



April 19, 2018

John Stratton
Executive Director
Business Services
Hernando County School Board

RE: Cease and Desist—Unilateral Implementation of staffing decisions at Moton Elementary School

Dear Mr. Stratton,

This cease and desist letter is to inform you the announcement made on April 13, 2018, outlining new staffing decisions at Moton Elementary School constitutes a unilateral change in terms and conditions of employment, as established PERC In re Levy County School Board, 5 FPER ¶ 10213 (1979). We ask that HCSB abandon this decision to re-staff all current positions at Moton Elementary School—and follow the HCTA contract which outlines procedures for involuntary transfers and reappointment of annual contract teachers.

Please inform us on what statutory authority HCSB believes they can make this unilateral change at this time. Absent any statutory authority, this is a mandatory subject of bargaining that must be negotiated per Florida labor law.

At this time, Moton Elementary is in the first year of a 3 year turnaround plan. To that end, the district is not subject to DOE intervention strategies for consistently underperforming schools until the beginning of the 19-20 school year. During this time, the HCTA contract and all of its provisions remain in full force for Moton Elementary. Moreover, even if these actions were a management right—which we deny they are—said actions directly impact terms and conditions of employment and, per FS 447 (1)(a) and (c), would be subject to union and management negotiation prior to implementation. Indeed, PERC has held that an employer must provide a union with “significant opportunity” to bargain over the impact of a management decision” (445 So.2d 604 (Fla. 1st DCA 1984). HCTA wants to work with the District to improve MES, but we will not abandon our duty to advocate for what is best for MES teachers and students, consistent with Florida Statutes and our collective bargaining agreement, in the name of getting along. If the goal of the district’s action was to help a struggling school, HCTA believes it missed the mark. Moton Elementary needs consistency and support. Starting from scratch when MES has yet to complete year 1 of a 3 year turnaround plan is not an effective way of supporting this school.

HCTA will pursue any and all legal remedies available to us, including filing an Unfair Labor Practice with PERC if this decision is not rescinded and future changes for Moton during their turnaround plan be negotiated with HCTA.

Please contact me at your earliest convenience to discuss this.

Sincerely,

Kevin Oliveira

Kevin Oliveira

Executive Director
Hernando Classroom Teachers' Association

Cc; Kathy Marcucci, Bargaining Chair
Vince La Borante, HCTA President