

AEL Leadership Forum

VOLUME 11, ISSUE 7

NOVEMBER 2016

UPCOMING EVENTS

Dec. 15, 2016
**AEL Executive
Board Meeting, 5pm**
AEL HQ,
2521 Riva Road,
Suite L-2, Annapolis

Jan. 19, 2017
**AEL Executive
Board Meeting**
5 pm
AEL HQ,
2521 Riva Road,
Suite L-2, Annapolis

Feb. 16 2017
**AEL Executive
Board Meeting**
5 pm
AEL HQ,
2521 Riva Road,
Suite L-2, Annapolis

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A look at 7
leave

New 7
members

Impasse

By Will Myers, AEL President

Disillusioned, disappointed, and depressed all describe my emotional state after an eleven hour session of impasse negotiations. It has become abundantly clear to me and our team that the Board's representatives had no intention of moving from their original offer of one step for all eligible employees in Unit II. No amount of discussion moved them from their stance. For lack of a better description, we were bullied by those who have the power to negotiate our contract. As a result of a confidentiality agreement, I cannot give specific

details of the process. It is unfortunate that our unit is held in such low esteem that any cost saving measure to provide a salary enhancement was never considered.

Unit II members are being held to a strict interpretation of the current contract and the FY17 budget. In fact, the budget is utilized as a shield to justify no movement possible when con-

sidering enhanced compensation.

At this point, we must now wait for the mediator's report to be reviewed by an arbitrator who will make a final determination on compensation. I would like to think the ruling will be in our favor. However, there are no guarantees. So, cross your fingers, rub your rabbit's foot and say a prayer.



Clarifying the grievance process

By Rick Kovelant, AEL Executive Director and General Counsel

As there is continuing confusion over grievance procedures and appeals, I have taken the time to outline the characteristics and the process involved

in these distinct areas. The attached material is part of the items shared at our last Executive Board meeting with AEL members who attended.

Please keep a copy of this material available and feel free to contact me with any questions or comments you may have.

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GRIEVANCES-ADMINISTRATIVE APPEALS-EVALUATION APPEALS: Distinctions with difference

GRIEVANCE

Defined: A grievance is generally a complaint brought by a Unit II Employee for an alleged breach of the terms and conditions of the AEL-BOE Negotiated Agreement.

Parties: The grievant is the Unit II employee (may be represented by AEL at Level 2) and generally the immediate supervisor is the respondent (may be represented by staff counsel). Depending on who is alleged to have violated the terms and conditions of the Agreement, the respondent can include any individual who is a representative of the BOE. For, example, an adverse decision or interpretation of the Agreement could be made by the Director of Human Resources or an Area Superintendent. In these cases the grievance procedure begins with those individuals although not in the direct chain of supervision.

Procedure: The procedure for processing a grievance is outlined in the Negotiated Agreement and follows this path:

1. **Informal Level.** First discuss the problem with the administrator who made the adverse decision. Must be brought within 15 duty days of when the individual knew or should have known of the act or condition on which the grievance is based.
2. **Level One.** No decision within five days or not satisfied with the resolution within 5 duty days or within 10 duty days after the grievance is presented whichever is sooner file written grievance with same administrator.
3. **Level Two.** No decision within five days or not satisfied with the resolution within 5 duty days file with AEL Grievance Committee. If AEL believes the grievance is valid it has 5 duty days to file grievance with the Department Head in which the Level One grievance was filed. Within 10 duty days a hearing is to be held and a decision is to be made. (If the decision of the Superintendent or one who reports directly to the Superintendent is being grieved it proceeds directly to Level Three.
4. **Level Three.** No decision within five days or not satisfied with the resolution within 5 duty days you referred to the Superintendent who shall meet with the grievant and the representative and render a decision within 10 duty days.
5. **Level Four.** If AEL finds the Superintendent's decision is not acceptable it shall submit the same to advisable arbitration within 10 duty days. Arbitration is conducted through the American Arbitration Association

ADMINISTRATIVE APPEALS

Defined: An Administrative Appeal generally arises out of a disciplinary decision ultimately rendered by the Superintendent pursuant to Section 6-202 of the Education Article of the Maryland Code. In some cases the decision of the Superintendent may not have been related to a form of discipline but arises out of controversies and disputes involving the BOE rules and regulations or the proper administration of the school system in which case they are covered under Section 4-205 (c) of the Education Article of the Maryland Code. In many cases this involves issues of transfer and/or reassignment.

Parties: The Unit II Employee is the Appellant (represented by AEL or private attorney) and the Superintendent and/or his designee is generally the Respondent (represented by staff attorney). Once the appeal is heard by the BOE and an adverse ruling is made the BOE is also named as a Respondent before the State Board of Education and ultimately in the case of judicial review.

Procedure: As the appeals generally arise out of a disciplinary matter, the following protocol is in place:

1. Investigations are initiated as a result of either an internal or external complaint. They are “reviewed” by Deputy Superintendent and forwarded to the Office of Investigation and assigned to an investigator.
2. The investigation is conducted and the Unit II Employee is advised of the same. BOE due process requirements include:
3. Depending on the nature of the alleged activity, the Unit II Employee may or may not be put on administrative leave or reassigned with pay pending a final decision concerning the conduct involved.
4. The Unit II Employee is notified that an investigative interview will be conducted and that counsel can be available during the interview process.
5. During the interview process with counsel or a representative present the Unit II employee is asked a series of questions regarding his/her involvement in the matter being investigated.
6. Following the questioning period, the Unit II Employee is given the opportunity to submit any written response or provide any further information that may assist the Unit II Employee.
7. Once the investigation is completed, a report is made to the Interdisciplinary Committee for review. If there is a favorable finding the matter is closed. If the Committee believes further discipline is warranted, a Pre-discipline Hearing is conducted before the Superintendent’s designees. Counsel can be present and presents on behalf of the employee those factors either in opposition or in mitigation of the alleged conduct. The following Pre-Disciplinary Conference Procedures are to be followed:

* Provided with notice of time and place of meeting

GRIEVANCES-ADMINISTRATIVE APPEALS-EVALUATION APPEALS: Distinctions with difference

* Given notice of allegations in sufficient detail to permit the employee to present evidence relating to the same.

* A meeting where evidence can be presented in defense of the allegations

* Right to have attorney or AEL representative present

8. The designees report to the Superintendent who decides to close the case or impose discipline generally based on the recommendations of the designees and the record.
9. There is a right of appeal within 30 days to the BOE. This appeal is made in writing to the President of the BOE. This Appeal is usually conducted by an appointed hearing examiner (in unusual cases it involves a hearing before the BOE) who takes testimony and receives evidence from the Appellant and the Respondent. The Hearing Examiner's findings are limited to recommendations which the BOE may or may not accept.
10. A decision of the BOE may be appealed to the State Board of Education and thereafter may be filed for review by the Circuit Court for Anne Arundel County, Maryland. Further appeals are available through the judicial system.

EVALUATION APPEALS

Defined: An Evaluation Appeal is an opportunity to have a less than satisfactory evaluation reviewed by a panel composed of two Unit II employee representatives selected by AEL and two panel members selected by the BOE. AEL and the BOE select a third party neutral member to serve on the panel.

Parties: The Unit II Employee who challenges the evaluation is the Appellant (unrepresented) and the individual who gave the rating is the Respondent (unrepresented).

Procedure: The appeal procedure is as follows:

1. Within 10 days following the receipt of an unsatisfactory evaluation or by July 15th if no evaluation was made, the Appellant files a notice of appeal with the person providing the rating and the Director of Human Resources.
2. Within 10 days following the filing of a notice of appeal the Director of Human Resources shall identify two individuals selected by the Superintendent to become panel members and AEL shall have 10

days to appoint two panel members. The AEL President and the Director of Human Resources shall select a neutral third party panel member. Within 10 duty days the Director of Human Resources shall schedule a hearing.

3. The Appellant and the Respondent each separately present to the panel the basis for the appeal and the basis for the evaluation respectively.

4. The panel upon the conclusion of the presentations decides by a majority vote to sustain the rating or change the rating in whole or in part. A written report is to be filed with the Director of Human Resources, AEL, the Appellant and the Respondent.

5. If either the Appellant or the Respondent are dissatisfied with the panel's decision they have 10 duty days to appeal to the Superintendent.

6. The Superintendent has 10 duty days following receipt of the appeal to render a decision. Except in the event of an unsatisfactory evaluation the decision of the Superintendent is final and non appealable.

7. In the event of an unsatisfactory finding, the Appellant shall have such other and further appeal rights as provided by law.

HOW TO SURVIVE THE PROCESS

1. In all Appeals timely contact AEL Executive Director General Counsel.
2. Make sure you timely note your appeal and adhere to the required timelines or your appeal rights can be lost
3. If the appeal involves a disciplinary matter do not contact the Office of Investigation without discussing the matter with counsel
4. Do not discuss the appeal matters with your colleagues as they may be called as witnesses
5. Keep all pertinent documents associated with your appeal.
6. Review and copy your prior ratings and evaluations.
7. Keep and create a timeline of events .

Myth Busted: Membership doesn't impede promotion

By Edie Picken, Assistant Principal South River High School, AEL Secretary

Over the last three years, AEL has reached out to Unit II employees not currently members to discuss joining. In those discussions, several indicated they would not join because it would affect their promotional opportunities. The idea that the Central Office applies non-promotional practices to association membership is fiction. In fact, the opposite is true. Membership in AEL has not impeded achieving promotion. To support this statement, here is a short list of AEL members' names who have been promoted over the last 2 to 4 years:

Carolyn Burton-Page to Director of School Performance
Gina Davenport to Principal Arundel High School
Jolyn Davis to Director of

School Performance
Kathryn Feuerherd to Principal Southern High School
Steven Gorski to Principal Chesapeake High School
Kevin Hamlin to Principal Southern High School (now Old Mill High School)
Walter "Skip" Lee to Director of Curriculum
Lisa Leitholf to Director of School Performance
Janine Robinson to Regional Assistant Superintendent
Sharon Stratton to Director of Instruction
Jason Williams to Principal Northeast High School
Adam Zetwick to Principal Corkran Middle School

Though this is only a small representation of those promoted who were and are members of AEL, what is

important to note: The positions to which these individuals were promoted are varied and are not school-based specific.

What many do not know, AEL's President and 1st Vice-President, Will Myers and Nelson Horine, meet monthly with the Superintendent. At a recent meeting, Will shared this concern with Dr. Arlotto. Dr. Arlotto assured AEL that membership in a bargaining unit has no bearing when someone is considered for a promotion. That being said, those not currently members may wish to reconsider. The benefits of membership outweigh non-membership.

For more information about AEL, go to the website www.aelaacps.org to learn about what the association has to offer.

AEL Mission Statement

The Association of Educational Leaders exists to ensure all Unit II employees are fairly and equitably treated in the course of their employment.

We commit to accomplishing this mission on behalf of Unit II employees by ensuring:

1. Adherence to our Negotiated Agreement.
2. All Unit II employees are adequately and equitably compensated for their responsibilities and work load.
3. Personal and professional needs shall be respected.
4. Fair, consistent and equitable practices shall be adhered to when dealing with hiring promotions, assignments and evaluations.
5. Fair, consistent, equitable practices in dealing with matters relating to discipline and conflict resolution.
6. Fair, consistent, equitable practices in resolving school and community conflicts.

Professional Leave Days vs. Annual Leave Days: They are not the same

By Nelson Horine, 1st Vice President

While our negotiations are on-going, we did get agreement on one very important thing. Your Professional Leave Day pilot program was renewed for a second year. The work you do is appreciated and the provision of these few days for your use without “burning” your Annual Leave Days is certainly a bonus. The difference between the two types of leave days is an important one.

Your Annual Leave Days accrue at a rate of one per pay period and give you the time for much needed vacations or opportunities to take care of family and personal business. Within limits, these can carry over to the next year.

The number of Professional Leave Days, on the other hand, is based on your level and must be used within the current school year (September 1 to August 31). Your leave days are

listed separately on your pay stub. There is a very important difference in how the Professional Leave Days can be used.

Last year this created some confusion so here is the difference. While the Annual Leave Days can be used at your discretion, use of the Professional Leave Days is very specific. According to the Memo of Understanding for this pilot program, the days you are given can be used specifically for Code Blue Days, work days during the week of winter or spring break, and can be applied toward Fridays during the summer. This gives you the opportunity to work regular days instead of extended days.

Keep in mind that when asked to designate your preference for the summer four day work weeks you must indicate that you are going to work regular

(normal hours) work days.

Then you can use your Professional Leave Days for Fridays. When you have exhausted your Professional Leave Days you will have to use Annual Leave Days for the remaining Fridays.

Most importantly, regardless of when you choose to use your Professional Leave Days, use them before August 31, since they will not carry over to the next school year. I anticipate that the days will continue to be a part of our contract, however, to keep them you must take advantage of them and use them. We work hard and we all need time away from our schools. This benefit is one small way of recognizing all you do for our Anne Arundel County students. Enjoy your school year and I look forward to meeting and talking with all of you at AEL events throughout the school year.

Welcome new members

Denise Faidley, AP, Benfield

Katherine Hicks, AP, Magothy River Middle

Melanie Parker, Coordinator, Arlington Echo

Wendy Smith, AP, Rolling Knolls



The Association of Educational Leaders
2521 Riva Rd., Suite L-2
Annapolis, MD 21401



2016-17 AEL EXECUTIVE COMMITTEE/BOARD/STAFF

Will Myers (2013-17)	President	(P, South River HS)	(o)956-5600	wtmwants@aol.com
Nelson Horine (2013-17)	1st VP	(P, Anne Arundel Evening HS BOE)	(o) 222-5384	linnea.horine@gmail.com
Amy Hussey (2013-17)	2nd VP	(AP, Chesapeake Bay MS)	(o) 437-2400	ahussey@aacps.org
Edie Picken (2016-20)	Secretary	(AP, South River HS)	(o) 956-5900	epicken@aacps.org
Paul DeRoo (2016-20)	Treasurer	(P, Bates MS)	(o) 263-0270	pderoo@aacps.org
Patrick Bathras (2015-19)	Director at Large	(P, Severna Park HS)	(o)544-0900	pbathras@aacps.org
Jessica Tickle (2015-19)	Director at Large	(C, Office of Student Data)	(o)222-5153	jtickle@aacps.org
Jennifer Hernandez (2016-20)	Director at Large	(C, Div of Curriculum)		

REPRESENTATIVE DIRECTORS (14): CLUSTERS/FEEDER SYSTEMS

Phil Elliott	(AP, Annapolis HS, Annapolis Cluster)	pelliott@aacps.org
Tracey Ahern	(P, Odenton Elementary, Arundel Cluster)	tahern@aacps.org
Tammy Perunovich	(AP, Belvedere Elementary, Broadneck Cluster)	tperunovich@aacps.org
Becky Blasingame-White	(P, Hebron-Harman Elementary, Meade Cluster)	bblasingame-white@aacps.org
Ryan Sackett	(AP, North County HS, North County Cluster)	rsackett@aacps.org
Dave Kauffman	(AP, Northeast HS, Northeast Cluster)	dkauffman@aacps.org
John Striffler	(AP, Old Mill Middle South, Old Mill Cluster)	jstriffler@aacps.org
Patrick Bathras	(P, Severna Park HS, Severna Park Cluster)	pbathras@aacps.org
Edie Picken	(AP, South River HS, South River Cluster)	epicken@aacps.org
Mike May	(AP, Southern HS, Southern Cluster)	cmmay@aacps.org
Open	(Board of Education)	

There are several Open Representative Director positions, please contact Bob Ferguson for more information.

STAFF

Rick Kovelant (Executive Director, Legal Counsel)	(o) 897-0747, (c) 443-848-8022
Bob Ferguson (Administrator)	(o)410-224-3311 (fax)410-224-3345 (c)443-223-5645; leafman65@gmail.com
Connie Crouch (Executive Secretary)	(o)410-897-0747 or (o)410-224-3311 (f)410-224-3345
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