

GARFIELD HEIGHTS BOARD OF EDUCATION  
GARFIELD HEIGHTS, OHIO

RECORD OF PROCEEDINGS  
Minutes – Special Board Meeting  
April 13, 2020

The Board of Education of the Garfield Heights City School District met for a special session on Monday, April 13, 2020 virtually at 6:00 p.m. with Mr. Joseph M. Juby, President of the Board, presiding.

ROLL CALL

Present: Mr. Juby, Mrs. Kitson, Mrs. Mrs. Daniels, Ms. Thomas, Mrs. Tucker

Absent:

❖ **OATH OF OFFICE**

Treasurer Sluka administered the Oath of Office to the Vice President, Mrs. Christine Kitson.

**RECOMMEND ADOPTION OF AGENDA AS PRESENTED**

Moved by Mrs. Kitson, seconded by Ms. Thomas to approve the agenda as adopted.

Ayes: Kitson, Thomas, Daniels, Tucker, Juby

Nays: None

Moved by Mrs. Kitson, seconded by Mrs. Daniels to approve Resolution No. 2020-09, A Resolution Of The Board To Carry Out Board Meetings Via Electronic Means During The Covid-19 State Of Emergency as presented in Exhibit A.

Ayes: Kitson, Daniels, Thomas, Tucker, Juby

Nays: None

Moved by Mrs. Tucker, seconded by Mrs. Kitson to approve a 36-month Fiber Lease Agreement with Wide Open West d/b/a WOW effective July 1, 2020.

Ayes: Tucker, Kitson, Daniels, Thomas, Juby

Nays: None

Mr. Hanke reported to on Teacher contact with students and students completing work:

High School	94% Teacher Contact Made	67% Students Completing Work
Middle School	94% Teacher Contact Made	84% Students Completing Work
Maple Leaf	88% Teacher Contact Made	60% Students Completing Work
William Foster	95% Teacher Contact Made	70% Students Completing Work
Elmwood	95% Teacher Contact Made	75% Students Completing Work

To date, 1320 Chromebooks have been passed out with 200 more being distributed tomorrow. Dr. Dupree is working with staff to make sure we have 100% contract with students.

**EXECUTIVE SESSION**

Moved by Mrs. Kitson, seconded by Mrs. Daniels to enter into executive session at 6:10 p.m. to discuss evaluation of personnel and negotiations.

Ayes: Kitson, Daniels, Thomas, Tucker, Juby  
Nays: None

Adjourned from Executive Session at 7:47 p.m.

Moved by Mrs. Kitson, seconded by Mrs. Daniels to approve Resolution No. 2020-10, A Resolution Maintaining Employment And Compensation Of Regular Non-Teaching Employees Through May 1, 2020 as presented in Exhibit B.

Ayes: Kitson, Daniels, Thomas, Tucker, Juby  
Nays: None

Moved by Mrs. Tucker, seconded by Ms. Thomas to approve Resolution No. 2020-11, A Resolution Maintaining Employment And Compensation Of Regular Non-Teaching Adopting A Memorandum Of Understanding With The Garfield Heights Teachers' Association Regarding The Compensation Of Certain Bargaining Unit Members With Supplemental Contracts And Abolishment Of Certain Supplemental Contracts For The 2019-2020 School Year as presented in Exhibit C.

Ayes: Tucker, Thomas, Daniels, Kitson, Juby  
Nays: None

Moved by Mr. Juby, seconded by Mrs. Kitson to remove line item 6 from the agenda. A Resolution Adopting A Memorandum Of Understanding With The Garfield Heights Teachers' Association Regarding Additional Service Experience Credit Or Steps Based On Past Teaching Experience To Eligible Teachers as presented in Exhibit D.

Ayes: Juby, Kitson, Daniels, Thomas, Tucker  
Nays: None

Moved by Mrs. Daniels, seconded by Mrs. Kitson to adjourn at 7:52 p.m.

Ayes: Daniels, Kitson, Thomas, Tucker, Juby  
Nays: None

  
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President

  
\_\_\_\_\_  
Treasurer

**RESOLUTION NO. 2020-09**

**A RESOLUTION OF THE BOARD TO CARRY OUT BOARD MEETINGS VIA ELECTRONIC MEANS DURING THE COVID-19 STATE OF EMERGENCY**

**WHEREAS**, on March 9, 2020 the Governor of the State of Ohio issued Executive Order 2020-01D (the "Order"), declaring a state of emergency to protect the well-being of the citizens of the Ohio from the dangerous effects of COVID-19; and

**WHEREAS**, subsequent to issuance of the Order, the legislature put in place uncodified emergency provisions via passage of Ohio House Bill (HB) 197 ("HB 197") providing public bodies the authority to hold and attend meetings by means of teleconference, video conference, or any other similar electronic technology ("electronic means") in lieu of carrying out such meetings in person; and

**WHEREAS**, HB 197 provides public bodies the authority to carry out meetings by such electronic means during the period of the emergency declared by the Order issued March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date; and

**WHEREAS**, HB 197 provides that board members attending meetings by electronic means are considered present as if they were attending in person, are permitted to vote, are counted for quorum, and any public action taken by such electronic means under such emergency provisions has the same effect as if it were taken in an open meeting of the public body; and

**WHEREAS**, the important governance functions and public business of public bodies still must continue even in the exigent circumstances created by the COVID-19 outbreak; and

**WHEREAS**, the Board, in an effort to continue the important public business of the public body while still safeguarding the health and well-being of the all members of the school district community, wishes to avail itself of the opportunity to hold and attend meetings by electronic means in order to carry out such important governance functions and public business in compliance with HB 197 and all other requirements set forth by Ohio's Open Meetings Act ("OMA") that are not in conflict with the provisions of HB 197; and

**WHEREAS**, pursuant to Board policy BFF, Suspension of Policies, Ohio Revised Code (RC) 3313.20 and HB 197, and due to challenges created by the necessity to carry out such meetings by electronic means, the Board wishes to temporarily suspend its policy BDDH, Public Participation at Board Meetings (Also KD), relevant provisions of its policy BDDF, Voting Method with regard to in-person voting requirements, relevant portions of its policy 0131, Legislative, with regard to being physically present requirements, and any and all other provisions of Board policies and procedures that are in conflict with the provisions of HB 197 for the duration of the applicability of the emergency provisions; and

**WHEREAS**, the Board strongly agrees with and abides by the standards set forth by OMA, including such emergency provisions as set forth by HB 197, and endeavors to fully comply with its requirements to the extent possible in light of the exigent public health and safety circumstances

created by the COVID-19 epidemic through compliance with OMA provisions not in conflict with the provisions of HB 197.

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Ohio House Bill (HB) 197 ("HB 197"), the Board shall carry out its meetings either by a combination of in person attendance (with appropriate social distancing, limitation on the number of in-person attendees, and safety precautions to the extent possible) paired with electronic attendance, or solely by the electronic means set forth in the emergency provisions for the duration of the exigent circumstances created by the COVID-19 outbreak, but not beyond December 1, 2020.

**BE IT FURTHER RESOLVED**, that the Board hereby suspends its policy BDDH, Public Participation at Board Meetings (Also KD), relevant provisions of its policy BDDF, Voting Method with regard to in-person voting requirements, relevant portions of its policy 0131, Legislative, with regard to being physically present requirements, and any and all other Board policies and procedures in conflict with the provisions of HB 197 for purposes of compliance with Ohio's Open Meetings Act ("OMA") for the duration of the applicability of such emergency provisions.

**BE IT FURTHER RESOLVED**, that the Board President, the Superintendent (or his designee), Chief Operating Officer, and/or the Treasurer are authorized and directed to take all other such actions as are necessary or appropriate to accomplish the objectives of this Resolution.

**BE IT FURTHER RESOLVED**, that it is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an electronic meeting of this Board in full compliance with the provisions of HB197, and that all deliberations of this Board and any of its committees that resulted in such formal action took place in a meeting open to the public by electronic means or in executive session as permitted by Ohio law.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect and be in force from and after the earliest period allowed by law.

**RESOLUTION 2020-10**

**MAINTAINING EMPLOYMENT AND COMPENSATION  
OF REGULAR NON-TEACHING EMPLOYEES THROUGH MAY 1, 2020**

WHEREAS, on March 12, 2020, the Governor of Ohio announced that, due to the outbreak and spread of coronavirus (COVID-19), schools in the State of Ohio, including the Garfield Heights City School District (the "District") will be closed to students from March 16, 2020 through April 3, 2020 and the Governor subsequently extended such closure to students through May 1, 2020; and

WHEREAS, given this directive, and subject to the express terms set forth below, the Board has determined to retain its non-teaching staff during this period of time and outline the compensation terms of such employees; and

WHEREAS, representatives of the OAPSE bargaining have indicated that they are in agreement with the terms set forth below; and

WHEREAS, the Superintendent has and will continue to assign duties for the District's non-teaching employees in furtherance of maintaining facilities and operations.

NOW THEREFORE BE IT RESOLVED, by the Garfield Heights Board of Education, as follows:

1. For the period of time from March 16, 2020 through May 1, 2020, the District will continue the employment and compensation of all regularly employed non-teaching personnel (based on their regularly contracted work hours and work days), including OAPSE members and non-bargaining unit employees, conditioned upon the following:
  - a. Each such employee remains available during their normally scheduled work hours/workdays and will report to work as determined by the Superintendent.
  - b. Each such employee will not accept other employment during their regularly scheduled work hours/workdays.
  - c. Non-teaching employees may be requested to perform duties not normally within the specific confines of the employee's job description, assuming such employees have the necessary skills and qualifications to perform said duties.
  - d. Any employee who is summoned to work on any day between March 16, 2020 through May 1, 2020 will receive his/her regular rate of pay for hours worked and will not be entitled to any "calamity day" pay or additional compensation of any nature whatsoever for such work, including but not limited to shift differential pay, call-in/report pay or any other premium pay, except as required by federal law for overtime (if applicable). However, given the unique nature of the current District operations with regard to providing meals for the free/reduced lunch population in

the community, the Board authorizes the Superintendent and Treasurer to apply Section 27.3 of the OAPSE Agreement regardless of whether hours worked occur within or outside of regularly contracted work hours.

- e. During the period of March 16, 2020 through May 1, 2020, members of the Association who may not be available to report to work on a particular day of their contracted work hours and workdays, must still submit an appropriate leave request (e.g., sick, vacation, personal, FFCRA, etc.) to be absent on any such day.
2. The Board's commitment to maintain the employment of and compensate its regular nonteaching employees may be revoked at any time if any employee or group of employees takes action to challenge the terms set forth above. If such a challenge occurs, the Board hereby authorizes the Superintendent to declare this Resolution null and void immediately and provide notice of the same to the affected employees.
3. The Superintendent and Treasurer are further authorized to take whatever actions are necessary to comply with this Resolution, as well as state, federal and/or local laws and regulations as they relate to the maintenance of a safe and secure work environment for all employees.

**RESOLUTION No. 2020-11**

**A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING WITH THE  
GARFIELD HEIGHTS TEACHERS' ASSOCIATION  
REGARDING THE COMPENSATION OF CERTAIN BARGAINING UNIT MEMBERS  
WITH SUPPLEMENTAL CONTRACTS AND ABOLISHMENT OF CERTAIN  
SUPPLEMENTAL CONTRACTS FOR THE 2019-2020 SCHOOL YEAR**

**WHEREAS**, the Board is a party to a collective bargaining agreement entered with the Garfield Heights Teachers' Association, an affiliate of the Ohio Education Association, the National Education Association, and the Northeast Ohio Education Association (the "Association") for the period from July 1, 2018 through June 30, 2020 ("Negotiated Agreement");

**WHEREAS**, Article XVII (Supplemental Assignments), Article XVIII (Supplemental Salary Schedule), as well as Appendix G (Supplemental Salary Schedule) of the Negotiated Agreement establish terms and conditions relative to supplemental contracts, including terms governing the compensation of bargaining unit members who hold such supplemental contracts under the Negotiated Agreement;

**WHEREAS**, Article 17.3 states, "This negotiated agreement does not guarantee that supplemental assignments and positions, in part or in whole, be in existence or filled over the duration of this contract."

**WHEREAS**, the Director of Health issued an order, which indicated that due to the outbreak and spread of coronavirus (COVID-19), schools in the State of Ohio, including the Garfield Heights City School District (the "District"), will be closed to students for an extended period of time up to and through May 1, 2020;

**WHEREAS**, given this directive, the Board has proposed an agreement or memorandum of understanding regarding certain provisions of the Negotiated Agreement related to the compensation of bargaining unit members who hold supplemental contracts;

**WHEREAS**, Ohio Revised Code Section 3313.17 permits the Board to enter into contracts and agreements; and

**WHEREAS**, the Board desires to enter into a memorandum of understanding to modify the Negotiated Agreement as set forth by representatives of the parties.

**NOW, THEREFORE, BE IT RESOLVED** by the Board:

Section 1. That the Board hereby adopts the memorandum of understanding ("MOU") that is attached hereto, and which is incorporated herein by reference, and hereby approves the proposed modifications to the Negotiated Agreement as set forth in the MOU.

Section 2. The Board hereby authorizes the Superintendent (or his designee(s)) to effectuate the MOU with the Association and to take all actions as may be necessary to implement this Resolution.

Section 3. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public or in executive session as permitted by Ohio law.

Section 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

**RESOLUTION NO. 2020-12**

**A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING WITH THE  
GARFIELD HEIGHTS TEACHERS' ASSOCIATION  
REGARDING ADDITIONAL SERVICE EXPERIENCE CREDIT OR STEPS  
BASED ON PAST TEACHING EXPERIENCE TO ELIGIBLE TEACHERS**

**WHEREAS**, the Board and the Association are parties to a collective bargaining agreement for the period of July 1, 2018 through June 30, 2020 ("Negotiated Agreement")

**WHEREAS**, the Parties have negotiated and agreed to the terms in a Memorandum of Understanding ("MOU") to resolve the issues related to the placement of certain teachers on the teaching salary schedule(s) regarding service experience credit and to grant additional teaching experience to the Eligible Teachers; and

**WHEREAS**, Ohio Revised Code Section 3313.17 permits the Board to enter into contracts and agreements.

**NOW THEREFORE BE IT RESOLVED** by the Board that:

Section 1: That the Board hereby adopts the memorandum of understanding ("MOU") that is attached hereto, and which is incorporated herein by reference, and hereby approves the proposed service experience and additional teaching credit as set forth in the MOU.

Section 2. The Board hereby authorizes the Superintendent and Treasurer (or respective designee(s)) to effectuate the MOU with the Association and to take all actions as may be necessary to implement this Resolution.

Section 3. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public or in executive session as permitted by Ohio law.

Section 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.