

USA INFORMATION

UNITED STAFF ASSOCIATION OF PUTNAM/NORTHERN WESTCHESTER BOCES
LOCAL 15-175 NYSUT LOCAL 3072 AFT



*FROM THE DESK OF THE
PRESIDENT...*

Hopefully we've all had time to settle back into our routine. The year is off to somewhat of a WOW beginning with the retirement announcement of Tom Higgins and Susan Micolo. Each of them, in their own way, has had an instrumental part in making BOCES what it is today and will be greatly missed. I look forward to working with their successors and continue to foster a working relationship with their offices.

Our negotiating committee is formed and met to start plotting our course. The Executive Board and I are optimistic that this committee will do the best they can. I'm happy to report that there are 14 members on this committee, and that it is made up of a diverse group that represents every faction of our BOCES. Eight out of the fourteen members are new to stepping up and helping out our union and for that I thank them and hope that others will follow their lead.

INSIDE THIS ISSUE

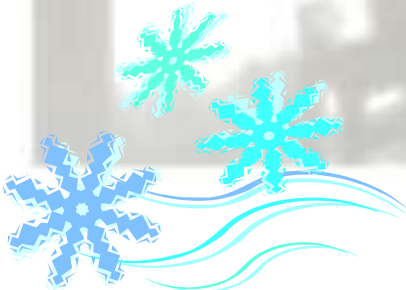
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As we move into the holiday season, it's important for us to keep each other in mind. Many are not able to enjoy the holiday season for one reason or another. Reach out to each other. Lend a helping hand or give some positive reinforcement to one of your brothers or sisters. Let us not forget our many NYSUT colleagues that are laid off and unable to enjoy the holiday season as they have in the past. During the holiday season, I am thankful I am able to provide for my family, and that I have union members like you that are working toward a common goal: a better union.

I wish you all the very best during the upcoming holidays, and as always, look forward to working with you in the future.

In solidarity,

Larry Marino



Upcoming Executive Board Meetings:

December 6, 2011

Location: Pinesbridge Conference Room
3:00 P.M.

Upcoming General Membership Meetings:

January 10, 2012

Walden Adult Dining Room
3:00 P.M.

Retiree Information...

Retiree Dues Notice

It is time to pay your yearly USA dues of \$15.00 (unless you are one of the early birds who has already done so).

Please mail a check made out to the United Staff Association to:

United Staff Association
P.O. Box 90
Amawalk, NY 10501

If you are a member of the United Staff Association Welfare Fund Retirees Option Plan, the Board of Trustees has determined the premium for 2012 will remain at \$45.00 per month. We encourage you to pay for the entire year or for six months at a time (it just makes things simpler for everyone). You may, of course do whatever is best for you.

Please mail a check made out to the USA Welfare Fund to:

USA Welfare Fund
c/o Daniel H. Cook Associates
253 West 35th Street, 12th Floor
New York, NY 10001

Thank you in advance for your prompt response and we hope that each of you have a healthy 2012.

P.S. Please send us news about what you are doing for the Newsletter. All of us enjoy hearing about your escapades. Send your news to Wynnie McCarthy. E-mail her, wam48@aol.com, or call her at (914) 245-8353

Union Representatives

PUTNAM/NORTHERN WESTCHESTER B.O.C.E.S.
YORKTOWN HEIGHTS, NEW YORK 10598
(914) 962-9579

Executive Board:

- President..... Larry Marino
- 1st Vice President..... Alfred Santoli
- 2nd Vice President..... Doug Andreotti
- Secretary..... Jenn Guiffre
- Treasurer..... Dan Gottfried
- Membership Chairperson..... Debra Haggerty
- Grievance Chairperson..... Mary Ann Alvord
- Negotiations Chairperson..... Al Cotoia
- Building Rep Chairperson..... Carolyn Schneider

Program Representatives:

- | | |
|-----------------------|-----------------------|
| Administrator | Representative |
| Jim Bellucci..... | Michael Tomaseski |
| Michael Sowul..... | Lynn Ammann |
| Steve Lowery..... | Marie Russo |
| Marla Gardner..... | Robert Angiello |
| Adam Vanderstuyf..... | Catherine Armisto |
| Judy Spaulding..... | Judy Gillet |
| Bob Keldershouse..... | Elisa Longo |

**United Staff Association Welfare Fund
c/o Daniel H. Cook Associates
253 West 35th Street, 12 Floor
New York, New York 10001**

- Chairperson..... Lola Smerdon
- Secretary..... Nancy Finsmith
- Treasurer..... Janine deGrouchy-Hraska
- Trustees..... Larry Marino
Jenn Guiffre
Doreen Trani
- Consultant..... Flo Laicher

Administrator..... Daniel Cook Associates
(914) 250-0700
(212) 505-5050
1-800-DHCOOK1
(1-800-342-6651)
FAX# (212) 714-1454

Legal Fund.....(914) 997-1576



NYSUT BOCES LEADERSHIP CONFERENCE SUMMARIES:

I had the pleasure of attending the 39th annual NYSUT BOCES Leadership Conference in Saratoga Springs, NY. While there I participated in a workshop titled "Supporting Students With Autism". This workshop explored the characteristics of Autism and Asperger Disorder as well as some strategies that can be implemented to support students in the classroom. The DSM-IV criteria was also explored.

Possible associated disabilities included:

- Anxiety disorders
- Social phobias
- Generalized anxiety disorder
- Depression
- Gastrointestinal disorders
- Immune dysfunctions
- Bi-polar
- Seizure disorder
- Nervous tics
- Oppositional Defiant Disorder

Some highlights for classroom strategies included:

Communication cue cards,
Prioritizing behaviors and
The use of social stories.

Two great books titled "Who Let The Cat Out of the Bag" explaining different idioms and "The Hidden Curriculum", which talks about reading social cues, were shared during the workshop.

My favorite quote of the day was "**Normal is a dryer setting**"!

Respectfully submitted by Judith Gillet

NYSUT BOCES Leadership Conference (9/23/2011) Related Services Department Meeting, submitted by Barbara Powers

The focus of this meeting was a review of the impact of Medicaid regulations on service providers. The initial discussion looked at the Individualized Education Program (IEP) vs. Medical Necessity. The IEP determines what services are needed to provide the student with a Free Appropriate Public Education (FRAPE). For Medicaid reimbursement a written order or referral is required to determine the medical necessity of the service. Written orders or referrals must include the signature of a NYS licensed and registered physician, a physician assistant, or a licensed nurse practitioner acting within his or her scope of practice. For psychological counseling services the signature of an appropriate school official is needed and for speech therapy services a NYS licensed speech-language pathologist's referral is needed.

The results of the 2011 NYSUT Medicaid Survey were presented. This phone survey included responses from 1390 professionals including school social workers, school psychologists, teachers of the speech and hearing handicapped and teachers of speech and language disability, physical therapists/assistants, occupational therapists/assistants, and school nurses. In summary the survey indicated that "some professionals have encountered a change in their supervisory experience since the latest changes in Medicaid reimbursement procedures took effect". It was reported that while this often

resulted in increased responsibility, it did not seem to have an overall impact on delivery of IEP services to students. The most striking impact of the change was the increase in paperwork and documentation which was cited as extremely time consuming. The survey did not indicate any significant evidence of outsourcing of services. Some of the questions raised in the survey included issues related to requiring licensed practitioners to certify services as “medically necessary” and issues related to use of NYS Licensure numbers on Medicaid reimbursement forms. The question was raised as to whether a professional could incur personal liability when their NYS licensure number was used on the reimbursement form and when they certified medical necessity of services. Under NYS Education Law, school districts are required to defend and indemnify school employees “for acts arising within their scope of duties. Additionally, NYSUT adopted a Resolution (#40) at its 2011 Representative Assembly resolving that NYSUT would provide members with legal representation in professional misconduct investigations.

Annual Professional Performance Review (APPR) and related service providers was briefly discussed. Section 3012-C of Education Law requires all classroom teachers to be evaluated. This includes teachers of the speech and hearing handicapped and teachers of speech and language disability. Section 80.11 of the Commissioners Regulations specifically excludes pupil personnel services from the definition of classroom teaching services. Therefore, school psychologists and school social workers who are pupil personnel service providers are not covered by the law. Our Putnam/Northern Westchester BOCES is still under a contract settled before July 1, 2010 and therefore, the APPR language in the contract remains the same until a successor agreement is negotiated.

National Credentials for School Health Professionals and Speech/Language Pathologists was also mentioned. Resolution 35, adopted in 2010 encouraged the recognition of nationally certified speech/language pathologists, school nurses, and physical and occupational therapists through comparable stipends offered to nationally certified teachers and it encouraged local school districts through collective bargaining to recognize nationally certified speech/language pathologists, school nurses, and physical and occupational therapists. An additional resolution adopted in 2011 (Resolution 22) supported the concept of negotiating salary differentials for school health professionals who attain advanced levels of education or additional certifications in their field of practice.

Additional resources can be found at: the Medicaid in Education homepage at <http://www.oms.nysed.gov/medicaid/> and the Office of Professions homepage at <http://op.nysed.gov>.

NYSUT BOCES Leadership Conference

Submitted by Dan Gottfried

I had the privilege of attending the 39th annual BOCES Leadership Conference in Saratoga on behalf of the United Staff Association on September 23-4. At that conference I attended three workshop sessions and want to share what I learned with you.

The first workshop was a Special Education Department Meeting. It was attended by union members from BOCES throughout the state working in special education. The session was led by David Rothfuss of NYSUT Research and Educational Services. The primary purpose of the session was to update the participants on policy discussions at the state level, the impact of the fiscal climate on special education, and changes in certification requirements in special education. There was also an opportunity for questions and discussion.

The first topic was potential revisions of HS graduation requirements. The impetus for considering a change is twofold. First, there are questions about whether or not the Regents Diploma indicates college readiness. About a quarter of all freshmen in NYS colleges require remediation. And looking at data from 2008, only 72% of students who started 9th grade in 2005 had graduated four years later. Sadly, only 48% in large city districts had graduated in 4 years.

The changes being discussed run the gamut from adding more flexibility in how students meet the requirements for graduation to increasing what is required. The Regents is considering increasing the credit requirements for math and science from 3 to 4 years and requiring a second Regents exam in math, requiring a college or career-ready experience, extending the school day and year, allowing students to gain credit through demonstration of competency rather than seat time, and expanding the courses students could take in Middle School towards meeting graduation requirements, among many other possibilities.

The second topic was the safety net for students with disabilities. There are some changes that are already taking effect, including the elimination of the RCT for the class entering 9th grade this year. Under consideration is whether or not to continue to have a local school diploma as an option for students with disabilities and replacing the IEP Diploma with an alternate credential.

Of particular concern for BOCES is that there is discussion taking place about mandate relief in order to address the high cost of services for students with disabilities. There was general agreement that this is potentially devastating to the most needy of students. Among the changes that have already taken place were the decision to eliminate a minimum of two 30 minute sessions per week of speech and language services for students needing that support and eliminating the requirement that individual language needs be addressed through instructional services for students with autism for a minimum of 30 minutes daily in groups not to exceed 2 students or 60 minutes daily in groups not to exceed 6 students. At its February 2011 Regents meeting, SED introduced 53 other such proposals for mandate relief, 22 of which involved special education. Among those proposals, the elimination of school psychologists, a physician and a parent as members of the CSE is moving forward. Also likely to move forward is the elimination of many of the required components of the triennial evaluation of special education students, including physical examination, psychological evaluation, social history, and the FBA. None of this is final yet, but it is all cause for concern.

David Rothfuss also reviewed the changes in teacher certifications for special education. Two significant changes were made by the Regents last fall. They eliminated the students with disabilities grade 5 to 9 generalist and content specialist certifications and the SWD grads 7 to 12 content specialist certifications and created a SWD grade 7 to 12 generalist certification and a SWD grade 7-12 extension in a subject area.

The session was very informative and there was significant discussion among all who attended about the impact on BOCES and the students we serve. Many of those present shared stories about how these changes are already impacting on our students and our working conditions. It was, I believe, a wake-up call for all of us.

The second workshop I attended was Legal Rights and Labor Law, led by Robert Reilly, a lawyer from the NYSUT Office of General Counsel. Mr. Reilly intended to address recent case law and the impact of various decisions on the rights of union members but there were so many questions from the attendees that most of the session was spent with Mr. Reilly responding to specific concerns. This was very valuable, in my opinion, because many of the concerns that were raised mirrored issues we are facing here.

Three issues stood out to me. The first was the time requirements under the law for various legal challenges to actions taken by your employer, including:

- If you are brought up on 3020a charges (discipline of a tenured teacher) you have 10 days to request a hearing.
- If state ed takes action to revoke your license you have 30 days to file an appeal.
- If you have an issue related to seniority (such as not being rehired when someone with less seniority in your tenure area is rehired) you have 30 days to file an appeal.
- If you feel BOCES has engaged in Improper Practice, such as requiring you to work outside of the hours agreed upon in the contract, you have four months to challenge the practice.

The second issue concerned the rules governing a district take over (3014-b) of a BOCES program. It requires that the BOCES employee's of the program being taken over become district employees and that their service credit at the BOCES is credited as time served in that district. Also, if not all BOCES employees are needed in the program that has been taken over, and the BOCES employee is not longer employed, the BOCES employee must be put on the district's preferred eligibility list for being rehired in the event a position opens up in their tenure area.

The third issue was related to the 2% tax cap that was passed by the legislature last year. I learned that districts can still pass a budget with a percentage increase larger than 2%. It just requires that 60% of the voters approve the budget rather than the usual 50% and that the ballot states that the budget "exceeds the state tax cap". While this is certainly not a good thing, it does offer hope that in some more progressive districts the damaging cap can be overcome.

In addition to these three issues, Mr. Reilly reviewed the requirement that we fairly represent our members regardless of what we may think of their case. He also talked about some of the surprising decisions that have cut back on our rights, such as the Mulgrew case, which allowed the media to use the names of teachers when they report on the performance of our students.

What surprised me most in this session were the time frame requirements for filing when there is an issue that requires a legal response. Clearly, we all should report any concerns promptly to our union executive board.

The final workshop I attended was the BOCES Contract Exchange, led by Mary Ann Awad, the Manager of Research for NYSUT

Ms. Awad had planned to focus on a few key issues in contract negotiations that had been identified by members prior to the conference. However, the participants immediately began a lively discussion of their recent and upcoming experiences in negotiations which took the entire period. In that discussion I learned what some of the chief challenges have been in recent negotiations and how various BOCES units have addressed those challenges.

Most of the locals identified health insurance as the key area in which changes are being sought by the districts. It was striking how significant the range of employee and retiree contributions to health insurance has been throughout the state. Some BOCES reported that active member's pay as little as 5%, while paying nothing for coverage to having no coverage.

Most of those present agreed that given the current economic restraints, the focus of what we bring to the table should be on working conditions. In line with this, the recommendation was made that NYSUT should provide locals with an outline of the best contract language and suggestions for what the ideal contract should cover.

Various locals shared what they have encountered at the bargaining table most recently. There have been requests for givebacks and also significant pressure to accept lower salary increases. One local reported resistance to setting salaries based on the median salary of member districts, which is surprising as that has always made so much sense for BOCES.

In addition to these concerns, several other areas were noted as significant. One is of course the changes in professional evaluation. Ms. Awad suggested that locals who are currently in negotiations address this in their contract. She also suggested professional development be addressed and she shared the language from a number of contracts that have addressed it.

The final issue addressed was length of day and school year. Districts are increasingly seeking changes in these areas, although overall we are not yet seeing anything significantly different in NYS.

NYSUT BOCES Leadership Conference September 23-24, 2011
Saratoga Hilton
Saratoga Springs NY
By Al J. Cotoia

The NYSUT sponsored BOCES Leadership Conference held this fall was again an opportunity for me to gain further knowledge and information that is directly related to BOCES programs. The opening address and keynote speaker, Kenneth G. Slentz, Deputy Commissioner of the New York State Education Department, would have preferred to focus on a discussion about educating children and young adults rather than debate the Board of Regents and State Education Department decision to change teacher evaluation regulations and circumvent collective bargain. The full explanation of the court file is available on NYSUT's website www.nysut.org. Currently, the court has ruled in favor of teachers and ruled that the Commissioner of Education and Board of Regents has violated state law. An appeal has been filed by State Ed and may be ruled upon in the next few months. The positive outcome is that the new regulations are, for now, suspended until the appeal is decided sending a clear message that a fair and equitable teacher evaluation process is of the highest priority to maintain high standards in our schools.

As usual the conference held many informative workshops such as “Partnering for the CTE Student’s Future, Strategies for Dealing with Extreme Students , Annual Professional Performance Review Update and BOCES Contract Exchange” to name just a few. Although these conferences do require personal time to attend, the experience and information sharing with colleagues is very valuable. We, as a group, need people especially new people to step up and become involved. As older union members retire from the Executive Board and committee positions, these positions need to be filled. If you have an interest in serving, make yourself known to your building representative or union leadership by phone call, in person, or e-mail.

Also you may want to attend an Executive Board meeting to get a better understanding of what is involved. This can be done by requesting to attend a meeting in advance to Larry Marino. As the economic pressures continue and more must be done with less, we may see fewer conferences available, but getting involved and demonstrating your commitment to the improvement of our union can be a very satisfying and positive experience.

Respectfully,
Al J. Cotoia



KNOW YOUR CONTRACT...

SECTION IX - PERSONAL BUSINESS LEAVE

Full-time salaried employees shall be granted personal business leave without loss of pay during each employment year not to exceed five days. Such leave shall be used to transact business which cannot ordinarily be transacted outside of the regular school day and shall include time for religious observance, illness in the immediate family, attendance at funerals, and absences due to extraordinary weather conditions. Two of the five days per year may be taken for a compelling personal emergency which requires the employee to be absent during the school day. The nature of the compelling personal emergency need not be specified. However, only one of such two days may be taken on a Monday or Friday. Personal business leave shall be prorated for part-time salaried employees.

Personal business leave shall be granted upon application to and approval by the Director of Human Resources and Administrative Services. Except for emergencies, written application must be received in the Human Resources and Administrative Services Department at least three working days in advance of the day for which leave is requested. If the applicant is concerned that delay in the interoffice mail may make his or her application late, he or she may telephone in the request at the same time it is mailed in order to preserve his or her rights. Except in the case of emergencies, at the time that such application is made, the employee shall notify his or her immediate supervisor that he or she has made such application and shall subsequently promptly notify him or her whether or not approval has been granted. All applications must specify the reason for the leave except as noted above. In case of an emergency, the employee will follow the procedures outlined by the Director of the program to which he or she is assigned.

When an employee has been informed that his or her application for leave has been approved, the employee shall report his or her absence according to administrative procedures.

Personal business leave shall not be accumulated from year to year nor shall it be used to extend vacation or holidays.

What this means:

Although most requests are NOT subject to supporting documents, due to the approval process, certain documentation may be necessary for certain circumstances.

Union Grievance Chairperson Position Available...

Our union needs a new Grievance Chairperson as Mary Ann Alvord will no longer be holding the position.

The Chairperson of the Grievance Committee shall: (Article 2: United Staff Association Bylaws)

- Act as liaison between the Grievance Committee and the Executive Board.
- Inform the Executive Board on the progress of current grievances.
- Advise the Executive Board on grievance procedure.
- Upon presentation, carry out the terms and provisions of the grievance procedure as stated in the negotiated agreement.
- Be responsible for the receiving, filing, and security of grievance documents.

If interested in this position or for more information, contact Larry Marino at x480.

United Staff Association Welfare Fund Benefits Summary

Welfare Fund Members are eligible for benefits at no cost. Limited benefits are available to your spouse, domestic partner, and dependents. Select legal fund benefits are available to parents and parent-in-laws. If you work 15 hours per week or more, you are eligible for full benefits. If you work less than 15 hours per week, you are eligible for half of the self-insured benefits and are not covered for life and long term disability insurance.

DENTAL BENEFIT: (member only): \$2500 maximal benefit per calendar year
****preauthorization is required for expenses greater than \$600****

**Family Dental Coverage is offered for an annual premium of \$950/year with restrictions on enrollment and utilization of benefits if you do not enroll for Family Coverage upon hire

SPOUSAL/DOMESTIC PARTNER DENTAL BENEFIT: Limited to routine cleanings, office visits and x-rays up to \$200 maximal per calendar year

OPTICAL BENEFIT: \$350 for member per calendar year
 \$250 for dependents (spouse, children) per calendar year

MEDICAL BENEFITS

Major Medical Deductible Reimbursement: \$135 per person up to \$405 maximum per family for Members that have family health insurance coverage

Physical Exam Benefit: (member only) 1 in a 2 year period up to \$200 for portion not covered by BOCES medical plan/other health insurance plan

Psychiatric Benefit: (member only) \$30 per visit up to \$1650 per calendar year

Mammography Benefit: (member and/or spouse or domestic partner) 1 per calendar year up to \$100 for portion not covered by BOCES medical plan/other health insurance plan

Hearing Aid Benefit: (member only) 1 in a 2 year period up to \$200

Medicare Part "B" Deductible Benefit: \$75 per calendar year

Orthotic Benefit: (member only) 1 in a 2 year period up to \$100

Variable Benefit: (member only) \$400 per calendar year to supplement the following benefits:
 Dental, Optical, Psychiatric, Orthotic, Hearing Aid, Catastrophic Premium

Submission of variable benefit is allowed only 2X per year (July and December)*

Claim forms can be obtained via the secured website - www.dhcook.com, in the main office of your building, from building representatives, or by calling (914) 250-0700 or (800) 342-6651

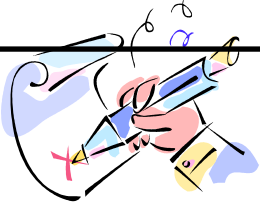
LIFE INSURANCE: Benefit is 100% of your salary rounded to the next higher \$1,000 with minimum coverage of \$5,000 and maximum coverage of \$150,000. First Unum Life Insurance Company, 99 Park Avenue, 6th floor, New York, NY 10016. To update or review your beneficiaries contact the FUND Office at (914) 250-0700, (800) 342-6651 or email at support@dhcook.com.

LONG TERM DISABILITY INSURANCE: Maximum per week (60% of salary). First Unum Life Insurance Company.

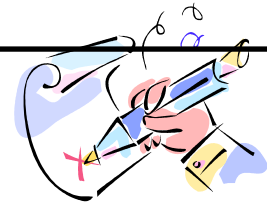
LEGAL SERVICES BENEFIT includes representation in civil matters as well as general legal matters. Benefits include but are not limited to legal defense, matrimonial proceedings, adoption, personal bankruptcy, change of name, homeowner's rights (real estate transactions), general consultation, document review, will, living will, health care proxy, power of attorney, planning for elderly, probate and estate administration, personal injury, arraignment assistance via telephone, consumer protection, identify theft protection, estate planning, and prenuptial agreements.

Certain legal service benefits are also extended to parents and/or parent-in-laws of covered members.

Consultations and select legal services are at no cost with very low fees for other covered benefits. The lawyer comes to BOCES to meet with members on the second Wednesday of each month during the school year. Call (914) 997-1576 to schedule an appointment. Legal fund website: www.teacherslegalfund.com



NEGOTIATION NEWS...



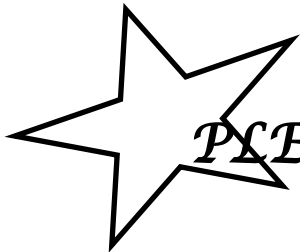
The committee has met twice with our NYSUT Labor Relation Specialist (LRS) and started to discuss different areas of the contract we would like to address. We are currently identifying areas of concern, which have been voiced to the various committee members. At this point, with help from NYSUT Tarrytown Office, the proposal/article language will be developed and included in the exchange of initial negotiation proposals between the BOCES Board and the United Staff Association. We have great collaboration between all 16 members of the committee that make up a vast part of our campus culture and who are working hard to support a successful outcome. Our NYSUT office will continue to support our interests at future meetings to help us evaluate contract language and articles that we may want to modify.

***Our next meeting:
Tuesday, December 13, 2011
3:00 P.M.-5:00 P.M.
Projects Building***

We're on the Web!

Visit us at:

<http://ny.aft.org/pnwb/>



PLEASE HELP US BY SENDING NEWS!

Thanks to All...

Thank you to everyone who contributes to this newsletter by submitting articles, important information, the bouquets or helping with the printing and/or distribution throughout the school year.

Please send retiree news for the newsletter to Wynnie McCarthy wam48@aol.com or 36 Cheshire Lane, Yorktown, NY 10598. We want to reach out to more retirees.

Please send any information that you deem is newsletter worthy to Meredith Markolovic (Tech) at mmarkolovic@pnwboces.org or (914)248-3815.

A Bouquet from Us...

Our Sympathy to...

Laurel Holly who lost her mother.
TJ Ledbetter who lost her mother.
Larry Marino who lost his mother.
Mary Simonelli who lost her father in law.

In Memoriam..

Patricia McFadyen (Teacher Aide) who passed away.

Congratulations to...

Ed Catapano on his recent marriage.

Send items for *A Bouquet from Us* to
Elizabeth Bowler at ebowler@pnwboces.org

USA PHONE NUMBER: (914) 962-9579



To schedule an appointment with the lawyer
members should call (914) 997-1576.

IMPORTANT...

Mary Ann Alvord is the Grievance Chairperson.
She can be reached at extension 764, or from
the outside at (914) 248-2764.