

## Regular Meeting Minutes ~ December 21, 2016

The regular meeting of the Board of Education of the Menominee County Intermediate School District was called to order by President Ed Jenkins at 5:02 pm in the Maroons conference room of the Menominee County ISD office, Menominee, Michigan.

Members Present: Ed Jenkins, Carol Pipkorn, Kandace Curran, Stephanie Bruno, Brian Helfert  
Members Absent: None

Mr. Jenkins revised the agenda to remove item J-2, (Neola policy revisions) and to revise item O (Posting for Literacy Coach and sending letter to MDE).

Moved by Ms. Curran, supported by Ms. Bruno, to approve the agenda as revised.  
Motion carried unanimously.

Moved by Mrs. Pipkorn, supported by Ms. Curran to approve the regular session minutes of November 9, 2016 as presented. Motion carried unanimously.

President Ed Jenkins provided an opportunity for public comment.

Moved by Mrs. Pipkorn, supported by Ms. Bruno to approve:

1. Approval of the late November bills, the regular December bills, and the hand-drawn checks for late November and early December.

Motion carried unanimously.

Nominations for Vice-President.

Mr. Jenkins announced that they are accepting nominations. Mr. Jenkins nominated Kandace Curran for Vice-President. There were no further nominations. Moved by Ms. Bruno, supported by Mr. Helfert to close nominations. Motion carried unanimously. Moved by Mr. Jenkins, supported by Mrs. Pipkorn to elect Kandace Curran for Vice-President. Motion carried unanimously.

Mr. Jenkins appointed the following committees:

Finance Committee	Mrs. Pipkorn / Ms. Bruno	Alternate:	Ms. Curran
Personnel Committee	Ms. Curran / Mr. Jenkins	Alternate:	Mrs. Pipkorn
Programs/Goals	Mrs. Pipkorn / Ms. Bruno	Alternate:	Mr. Helfert

Members will meet as needed for the following committees: Transportation/Programs/Services, Building/Site/Technology.

MCISDEA Grievance – there was a discussion regarding the grievance and Frank Mongene spoke on behalf of the MCISDEA. The board took a break at 6:05 pm and returned at 6:07 pm.

### RESOLUTION

Menominee County Intermediate School District, Menominee County, Michigan

A *regular* meeting of the Board of Education (Board) of the Menominee County Intermediate School District (MC-ISD) was held in the offices of the intermediate school district

located at 1201 41<sup>st</sup> Avenue, Menominee, Michigan on the 21<sup>st</sup> day of December, 2016, at 5:00 o'clock in the p.m.

The meeting was called to order by the Board President Ed Jenkins.

Present: Members: Stephanie Bruno, Kandace Curran, Brian Helfert, Carol Pipkorn,  
Ed Jenkins

Absent: Members: None

The following preamble and resolution were offered by Member Ms. Curran and supported by Member Mrs. Pipkorn.

**WHEREAS:**

1. The MC-ISD Education Association (Association) submitted a written grievance dated October 28, 2016 (EA Grievance No. 2016-01) to Interim Superintendent Mary Stein alleging that on October 18, 2016, "the Association was not allowed a seat at the table as part of the interview team [for the MC-ISD Superintendent] per Article 20, Section A of our Master Agreement." (See Tab A)
2. On November 10, 2016, the Superintendent provided a written answer to the Association denying EA Grievance No. 2016-01 at Step Two of the Grievance Procedure set forth in Article 9 of the Master Agreement, finding that the Grievance was both procedurally flawed and substantively without merit. (See Tabs A and B)
3. On November 14, 2016, the Association Grievance Chairperson (or designee) submitted a Step Three grievance appeal to the MC-ISD Board of Education. (See Tab A)
4. The 2013-2017 Master Agreement between the Board and the Association provides at Article 9, Section B, Step Three, that "The Board or its designated representative shall, not later than the next regularly scheduled meeting or three (3) calendar weeks, whichever is later, investigate the grievance, including giving the aggrieved employee or the Association the opportunity to be heard."
5. The Board has timely convened at this time in an open session meeting, in compliance with the Michigan Open Meetings Act, to investigate the grievance, including giving the Association the opportunity to be heard.
6. The hearing afforded the Association and the Association's representatives an opportunity to respond to the Superintendent's Step Two determination and to present pertinent evidence for the Board's consideration.
7. The Board has carefully considered and deliberated over all of the evidence brought forward by the parties in this Step Three Grievance Appeal.

NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board finds that EA Grievance No. 2016-01 was properly denied by the Superintendent at Step Two as both procedurally flawed and substantively without merit.

B. *[The Board affirms and adopts as its own the Superintendent's well-reasoned Step Two determination, which is attached to this Resolution at Tab B and incorporated by this reference.]*

C. Procedural Flaws.

1. The Association's Representatives acknowledged during this Step Three appeal that the Association did not present EA Grievance No. 2016-01 orally to the Principal at any time between October 18, 2016 (when the grievance is alleged to have occurred) and November 1, 2016 (when the period for initiating a Grievance at Step One expired).

2. The Association does not dispute that the Master Agreement expressly provides at Article 9, Section B that "[w]ithin ten (10) working days after the time a grievance occurs, the Association or employee, will present the employee's grievance orally to the building principal" (p. 13); and that "Any grievance not filed or not advance to the next step by the employee and/or Association within the time limit in that step shall be deemed abandoned. \*\*\*" (p. 15) *[Elaborate if Association disputes]*

3. The Grievance Report Form expressly states that "All provisions of Article 9 of the Agreement dated August 21, 2013 WILL BE STRICTLY OBSERVED IN THE SETTLEMENT OF THE GRIEVANCES." (emphasis in original)

4. The Superintendent did not waive, but instead expressly preserved, these procedural flaws as alternative grounds for her Step Two determination.

5. This Board likewise does not waive, but instead expressly preserves, the above-described procedural flaws as alternative grounds for this Step Three denial.

B. Grievance Lacks Substantive Merit.

1. *[Likewise,]* this Board affirms and adopts as its own the substantive grounds set forth in the Step Two answer for denying this Grievance, which is attached to this Resolution at Tab B and incorporated by this reference.

2. The Association did not offer *[any]* evidence contrary to the Superintendent's findings at the Level Two decision (Tab B), including:

a. That the interviews of candidates for the position of Superintendent were held in an open session meeting of the Board of Education, as required by law, that gave the Association and each of its members the opportunity to attend and make observations and recommendations during the public comment portion of the Board Meeting;

b. That the Master Agreement cannot reasonably be construed to effectively elevate members of the bargaining unit to elected positions on the MC-ISD Board of Education;

- c. That past practice does not support the construction of Article 20, Section A of the Master Agreement urged by the Association; and
- d. That even if Article 20, Section A may reasonably be construed to require that a bargaining unit member sit with the MC-ISD Board during interviews of
- e. superintendent candidates [which it cannot], the Association did not identify any “bargaining unit members with appropriate educational background” to serve in such a capacity.

**CORRECTED:** (item e. was removed and made part of item d.)

- d. That even if Article 20, Section A may reasonably be construed to require that a bargaining unit member sit with the MC-ISD Board during interviews of Superintendent candidates [which it cannot], the Association did not identify any “bargaining unit members with appropriate educational background” to serve in such a capacity.

3. *[For the reasons detailed in the Superintendent’s Level Two decision,] [T]he Board affirms the Superintendent’s observation that, even if Article 20, Section A of the Master Agreement were subject to the interpretation urged by the Association, Article 20, Section A of the Master Agreement would be unenforceable as a prohibited bargaining subject to the extent that it may be construed to require the appointment of a teacher to serve on an “interview team” because teacher placement/assignment, and the impact of a teacher placement decision on an individual employee or the bargaining unit, are prohibited bargaining subjects. MCL 423.215(3)(j). [The Association is reminded that advancing a prohibited bargaining subject to arbitration constitutes an unlawful labor practice (ULP).] (See Tab B)*

4. For the reasons detailed in the Superintendent’s Level Two decision, which has been incorporated into this Resolution by reference, the Board further upholds the Superintendent’s conclusion that the Grievance is properly denied to the extent that the Association (a) improperly seeks relief that exceeds the scope of the Grievance; and (b) improperly seeks to amend the Master Agreement under the guise of a grievance, as detailed in the Superintendent’s Level Two decision at Tab B.

5. All resolutions and parts of resolutions of the Board, insofar as they conflict with the provisions of this resolution, are hereby rescinded.

6. Ayes:Members: Mrs. Pipkorn, Ms. Curran, Ms. Bruno, Mr. Jenkins

7. Nays:Members: Mr. Helfert

8. Motion declared adopted, 4-1.

Kandace Curran, Secretary, Menominee County ISD Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of the Menominee County Intermediate School District, Menominee, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a *regular* meeting held on December 21, 2016, the original of which is part of the Board minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended)

Kandace Curran, Secretary

Board of Education Menominee County Intermediate School District

Moved by Mrs. Pipkorn, supported by Mr. Helfert to appoint Janene Salewsky to obtain the

signature of the secretary and present to Christine Prasse the resolution on 12-22-2016. Motion carried unanimously.

Moved by Mrs. Pipkorn with support by Mr. Helfert that: Pursuant to action of the MC-ISD Board of Education taken on October 25, 2016, and the corresponding recommendation of the MC-ISD Personnel Committee at its meeting on December 15, 2016, the MC-ISD Board of Education: (1) approve the proposed position of State & Federal Programs Coordinator (Job Description attached); and (2) transfer/assign Beverly Schewe to the position of State & Federal Programs Coordinator effective January 3, 2017, with the same salary and benefits as now approved for Ms. Schewe in her currently-assigned position of General Education Director. Motion carried unanimously.

Moved by Ms. Curran, supported by Ms. Bruno to approve participation in the literacy coach grant and send letter of intent to MDE. Motion carried unanimously.

Moved by Mrs. Pipkorn, supported by Ms. Curran to approve the business services agreement with Menominee Area Public Schools. Motion carried unanimously.

Moved by Ms. Bruno, supported by Ms. Curran to approve the following changes to the meeting schedule: Move the location of the Feb 15, 2017 meeting to North Central High School, change the time of that meeting to 6:00 regular and 5:30 finance, and change the date of the March meeting to the 8<sup>th</sup> and the location to be at the ISD office. Motion carried unanimously.

Moved by Ms. Curran, supported by Ms. Bruno to approve the contract with Brilliant Partners. Motion carried unanimously.

Moved by Mrs. Pipkorn, supported by Mr. Helfert to approve the contract with Erin Viau. Motion carried unanimously.

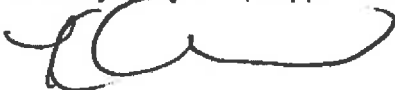
Moved by Mrs. Pipkorn, supported by Ms. Bruno to approve the MCISD/MCISDEA letter of agreement. Motion carried unanimously.

Moved by Ms. Curran, supported by Mr. Helfert to approve the MARESA contract addendum. Motion carried unanimously.

Moved by Mrs. Pipkorn, supported by Ms. Curran to approve the resolution agreement with the Office of Civil Rights. Motion carried unanimously.

President Ed Jenkins provided an opportunity for public comment.

Moved by Ms. Bruno, supported by Mr. Helfert to adjourn at 6:45 pm.



Kandace Curran, Secretary