

It is a warm November day as I write this message but I am not fooled. I know that winter is on the way and the storms are not just about snow. Unions continue to face stormy conditions.

In January, the NY State Legislature will begin a new session. NYSUT will be lobbying hard to ensure that school districts across the state receive adequate funding. It is anticipated that the tax cap will be at its lowest value yet, possibly zero by some estimates. During last year's budget process, a portion of the Gap Elimination Adjustment (GEA) was restored and it is anticipated that a full restoration will occur during this budget process. While we are optimistic about this year's budget process, one need only look at last year's process to see just how wrong things can go. Many laws enacted during this process are harmful to teachers and direct attacks on tenure and unions.

As I have previously reported to you, most recently at the October 28 General Membership Meeting, laws passed during the budget process last year made many changes to APPR. Syosset continues to operate under our current plan and has received a waiver from NYSED in order to continue to do so. This waiver expires in March so the APPR committee will continue to meet in order to work towards a plan that is in compliance with the new law and possibly apply for a second waiver. One provision of the new law requires a four year tenure period for new teachers and mandates three effective or highly effective ratings during those years in order to enable a school board to grant tenure. This law has taken part of the decision making process out of the hands of school districts.

A school receivership law was also adopted by the Legislature this past spring. Please see the article on receivership in this newsletter. Currently in Buffalo, the union and the receiver could not agree on terms. This prompted, State Education Commissioner, Mary-Ellen Elia to grant Buffalo Superintendent Kriner Cash unprecedented power to make changes at the district's most struggling schools, bypassing the teachers union contract. Those changes could include a longer school day and year, required teacher training and more control over teacher placement. Again this is an attack on our unions and the Taylor Law as districts can use receivership to make changes that are not in compliance with teachers' contracts. This is affecting teachers on Long Island and throughout the state.

NY is not the only place where attacks are happening. A legal case now before the U.S. Supreme Court, Friedrichs vs. California Teachers Association, poses a potential threat to the strength of public-sector unions nationwide. What's at stake is the principle of "fair share", that all who benefit from union representation should share fairly in the costs of that work. In New York state, the law says that if you choose not to be a union member, you must still pay your "fair share" for the union's work that benefits you, for example, the higher salaries and benefits that unions negotiate, better working conditions, health and retirement benefits and so on. This "fair share" is also called an agency fee.

In Friedrichs v. California Teachers Association, some individuals have gone to court insisting they should be able to be "free riders." They want to share in the benefits of a unionized work place without contributing their fair share, or any share at all, but they still want to be entitled to union representation and to all the benefits and contract protections the union negotiates. Agency fee payers do not have the right to vote on contracts or election of union leaders.

An adverse decision could do severe damage to unions and union solidarity. Unions would be in the unfair position of still representing workers, negotiating on their behalf and improving their working conditions without the law's safety net requiring that all who benefit share in the costs. Dues-paying members would have to pay for the equal representation provided to non-members. This could undo union solidarity and destabilize the labor movement. In New York State, unions are the essential force providing a counterweight to bad public policy, worker exploitation, corporate greed, unsafe conditions, over-testing and other violations of best educational practice. It is more important than ever to be an active union member.

On behalf of the entire executive committee, I would like to wish you a Merry Christmas, Happy Chanukah or wishes for any holiday you may celebrate and a healthy new year.

In Unity,

Receivership Law

Priority Schools are the five percent lowest performing school buildings in the state, as identified based on student performance measures.

School Superintendent Receivers

The statute provides for the appointment of a receiver who is vested with the authority to manage and operate all aspects of a school under receivership based on an intervention plan. Superintendents in districts with receivership schools will become "school receivers" beginning with the 2015-16 school year.

Powers and Duties of School Receivers

Receivers are an ex-officio member of the Board of Education (BOE), vested with the authority to supersede any decision, policy or regulation of the BOE related to the school's intervention plan. Receivers are given considerable autonomy to make changes to the receivership school. Receivers may in the receivership schools:

- Make curriculum changes
- Replace teachers and administrators
- Expand the school day and/or year
- Order conversion to a charter school
- Require the collective bargaining unit negotiate a "receivership agreement" that modifies specific elements of the collective bargaining agreement for staff in the receivership school

Abolishing Positions

A receiver has the authority to abolish the positions of all teaching and administrative staff assigned to the school and require staff to reapply for their positions.

- The receiver must first conduct a comprehensive needs analysis, which must include: an analysis of the professional development provided to the staff during the preceding two school years and any analysis of how the planned abolition will result in improved student performance.
- Affected staff and their collective bargaining representatives, the superintendent (if not the receiver" and the BOE, must be given 90 school days' notice of the specific positions to be abolished, the timeline, rehiring process and the results and analysis of the needs assessment that is the basis for the decision, the expected impact and a description of the efforts that will be made to minimize disruption to the educational program.
- A notified party will have 14 days to submit a request in writing to the receiver for reconsideration
- The receiver will inform the BOE of their final determination within 30 days.
- All correspondence will be provided to the commissioner.
- No further abolition of positions will occur without prior approval of the commissioner on this process has been undertaken in a receivership school.

Rehiring Process

- Any teacher with two ineffective ratings is not qualified to be re-hired. The law does not specify that these need to be consecutive years.
- At least 50 percent of abolished positions must be filled with the most senior, qualified, staff from the receiver school.
- Teachers and staff not re-hired at the receiver school do not have "bumping" rights in the district that they would otherwise have pursuant to current regulations (they may have other rights under the collective bargaining agreement).
- Teachers and staff not re-hired at the receiver school are placed on a Preferred Eligibility List (PEL). The PEL rights and benefits are consistent with existing PEL statutory requirements.

Receivership Agreement

- Length of day
- Length of year
- Professional development for teachers and administrators
- Class size
- Changes in program, assignments and teaching conditions
- The agreement must provide for a proportionate increase in compensation where the day or year is extended

NYSTRS Annual Delegates' Meeting 2015

Four delegates from the STA attended the New York State Teachers Retirement System Annual Meeting of NYSTRS Delegates on Sun/Mon November 1-2 in Saratoga Springs, NY. The delegates from across NY State unanimously re-elected Timothy M. Southerton, a teacher from the Sayville Union Free School District, to the Retirement Board. Additionally, several info breakout sessions were held, as well as a Q&A period with the NYSTRS Board and staff. The following presentations were made and are available on the NYSTRS.org website under the "Delegates" tab:

- Delegate Overview: NYSTRS Benefits
- Social Security Information
- Online with NYSTRS
- Thinking of Retiring Someday?
- Here's What You Need to Know First
- Benefit Misconceptions
- NYSTRS' Continued Strength
- Pension Industry Challenges and Opportunities

Important news was shared about the funding levels of the retirement fund, with system funding coming from three sources: member contributions, employer contributions and investment income. As of June 30, 2015 the NYSTRS Retirement Fund's Funded Ratio Based on Market Value Assessment is estimated at 103%. In a 2011 report by the National Institute on Retirement Security entitled, "Lessons from Well-Funded Public Pensions: An Analysis of Plans that Weathered the Financial Storm", NYSTRS was one of six pension funds in the U.S. described as a role model for other funds. Delegates were reminded that NYSTRS Retirement Fund is among the top 10% of funds in the United States and among the top 25% in the world for stability and funding levels. Additionally, the virtues of a "defined benefit" plan were described as compared to a "defined contribution" plan.

The System's newly redesigned website was featured and STA members are encouraged to take the time to examine the great resources and information offered by the NYSTRS website at www.NYSTRS.org. Delegates were reminded that the Retirement Board adopted an Employer Contribution Rate (ECR) of 13.26% of payroll. This represents a reduction of over 4% from last year's rate of 17.53%.

Among the many retirement planning tools offered by NYSTRS are personal benefit consultations and group seminars focused on retirement planning. Delegates were reminded to encourage employees to visit NYSTRS.org to review the 2015-16 Benefits Consultation and fall 2015 Pension & Retirement Education Program (PREP) schedules, and to book their appointments today. The schedules are accessible through the Retirement Planning page.

The possibility of a NYS Constitutional Convention was discussed. Article 19, Section 2 of New York's Constitution provides for a constitutional convention only if a majority of registered voters approve a ballot measure calling for one. By law the question must be placed on the ballot once every 20 years, with 2017 being the next schedule appearance. Voters voted against the question in 1977 and 1997, the last two times the question appeared on the ballot. According to Article 5, Section 7 of the NYS Constitution, "...membership in any pension or retirement system of the state or a civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired". It is against the best interest of public sector union members to support a constitutional convention.

REMINDERS:

Next STA Rep Council

January 14, 2016

Rep Round Table

December 10, 2015

Legislative Breakfast

Hosted at Jericho,

On Feb 6, 2015

Thank You

- For all your generous donations. The STA raised almost \$2000 toward the fight against breast cancer.
- The Outreach program is a true success thanks to our members! With all your kind donations Mark Hanik was able to deliver Thanksgiving Baskets to families in the Syosset community.

For 2015 Tax Purposes...

- Full-time teachers paid dues in the amount of \$925.00 from January 1, 2015 through December 31, 2015.
- Full-time nurses paid dues in the amount of \$495.00 from January 1, 2015 through December 31, 2015
- Part time teacher and nurses should look at their last pay stub in December from which dues were deducted.

Your Employee Assistance Work/Life Program (EAP) provides support for a variety of personal and professional concerns including emotional well-being, family and relationship issues, job-related difficulties, substance abuse and others. Trained professional counselors are available 24/7. Your EAP can help. Call 800-833-8707 for a free and confidential consultation.

Rep Council

Meetings: 10/08/15 & 11/12/15

Treasurer's Report	<u>Village</u>	<u>Syosset High School</u>
Political Action	Allyson Giles*	Joanne Neary
Wellness	Eileen Hoffman*	Beth Schettino
TRACT	Dana Genna*	Rosemary Jones
REC	Michelle Potvin*	Debbie Smith
President's Report	Diane O'Connell*	Lauren Lustig-Well

Rep. Council Attendees:

<u>Baylis</u>	<u>Walt Whitman</u>	<u>OT/PT</u>
Glenn Donlon*	Jennifer Gustafson*	Bonnie Pantell*
Vicky Deletrain	Lori Bookspan*	<u>Psych Services</u>
Melissa Ramos	Michele Strauss	Alena Kupferman*
<u>Berry Hill</u>	<u>Willits</u>	<u>TRACT Center</u>
Robin DiMaggio*	Lisa Funk*	Fran Bernstein*
Jodi Beckoff*	Denise Martinez	
Sandra Hoffman	Elissa Wagner	
Courtney Orphanos	<u>H.B. Thompson Middle School</u>	
	Tania Johnson*	
<u>Robbins Lane</u>	Ann Cullen*	
Linda Blanchfield*	Marisa Occelli	
Joyce Ettinger*	Regina Pisacani	
Angela Alfred	<u>South Woods Middle School</u>	
<u>South Grove</u>	Mike Gross*	
Bridget Perlmutter*	<u>REC</u>	
Cathy Bozza*	Fritz Weinrich*	
Jody Braun*	Matty Wolfson*	
Michele Webb*		

* Denotes attendance for both meetings.

Letter of Intent (LOI)

For the Syosset district, you will need to file a letter of intent to receive retirement benefits. Teachers interested in retiring in the 2015-16 school year, must inform the district of their intent to retire **five months prior** to the date of retirement.

- The LOI is not binding, provided teachers word their letters correctly. Sample provided below.
- Remember, even if you plan to leave before or after June, you must give five months prior notice of intent and three months prior notice of resignation. (For example - submit LOI by February 1st for a June retirement.)
- A "Letter of Resignation" must be submitted **at least three months** prior to leaving. (For example, submit "Letter of Resignation" by April 1st for June retirement.)
- Letters should be sent to the Superintendent of Schools, Dr. Thomas Rogers.
- If you submit your LOI and do not follow up two months later with your Letter of Resignation, your original LOI becomes null and void.

Sample Letter of Intent for Retirement

It is my intention to retire at the end of this school year (or date of intent).

I reserve the right to remain employed as a teacher by the school district should my plans change.

Please accept this letter in fulfillment of my obligation to give five months prior notice of my intention to retire as required by the teachers' contract.

Sample Letter of Resignation for the Purpose of Retirement

As of (date), for the purpose of retirement, I resign my position as a teacher in the Syosset Central School District.

2015-2016

**SYOSSET TEACHERS' ASSOCIATION
EXECUTIVE COMMITTEE**

Kim Pritchard, President	Carol Castaldi
Kat Kelly, Vice-President	Megan Halleran
Michael Callahan, Treasurer	Mark Hanik
	Allison Noonan
	Debra Puccio
	David Steinberg

STAnd United

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