



E-AGENDA MANAGER

Duval County Public Schools

March 9, 2015, Grievance Committee Meeting

Ms. Cheryl Grymes, Chairman
Ms. Ashley Smith Juarez, Vice-Chairman
Ms. Becki Couch
Mr. Jason Fischer
Dr. Constance S. Hall
Mr. Scott Shine
Ms. Paula D. Wright
Dr. Nikolai Vitti, Superintendent

ATTENDANCE AT THIS GRIEVANCE COMMITTEE MEETING OF THE DUVAL COUNTY SCHOOL BOARD:
Board Members present at this meeting were Chairman Cheryl Grymes and Board Members Scott Shine, Constance Hall, Paula Wright, and Becki Couch. Mr. Brian McDuffie, Executive Director, Policy and Compliance, was also present.

CALL MEETING TO ORDER

[Call Meeting To Order](#)

Minutes: The meeting was called to order at 9:08 a.m.

Topics To Be Discussed

[STEP III GRIEVANCE BY LABORERS INTERNATIONAL UNION OF NORTH AMERICA \(LIUNA\)
LOCAL 630 - SHEILA WEEKS](#)

Minutes:

The Chairman of the Grievance Committee explained the process and everyone present introduced themselves.

Present for this Grievance Hearing were:

Grievance Committee Members:

Chairman Cheryl Grymes
Board Member Scott Shine
Board Member Becki Couch
Board Member Constance Hall

Present on behalf of Staff:

Mr. Stephen Bright, Executive Director, Business Services
Ms. Cindy Hill, Executive Director, Business Services
Ms. Wendy Byndloss, Assistant General Counsel, Office of General Counsel
Ms. Sonita Young, Assistant Superintendent, Human Resources
Mr. David Ford, Executive Director, General Services/Risk Management

Present on behalf of Grievant:

Sheila Weeks, Grievant
Sheila Kendrick, Accountant II, Business Services

Others present:

Mr. Brian McDuffie, Executive Director, Policy and Compliance
Ms. Karen Chastain, Chief Officer, Legal Services

Opening Statement by Grievant:

Ms. Weeks stated her case by explaining she and a coworker were asked to perform fixed asset reconciliations after their asset coordinator was promoted. These reconciliations are a more complicated type of work that falls outside of her job description, which is for an Accountant I. She performed that work for about three months before a replacement was hired. The replacement who was hired was in that position for two months before it was vacated again. At that point Ms. Weeks was asked again to perform the fixed asset reconciliations until another replacement could be found, which took another several months.

Ms. Weeks' position is an Accountant I which is entry level. She provided a job description to the School Board which is what has been agreed upon by both the Duval County Public Schools and the union. Management, however, is using a new job description for their case that has not been agreed upon by her union.

Article 21, Section 3 of the Collective Bargaining agreement between the Duval County School Board and Laborers' International Union of North America (LIUNA) states:

Working Out of Classification

In any case when an employee is qualified for and is temporarily assigned in writing by the Employer to serve regularly in and accept the responsibility for work which would normally be performed in a higher classification for three (3) or more workdays of continuous duty, such employee, if not in the highest step of the employees pay grade, shall

receive a one (1) step increase or the lowest step in a higher classification which will result in an increase, whichever is greater. The additional compensation as provided in this provision shall cover the entire period of assignment in the higher class. An employee may be temporarily assigned to the work of any position of the same or lower classification without reduction in pay.

Ms. Weeks explained that fixed asset reconciliations are very complicated and out of her job classification. She is asking for the 6 months of pay she believes she did the work. Management feels it is part of her job description. She disagrees.

Remedy requested: That Ms. Weeks receive compensation for the 6 months she did the reconciliations that fell outside her job classification.

Opening Statement by District:

Ms. Wendy Byndloss, Office of General Counsel opined that reconciliations are part of her normal job duties, including similar duties. She was never asked to work out of class. If she were, she would have received the request in writing. That never happened and her employers were unaware she was doing fixed asset reconciliations.

Mr. Bright explained the structure of the accounting department and how people are cross trained. If someone is out on leave, there is still coverage for work to get done. He also testified that reconciliation reports are part of the routine duties of an Accountant I position. He acknowledged that the Coordinator position did become vacant a few times during the 6 months Ms. Weeks claimed to have worked out of her classification, but accounting work continues on anyway. When vacancies occur, people in the department are cross trained to be able to carry on the work. Mr. Bright never requested Ms. Weeks to perform the fixed asset reconciliation, either orally or in writing. Ms. Weeks never complained about doing the fixed asset reconciliation. When it came to management's attention that Ms. Weeks filed a grievance for working out of her classification, Ms. Hill pulled her work and determined its validity, even though it was not in writing. Ms. Hill did find three consecutive days Ms. Weeks worked out of class and was compensated for it. The work she did was reviewing the work of an Accountant II. The Accountant II should have been reviewing the work of an Accountant I.

Ms. Kendrick testified at this point that as noted in the job description, the Accountant I position requires a degree or 12 credit hours, which is very basic. The fixed asset reconciliations are a more in-depth report that requires much more analysis than the basic accounting reconciliations. In spite of the team concept within the department to cross train, there is

still a requirement to stay within the job boundaries. People can always assist at or below their level, but not above. Ms. Weeks was compensated for working out of her classification, but not for the entire time she did so.

Ms. Weeks testified that she was asked by her supervisor to do the fixed asset reconciliations but that Mr. Bright was not aware of it. She also indicated they are training coordinators, but shouldn't be and that they don't have a supervisor.

Ms. Hill confirmed that she did ask Ms. Weeks to do asset reconciliations but not review them. When Ms. Weeks approached her with a complaint that she was working out of class, Ms. Hill reviewed the work, determined that she did work out of class for three days and compensated her for four days, which included a holiday that fell among those days.

Ms. Weeks testified that all the accountants were asked during a staff meeting to review other people's reconciliations. None of the other accountants knew how to do fixed asset reconciliations, so they didn't know if the reconciliations were correct or not. That was when Ms. Weeks began to do the reconciliations.

Ms. Hill testified that during the staff meeting is when it came to her attention that Ms. Weeks reviewed the reconciliations of an Accountant II. At that point, after reviewing her work, she went to Human Resources to secure her pay for those days in an effort to do what was right. Since the fixed asset reconciliations are mostly important at the end of the year, there is time to get them corrected throughout the year, unlike others that have to be reviewed each month and are therefore, more crucial.

Ms. Kendrick noted that when management appeals for help from staff during their meetings, staff is happy to help, but management also needs to understand that the requests need to be kept within their classification.

The floor was opened at that point for Board Members to ask questions for clarification on details.

Board Member Shine asked Ms. Weeks how many days she feels she should be compensated for working out of class. Ms. Weeks answered the six months she did the fixed asset reconciliations. If she is working out of class when she reviews them, how can she NOT be out of class when she does the reports themselves?

Ms. Hill opined that the work itself falls within her job description. Ms. Byndloss noted that Ms. Weeks never objected to doing the reports until she filed for a grievance last year. Ms. Weeks said she doesn't have timesheets documenting her work but she does have copies of the work itself that she did. The reports show when they were completed but not when they were started. The amount of time it took to do the report can be estimated based on the number of exceptions in the report.

Board Member Hall asked how work within the department can be monitored over time to see if a violation occurred. Mr. Bright answered that management can go back and look at runs they did during that time. Ms. Byndloss noted that was basically what Ms. Hill did when she reviewed the work Ms. Weeks did.

Board member Couch noted that the job description for the Coordinator specifically mentions fixed asset reconciliations, but it does not list it in the job description for Accountant I. There are no job descriptions for Accountants II or III so she can't tell how far down the task can go. Mr. Bright opined that any reconciliation can fall within the scope of an entry level accountant position.

Board Member Shine moved that the Board finds for the Petitioner in part. It will be up to management to find what that part is. Mr. McDuffie explained that staff could review the records to make a determination for the Final Order, then reconvene. Board Member Hall seconded the motion.

--VOTE—4-0 - PASSED

Becki Couch – AYE
Cheryl Grymes – AYE
Scott Shine – AYE
Constance Hall – AYE

[STEP III GRIEVANCE BY LABORERS INTERNATIONAL UNION OF NORTH AMERICA \(LIUNA\)
LOCAL 630-VICKY OLSON](#)

Minutes:

The Chairman of the Grievance Committee explained the process and everyone present introduced themselves.

Present for this Grievance Hearing were:

Grievance Committee Members:
Chairman Cheryl Grymes

Board Member Scott Shine
Board Member Paula Wright

Present on behalf of Staff:

Mr. Michael Wedner, Senior Assistant General Counsel, Office of General Counsel
Ms. Sonita Young, Assistant Superintendent, Human Resources
Mr. David Ford, Executive Director, General Services/Risk Management
Mr. James Culbert, Executive Director, Information Technology
Mr. Tom Britton, Director, Information Technology Operations
Mr. James Moore, Supervisor, Enterprise Operations

Present on behalf of Grievant:

Ms. Vicky Olson, Senior Computer Specialist, Information Technology
Mr. Dan Williams, Attorney
Mr. Kip Hamilton, Senior Computer Specialist, Steward Local 630

Others present:

Mr. Brian McDuffie, Executive Director, Policy and Compliance
Ms. Karen Chastain, Chief Officer, Legal Services

Ms. Chastain reminded everyone that today's gathering is to continue where the last hearing recessed with each side submitting their proposed order.

Mr. Williams brought everyone's attention to a date error that was repeated three times throughout the order his office submitted. The December 2013 dates should read July 2013.

Mr. Wedner brought phone call records to give the committee to help clear up questions they had at the last hearing. Mr. Williams objected to the new documents.

Board Member Shine asked both parties to clarify further the initial filing in a timely way.

Board Member Wright moved in favor of the final order submitted by the grievant. There was no second.

Board Member Shine indicated he is uncomfortable with the legal sufficiency of the evidence in this case and is concerned about how voting in favor of the final order will have an affect on future grievances.

Ms. Chastain explained that the Committee could either vote in favor of one of the party's final order as it is written or ask her to amend one or the other incorporating their preferences.

Board Member Wright moved that Ms. Chastain write a final order that would be fair to both parties. Board Member Shine seconded the motion.

Board Member Shine explained that part of the evidence in this case causes him to question the legal sufficiency of it and why he doesn't feel

Step II was a review of Step I with de novo evidence.

Mr. Wedner expressed his concern about how Ms. Olson's final order reads in the last paragraph on the final page. He asks that Counsel visit that part of the order carefully so future grievances Ms. Olson should file will not automatically grant her immunity to disciplinary practices.

Board Member Shine prefers that the Final Order uses a minimalist approach in it's language.

--VOTE--3-0 PASSED

Cheryl Grymes -- AYE
Scott Shine -- AYE
Paula Wright -- AYE

Adjournment

[Adjournment](#)

Minutes:

The meeting was adjourned at 11:13 a.m.

LBL

Superintendent

Chairman