

**MINUTES OF THE MEETING OF  
THE BOARD OF EDUCATION**

SANDY CREEK CENTRAL SCHOOL DISTRICT  
SALISBURY STREET  
SANDY CREEK, NEW YORK

**Date:** January 9, 2014

**Meeting:** Regular

**Place:** Sandy Creek Board Room

**Board Members Present:**

Brian MacVean  
Amy Guarasce  
Brenda Yerdon  
John Shelmidine  
Tammy Miller  
Janet Hanni

**Others Present:**

Stewart R. Amell  
Shelley Fitzpatrick  
Maureen Shiel  
Carolyn Shirley  
Sue Ann Archibee

Robin Cashel  
Frehiwot Sergis  
Hannah Walker

**Board Members Absent:**

Shannon Akey

**CALL TO ORDER:**

Brian MacVean, Board President, called the meeting to order at 6:02 p.m. in the Board Room.

**PLEDGE OF ALLEGIANCE:**

All present recited the pledge of allegiance.

**PRESENTATIONS:**

Steven Foy conducted a presentation on the Affordable Health Care Act.

**PUBLIC COMMENTS:**

None.

**CONSENT AGENDA CHANGES:**

None.

**RECOMMENDED RESOLUTION:**

Motion made by Guarasce, seconded by Yerdon, that the Sandy Creek Central School District Board of Education hereby approves the Consent Agenda.

6 yes, 0 no, 1 absent  
Motion carried

**APPROVAL OF MINUTES:**

The approval of the minutes of the Regular Board of Education Meeting held December 19, 2013.

**APPROVAL OF THE CSE RECOMMENDATIONS:**

New York State Education Law and Part 200 of the Regulations of the New York State Commissioner of Education empower Boards of Education to provide suitable educational programs for students with disabilities, upon the recommendation of the Committee on Special Education.

The Committee on Special Education has determined that the children listed on the attached possess disabilities to a degree sufficient to warrant placement in a Special Education Program.

Based upon the committee's decision, the Board of Education accepts the Committee on Special Education's recommendations, and will provide these children with the appropriate programs.

**APPROVAL OF THE FINANCIAL REPORTS:**

To approve the Clerk and Treasurer's Report for the period of November 1, 2013 – November 30, 2013.

To approve the Extracurricular Treasurer's Report for the period of November 1, 2013 – November 30, 2013.

**APPROVAL OF POSITION AUTHORIZATIONS/ABOLISHMENTS, RESIGNATIONS/TERMINATIONS, LEAVES OF ABSENCE, AND APPOINTMENTS:****AUTHORIZATIONS/ABOLISHMENTS:**

None.

**RESIGNATIONS/TERMINATIONS:**

None.

**LEAVES OF ABSENCE:**

None.

**APPROVAL OF APPOINTMENTS:**

To appoint the following **Whole Child Enrichment After School Program Teachers** to commence January 13, 2014, to be paid through the Title VI, Part B (REAP) grant funds.

	<u>Approx. Stipend</u>
Sue Gafner	\$1,624
Brandy Snyder-VanRy	\$1,645
Sarah Orr	\$1,212.25
Candice Clark	\$1,212.25

To appoint **Jonn Stoker** to the position of **Boys Assistant Modified Basketball Coach** for the 2013-2014 Winter Season, to be paid at Step 11 for a stipend of \$2,650.

**REPORTS:****Board Committee Reports/Comments:**

There were no updates to report on the Curriculum and Assessment (CDEP) subcommittee.

There were no updates to report on the Extra Curricular subcommittee.

There were no updates to report on the Facilities and Operations subcommittee.

There were no updates to report on the Finance subcommittee.

There were no updates to report on the Transportation subcommittee.

John Shelmidine discussed the Oswego County BOCES Board of Education.

Stewart Amell presented the Superintendent's Reports/Comments.

Sue Ann Archibee was not present to discuss the Elementary Principal's Reports/Comments.

Carolyn Shirley was not present to discuss the Middle School Principal's Reports/Comments.

Maureen Shiel presented the High School Principal's Reports/Comments.

**DISCUSSION ITEMS:**

Stewart Amell and the Board of Education discussed the Capital Project.

Stewart Amell and the Board of Education discussed Board of Education Training Ideas.

Shelley Fitzpatrick discussed the Budget Calendar for 2014-2015.

Board Members expressed their thankfulness for allowing student workers for custodial services. There have been many families assisted with this program.

Board discussed student athlete code and how it applies to suspension from teams.

**ACTION ITEMS:**

It was moved by Shelmidine, seconded by Guarasce, to approve the following resolution: RESOLVED, upon the recommendation of the Superintendent, to adopt the **2014-2015 Budget Calendar**.

6 yes, 0 no, 1 absent

Motion carried

**EXECUTIVE SESSION**

It was moved by Miller, seconded by Guarasce, to go in to executive session at 7:25 p.m. to discuss a Support Staff grievance issue.

6 yes, 0 no, 1 absent  
Motion carried

**Janet Hanni and Amy Guarasce left the meeting at 7:30 p.m.**

It was moved by Yerdon, seconded by Shelmidine, to return from executive session at 7:40 p.m.

4 yes, 0 no, 3 absent  
Motion carried

**ACTION ITEM**

Upon the motion of Yerdon, seconded by Shelmidine, RESOLVED, the appeal by the **Sandy Creek Support Staff Association regarding Entry Level Hourly Rates is hereby denied** for reasons which include, but are not limited to, the following:

- The language at the end of Appendix B states, in pertinent part, that “the District may start a new employee above the entry level, but not higher than any current employee within that job classification.” This language clearly applies only when the District starts a new employee in the same job classification at a wage above the entry level rate. In this case, the new employee was started at the contractual entry level rate in effect for the job classification at the time of hire: \$9.74 per hour. The District did not start the new employee above the entry level rate. Therefore, the language in Appendix B was neither implicated nor violated when the District started the new cleaner at \$9.74 per hour.
- Even if the language in Appendix B is implicated (it is not), said language only states that a new employee cannot be hired at a rate that is higher than any current employee in the same job classification. Therefore, the remedy for any contract violation would be limited to reducing the new employee's hourly wage to the same rate as grievant- not to increase grievant wage rate to that of the new employee.
- The grievance is premature. The parties have not reached a successor agreement to the expired collective bargaining agreement. Assuming *arguendo* that the language in Appendix B applies to the present grievance, a determination as to whether an alleged contract violation occurred cannot be made until the parties reach a successor agreement and calculate grievant's hourly wage in accordance with said agreement.

And further this resolution shall constitute the written decision of the Board of Education in accordance with the grievance procedure.

4 yes, 0 no, 3 absent  
Motion carried

Upon the motion of Yerdon, seconded by Shelmidine, RESOLVED, the appeal by the **Sandy Creek Support Staff Association regarding Entry Level Hourly Rates is hereby denied** for reasons which include, but are not limited to, the following:

- The language at the end of Appendix B states, in pertinent part, that “the District may start a new employee above the entry level, but not higher than any current employee within that job classification.” This language clearly applies only when the District starts a new employee in the same job classification at a wage above the entry level rate. In this case, the new employee(s) were started at the contractual entry level rate in effect for the job classification at the time of hire: \$9.62 per hour. The District did not start the new employee(s) above the entry level rate. Therefore, the language in Appendix B was neither implicated nor violated when the District started the new teachers aides at \$9.34 per hour.
- Even if the language in Appendix B is implicated (it is not), said language only states that a new employee cannot be hired at a rate that is higher than any current employee in the same job classification. Therefore,

the remedy for any contract violation would be limited to reducing the new employee's hourly wage to the same rate as grievant- not to increase grievant wage rate to that of the new employee.

- The grievance is premature. The parties have not reached a successor agreement to the expired collective bargaining agreement. Assuming *arguendo* that the language in Appendix B applies to the present grievance, a determination as to whether an alleged contract violation occurred cannot be made until the parties reach a successor agreement and calculate grievant's hourly wage in accordance with said agreement.

**ADJOURNMENT:**

It was moved by Yerdon, seconded by Miller, to adjourn at 7:44 p.m.

4 yes, 0 no, 3 absent

Motion carried

**Future Board Meeting Dates**

Worksession Meeting: Thursday, January 23, 2014

Regular Meeting: Thursday, February 13, 2014

Respectfully Submitted,

Shelley H. Fitzpatrick  
District Clerk