

USEA LEGISLATIVE UPDATE
February 27, 2009

ALERT!

At present, districts must, for employees eligible for membership in the state retirement system, contribute 1.5% of the employee's salary into a 401(k). **SB 195, "Public Employee Defined Contribution Amendments,"** (Sen. Dan Liljenquist) would suspend this contribution for FY 2010(July 2009 through June 2010), at a projected saving of \$21 million.

USEA opposes this bill because it further reduces employee compensation. At the least, the decision on whether to suspend this benefit should be left to local districts, in consultation with their employees.

This bill will be heard in committee Friday afternoon, February 27.

Contact your senator or representative to voice your opposition to this bill.

Budget/funding issues:

Although not as bad as some had feared, the latest revenue projections still indicate less revenue for both the present 2008-09 and upcoming 2009-10 fiscal years. The Legislature may feel further cuts to existing programs are necessary to balance the budget.

Information available Thursday indicates that further reductions to the FY 2010 budget may be reduced by approximately 1.5% (resulting in total cuts since the special session last September of approximately 17.5%). This contemplates no use of rainy day funds, set-aside funds, stimulus funds, or other one time funding. Public education will be reduced by the equivalent of five days: we understand this will be five teacher preparation or quality teaching days so the actual time students are in school will not be reduced. We also understand that flexibility on how to apply these cuts will be given to individual districts.

The present legislative intent is that no rainy day funds or set asides will be used to "backfill" for FY 2009 or FY 2010.

Pending bills of interest

HB 328 "Teacher Quality Amendments" Rep. Greg Hughes (R Draper): This bill authorizes districts to propose pilot programs to distribute performance pay. Forty percent

of the assessment of performance must be based on “student achievement.” The pilot programs would be paid for with \$300,000 per year from the Uniform School Fund.

The original bill was limited to teachers only. After USEA contacted Rep. Hughes to discuss the contributions of classified employees, he agreed to amend his bill to include all classroom-related staff, both licensed and classified, and did so when he presented the bill on the floor of the House.

This bill passed the House and has been sent to the Senate.

HJR 13 “Joint Resolution: Teacher Performance Pay” Rep. Marie Poulson (D Salt Lake): This resolution, if passed, would express the Legislature’s support for performance pay for teachers. Again, even though the bill encourages performance pay to reward student achievement, it excludes ESPs.

We think that ESPs should be included in any performance pay plan based on student achievement because:

When districts developed performance pay plans last year in response to SB 281, the overwhelming majority included at least some of their ESPs;

Including all employees encourages better schools, not just better teachers;

Education support professionals are substantial stakeholders in any performance pay plan. They will have to work alongside those teachers who are awarded performance pay. The money for that performance pay will reduce the funds available for other purposes in a district.

Excellent support helps all teachers do better;

Student achievement is the result of parental support and all employees’ efforts: teachers don’t do it by themselves;

USEA contacted Rep. Poulson and asked her to amend her bill to allow participation by all school employees: she declined to make any changes.

USEA testified in opposition to HJR 13 for these reasons.

This bill passed out of the House Education Committee and was passed by the House on February 23.

1st Sub. HB 260 “School Employee Termination Amendments” (Rep. Carl Wimmer (R. Herriman)): The first version of this bill would have repealed the Orderly School Termination Procedures Act, which gives school employees, including ESPs, career status and protection from arbitrary terminations. The major provisions of the substitute

bill would increase the probationary period for school employees from three years to five years, and allow probationary employees to be terminated for any reason.

USEA opposes this bill.

Rep. Wimmer has stated that he intends to send this issue to interim for further study. USEA will continue to monitor the status of the Act and work with legislators to make sure the protections of the Act remain for ESPs.

1st Sub. HB 73, “Vehicle Operator Turn off Requirements” (Rep. Fred Hunsaker):

This bill would require operators of slow moving vehicles (defined as a vehicle that is “proceeding at a rate of speed less than the normal flow of traffic”) must pull over and allow following vehicles to pass. Although commercial vehicles and maintenance equipment are exempted, school busses are not.

This bill did not pass out of committee but has not yet been filed, so it may come back later in the session.

1st Sub. HB 210, “Posting of Collective Bargaining Agreements by School Districts and Charter Schools.” (Rep. K. Sumison): this bill would require that school districts post copies of any collective bargaining agreements between it and its employees to its website.

USEA takes the position that this bill is unnecessary, as these agreements are already public documents.

This bill has passed the House and is now in the Senate.

1st Sub. HJR 8, “Joint Resolution Regarding Secret Ballot” (Rep. Carl Wimmer (R. Herriman): This bill proposes an amendment to the Utah state Constitution adding language (underlined) to the provision guaranteeing a secret ballot:

All elections, including elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee representation,
shall be by secret ballot.

The bill is presently “circled” on the House third reading calendar, meaning that it can be “uncircled” at any time for immediate action by the House.

HB 381, “Public Education Law Revisions - Association Leave” (Rep. C. Herrod): this bill would eliminate all paid release time for employee association officers and require the employee to reimburse their district for any costs incurred by the district if the employee took unpaid leave for association purposes.

USEA opposes this bill because paid release time for association officers benefits both the association and the district through more efficient administration and representation.

Association officers sit on insurance and benefit committees, policy review panels, and other advisory bodies, and facilitate efficient resolution of employee relations problems.

This bill will be heard in committee Friday afternoon, February 27.

Legislative Contact Information

You can contact your State Representatives and Senators by phone, email or letter. The important thing is that legislators hear from you, their constituent. Be respectful but let them know what you think.

If you need assistance in contacting your legislators, call USEA at 801-269-9320 or 1-800-662-6544; go to the USEA website at www.useautah.org or the legislative website at www.le.state.ut.us

House of Representatives

<http://www.le.state.ut.us/house/members/membertable1add.asp>

Senate

<http://www.utahsenate.org/perl/roster2009.pl>