

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

September 13, 2011

MEMORANDUM

To: Members of the Board of Education

From: Patricia O'Neill, Chair, Board of Education Policy Committee

Subject: Nonsubstantive Changes to Four Policies

On March 15, 2011, in accordance with the Montgomery County Board of Education's (Board) policy review process, staff recommended, and the Montgomery County Board of Education Policy Committee agreed, to nonsubstantive changes to four policies: Policy HDA, *Designation of the Montgomery County Education Association as Exclusive Representative*; Policy HDB, *Designation of the Montgomery County Association of Administrative and Supervisory Personnel as Exclusive Representative*; Policy HDC, *Recognition of a Supporting Services Employees Organization*, and Policy HDD, *Designation of the Montgomery County Association of Administrative and Supervisory Personnel as Exclusive Representative of Noncertificated Supervisory Employees*.

Policy HDA is recommended to be updated to include substitute teachers and home and hospital teachers in the Montgomery County Education Association bargaining unit. Policies HDB, HDC, and HDD are recommended to be revised to update references to employee associations that have updated their operating names since the policies were last adopted.

Copies of the affected policies are attached for your convenience. The following resolution is offered for the Board's consideration.

Recommended Resolution

WHEREAS, Policy HDA is recommended to be updated to include substitute teachers and home and hospital teachers in the Montgomery County Education Association bargaining unit; and,

WHEREAS, Given that the employee organization recognized as the Montgomery County Association of Administrative and Supervisory Personnel is now identified as the Montgomery County Association of Administrators and Principals, Policy HDB is recommended to be updated to reference Montgomery County Association of Administrators and Principals as the exclusive representative and negotiating agent for the public school employees in its bargaining unit; and,

WHEREAS, Given that the employee organization recognized as the Montgomery County Council of Supporting Services Employees is now identified as the Service Employees

International Union Local 500, Policy HDC is recommended to be updated to reference Service Employees International Union Local 500 as the exclusive representative and negotiating agent for the public school employees in its bargaining unit; and,

WHEREAS, Policy HDD is recommended to be updated to reference Montgomery County Association of Administrators and Principals as the exclusive representative and negotiating agent for the public school employees in its bargaining unit; and

WHEREAS, The Montgomery County Board of Education has received the Montgomery County Board of Education Policy Committee's recommendation; now therefore be it

Resolved, That the Montgomery County Board of Education approve nonsubstantive changes to Policy HDA, *Designation of the Montgomery County Education Association as Exclusive Representative*; Policy HDB, *Designation of the Montgomery County Association of Administrators and Principals as Exclusive Representative*; Policy HDC, *Designation of the Service Employees International Union Local 500 as Exclusive Representative of Noncertificated Nonsupervisory Employees*; and Policy HDD, *Designation of the Montgomery County Association of Administrators and Principals as Exclusive Representative of Noncertificated Supervisory Employees* as reflected in the attached revised policies.

PO:sd

Attachments

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Related Entries: ~~HBA-EAHDB~~, HDC, HDD
Responsible Office: Chief Operating Officer
Association Relations

Designation of the Montgomery County Education Association as
Exclusive Representative

WHEREAS, On September 10, 1981, the Montgomery County Education Association complying with requirements of the *Annotated Code of Maryland, Education Article*, Section 6-405, requested the opportunity to enter into negotiations with the **Montgomery County Board of Education (Board of Education)** on the subject of redefining the composition of the bargaining unit; and

WHEREAS, The Montgomery County Federation of Teachers requested negotiations with the Board of Education on the subject of redesigning the composition of the bargaining unit; and

WHEREAS, The Montgomery County Association of Administrative and Supervisory Personnel requested negotiations with the Board of Education on the subject of redesigning the composition of the bargaining unit; and

WHEREAS, Separate negotiations have occurred between all organizations requesting negotiations on this issue and the representative of the Board of Education; and

59 WHEREAS, The Montgomery County Education Association did not
60 request an election under *The Annotated Code of Maryland, Education*
61 **Article**, Section 6-405; now therefore be it

62
63 Resolved, That in accordance with the provisions of the *Annotated*
64 *Code of Maryland, Education Article*, Section 6-405 (e) *Designation*
65 *without an election*, the ~~Montgomery County~~ Board of Education
66 hereby designates the Montgomery County Education Association as
67 the exclusive representative of all public school employees in the
68 unit named in this resolution; and be it further

69
70 Resolved, That the superintendent **of schools, and** those persons
71 designated by the Board of Education to act in a negotiations
72 capacity consistent with Resolution 588-79 ~~including the positions~~
73 ~~of area director for educational services are excluded from this~~
74 ~~unit~~, pursuant to the *Annotated Code of Maryland, Education*
75 **Article**, Section 6-405 and temporary employees, **except for**
76 **substitutes and home and hospital teachers**, are excluded from any
77 unit.

78
79 **Policy History:** **Adopted by** Resolution No. 1106-81, November 30,
80 1981; **reviewed**

1 Related Entries: ~~HBA-EA~~HDA, HDC, HDD
2 **Responsible Office: Chief Operating Officer**
3 **Association Relations**
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6 Designation of the Montgomery County Association
7 of Administrative and ~~Principals~~Supervisory Personnel
8 as Exclusive Representative
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11 WHEREAS, On September 10, 1981, the Montgomery County Education
12 Association complying with the requirements of the *Annotated Code*
13 *of Maryland, Education Article*, Section 6-405, requested the
14 opportunity to enter into negotiations with the **Montgomery County**
15 **Board of Education (Board of Education)** on the subject of
16 redefining the composition of the bargaining unit; and
17

18 WHEREAS, The Montgomery County Federation of Teachers requested
19 negotiations with the Board of Education on the subject of
20 redesigning the composition of the bargaining unit; and
21

22 WHEREAS, The Montgomery County Association of Administrative and
23 Supervisory Personnel requested negotiations with the Board of
24 Education on the subject of redesigning the composition of the
25 bargaining unit; and
26

27 WHEREAS, Separate negotiations have occurred between all
28 organizations requesting negotiations on this issue and the
29 representatives of the Board of Education; and

30
31 WHEREAS, On November 10, 1981, the ~~Montgomery County~~ Board of
32 Education determined that there will be two units of certificated
33 employees in Montgomery County; and

34
35 WHEREAS, One of these units consists of all positions on the F to K
36 salary schedule as of November 10, 1981, except pupil personnel
37 workers, social workers, psychologists, and specialists, and
38 included in this unit are the positions of directors and assistant
39 directors, supervisors and assistant supervisors, administrative
40 assistants, coordinators, principals and assistant principals, and
41 all other similarly situated positions now and in the future; and

42
43 WHEREAS, The superintendent **of schools**, those persons designated by
44 the Board of Education to act in a negotiations capacity pursuant
45 to the public school laws, and temporary employees are excluded
46 from any unit; and

47
48 WHEREAS, On November 23, 1981, the Montgomery County Association of
49 Administrative and Supervisory Personnel submitted certification
50 that it has membership enrollment of the majority of the public
51 school employees in the unit named in this resolution as provided
52 under the *Annotated Code of Maryland, Education **Article***, Section
53 6-405; and

54
55 WHEREAS, Proof of certification has been properly forwarded to the
56 Maryland State Department of Education; and

57
58 WHEREAS, No other employee organization have certified that they

59 have a membership enrollment of at least 10 percent of the total
60 number of employees in such unit; and

61
62 WHEREAS, The Montgomery County Association of Administrative and
63 Supervisory Personnel did not request an election under the
64 *Annotated Code of Maryland, Education Article*, Section 6-405; and
65 ~~now therefore be it~~

66
67 **WHEREAS, On November 30, 1981, the Board of Education determined**
68 **that** ~~Resolved, That~~ the superintendent **of schools**, those persons
69 designated by the Board of Education to act in a negotiations
70 capacity consistent with Resolution 588-79 ~~including the positions~~
71 ~~of area director for educational services~~ are excluded from this
72 unit, pursuant to the *Annotated Code of Maryland, Education*
73 **Article**, Section 6-405 and temporary employees are excluded from
74 any unit; and

75
76 **WHEREAS, On July 1, 2009, the Montgomery County Association of**
77 **Administrative and Supervisory Personnel** changed its name to the
78 **Montgomery County Association of Administrators and Principals; now**
79 **therefore be it**

80
81 Resolved, That in accordance with the provisions of the *Annotated*
82 *Code of Maryland, Education Article*, Section 6-405 (e) *Designation*
83 *without an election*, the ~~Montgomery County Board of Education~~
84 **"reaffirms"** ~~hereby designates~~ the Montgomery County Association of
85 ~~Administrative and Supervisory Personnel~~ **Administrators** and **Principals** as the
86 exclusive representative of all public school employees in the unit

87 named in this resolution, **and continuously as provided by law.** ~~and~~

88 ~~be it further~~

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92 **Policy History: Adopted by** Resolution No. 1106-81, November 30,

93 1981; **amended**

94

1 Related Entries: ~~HDA-EBHDA~~, HDB, HDD
2 **Responsible Office: Chief Operating Officer**
3 **Association Relations**

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5 ~~Recognition of a Supporting Services~~
6 ~~Employees Organization~~ **Designation of the**
7 **Service Employees International Union Local**
8 **500 as Exclusive Representative of**
9 **Noncertificated Nonsupervisory Employees**

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11

12 **WHEREAS, On May 12, 1970, the Montgomery County Board of Education**
13 **(Board of Education) determined that** ~~The presidents of the seven~~
14 ~~supporting services organizations have requested that they be~~
15 ~~represented jointly under the title of the Montgomery County~~
16 ~~Council of Supporting Services Employees; and~~

17

18 ~~WHEREAS, They have requested that the recognition be exclusive; and~~
19

20 ~~WHEREAS, They desire this representation in order to mutually~~
21 ~~develop with the superintendent procedures for their participation~~
22 ~~in development of budget and policies relating to salary and other~~
23 ~~working conditions; and~~

24

25 ~~WHEREAS, The Montgomery County Board of Education desires to~~
26 ~~continue to maintain and improve the channels of communication with~~
27 ~~its employees; now therefore be it~~

28

29 **WHEREAS, On May 12, 1970, the Board of Education granted** the

30 Montgomery County Council of Supporting Services Employees the
31 exclusive right to represent its supporting services employees in
32 the mutual development of guidelines regarding salary and other
33 working conditions for input into the budget; **and**

34

35 ~~Resolved, That the Montgomery County Board of Education does grant~~
36 ~~subject to the following conditions:~~

37

38 ~~1. That this right to representation be granted only if a~~
39 ~~majority of the MCPS supporting services employees elect~~
40 ~~to certify this desire; and~~

41

42 ~~2. That the Board of Education reaffirm its intent to grant~~
43 ~~any group of employees the opportunity to inform the~~
44 ~~Board of Education of its considered judgment on any~~
45 ~~matter of mutual concern to that organization and the~~
46 ~~Board; and~~

47

48 ~~3. That any such employee group do so only after appropriate~~
49 ~~consultation with the superintendent or his designated~~
50 ~~representatives.~~

51

52 **WHEREAS, ~~in~~ 1978, the Annotated Code of Maryland, Education**
53 **Article, Section 6, Subtitle 5, was amended to establish**
54 **organizations of noncertificated public school employees; and**

55

56 **WHEREAS, ~~the~~ Service Employees International Union (SEIU) Local**
57 **500, in accordance with the requirements of the Annotated Code of**
58 **Maryland, Education Article, Section 6-506, requested the**

59 opportunity to enter into negotiations with the Board of Education
60 on the subject of establishing a bargaining unit for
61 noncertificated nonsupervisory employees; and
62

63 WHEREAS, ~~the~~ SEIU Local 500, Montgomery County Council of
64 Supporting Services Employees (SEIU Local 500, MCCSSE) was properly
65 designated as the employee organization to be the exclusive
66 representative for these negotiations; and
67

68 WHEREAS, ~~the~~ employee organization recognized as the Montgomery
69 County Council of Supporting Services Employees (MCCSSE) is now
70 identified as the Service Employees International Union (SEIU)
71 Local 500, and has continued to serve as the exclusive
72 representative and negotiating agent for the public school
73 employees in its bargaining unit; now therefore be it
74

75 Resolved, That in accordance with the provisions of the *Annotated*
76 *Code of Maryland, Education Article, Section 6-506 (e) Designation*
77 *without an election*, the Board of Education reaffirms SEIU Local
78 500 as the exclusive representative of noncertificated
79 nonsupervisory employees.
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84 **Policy History:** Adopted by Resolution No. 283-70, May 12, 1970;
85 revised

1 Related Entries: HDA, HDB, HDC
2 Responsible Office: Chief Operating Officer
3 Association Relations
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6 Designation of the Montgomery County Association
7 of ~~Administrative~~**Administrators** and ~~Supervisory~~
8 ~~Personnel~~**Principals**

9 as Exclusive Representative of Noncertificated Supervisory
10 Employees
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13 WHEREAS, In August 2006, the Montgomery County Association of
14 Administrative and Supervisory Personnel (MCAASP), in accordance
15 with the requirements of the *Annotated Code of Maryland*,
16 Education, Section 6-506, requested the opportunity to enter
17 into negotiations with the **Montgomery County** Board of Education
18 **(Board of Education)** on the subject of establishing a bargaining
19 unit of noncertificated supervisory employees; and
20

21 WHEREAS, On September 14, 2006, the Board of Education directed
22 the superintendent **of schools** to enter into negotiations with
23 any interested employee organization to determine the
24 composition of a unit of noncertificated supervisory employees
25 who were not then currently in a bargaining unit; and
26

27 WHEREAS, Both MCAASP and the Service Employees International
28 Union (SEIU) Local 500 requested negotiations with the Board of

29 Education on the subject of the composition of the bargaining
30 unit; and

31

32 WHEREAS, Negotiations have occurred involving both organizations
33 requesting negotiations on this issue and the representatives of
34 the Board of Education; and

35

36 WHEREAS, On March 26, 2007, the Board of Education approved the
37 formation of a bargaining unit of noncertificated supervisory
38 employees; and

39

40 WHEREAS, The unit is to consist of noncertificated supervisory
41 employees who provide responsible direction to other employees
42 and exercise independent judgment, are responsible for the
43 evaluation of at least two other employees, and who do not
44 report to members of the SEIU Local 500 bargaining unit, and all
45 other similarly situated positions now and in the future; and

46

47 WHEREAS, The unit shall include those positions identified in
48 the attachment to the Board's resolution of March 26, 2007, but
49 only to the extent those positions meet the description of the
50 unit set forth above and may include other positions meeting the
51 unit description in the future; and

52

53 WHEREAS, Management personnel, confidential employees, and those
54 persons designated by the Board of Education to act in a
55 negotiations capacity, all pursuant to Section 6-501 of *The*

56 *Annotated Code of Maryland*, Education, and temporary employees
57 are excluded from any unit; and

58

59 WHEREAS, On May 22, 2007, MCAASP submitted certification that
60 it has membership enrollment of at least 30 percent of the
61 public school employees in the unit named in this resolution as
62 provided under *The Annotated Code of Maryland*, Education,
63 Section 6-506; and

64

65 WHEREAS, On May 29, 2007, MCAASP submitted certification that it
66 has membership enrollment of the majority of the public school
67 employees in the unit named in this resolution as provided under
68 *The Annotated Code of Maryland*, Education, Section 6-506; and

69

70 WHEREAS, As of the May 28, 2007 deadline, no other employee
71 organization has certified having a membership enrollment of at
72 least 10 percent of the total number of employees in such unit;
73 and

74

75 WHEREAS, MCAASP did not request an election under the *Annotated*
76 *Code of Maryland*, Education, Section 6-506; **and now therefore be**
77 ~~it~~

78

79 ~~Resolved,~~ **WHEREAS, On March 11, 2008,** ~~That~~ in accordance with
80 the provisions of the *Annotated Code of Maryland*, Education,
81 Section 6-506 (e) *Designation without an election*, the Board of
82 Education ~~has by~~ designated ~~as~~ the Montgomery County Association
83 of Administrative and Supervisory Personnel as the exclusive

84 representative of all public school employees in the unit named
85 in this resolution effective June 13, 2007, and continuing as
86 provided by law; and ~~be it further~~

87

88 ~~Resolved, That~~ **WHEREAS**, Management personnel, confidential
89 employees, and those persons designated by the Board of
90 Education to act in a negotiations capacity, all pursuant to
91 Section 6-501 of the *Annotated Code of Maryland, Education*, are
92 excluded from this unit, pursuant to the *Annotated Code of*
93 *Maryland, Education*, Section 6-506, and temporary employees are
94 excluded from any unit; **and**

95

96 **WHEREAS**, On July 1, 2009, the Montgomery County Association of
97 **Administrative and Supervisory Personnel** changed its name to the
98 **Montgomery County Association of Administrators and Principals**;
99 **now therefore be it**

100

101 **Resolved**, That in accordance with the provisions of the
102 *Annotated Code of Maryland, Education Article, Section 6-506(e)*
103 *Designation without an election*, the Board of Education
104 reaffirms the Montgomery County Association of Administrators
105 and Principals as the exclusive representative of all public
106 school employees in the unit named in this resolution, and
107 continuing as provided by law.

108

109 *Policy History:* Adopted by Resolution No. 82-08, March 11,
110 2008; **amended**.

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