

UPCOMING  
EVENTS

Feb. 20, 2019

AEL Executive  
Board Meeting

5 pm

AEL HQ,

2521 Riva Road,  
Suite L-2, Annapolis

March 20, 2019

AEL Executive  
Board Meeting

5 pm

AEL HQ,

2521 Riva Road,  
Suite L-2, Annapolis

May 1, 2019

AEL Spring Social

4:30—7:30 pm

Hellas, Millersville

FREE

RSVP:

leafman65@gmail.com

INSIDE  
THIS ISSUE:

Same Old Song 1

# AEL Leadership Forum

VOLUME 13, ISSUE 6

FEBRUARY 2019

## It's the Same Old Song

By Will Myers, AEL President

A new year, a new County Executive and high hopes for a new negotiation process.... After reviewing the Superintendent's recommendations for compensation, it looks like another uphill battle for obtaining acceptable equitable enhancements for all of the school system's professional bargaining units.

The Superintendent has recommended a \$35.1 million increase in employee compensation over last year's budget. Here is how it's broken down:

- \$7.5 million to fund the mid-year raise we

negotiated last year. Money which has to be allotted since we are already receiving it.

- \$14 million for a step for all eligible employees. Sounds good until you consider the hundreds of veteran employees who no longer have steps as a result of their

dedication to the system. Since bargaining units I, II, III, and IV have a different value in a step, the question arises when an

equivalent increase will be given to non-represented employees... Which units equivalent will be selected? Just an FYI, a Unit II step is equivalent to 1%.



- \$13.6 million as a place holder for additional increases subject to negotiations. Once again, someone is going to be left out or receive less than a step if all members are considered for compensation. Simply stated, the money recommended for compensation, "does not pay the freight."

*Continued on page 2*

## Same Old Song...

*Continued from page 1*

**"Our best tact  
is to continue  
to expose the  
lack of a true  
negotiation  
process."**

Negotiations in the past have been stymied by the "monetary placeholders" put into the budget by the Superintendent. Our only hope for real compensation increases will rest on our Board of Education members voting to increase the monies for compensation and/or the County Executive allotting

more money for additional steps.raises.

AEL's membership will be faced with some hard decisions as negotiations begin. What will be our bottom line? How resolute are we in our requests for equitable compensation? How long will we be willing

to wait until an acceptable compensation offer is made?

Perhaps we should encourage the Board's negotiating team to stop playing The Four Tops and start using a little James Brown's, *Poppas' Got a Brand New Bag*.

## Looking for Leaders

"Our members enjoy a competitive income and a host of benefits, protections and both personal and professional support because of the **dedication and commitment of fellow members and colleagues**," according to our former colleague and AEL legend Louise DeJesu. She is right. AEL needs members to step up to the plate and "keep it going."

Elections are around the corner so please consider serving in a leadership role with AEL. For details about the positions and requirements contact an Executive Board member or Bob Ferguson, [leafman65@gmail.com](mailto:leafman65@gmail.com)

# A Distinction with a Difference

By Rick Kovelant, AEL Executive Director and General Counsel

During the last school year and continuing into the present school year, there has been a significant uptick in the number of investigations into alleged "disciplinary matters." As a result, many hours have been spent defending these claims of malfeasance. Without identifying any of the particular cases involved, I submit that I have detected a pattern emerging among the many issues investigated that have resulted in a finding requiring the imposition of discipline.

Most cases have been initiated by a principal who has charged an assistant principal with a violation of AACPS Policy, Rule or Regulation. Rarely has anyone above the principal initiated an investigation of an al-

leged infraction. Obviously, most of these violations have occurred at the school venue, so it would be unexpected that a regional superintendent would have firsthand knowledge of any misconduct.

The problem is not really who reports a misstep on the part of a subordinate, but rather whether the matter needed to be reported in the first place. In many cases, the questionable conduct is one that involves

performance issues and not issues that violate any identifiable AACPS Policy, Rule or Regulation. Because of a mischaracterization, the Office of Investigation attempts to investigate allegations of a performance nature as if they are somehow in violation of Board Regulations. With all

due respect, the investigators are not necessarily always familiar with job/task performance requirements of Unit II educators. The resolution of these referrals is also problematic. By treating these allegations as disciplinary in nature, the school system loses the ability to place an individual on a growth plan and monitor progress. The only remedy available is to impose discipline that ranges from a warning to expulsion.

Admittedly, some conduct may have characteristics of both a performance as well as a disciplinary matter. Obviously, showing up for work in an intoxicated condition not only violates Board Regulations, it also impacts on performance. Whenever possible, howev-

***"In many cases, the questionable conduct is one that involves performance issues and not issues that violate any identifiable AACPS Policy, Rule or Regulation."***

*Continued on page 4*

# Distinction with a Difference...

*Continued from page 3*

***"If the supervisor believes that the matter relates to performance, the supervisor should, at the very least, schedule a conference with the employee before calling for an investigation."***

er, distinguishing between these two areas is important. Performance based allegations should be handled between the parties and if there is an adverse outcome, should result in counseling, growth plans, and ultimately, if the situation warrants it, in the evaluation process. The due process track for performance matters can involve grievance challenges and/or appeals of the evaluation by the aggrieved employee. By contrast, disciplinary matters are subject to appeal involving the School Board, Maryland State Board of Education and ultimately, the courts. The rules associated with the challenge and the burden of proof to overturn a performance matter versus a

disciplinary matter are quite different.

It is important for a Unit II employee to know exactly where allegations fall. If the charges are in violation of a Board Policy, Rule or Regulation, it should be the responsibility of the employer to identify with specificity the exact policy, etc., that is alleged to have been violated. If the supervisor believes that the matter relates to performance, the

supervisor should, at the very least, schedule a conference with the employee before calling for an investigation. In many instances, cases have been dismissed as part of the disciplinary process because the Office of Investigation was unable to discern what policy, rule or regulation was violated. Unfortunately, for a Unit II employee, anxiety is only heightened when a referral is improperly made. Characterization counts. There is a distinction with a difference.

## When in Doubt, Call Rick

If you need help or advice, please remember to contact Rick Kovelant. He is our legal counsel and has a wealth of experience in many different scenarios. He is a valuable resource and **available to you as part of your AEL membership**. He can be reached at 443-848-8022.

## AEL Spring Social & Membership Meeting

May 1, 2019

4:30-7:30 pm

Hellas, 8498 Veterans' Highway, Millersville

RSVP to Bob Ferguson at leafman65@gmail.com

*Best of all, it's free!*

Plan to **reconnect with your friends and colleagues** at the AEL Annual Spring Social and maybe win a **DOOR PRIZE**, We will also be honoring this year's retirees.

Take advantage of the opportunity to spend time with some of the best educational leaders in the state. Mark your calendars... RSVP by April 26.



## 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.

## AEL Winter Social: Door Prizes a Big Hit



Many thanks to all who attended the Winter Social on Dec. 19 at Hellas. The turnout was great and lucky members walked away as winners of gift cards just for attending.

The Spring Social is set for May 1 at Hellas. Be on hand to honor this year's retirees. RSVP to [leafman65@gmail.com](mailto:leafman65@gmail.com) by Apr. 26.



#### AEL Social checklist:

- ✓ Re-connect with colleagues you don't get to see often enough
- ✓ Find out first-hand about Negotiations
- ✓ Pick up new ideas from other educational leaders outside your circle
- ✓ Eat a **free** meal
- ✓ Don't miss the next one.

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



#### 2017-18 AEL EXECUTIVE COMMITTEE/BOARD/STAFF

Will Myers (2017-21)	President	(P, South River HS)	(o) 956-5600	<a href="mailto:wtmwants@aol.com">wtmwants@aol.com</a>
Nelson Horine (2017-21)	1st VP	(P, Anne Arundel Evening HS BOE)	(o) 222-5384	<a href="mailto:linnea.horine@gmail.com">linnea.horine@gmail.com</a>
Becky Blasingame-White (2017-21)	2nd VP	(P, Hebron-Harman Elementary)	(o) 859-4510	<a href="mailto:rblasingame-white@aacps.org">rblasingame-white@aacps.org</a>
Renee Stout (2016-20)	Secretary (Interim)	(AP, CAT-South)	(o) 956-5900	<a href="mailto:rmstout@aacps.org">rmstout@aacps.org</a>
Lou Anoff (2017-21)	Treasurer	(AP, Severna Park MS)	(o) 647-7900	<a href="mailto:lanoff@aacps.org">lanoff@aacps.org</a>
Patrick Bathras (2016-20)	Director at Large (P, Severna Park HS)		(o) 544-0900	<a href="mailto:pbathras@aacps.org">pbathras@aacps.org</a>
Kevin Wajek (2017-2021)	Director at Large (C, Secondary Mathematics HS)		(o) 224-5464	<a href="mailto:kwajek@aacps.org">kwajek@aacps.org</a>
Open	Director at Large			

#### REPRESENTATIVE DIRECTORS (14): CLUSTERS/FEEDER SYSTEM

Open	(Annapolis Cluster)	
Tracey Ahern	(P, Odenton Elementary, Arundel Cluster)	<a href="mailto:tahern@aacps.org">tahern@aacps.org</a>
Stacy Herbert	(AP, Magothy Rvr Middle, Broadneck Cluster)	<a href="mailto:sherbert@aacps.org">sherbert@aacps.org</a>
Open	(Chesapeake Cluster)	
Open	(Glen Burnie Cluster)	
Dave Kauffman	(AP, Meade HS, Meade Cluster)	<a href="mailto:dkauffman@aacps.org">dkauffman@aacps.org</a>
Troy Hermann	(AP, Meade Middle, Meade Cluster)	<a href="mailto:thermann@aacps.org">thermann@aacps.org</a>
Ryan Sackett	(AP, North County HS, North County Cluster)	<a href="mailto:rsackett@aacps.org">rsackett@aacps.org</a>
Jeff Haynie	(P, Solley Elementary, Northeast Cluster)	<a href="mailto:jhaynie@aacps.org">jhaynie@aacps.org</a>
Open	(Old Mill Cluster)	
Patrick Bathras	(P, Severna Park HS, Severna Park Cluster)	<a href="mailto:pbathras@aacps.org">pbathras@aacps.org</a>
Edie Picken	(AP, South River HS, South River Cluster)	<a href="mailto:epicken@aacps.org">epicken@aacps.org</a>
Kevin Buckley	(P, Southern Middle, Southern Cluster)	<a href="mailto:khbuckley@aacps.org">khbuckley@aacps.org</a>
Kevin Wajek	(C, Secondary Mathematics HS)	<a href="mailto:kwajek@aacps.org">kwajek@aacps.org</a>
Open	(Special Centers)	

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

#### STAFF

Rick Kovelant (Executive Director, Legal Counsel)	(o) 410-897-0747, (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

AEL Office, 2521 Riva Road, Suite L-2, Annapolis, MD 21401 (o) 410-224-3311 (f) 410-224-3345