PORTLAND AREA WORKERS' RIGHTS BOARD

Hearing on Contract Negotiations for Teachers at Portland Public Schools

FEBRUARY 20, 2003 • BENSON HIGH SCHOOL • PORTLAND, OREGON

The Portland Area Workers' Rights Board is a community-based project of Portland Jobs with Justice

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Members of the Hearing Panel

Jonah Edelman
*Executive Director, Stand for Children*
Rev. Lynne Smouse Lopez
*Pastor, Ainsworth United Church of Christ, and parent*
Diane Rosenbaum, Panel Chair
*State Representative, District 42*
Dick Springer
*Former State legislator and parent*
Kathleen Sullivan
*Former Executive Director, Oregon NARAL*
Joseph Tam
*Former School Board member and parent*

*Organizations listed for identification purposes only*

Testimony

The Workers’ Rights Board Panel heard testimony from the following Portland Public School Teachers:

Steve Palumbo, *bargaining chair*
Rob Melton, *Benson High School*
Dana Florez, *Binnmead Middle School*
Carol Palumbo, *retired from Gregory Heights Middle School*
Kehaulani Minzghor, *Lane Middle School*
Don Gavitte, *Grant High School*

The Panel heard testimony from the following Portland Public School parents:

Teresa Ferrer, *Wilson High parent*
Jinx Kuehn and Barry Gorden, *Grant High parents*
Keith Nottage, *Bridger Elementary parent*

The Panel also heard testimony from Portland Public Schools Board member:

Sue Hagmeier
Report & Recommendations

BACKGROUND

In late 2002, the Portland Public School teachers brought their concerns about their difficult contract negotiations to the Portland Area Workers’ Rights Board, a project of Portland Jobs with Justice. The teachers had been negotiating since May 2002 and working without a contract since June. Their concerns included:

- Lack of respect by management at the negotiating table, evidenced by no movement from the School District’s initial offer;
- A School District proposal including numerous contract language changes which would erode long-standing teacher rights, such as a grievance procedure, maintenance of standards, transfer rights, local voice through site councils, and a guaranteed work week; and
- In the midst of a very bleak fiscal crisis, with the school district facing a $59 million budget deficit, a School District economic proposal freezing teacher salaries, cutting teachers’ wages by 12.63%, and capping district payment toward teachers’ health benefits at $600 a month.

The Portland Area Workers’ Rights Board convened a panel to investigate the situation. After meeting with teachers and representatives of the Portland Association of Teachers, the panel decided to hold a public hearing to make sure teachers’ voices were heard in this critical time for public education. The Workers’ Rights Board invited all seven school board members and the Acting Superintendent to attend the hearing and provide their perspective.

Summary of the Issues Raised in the Testimony

HISTORY OF BARGAINING

Steve Palumbo testified about the current round of contract negotiations between the Portland Association of Teachers and Portland Public Schools. He described the union coming into bargaining with a very modest offer: a cost of living increase and some very modest improvements in language. “The Board’s proposal, on the other hand,
called for radical changes in our contract and demanded rollbacks in salary and benefits.”

Several months ago the teachers made a significant and sincere offer to the district: a salary freeze, a nine-day cut from the school year, and a return to current language in most areas. However, the School Board has not budged from its initial proposal — in fact, administrators have demanded even more concessions. The District’s current offer includes a 2-year salary schedule freeze, and the 9-day wage cut has grown to 24 days.

Palumbo testified to the sacrifices teachers have made over the years to deal with the funding issues. In 1994, teachers took a salary freeze, which saved the district $2.3 million. The following year, teachers agreed to suspend sabbaticals (saving $1 million) and reduced personal leave, which saved the District $350,000. Also in 1995, teachers gave the District $8 million outright, from reserves in their Health and Welfare Trust. Teachers also agreed to suspend tuition reimbursement ($600,000 savings) and suspended professional development money ($425,000 savings). In 1998 teachers agreed to eliminate sabbaticals entirely and reduced early retirement. Moreover, teachers have historically forgone salary increases to maintain benefits. In 1991, for example, Portland teachers had the 3rd highest salaries in the metro area. But by 2002, they had the lowest salaries in the 14 metro-area districts.

Palumbo detailed the contract language changes proposed by the Board, which have no fiscal impact on the district.

Besides the economic concessions, the Board’s offer contains proposals that remove or restrict teachers’ rights and change their working conditions... The District’s proposal for the elimination of the Maintenance of Standards clause would allow the District to change any working conditions not explicitly specified in the contract... The Board’s proposal would eliminate just cause in matters of dismissal. It would remove the right to arbitrate dismissal... In terms of transfer... teachers would have limited rights to apply for vacancies with no advantage over new hires...[and] persons could be involuntarily transferred at any time for any reason...

Palumbo continued with more details about the regressive contract language proposals.

SCHOOL BOARD MEMBER’S PERSPECTIVE

The Workers’ Rights Board panel was glad to welcome three School Board members at our hearing: Marc Abrams, Julia Brim Edwards and
Sue Hagmeier. Sue Hagmeier accepted the panel’s offer and responded to the testimony presented by teachers and their advocates. Ms. Hagmeier shared her perspective with the panel and the audience. Several times she reiterated, “We are all underdogs here.” She reminded attendees that the District “didn’t just have its taxing authority limited by Measure 5, it had it eliminated. I have 1/7 of zero taxing authority, zero ability to influence the resources we have available.”

She then discussed a few of the bargaining issues, calling on the crowd to think critically and gather their own information. “What worries me about this kind of a presentation is that sometimes when you try to simplify a complicated subject, you end up falsifying it,” she said. She described the district’s salary proposal as embarrassing and expressed a wish for a state that “would express its values through how it uses its resources...I don’t defend the proposal, but I do defend the fact that we don’t have authority to raise additional resources on our own...” She touched on health benefits, saying that she believed that the “Employee representatives on the Health and Welfare Trust need to look at what kind of benefits they can buy for the resources we have. We believe we can do a lot better than that, that we can get similar benefits for much less money than we do so far.” A third major item was Article 10, which includes the hiring process as well as transfers. “Right now we have a hiring process that puts us at a disadvantage. We hire much too late in the year right now... The other important part is that we have too much turnover in some of our schools. This is an important thing to us because it doesn’t influence rich and poor alike.”

TEACHERS MAKE THE DIFFERENCE FOR CHILDREN

Teachers are vital to the functioning of our schools. Portland Public Schools teachers have seen cut after cut as the budget crisis has grown. Teachers spend many extra hours working because of their commitment to their children; the average teacher works 50 hours a week, every week. According to Steve Palumbo, teachers spend an average of $500 of their own money each year to purchase school supplies – supplies that the district used to provide.

Grant High School parents Jinx Kuehn and Barry Gorden testified

One teacher who made a difference for us...[was] Sandy Egbers, who teaches fifth grade at Rose City Park School. She not only taught the kids English and math, she taught them how to organize and plan their work... She taught kids that learning was fun and not to take themselves too seriously. She taught them to respect themselves and each other. At the end of the fifth-grade year, we collected testimonials from

“I can’t see a strike being in the best interests of you all or of the students, but I’m not here to talk you out of it. I’ve walked the picket line before. I know how difficult it is and I pray and hope and have faith that somehow this will be worked out so a strike won’t be necessary, but I understand the need for a strike. I understand the need for dignity and respect and negotiation. Mutual negotiation. When there’s no money, there are still items that call on respect. I would like to call on the negotiating team, the administration, the school board and teachers to look at negotiation with respect for each other.”

—Rev. Lynne Smouse Lopez
Pastor, Ainsworth United Church of Christ, and parent
parents who had been affected by her, and submitted them for a $1000 grant for teaching excellence. The parents vied with one another to tell touching and heart-wrenching stories of her going the extra mile to help kids, which she did on her own time. Naturally, she won. Rather than keep the money, she put it all back into the school to replace funding that had been cut.

Binnsmead teacher Dana Florez testified about having made the difference to a student she called “Jake,” a member of the most difficult class she had encountered in the five years she had been teaching. “He was behind his peers academically. Behaviorally, he was what most people would consider a handful. For two hours every day, however, he was a positive, active, important part of my classroom — and believe me, it did not start out that way… When Jake was kicked out of class after class, it was my room he came to. He became my teacher’s assistant… He got a taste of success and his peers got the chance to see him in a new light.” His sister recently told Dana that Jake was doing well in high school and Dana said, “I know that I was the difference.”

She and her husband Rolando don’t want to teach in the suburbs. “We came here to save the world and are skilled at creating classroom environments that inner-city kids thrive in.” She testified that the district’s proposed contract might force them to leave teaching.

Teacher Kehaulani Minzghor testified that teaching is her second career. “I chose it because I believe the words to Whitney Houston’s song is true: ‘I believe that children ARE our future.’ I invested six years pursuing that dream and thousands of dollars attaining it. The choice to teach has come at a high cost to my family and me. But I believe in the value of the child. I still do.”

Wilson High School parent Teresa Ferrer testified, “If students and their families were asked to identify one thing that makes schools great in Portland you would get one answer…the teachers. It is the teacher…on the front line with the kids…that is the life-blood of the system. It is the teachers [and their ability to have a living wage under equitable working conditions] that will carry the Portland Public School System into the future.”

TEACHERS CAN’T AFFORD DISTRICT’S PROPOSAL

All the teachers who testified spoke to the new proposal’s unaffordability. Rob Melton detailed what it would mean for his family:

I did the math last week to see how the District’s proposed 24-day layoff would affect my family. When I looked at the bottom line, I was shocked at the price the District thinks
my family should have to pay. It equals a lack of respect for teachers and their families, for students, for equity and for common sense... [the] layoff proposal mean that in April I won’t have money for food, clothing, bus tickets or any other expenses... I hope my son will qualify for free breakfast and lunch because he is a growing boy... In June I will have no paycheck and I will owe the School District $1,000 out of my July 30 paycheck. April, June, and July will be hungry months in the Melton family. Does this sound like competent human resource management to you, to leave employees and their families without basic necessities such as food for three months?

Binnsmead teacher Dana Florez said, “I am not exaggerating when I say that we cannot afford the salary freeze, the 12.63% loss of pay due to twenty-four fewer days of school, and the nearly $400 a month our benefits will cost us if they are capped.”

Kehaulani Minzghor from Lane Middle School described her family situation:

On a personal note, in the fallout of September 11th, my husband lost his job. He joined hundreds of others in the same situation and spent a good portion of last year and this year finding new employment. That meant that, as a Portland Public School teacher, my insurance was the only insurance and my income the only income. That insurance is vital. My income is vital. This is my third year of teaching and so... I’m at the bottom of the salary schedule. I stand to lose a substantial portion of my income if the district’s proposal takes place. I have to have insurance. I have to work. It’s not an option for my family... I look toward the immediate future, not knowing whether or not my family will have a home when the dust settles. Like any in the real world, I live in a paycheck-to-paycheck world, made even scarier because of this proposal.

Don Gavitte testified about trying to support his family on a teacher’s salary. “The current offer from the District knocks my family off the bottom rung of the middle class we are clinging to. If we are worried about middle-class flight from the Portland Public Schools, please realize that some of those families fleeing will be those of teachers.”

Steve Palumbo translated the District’s proposal into what teachers at various points in the salary schedule would actually face: “If Portland teachers accept the economics package, a teacher with a Master’s Degree plus 45 on step 14 would be facing a 16.06% reduction in total compensation. A teacher with a Master’s Degree only on
step 14 would have a 16.56% cut and a beginning teacher would have an over 20% cut. If we accept this proposal, Portland teachers may never climb out of the cellar."

**CONTRACT PROPOSAL IS DISRESPECTFUL**

Carol Palumbo, a retired teacher, compared the situation Portland Public School teachers face to the “whistle walk” endured by Louisiana slaves. She said that people seeing a plantation on TV “do not see the garden on the side of the house where slaves walked carrying trays of food for their masters... They were required to whistle as they walked so that they did not eat the food... The constant verbal and mental abuse of teachers as public employees began several years ago and has escalated, as has the desire for us to carry the burden of the school district on our backs.”

Keahulani Minzghor testified, “This new contract proposal is devastating. It is punitive. It is punitive towards educators, towards women, towards one-income families, towards senior and more experienced educators. It is a spirit breaker.”

Parent Keith Nottage testified that teachers are part of our families and that we entrust our precious bundles of joy to them every day. “I don’t have any magic answers, but all these people are asking for is fairness. That’s all any of us ask for is to be treated fairly, as human beings, as tax-paying people.”

Dana Florez said that while her family could not afford the economic proposal, she could afford even less “the demoralization, abuse, disrespect, and fear that our employers are handing us.”

Parents Jinx Kuehn and Barry Gorden made a similar point.

It appears to us that the Portland school board, with apparent arrogance, expects that teachers can continue to produce top students, no matter what happens to their own working conditions. It is our general understanding that the school board and its legal staff are asking for contract changes in areas that make no substantial difference to costs but affect grievance rights, working conditions and other matters of this sort. This is unfair, and creates real bitterness... We are not surprised that the school board would ask for some wage relief in this current financial climate statewide. But the budget cannot and should not be balanced by laying off teachers and by ruining their everyday work climate. This is a time when the school board should be making the fairest wage offer it can — and it should be doing its best to support teachers in every other way.
Don Gavitte described his need for respect from the District this way:

I write a word on the top of the blackboard of every classroom I teach in. It is the word that best sums up what I expect my students to exhibit at all times and never waver from. It is the word that will guide me through a nasty and painful strike if I am forced to take such action. It is a word that I can’t teach without and if the day comes when I feel hypocritical having this word on the board... I will leave the teaching profession altogether. That word is dignity.

GOOD TEACHERS WILL LEAVE OUR DISTRICT

Dana Florez testified, “With the contract that is laid out in front of us, we are faced with the following choices: selling our home, leaving Portland Public, or abandoning our teaching careers altogether.” She described the commitment and effort she and her husband have put into being excellent teachers. “As for leaving teaching altogether, that would be the biggest shame... To us, as it is to many of our colleagues, being teachers is not just what we do — it’s who we are.”

Parents Jinx Kuehn and Barry Gorden testified that if the district loses good teachers, “You are not likely to get them back again. Their knowledge and expertise is lost to you. When you’re in the school business, and you destroy your knowledge base, what have you got left? Some nice offices? A pretty building? Some uneducated children? Or a total disaster?”

Don Gavitte testified about his personal struggle around leaving the district:

I have spoken publicly about how I need to leave the district if this contract is implemented as is. I went to the California recruitment fair last week and was enticed by offers from other urban school districts that are offering phenomenal benefits and incentives in order to attract teachers.

Steve Palumbo ended his presentation by asking the Workers’ Rights Board panel to think about the questions that teachers have been forced to consider. “If the Board’s proposal becomes the Portland teachers’ contract, will Portland Public Schools be able to attract and retain the quality teachers our community deserves? Will decisions be made at the school level by persons most affected and most likely to affect improvement and growth? Will Portland schools be a place people will want to send their children?”

After the close of testimony, the panel recessed to deliberate. They returned 10 minutes later to respond as individuals to the testimony and to issue the following recommendations.
Recommendations of the Portland Area Workers’ Rights Board on Teacher Contract Negotiations

The Portland Area Workers’ Rights Board is very concerned about the ongoing crisis facing Portland Public Schools. We held this hearing to make sure that teachers’ voices and perspective on their difficult contract negotiations were heard. After listening to the testimony, we take the following action:

1. The Workers’ Rights Board panel calls on the school district to negotiate a respectful contract with Portland teachers. We understand that our district is facing an unprecedented fiscal crisis, which makes this round of contract negotiations especially difficult. We support efforts to find long-term solutions to state funding. Given that context, however, the school district’s final proposal is too regressive and hurts students, schools and the entire community. A respectful contract would have to include something that makes it attractive for Portland teachers to stay in the district. Portland teacher salaries are the lowest of the fourteen metropolitan school districts. If our teachers must take another salary schedule freeze as well as a significant pay cut by agreeing to a furlough, then their current health benefits must be maintained. A respectful contract would not erode teachers’ contractual rights. In this crisis everyone needs to give. The teachers have given and given. We find that the district has not moved to find common ground with teachers, even on non-economic issues. We will write a letter to the district urging such a settlement. We will also ask to meet with district leadership and school board members in hopes of assisting in reaching a fair settlement.

2. The Workers’ Rights Board panel calls on our elected City and County leaders to assist the teachers in settling the contract by intervening with the District in this crisis. This panel will send letters to the City and the County making the argument about retention of quality teachers and urging the City and County to encourage the District to settle a contract with its teachers as outlined in recommendation number one.

3. The Workers’ Rights Board panel calls on the business community to step up to the plate around school funding and around issues of teacher retention. We call on the Portland Business Alliance to drop their demand that teachers give up their health benefits in return for support of funding solutions.

4. The Workers’ Rights Board panel calls on the whole community to come together around the retention of our teachers through this crisis and urges all community members to contact the district and the school board to make their concerns known.
5. The Workers’ Rights Board panel will produce a report from this hearing for use in public education around teacher collective bargaining issues.

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“The Board’s proposal is “spirit-breaking”. Therefore I ask the school board to carefully examine the proposed contract language change that will not affect costs but will overhaul the teachers’ assignment and transfer process. Please, three school board members, do not forget the power that you have as school board members and just leave the bargaining to the human resources administrator.”

—Joseph Tam
Former School Board member and parent

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Members of the Portland Area Workers’ Rights Board

Bill Bigelow  
Rethinking Schools
Dr. Johanna Brenner  
Portland State University
Reverend Donald Buxman  
Chris the King Catholic Church
Barbara Byrd  
Labor Education Research Center
Margaret Carter  
State Senator
Valerie Chapman  
St. Francis Catholic Church
Serena Cruz, Multnomah County Commissioner
Barbara Dudley  
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Bobbi Gary  
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Steve Goldberg, Attorney  
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Rev. Terry Moe  
Reformed Lutheran Church
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NW Oregon Labor Council
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United Brotherhood of Carpenters
Rev. Dr. Marilyn Sewell  
First Unitarian Church
Frank Shields  
State Senator
Rev. Lynne Smouse Lopez  
Ainsworth UCC
Erik Sten  
Portland City Council
Joseph Tam  
Chinese Community Leader
Kate Titus  
Oregon Action
Randy Tucker  
1000 Friends of Oregon
Ann Turner, MD  
Virginia Garcia Clinic
Geri Washington  
MESD
Nancy Weed  
Oregon Human Rights Coalition
Ross Williams  
Sensible Transportation Options
Chris Wold  
Lewis and Clark Law School
Rabbi Joseph Wolf  
Flavonex Shalom
Elliott Young  
Lewis and Clark College

—Organizations listed for identification purposes only
About the Portland Area Workers' Rights Board

The Workers' Rights Board is a public forum for workers to bring complaints against employers for violating their human and legal rights in the workplace. The Board is drawn from a broad spectrum of community leaders and can intervene with employers and the public to help resolve situations that threaten workers' rights. Safe, living-wage jobs, where workers are not discriminated against for speaking up for their rights, are the backbone of any healthy community.

The Portland Area Workers' Rights Board will attempt to resolve issues in a variety of ways, including: investigating complaints, meeting with workers and their employers, holding public hearings or press conferences, and participating in community events to raise awareness about workers' rights, including the right to organize. Issues that the Board might address include:

- Patterns of arbitrary and unfair treatment by supervisors
- Support for workers exercising their right to organize
- Illegal firing of workers during an organizing drive
- Creation of a living wage policy for publicly-funded jobs
- Health and safety complaints
- Rights and treatment of Workfare participants
- Working conditions in low wage industries

About Portland Jobs with Justice

The Portland Area Workers' Rights Board is a project of Portland Jobs with Justice. Portland Jobs with Justice is a coalition of 65 labor organizations and community groups dedicated to protecting the rights of working people and supporting community campaigns to build a just society for everyone. We work to:

- Protect workers' rights in the workplace and in the community
- Create family-wage jobs with justice
- Support the right to organize here and throughout the world
- Demand corporate responsibility and accountability

To support these campaigns and to build rank-and-file and grassroots power, we use a wide range of tactics from letter writing to educational forums and from rallies to peaceful militant direct action. We give priority to struggles involving the most vulnerable workers in our community, including low wage workers, people of color, immigrants, women, and young workers.

For information about Portland Jobs with Justice or the Workers' Rights Board, contact us at 503.236.5573, or at jobswj@teleport.com.