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October 15, 2008

VIA FEDERAL EXPRESS DELIVERY

Public Employee Relations Commission
4050 Esplanade Way
Tallahassee, FL 32399-0950

***Re: Seminole Education Association & Seminole County Public Schools
Our File No. 00055-01597***

Dear Sir/Madam:

Enclosed for filing please find an original and one copy of the Unfair Labor Practice charge, filed on behalf of our client the Seminole Education Association against the Seminole County Public Schools in the above-referenced matter.

Sincerely,



Joseph Egan, Jr.

Enclosures

cc: Bill Vogel, Superintendent (*w/Charge Only*)
SEA (*w/Enclosures*)

STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION
4050 Esplanade Way
Tallahassee, Florida 32399-0950
(850) 488-8641

Do Not Write In This Box

CASE NUMBER

CA-

DATE FILED

CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

Submit an original and one (1) copy of this charge to the Public Employees Relations Commission along with proof of simultaneous service upon the other parties. (NOTE: The charge must be accompanied by sworn statements(s), and where applicable, documentary evidence in support of the allegations of the charge. Such supporting evidence and documentary evidence is NOT to be attached to the charge and need not be served upon the other parties.)

The Charging Party alleges that the public employer or its agents named below have engaged in (an) unfair labor practice(s). Charging Party requests the Public Employees Relations Commission to process this charge under its proper authority.

1. NAME OF CHARGING PARTY: Seminole Education Association, Inc.
Phone No. (407) 388-1131 Facsimile (Fax) No. (407) 388-0718
Address: 813 Orienta Avenue
Altamonte Springs, FL 32701
Zip Code
2. CHARGING PARTY REPRESENTATIVE: Gay Parker
Title: President
Phone No. 407-388-1131 Facsimile (Fax) No. 407-388-0718
Address: 813 Orienta Avenue
Altamonte, FL 32701
Zip Code
3. NAME OF EMPLOYER: Seminole County Public Schools
Address: 400 East Lake Mary Boulevard
Sanford, FL 32773-7127
Zip Code
4. EMPLOYER REPRESENTATIVE: Bill Vogel
Title: Superintendent
Phone No. (407) 320-0000 Facsimile (Fax) No. (407) 320-0281
Address: 400 East Lake Mary Boulevard
Sanford, FL 32773-7127
Zip Code
5. The above-named employer or its agents have engaged in (an) unfair labor practice(s) within the meaning of Section 447.501(1)(a) and (c), Florida Statutes.
(list sections)

6. BASIS OF CHARGE: (Specify facts, names, places, dates, etc. If more space is needed, attach additional pages.)

1. Charging Party is the Seminole Education Association (hereinafter the "SEA"), which is the certified bargaining representative of a bargaining unit of instructional and related personnel employed by the public employer, the School Board of Seminole County (hereinafter the "public employer"). The unit is more fully described in Article I of the collective bargaining agreement, a copy of which is attached hereto, incorporated herein, and hereinafter referred to as the "Agreement".
2. The Agreement will by its terms expire on or about June 30, 2010. However, Article XVII of the Agreement provides for reopener negotiations, and the parties are presently in reopener negotiations over the issue of wages. On or about September 16, 2008, the public employer proposed a wage freeze for fiscal year 2009; the public employer's proposal was unacceptable to the SEA's bargaining team, and the parties scheduled a bargaining session for October 8, 2008, at which the SEA's counterproposal on the issue of wages was to be presented.
3. On the eve of the October 8, 2008 bargaining session over wages, the Public Employer, Seminole County Public Schools, delivered to most, if not all, bargaining unit employees a memorandum dated October 6, 2008. Said communication is attached hereto as Exhibit A, incorporated herein, and hereinafter referred to as the "Communication".

*****SEE ATTACHED PAGES FOR ADDITIONAL CHARGES*****

I have read the charge. The statements contained therein are true to the best of my knowledge and belief. A copy of this fully executed form has been mailed or delivered to the representative(s) of the employer and any other party.

Gay Parker

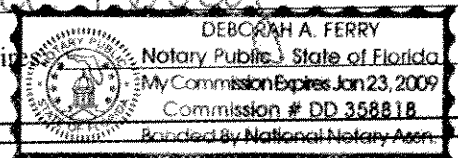
Signature of Charging Party Representative

Sworn to and subscribed before me this 15 day of October, 2008.

Deborah A. Ferris

Notary Public

My Commission expires



**FALSE STATEMENTS MAY RESULT IN FINE AND IMPRISONMENT
PURSUANT TO CHAPTER 837, FLORIDA STATUTES**

ATTACHMENT TO ULP


4. The Communication was delivered to unit personnel two days before the SEA's submission of a counterproposal to the public employer's unacceptable wage freeze proposal for fiscal year 2009, and on its face, by its terms and in effect was unlawful direct dealing, and is otherwise an unlawful direct communication with unit members:
 - a. The Communication was delivered to employees *in the midst of the collective bargaining process over wages*, after existing wage provisions had expired.
 - b. The Communication was delivered to employees *on the Monday, two days prior* to the bargaining session where the SEA was to present its counterproposal on the issue of wages, in response to the public employer's proposal that there be a wage freeze.
 - c. Upon information and belief, the communication was delivered to *all* employees in the bargaining unit.
 - d. The Communication is *replete with hyperbolic language*, including "alarming news", "faltering national and state economies", "deterioration in State general revenues", "low per student State funding", "an unprecedented degree of uncertainty", "this budget crisis", and "these stressful times", among other similar wordage.
 - e. The Communication is not merely informational, but rather purports to have been generated and distributed "*in response to questions we [the public employer] have received* about the economic downturn and its impact on the SCPS budget and to clarify any misunderstandings ...".
 - f. In addition to being generated "in response to questions", the Communication further invited unit personnel to continue the dialogue (all without involvement of the SEA) if employees "have any questions". Indeed, if employees were to "have any questions" they were specifically invited to "please contact me [the Superintendent personally] by email at bill.vogel@scps.us).
 - g. The Communication closes with the public employer's "thank[s] to the individual reader for his/her "continued commitment to our students during these stressful times as *we seek to find solutions to our [unspecified] financial challenges.*"
 - h. The SEA is nowhere mentioned in the Communication.
 - i. The SEA was not provided the Communication in advance, but rather learned of it only through complaints and objections of bargaining unit members.
 - j. Considered in context and in its totality, the Communication had the purpose and effect of encouraging employees to withdraw or abandon their support of the certified bargaining agent, including the SEA's position at the bargaining table with respect to wages, to wit: opposition to the wage freeze proposed by management.

5. As a remedy, it is requested that the Employer be ordered to cease and desist from engaging in direct dealing and bad faith bargaining or similar conduct as alleged in the Charge. In addition Charging Party seeks costs and reasonable attorneys fees as provided by law.

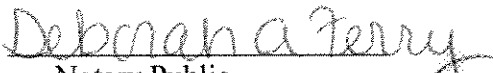
State of Florida
County of Seminole

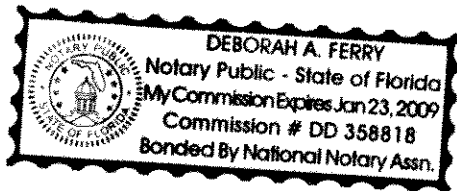
Before the undersigned authority appeared Gay Parker who upon duly sworn did state as follows:

I am an employee of the Seminole County Public Schools. I am president of the Seminole Education Association. I have participated in negotiations between the parties and am knowledgeable about the matters discussed in the charge. I have read the allegations contained in the charge and they are true and correct.


Gay Parker

Sworn to and subscribed
before me this 15 day
October 2008.


Notary Public
State of Florida, at large.



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MEMORANDUM

TO: INSTRUCTIONAL PERSONNEL, PROFESSIONAL SUPPORT STAFF AND ADMINISTRATORS

FROM: BILL VOGEL, SUPERINTENDENT

DATE: OCTOBER 6, 2008

RE: BUDGET UPDATE

EXHIBIT A

It seems like every time we turn on the television or read the local newspaper we receive more alarming news about the faltering national and state economies. In fact, according to the Florida Department of Economic and Demographic Research, Florida's growth is decelerating. The state Gross Domestic Product (GDP) ranks Florida 47th in the nation (out of 50) in real growth. (Florida was 12th in 2006 and 2nd in 2005.)

In response to questions we have received about the economic downturn and its impact on the SCPS budget and to clarify any misunderstandings, we wanted to share the following information with you.

(1.) The SCPS formula revenues have been cut \$30.5 million (6.5%) since the beginning of the 2007-2008 fiscal year. Revenues were reduced from \$469.3 million (2007-2008) to \$438.8 million (2008-2009).

(2.) Budget cuts have been made in every area, including teachers, support staff, and administration. A total of 340 positions have been eliminated to address the revenue shortfall.

(3.) In addition to the \$30.5 million reduction, we were recently notified that a further deterioration in State general revenues has taken place. Since approximately 50% of K-12 education revenue comes from general revenue (primarily sales tax revenue), SCPS is directly affected by shortfalls in this funding source. The Florida Commissioner of Education has notified all of the school districts that they should prepare for a further mid-year revenue reduction of 2% in formula funding, which represents \$8.8 million for SCPS. No budget cuts have yet been made to accommodate this additional reduction that most likely will take place this school year.

(4.) The State projected an SCPS enrollment of 64,566 students (FTE) for 2008-2009. In anticipation of a further decline in enrollment (down to 64,000), SCPS reserved \$2.8 million to cover the potential loss in revenue. Though the official enrollment count won't be validated by the State Department of Education until the end of October, it appears as if the actual student counts may be close to the actual projection figure of 64,566. If this is the case, a substantial portion of the \$2.8 million reserve will be used to add the additional personnel (primarily teachers) needed for the additional students. The balance of the \$2.8 million will most likely be needed towards covering the mid-year deficit that the Florida Commissioner of Education forecasts.

State Projection for SCPS:	64,566
SCPS prepared and staffed for:	<u>64,000</u>
	566 students = \$2.8 million

(5.) An additional ongoing challenge faced by SCPS is its relatively low per student State funding. On a per student basis, SCPS is ranked 58th out of the 67 Florida school districts in funding (57 school districts receive a higher amount of per student funding than SCPS). The SCPS funding rank for the prior year (2007-2008) was 48th.

There is an unprecedented degree of uncertainty surrounding K-12 funding going forward for the current and future years. Among the unresolved questions are:

- How will the national financial crisis affect the Florida economy (which already had been deteriorating) and the K-12 revenue sources, primarily sales taxes and property taxes?
- There is a strong probability that the Florida Legislature will hold a mid-year special session to address the budget shortfall (primarily due to declining sales tax collections). Will the Legislature offset some of the current year deficit with State reserve funds or continue to put the financial reduction burden on the local school district?
- Will the Legislature provide additional sources of revenue for K-12 education for the next fiscal year or continue the process of cutting education funding?

I want to thank all of you who have helped mitigate this budget crisis through your support of various initiatives. Your support of higher room temperatures which translate into significant electric savings, the Health Risk Assessment where we can reduce insurance premium dollars and our campaign to recruit more students to our schools are all examples which are helping address this budget problem.

If you have any questions, please contact me by email at (bill_vogel@scps.us). Thank you for your continued commitment to our students during these stressful times as we seek to find solutions to our financial challenges.

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