HTA and litigation.

On a motion made by Ms. Robak, seconded by Ms. Burdick, the School Committee voted to go out of Executive Session and enter into the regular meeting for the purposes of adjourning at 7:25 PM.

	Yes	No	Abstain
Jean Bertschmann, Chair	X		
Troy Mick, Vice Chair		X	
Scott Aghababian, Member	X		
Nancy Burdick, Member	X		
Rebecca Robak, Member	X		

Redactions
Committee copy

12/1/11

RELEASED AS "12/1/11"
REDACTED

Weiss Grievance Documents (chronological)



Speak w/ MAM

Kim Pulnik <kpulnik@hopkinton.k12.ma.us>

Megan Weiss

1 message

Sullivan, Ann <ASullivan@massteacher.org>

Thu, Sep 22, 2011 at 2:02 PM

To: "kpulnik@hopkinton.k12.ma.us" <kpulnik@hopkinton.k12.ma.us>

Cc: "dmazur@hopkinton.k12.ma.us" <dmazur@hopkinton.k12.ma.us>, "mweiss@hopkinton.k12.ma.us" <mweiss@hopkinton.k12.ma.us>

Hi Kim,

After looking at this situation from a number of perspectives, including running it by my manager as well as colleagues, this is how I view Megan's step placement:

2009-10 step 6; She left for a leave on April 7, 2010 (worked the 7th). She was on a paid [REDACTED] leave from the day she left through the last contractual day of June, 2010. She took a year's leave for 2010-2011. This was the year teachers received a onetime payment of \$1200.00 in lieu of step. **Megan, due to her leave, did not receive that benefit.** The Association is in full agreement that she was not entitled to the money in lieu of step, as she did not work 90 days that year. Megan returned from leave this year and it is our position that she should be placed on Step 7 of the teachers' salary schedule per the collective bargaining agreement. If you have any questions, please don't hesitate to contact me.

Ann M. Sullivan

Regional Services Consultant

Massachusetts Teachers Association

Auburn Service Center

(508)791-2121

Fax: (508) 753-4503

- Given to new teachers
& they were placed on
correct step (no freeze)

- Full share given to
PT; if intended as
step freeze they would
have only gotten pro-rata.



October 18, 2011

Mr. Alan Keller
Human Resource Director
Hopkinton Public Schools
Hopkinton, MA 01748

Dear Mr. Keller,

The Hopkinton Teachers' Association, on behalf of Ms. Megan Weiss and any other teacher similarly situated, is filing this **Level 1** grievance in accordance with Article III of the 2011-2012 Collective Bargaining Agreement between the Hopkinton School Committee and the Hopkinton Teachers' Association.

We find Megan Weiss's step placement on the Teachers' Salary Scale to be incorrect for the 2011-2012 school year. Specifically, we find the decision to place Ms. Weiss on the same step she was on prior to her Leave of Absence to be in violation of the Collective Bargaining Agreement including but not limited to the following articles:

1. Article XIII Extended Leaves of Absence, Section E Child Rearing Leave
2. Appendix A Salaries, Section F Wages
3. Article XIX, Section G. "No professional status teacher will be disciplined, reprimanded, reduced in rank or compensation, or deprived of any professional advantage without just cause."

Article XIII- E- In the 2009-2010 school year, Ms. Weiss was on step 6 of the salary scale. She left for a leave on April 7, 2010. She was on a paid [REDACTED] leave from the day she left through the last contractual day of June, 2010. She then took a year's leave for 2010-2011. This was the year teachers received a onetime payment of \$1200.00 in lieu of step. Ms. Weiss, due to her leave, did not receive that benefit. Ms. Weiss returned from leave at the start of the 2011-2012 school year and was placed on step 6 of the salary scale, the same step she was on prior to her leave. Given that Ms. Weiss did work more than 90 days of the 2009-2010 school year on step 6, it is our position that she should be placed on Step 7 of the teachers' salary schedule per the collective bargaining agreement.

The redress sought is to place Ms. Weiss on step 7 of the Master's lane on the Teachers' Salary Scale - \$60,723.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Mazur", is written over a horizontal line.

Daniel Mazur
President, Hopkinton Teachers' Association



Kim Pulnik <kpulnik@hopkinton.k12.ma.us>

Re: Grievance

1 message

Daniel Mazur <dmazur@hopkinton.k12.ma.us>

Wed, Oct 19, 2011 at 12:28 PM

To: Kim Pulnik <kpulnik@hopkinton.k12.ma.us>

Cc: Alan Keller <akeller@hopkinton.k12.ma.us>, Michelle McNulty <mmcnulty@mimlawfirm.com>, Jonathan Landman <jlandman@hopkinton.k12.ma.us>

The Association is ok with the extension for this unique circumstance.

Thanks, Dan

On Wed, Oct 19, 2011 at 11:26 AM, Kim Pulnik <kpulnik@hopkinton.k12.ma.us> wrote:

Hi Dan:

We are in receipt of the Level 1 grievance, filed by you, on Megan Weiss' behalf. As principal Alan Keller is at Nature's Classroom for part of this week, I'd like to request, on his behalf, that the five (5) school day time limit in which to hear and respond to this grievance be extended to ten (10) days. Please let me know if this is agreeable.

Thank you,

Kim

Kim Pulnik, PHR
Director of Human Resources
Hopkinton Public Schools
89 Hayden Rowe
Hopkinton, MA 01748
508-417-9360

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HOPKINTON MIDDLE SCHOOL

88 HAYDEN ROWE STREET • HOPKINTON, MA 01748

ALAN M. KELLER, Principal

MARYELLEN K. GRADY, Assistant Principal

Telephone (508) 497-9830

Fax (508) 497-9803

October 31, 2011

Mrs. Megan Weiss
83 Clark Road
Fiskdale, MA 01518

Dear Ms. Weiss:

Your grievance asserting a violation of Article XIII, Section E, Appendix A, Section F, and Article XIX, Section G of the *Agreement Between the Hopkinton School Committee and the Hopkinton Teachers' Association* was heard on October 24, 2011 in the presence of Debby Arienti and Dan Mazur. After careful consideration, it is determined that your grievance is **denied**.

Sincerely,

A handwritten signature in black ink, appearing to be "A. Keller", with a long horizontal stroke extending to the right.

Alan Keller, Principal

cc: Dan Mazur, HTA President
Debby Arienti, HTA Vice President
Kim Pulnik, Director of Human Resources



November 1, 2011

Dr. Jonathan Landman
Superintendent of Schools
Hopkinton Public Schools
Hopkinton, MA 01748

Dear Dr. Landman,

The Hopkinton Teachers' Association, on behalf of Ms. Megan Weiss and any other teacher similarly situated, is filing this **Level 2** grievance in accordance with Article III of the 2011-2012 Collective Bargaining Agreement between the Hopkinton School Committee and the Hopkinton Teachers' Association. A Level 1 grievance was denied by Mr. Keller on October 31, 2011.

We find Megan Weiss's step placement on the Teachers' Salary Scale to be incorrect for the 2011-2012 school year. Specifically, we find the decision to place Ms. Weiss on the same step she was on prior to her Leave of Absence to be in violation of the Collective Bargaining Agreement including but not limited to the following articles:

1. Article XIII Extended Leaves of Absence, Section E Child Rearing Leave
2. Appendix A Salaries, Section F Wages
3. Article XIX, Section G. "No professional status teacher will be disciplined, reprimanded, reduced in rank or compensation, or deprived of any professional advantage without just cause."

Article XIII- E- In the 2009-2010 school year, Ms. Weiss was on step 6 of the salary scale. She left for a leave on April 7, 2010. She was on a paid [REDACTED] leave from the day she left through the last contractual day of June, 2010. She then took a year's leave for 2010-2011. This was the year teachers received a onetime payment of \$1200.00 in lieu of step. Ms. Weiss, due to her leave, did not receive that benefit. Ms. Weiss returned from leave at the start of the 2011-2012 school year and was placed on step 6 of the salary scale, the same step she was on prior to her leave. Given that Ms. Weiss did work more than 90 days of the 2009-2010 school year on step 6, it is our position that she should be placed on Step 7 of the teachers' salary schedule per the collective bargaining agreement.

The redress sought is to place Ms. Weiss on step 7 of the Master's lane on the Teachers' Salary Scale - \$60,723.

Sincerely,

Debby Arienti
Debby Arienti
Vice President, Hopkinton Teachers' Association



HOPKINTON PUBLIC SCHOOLS

89 HAYDEN ROWE STREET • HOPKINTON, MA 01748

MARY COLOMBO, Ed.D.
Assistant Superintendent of Schools

Telephone 508-417-9360
Fax 508-497-9833
mcolombo@hopkinton.k12.ma.us

November 10, 2011

To: Megan Weiss, Teacher at Hopkinton Middle School
Deborah Arienti, Vice President of the Hopkinton Teachers' Association

From: Mary D. Colombo, Ed.D., Assistant Superintendent, *ilc*

Re: **Level Two Grievance Decision**

On November 8, 2011, Human Resource Director, Kim Pulnik and I met with Mrs. Deborah Arienti, the Hopkinton Teachers' Association Vice President, and the grievant, Mrs. Megan Weiss, a Hopkinton Middle School teacher, to hear a Level Two Grievance regarding placement on the Hopkinton teachers' salary scale. Hopkinton Middle School principal, Mr. Alan Keller, had denied the grievance at Level One.

Dr. Mary Colombo served as the Superintendent's designee, per Article III, Section B: "Within five (5) school days after the receipt of the written grievance by the Superintendent, or *his designee*, he will confer with the grievant. The Superintendent will respond in writing to the grievant within ten (10) days of the receipt of the grievance."

Nature of the grievance:

The grievant claims that Article 15, Section 7 and Article 14, Section E have been violated due to her placement on Step 6 of the Hopkinton teachers' salary schedule for the 2011-2012 school year. The grievant believes that the contract language supports her contention that she should be placed on Step 7 of the salary schedule.

History:

- Mrs. Weiss was placed on Step 5 of the salary schedule during the 2008 – 2009 school year.
- Mrs. Weiss was placed on Step 6 of the salary schedule during the 2009-2010 school year. She worked for at least 90 days during that school year before taking a [REDACTED] leave through the end of that school year.
- The Hopkinton Teachers' Association (HTA) contract language "froze" steps for the 2010-2011 school year. Mrs. Weiss therefore remained on Step 6 of the salary schedule for the 2010-2011 school year.
- Mrs. Weiss was out for the entirety of the 2010-2011 school year on [REDACTED] leave.

- Mrs. Weiss returned to her position for the 2011-2012 school year and was placed on Step 6 of the salary schedule.

Pertinent Contract Language from the 2011-2012 Hopkinton Teachers' Association Contract:

ARTICLE XIII Extended Leaves of Absence

E. Child Rearing Leave

An unpaid leave of absence for child rearing purposes: (A) shall be granted to any teacher who has served in a bargaining unit position for at least three (3) years and (B) may be granted to any teacher who has served in a bargaining unit position for at least one (1) year. Child rearing leaves shall be granted for up to one (1) school year's duration. If the teacher has worked more than ninety (90) days of a year in which such leave is taken, she or he will continue on the salary schedule at the level that would have been achieved had the absence not occurred.

Appendix A, Salaries

F. Wages

1. The salary schedule in effect for the 2009-2010 school year, appearing at Appendix A of the September 1, 2007 to August 31, 2010 Collective Bargaining Agreement shall remain in full force and effect for the 2010-2011 school year.
2. For the 2010-2011 contract year, members will remain on the same step of the salary schedule that they were on as of September 1, 2009. Members shall not be awarded any step advancement on the Appendix A salary schedule, Appendix A, Section A of the Collective Bargaining Agreement notwithstanding. In effect, members shall be frozen on their September 1, 2009 step for the life of this contract.
3. Effective September 1, 2009 members shall remain eligible for course increments (or "lanes") pursuant to the provisions of Appendix A, Section B of the Collective Bargaining Agreement.
4. Members who are at Bachelors steps 2-11 and Masters steps 1-12 shall receive a one-time bonus payment of \$1200 which shall not be added to the base salary. Said bonus payment will be made to members by September 30, 2010. It is understood that payment of said bonus is in consideration of a full year of service and in the event a members leaves the employ of the Hopkinton Public Schools prior to the conclusion of the school year, a pro-rata share of said bonus shall be retained from any deferred salary payments owed to said member.

5. Effective September 1, 2010, \$1200 will be added to Bachelors step 12 and Masters step 13 of the salary schedule. Said monies have been incorporated into the scale set forth herein.

Decision:

The grievance is denied at Level Two.

Reasoning:

Article XIII, Section E states "if a teacher has worked more than ninety (90) days of a year in which such leave is taken, she or he will continue on the salary schedule at the level that would have been achieved had the absence not occurred." Since it is agreed that Mrs. Weiss worked 90 days in 2009-2010, the year in which she took a [REDACTED] leave, she would have ordinarily be placed on Step 7 of the Salary Schedule had she returned for the 2010-2011 school year, the year in which she took a [REDACTED] leave. However, the Hopkinton Teachers' Association 2010-2011 contract specified in Appendix A, Salaries, section F, number 2 that "members shall be frozen on their September 1, 2009 step for the life of this contract." This means that, had Mrs. Weiss returned for the 2010-2011 school year, she would have remained on Step 6.

Mrs. Weiss returned for the 2011-2012 school year, expecting to be placed on Step 7. However, Mrs. Weiss did not work for 90 days during the 2010-2011 school year as she was on [REDACTED] leave. Working for 90 days is required to be placed "on the schedule at the level that would have been achieved had the absence not occurred" (XXI.E.). Therefore, Mrs. Weiss was placed on the appropriate Step 6 for the 2011-2012 school year.

Cc: Jonathan Landman, Ed.D.
Kim Pulnik

Back-up and Explanatory Documents

School Year	Dan	Megan
2008-2009	5	5
2009-2010	6	6 out 4/8/10-6/18/10 [REDACTED] qualifying leave (has no effect on step)
APPENDIX A, SALARIES F. Wages <ol style="list-style-type: none"> The salary schedule in effect for the 2009-2010 school year, appearing at Appendix A of the September 1, 2007 to August 31, 2010 Collective Bargaining Agreement shall remain in full force and effect for the 2010-2011 contract year. For the 2010-2011 contract year, members will remain on the same step of the salary schedule that they were on as of September 1, 2009. Members shall not be awarded any step advancement on the Appendix A salary schedule, Appendix A, Section A of Collective Bargaining Agreement notwithstanding. In effect, members shall be frozen on their September 1, 2009 step for the life of this Contract. Effective September 1, 2010 members shall remain eligible for course increments (or "lanes") pursuant to the provisions of Appendix A, Section B of the Collective Bargaining Agreement. Members who are at Bachelors steps 2 – 11 and Masters steps 1 – 12 shall receive a one-time bonus payment of \$1200.00 which shall not be added to base salary. Said bonus payment will be made to members by September 30, 2010. It is understood that payment of said bonus is in consideration of a full year of service and in the event a member leaves the employ of the Hopkinton Public Schools prior to the conclusion of the school year, a pro-rata share of said bonus shall be retained from any deferred salary payments owed to said member. Effective September 1, 2010, \$1200 will be added to Bachelors step 12 and Masters step 13 of the salary schedule. Said monies have been incorporated into the scale set forth herein. 		
2010-2011	6	6 out all year [REDACTED] leave
		ARTICLE XIII, EXTENDED LEAVES OF ABSENCE E. Child Rearing Leave An unpaid leave of absence for child rearing purposes: (A) shall be granted to any teacher who has served in a bargaining unit position for at least three (3) years and (B) may be granted to any teacher who has served in a bargaining unit position for at least one (1) year. Child rearing leaves shall be granted for up to one (1) school year's duration. If the teacher has worked more than ninety (90) days of a year in which such leave is taken, she or he will continue on the salary schedule at the level that would have been achieved had the absence not occurred.
2011-2012	7	6



HOPKINTON PUBLIC SCHOOLS

89 HAYDEN ROWE STREET HOPKINTON, MA. 01748

KIMBERLY PULNIK, PHR
Director of Human Resources

Telephone: 508-417-9360
Fax: 508-497-9833
kpulnik@hopkinton.k12.ma.us

April 26, 2010

Ms. Megan Weiss
83 Clark Road
Sturbridge, MA 01518

Dear Megan:

I am pleased to inform you that our Superintendent, Dr. Phelan, has approved your request for [REDACTED] leave beginning on April 8, 2010 and ending on June 18, 2010.

I am hereby notifying you that you are eligible, and that this leave is designated as leave under the Family and Medical Leave Act (FMLA), and the following will apply:

- You will be entitled to up to twelve (12) weeks of unpaid leave in a twelve (12) month period, for a serious health condition that makes you unable to perform the essential functions of your job, and/or for the birth or placement of a child with you for adoption or foster care. The 12-month period is defined as a "rolling" 12-month period, measured backward from the date an employee uses any FMLA leave.
- You will be returned to your position or an equivalent position with the same pay, benefits, and terms and conditions of employment when you return from leave. If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under the FMLA.
- Health benefits will be maintained under the same conditions as if you continued to work.
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered service member's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse the Town of Hopkinton for their share of health insurance premiums paid on your behalf during your FMLA leave.
- Your leave will be counted against your annual FMLA leave entitlement.

In terms of using sick time for this leave, please note that, in accordance with Article XIII of the agreement between the Hopkinton School Committee and the Hopkinton Teachers' Association, maternity leave is unpaid leave. **However, you are eligible for sick leave pay, up to the amount which you have available, for the period of disability designated by your health care provider. Your healthcare provider has initially determined your period of disability to be April 8, 2010 through June 18, 2010.**

While on leave, you may be required to furnish us with periodic reports of your status and intent to return to work, and/or certification relating to your serious health condition. If you are unable to return to work by the date indicated, please contact your supervisor as soon as is practicable. You will be required to submit a fitness for duty statement from your health care provider, stating that you are able to perform the essential functions of your position as outlined in the enclosed job description, prior to returning to work.

I wish you and your family well during this exciting time. If you have any questions, please don't hesitate to contact me.

Sincerely,

Kimberly Pulnik, PHR
Director of Human Resources

cc: Payroll
Dr. William Lynch, Principal
Dr. John E. Phelan Jr., Superintendent



HOPKINTON PUBLIC SCHOOLS

89 HAYDEN ROWE STREET HOPKINTON, MA. 01748

KIMBERLY PULNIK, PHR
Director of Human Resources

Telephone: 508-417-9360
Fax: 508-497-9833
kpulnik@hopkinton.K12.ma.us

July 21, 2010

Ms. Megan Weiss
83 Clark Road
Sturbridge, MA 01518

Dear Megan:

I am pleased to inform you that our Superintendent, Dr. John E. Phelan, Jr. has approved your request for [REDACTED] leave commencing upon termination of your [REDACTED] leave, and ending on the last day of the 2010-2011 school year.

Please remember, per the Agreement Between the Hopkinton School Committee and the Hopkinton Teachers Association, Article XIII, Section M., you must notify this office by March 1, 2011, of your intent to return to full employment for the following school year, or to resign.

I hope you enjoy your time at home with your family!

Sincerely,

A handwritten signature in cursive script that reads "Kim Pulnik".

Kimberly Pulnik, PHR
Director of Human Resources

cc: Payroll
Alan Keller, Principal
Personnel File