

**WINTHROP SCHOOL COMMITTEE
AND
WINTHROP ADMINISTRATORS ASSOCIATION
MEMORANDUM OF AGREEMENT
January 2019**

NOW COME, the Winthrop School Committee (hereinafter “Committee”) and the Winthrop Administrators Association (hereinafter “Union”) who enter into the following Agreement.

WHEREAS, the parties seek to maintain an harmonious relationship;

WHEREAS, the parties seek to amend their current agreement dated September 1, 2015 to August 31, 2018 and enter into a one year extension of their collective bargaining agreement to cover the period September 1, 2018 through August 31, 2019;

NOW THEREFORE, for good and valuable consideration the parties agree as follows:

1. ARTICLE 1 RECOGNITION

Amend Section 4 to read as follows:

~~Part Time Title One Director~~/ Full Time Grants Coordinator

2. ARTICLE XIX PERSONAL LEAVE

- Section 1 is amended to increase the number of personal days from two (2) to three (3) days only one of which will be deducted from sick leave.
- Add a New Section that provides: The Committee agrees to allow members of the bargaining unit to use up to three (3) flex days during the one hundred and eighty (180) day academic school year subject to the following conditions: 1.) the flex day may not occur on scheduled MCAS days; 2.) the request is subject to the discretion of the Superintendent or her designee; 3.) the flex make up day must be scheduled with the Principal before the flex day is taken; and 4.) the bargaining unit member shall be required to work the number of days for their position as set out for their work year contained in Appendix A.

3. ARTICLE XXVII AGENCY SERVICE FEE

Delete the entire Article and renumber the following Articles.

4. APPENDIX A

Compensation

Grants Coordinator:

Delete the following:

~~If the School Department offers a program that requires the Grants Coordinator, the Coordinator shall receive a stipend of \$1500 (30 classes @\$25.00 per hour x 60 hours).~~

Add the following:

The compensation of the Grants Coordinator shall be: \$69,519 (Grant Funded)

The work day and work year for the Grants Coordinator shall be:

219 days per year 7.5 hours per day. The position requires flexible scheduling related to program reviews, onsite meetings, DESE required meetings, staff and administration contact time.

Salary Increase: The positions in the bargaining unit shall receive a 1% wage increase retroactive to September 1, 2018 and will receive a 1% wage increase on August 31, 2019.

Work Year and Work Day shall be amended to read as follows:

	<u>Assistant principals</u>	<u>CET</u>	<u>Athletic Director</u>
2017-2018	198	190	205

Length of the work day is amended to read as follows

The CET's at the Elementary Schools will work sixty (60) minutes beyond the length of the student day. The Assistant Principals and CET's at the Middle School/High School shall continue to work seventy-five (75) minutes beyond the length of the student day. The Principal of each school will confer with the administrators of each school to determine how the time after the student day shall be scheduled.

5. APPENDIX D:

Amend Appendix D: Add the following CORI Review Policy See Attachment.

6. MISCELLANEOUS:

1. The remaining provisions of the 2015-2018 collective bargaining agreement shall remain in effect except as modified by this Memorandum of Agreement.

2. The parties withdraw all of their remaining proposals not addressed in this Memorandum of Agreement.
3. This Memorandum of Agreement is subject to approval by the Winthrop School Committee and ratification by the Winthrop Administrators Association.

Winthrop Administrators Association.

Winthrop School Committee

Jennifer Powell

James Fabiano

Brian Perrin

**CRIMINAL OFFENDER RECORDS INFORMATION
(CORI) REVIEW POLICY**

BACKGROUND CHECKS

It shall be the policy of the school district that, as required by law, a state and national fingerprint criminal background check will be conducted to determine the suitability of full or part time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The School Committee shall only obtain a fingerprint background check for current and prospective employees for whom the School Committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the School Committee shall review the results of the national criminal history check. The Superintendent shall also obtain a state and national fingerprint background check for any individual who regularly provides school related transportation to children. The School Committee, Superintendent or Principal, as appropriate, may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the School Committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may have direct and unmonitored contact with children must continue to submit state CORI checks.

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available Criminal Offender Record Information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication.

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Requesting CHRI (Criminal History Record Information) checks

Fingerprint-based CHRI checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. If an

applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

Access to CHRI

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any

purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Federal law and regulations provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

Storage of CHRI

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent CJIS Security Policy have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards.

In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the policy on the storage, retention and destruction of CHRI.

Retention and Destruction of CHRI

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes *only*:

Historical reference and/or comparison with future CHRI requests,
Dispute of the accuracy of the record
Evidence for any subsequent proceedings based on information contained in the
CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the superintendent. When no longer needed, CHRI and any summary of CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

CHRI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at the district will review and become familiar

with the educational and relevant training materials regarding SAFIS and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

Determining Suitability

In determining an individual's suitability, the following factors will be considered: these factors may include, but not necessarily be limited to: the nature and gravity of the crime and the underlying conduct, the time that has passed since the offense, conviction and/or completion of the sentence, nature of the position held or sought, age of the individual at the time of the offense, number of offenses, any relevant evidence of rehabilitation or lack thereof and any other factors deemed relevant by the district.

A record of the suitability determination will be retained. The following information will be included in the determination:

- The name and date of birth of the employee or applicant;
- The date on which the school employer received the national criminal history check results; and,
- The suitability determination (either "suitable" or "unsuitable").

A copy of an individual's suitability determination documentation must be provided to another school employer, or to the individual, upon request of the individual for whom the school employer conducted a suitability determination.

Relying on Previous Suitability Determination.

The school employer may obtain and may rely on a favorable suitability determination from a prior employer, if the following criteria are met:

The suitability determination was made within the last seven years; and

The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either

The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his or her employment for school employers; or

If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

Adverse Decisions Based on CHRI

If inclined to make an adverse decision based on an individual's CHRI, the district will take the following steps prior to making a final adverse determination:

Provide the individual with a copy of his/her CHRI used in making the adverse decision;

Provide the individual with a copy of this CHRI Policy;

Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI;

and

Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty days to correct or complete the CHRI.

Secondary Dissemination of CHRI

If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI.

The following information will be recorded in the log:

Subject Name;
Subject Date of Birth;
Date and Time of the dissemination;
Name of the individual to whom the information was provided;
Name of the agency for which the requestor works;
Contact information for the requestor; and
The specific reason for the request.

Reporting to Commissioner of Elementary and Secondary Education

Pursuant to state law and regulation, if the district dismisses, declines to renew the employment of, obtains the resignation of, or declines to hire a licensed educator or an applicant for a Massachusetts educator license because of information discovered through a state or national criminal record check, the district shall report such decision or action to the Commissioner of Elementary and Secondary Education in writing within 30 days of the employer action or educator resignation. The report shall be in a form requested by the Department and shall include the reason for the action or resignation as well as a copy of the criminal record checks results. The superintendent shall notify the employee or applicant that it has made a report pursuant to the regulations to the Commissioner.

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to regulations, the Superintendent shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The school employer shall notify the employee or applicant that it has made a report pursuant to regulations to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

The attached Statewide Applicant Fingerprint Identification Services (SAFIS) Form will be given to school employees who must comply with the background check policy.

Winthrop Public Schools
Town Hall
One Metcalf Square
Winthrop, MA 02152

REQUIRED

**STATEWIDE APPLICANT FINGERPRINT IDENTIFICATION SERVICES
(SAFIS)**

As part of the Commonwealth of Massachusetts Statewide Applicant Fingerprint Identification Services (SAFIS) program, all school employees must go through a state and national criminal history record check.

In order to comply with this program, all employees must go to the following website <http://www.identogo.com/FP/Massachusetts.aspx>. The site will provide information and closest location (Beverly, Dorchester, Tewksbury or Wilmington) to make an appointment to have your criminal record check completed, which includes fingerprinting. At the time of your fingerprinting, you will receive a receipt which is proof that you have completed the process. This receipt needs to be returned to the Superintendent's office.

Winthrop Public Schools ID# 03460000

Name of Applicant _____
(please print)

Position _____

School _____