

Teachers Association of Lee County
6830 International Center Boulevard
Fort Myers, FL 33912
239.275.TALC
www.islandcoast.org/talc



Dr. Angela Pruitt
Chief Negotiator, Chief Human Resources Officer
Lee County School District
2855 Colonial Blvd.
Fort Myers, FL 33966

May 14, 2021

Dr. Pruitt,

I am writing you in response to the April 28, 2021 *Notice of District Mandated Restructuring* ("Notice") of Department of Juvenile Justice ("DJJ") locations. The changes proposed in the Notice would result in several direct bearings on employee wages, hours, and terms and conditions of employment, which must be addressed at the bargaining table with TALC. If implemented, bargaining unit employees will be working fewer hours, receiving a lower annual salary, and will lose the ability to earn and use vacation time, which also has a direct financial impact on them. Additionally, hours, salaries and vacation time are not the only mandatory subjects of bargaining which the Notice would alter unilaterally and unlawfully. See *School Board of Orange County v. Palowitch*, 367 So.2d 730, 731 (Fla. 4th DCA 1979) ("*We agree with the determination of P.E.R.C. that ' . . . unilateral action taken by an employer to change the length of the work year is a per se violation of the duty to bargain collectively.'*")

Moreover, the District's Notice is in direct violation of article 7.03(4)(a) of the TALC Collective Bargaining Agreement (CBA) since the CBA guarantees a jointly developed 255-day calendar between DJJ administration and employees. Accordingly, the District is not at liberty to reduce the DJJ school year to less than 255 days unilaterally. The CBA further requires that the calendar be approved by the TALC Labor/Management Committee, which the proposed Notice would also bypass, contrary to CBA article 7.03(4)(a).

In addition, the Labor/Management Committee step in the contractual process for DJJ school year changes is not a substitute for negotiations with TALC, even though it is one of the prerequisites. Any agreement reached by the TALC Labor/Management Committee must still receive the approval of TALC at the bargaining table before implementation. See *School District of Polk County v. Polk Education Ass'n*, 100 So. 3d 11 (Fla. 2d DCA 2011).

In short, the District does not have the unilateral authority to make changes to the CBA or to mandatory subjects of bargaining, in general. TALC therefore demands that the District cease and desist from implementing its proposed changes, as set forth in its April 28, 2021 Notice. However, TALC is willing to discuss the issue at the bargaining table.

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Please feel free to contact me with any questions.

Sincerely,

Kerr Fazzone, Ph.D.
Service Unit Director, Island Coast FEA

Cc: Kevin Daly, TALC President
Elizabeth Peterson, Director, Island Coast FEA
Will Rothenberg, Director, Compensation and Labor Relations