

**MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF COOPERATIVE
EDUCATIONAL SERVICES, SOLE SUPERVISORY DISTRICT OF WESTCHESTER
AND THE BOCES TEACHERS' ASSOCIATION**

WHEREAS, the Board of Cooperative Educational Services, Sole Supervisory District of Westchester and the BOCES Teachers' Association ("BTA") are parties to a Collective Bargaining Agreement between them; and

WHEREAS, the BTA has filed a grievance relating to the administration of Article VIII of the CBA since November 1, 2016; and

WHEREAS, the BOCES has denied the grievance at the first and second stages of the grievance procedures; and

WHEREAS, the parties have discussed both the settlement of the grievance and amending Article VIII of its CBA; and

WHEREAS, it is understood that the following agreement is subject to ratification by both the BTA and the BOCES Board of Education;

Now, IT IS HEREBY AGREED by and between the Parties that Article VIII and Article XIX G.3 shall be replaced with the following:

1. The BOCES agrees to compensate those individuals who, from November 1, 2016 through March 15, 2017, submitted documentation for an upgrade and who would be eligible for such upgrade pursuant to Attachment A to this Agreement, hereinafter referred to as the "2014 Upgrade Chart."

2. Effective March 16, 2017, the parties agree that the rates negotiated by a subcommittee of the BTA and the BOCES shall become effective. This chart is attached hereto as Exhibit B and will hereafter be referred to as the "2016 Upgrade Chart."

3. It is understood that from March 16, 2017 forward, the 2016 Upgrade Chart will remain in full force and effect and, once a successor agreement to the 2007-2014 CBA is reached, the terms of the 2016 Upgrade Chart shall be included into the CBA.

4. In consideration of the terms contained in this Agreement, the BTA agrees to withdraw its grievance dated December 13, 2016.

BOCES Teachers' Association

**Board of Cooperative Educational
Services, Sole Supervisory District of
Westchester**

By: _____

By: _____

Dated: _____, 2017

3/5/14

Attachment A

Upgrades

The purpose of the upgrade is for the safety of the students. The class should run as it does without absences. The continuity of service is necessary to maintain the normal classroom procedures. If you are upgraded into a position, then you assume that position's responsibility. Whoever receives the teacher upgrade acknowledges that they are assuming full teacher responsibility (late bus duty, supervision of students, lunch schedule).

Anyone who is uncomfortable accepting the responsibility of an upgrade, may refuse by saying so to the teacher or supervisor.

Only with previous written documentation will someone be denied an upgrade.

Classroom Staff: TEACHER & TEACHER ASSISTANT		
Absent	Upgrade	Substitute
Teacher	Assistant	To Assistant Position
Assistant	Teacher	No Sub
Teacher & Assistant		Sub for Teacher & Assistant

Classroom Staff: TEACHER, TEACHER ASSISTANT & AIDE			
Absent	Upgrade	Upgrade	Substitute
Teacher	Assistant	Aide to Assistant	To Aide Position
Assistant	Aide		To Aide Position
Assistant	Teacher	Aide to Assistant	NO SUB
Teacher & ASSISTANT	Aide		Subs fills Assistant & Aide positions

Classroom Staff: TEACHER, MULTIPLE TEACHER ASSISTANTS, CLASSROOM AIDES & 1:1 AIDES			
Absent	Upgrade	Upgrade	Substitute
Teacher	Rotation among all Assistants	Rotation among all Aides, including 1:1 Aides	To Aide Positions
Assistant	Rotation among all Aides		To Aide Position
Assistant	Teacher	Aide to Assistant	NO SUB
Teacher & ASSISTANT	Rotation among all Aides		Subs fills Assistant & Aide positions

There are no upgrades when a certified teacher comes in for a teacher's absence.

Anyone who is absent on the day they are rotated into the upgrade (or for extended absences) will assume the first rotated upgrade, upon return to work.

If an employee refuses their scheduled upgrade, it will be given to the next person on the rotation. An employee may not "gift" their upgrade to another individual.

All staff are responsible for completing and sending in their own upgrade sheets.

Upgrades issues, questions and concerns should be discussed with the supervisor.

Any situation that arises that cannot be dealt with at the site should be reported to the supervisor. If the supervisor is unavailable then Rye Lake Campus should be contacted. Students need to be supervised at all times.

Upgrades Schedule

The purpose of upgrades is for the safety of the students. Continuity of service is necessary to maintain the normal classroom procedure. When a staff member is absent, a class should run as it does without absences. When a staff member upgrades into a position, that person, in addition to their own responsibilities, assumes all the responsibilities of that position. Whenever there is an upgrade into a teacher position, the person who receives the upgrade acknowledges that they are assuming full teacher responsibilities including instruction, attendance, late bus duty, supervision of students, lunch duty and any other responsibilities normally assigned to teachers. Anyone may refuse an upgrade by informing the teacher or supervisor. *There is only 1 upgrade per class.*

Classroom Structure: Teacher & Teaching Assistant

Absent	Upgrade	Substitute
Teacher	Assistant only if no certified teacher substitute is available	Substitute fills Assistant Position
Assistant	Teacher	<u>Only</u> when no Substitute is Available
Teacher & Assistant	None	Substitutes for both Teacher & Assistant

Classroom Structure: Teacher & 2 Teaching Assistants

Absent	Upgrade	Substitute
Teacher	Rotation of Assistants only if no certified teacher substitute is available	Substitute covers Assistant Position
Assistant	Teacher	Only when no Substitute is Available
Teacher & 1 Assistant (Non-1:1)	Remaining Assistant Covers for Teacher only if no certified teacher substitute is available	Substitute fills Assistant Position

Classroom Structure: Teacher, Teaching Assistant & Aide

Absent	Upgrade	Substitute
Teacher	Assistant only if no certified teacher substitute is available	Substitute fills Assistant Position
Assistant (Non-1:1)	Aide only if no assistant substitute is available	If Aide Substitute is available, Substitute fills Aide Position
Assistant (Non-1:1)	Teacher	Only when no Substitute is Available
Teacher & Assistant (Non-1:1)	Aide with Supervisor Permission	Substitute(s) Fills Assistant &/or Aide Position Only if no certified teacher substitute is available
Aide (Non-1:1)	Teacher	Only when no Substitute is Available

Classroom Structure: Teacher, Multiple Teaching Assistants, Classroom Aides & 1:1 Assistants/Aides in Self Contained Classes

Absent	Upgrade	Substitute
Teacher	Rotation of Assistants only if no certified teacher substitute is available	Substitute fills Assistant Position
Assistant	Rotation of Aides only if no assistant substitute is available	Substitute fills Aide Position
Assistant	Teacher	Only when no Substitute is Available
Aide	Teacher	Only when no Substitute is Available

Parameters

1. Any concerns that arise involving upgrades should be reported to the Supervisor. If the Supervisor is unavailable, then the Director should be notified.
2. When a certified /professional teacher substitute is hired for an absent teacher, no upgrade is available.
3. There is only 1 upgrade per class.
4. If a person's primary position is a 1:1 Bill Back Assistant/Aide, and the assigned student is present that day, that Bill Back Assistant/Aide will not be entitled to an upgrade. (Classroom staff may not trade positions to get an upgrade.)
5. A classroom teacher will only be upgraded if a substitute is not available for the absent classroom Assistant/Aide (excluding 1:1 Bill Back Aides and Assistants).
6. Anyone who is absent on the day they are rotated into the upgrade (or for extended absences), upon returning to work, will be placed into the rotation for upgrades.
7. An employee may not "gift" their upgrade to another individual.
8. All staff is responsible for completing and submitting their own upgrade sheets in line with the Time Sheet Schedule.
9. Supervisors may assign staff to a different class/assignment for the day. If the staff member is performing duties consistent with their job title they are NOT entitled to an upgrade.
10. At the discretion of the Supervisor, to maintain consistency, 1:1 Bill Back Assistant/Aide may be restructured within a class.
11. If a classroom Assistant/Aide is pulled to cover a class, the respective Teacher is entitled to an upgrade.
12. Teachers are eligible for upgrades if another teacher is absent and students are merged into another class (this may include multiple teachers).
13. Special Services staff payments for upgrades will be 1/6 per period of the upgrade amount.
14. CTE & IYP upgrades are prorated by 45 minutes = 1/6 etc.
15. Upgrades are for all programs including but not limited to SS, CTE & IYP.
16. Students must be supervised at all times.
17. The staff member receiving the upgrade will assume all responsibilities of the upgraded position.

Examples of situations

- **Example 1 - If a person's primary position is a 1:1 Bill Back Assistant/Aide and the assigned student is absent that day, that Assistant/Aide may be reassigned. That person would be entitled for an upgrade only if they are asked to perform duties *above* their job title.**
- **Example 2 – The 1:1 Bill Back Assistant (if assigned student is absent) is *reassigned* for the day to take the place of a classroom Assistant or classroom Aide – No upgrade.**
- **Example 3 – If an Assistant is reassigned to a different classroom into an upgraded position the Assistant is entitled to the upgrade.**

Upgrade Schedule is subject to modifications with variations and modifications of ratios of classes to stay in line with this Upgrade Schedule.