

Business Council Honors Principal Cuglietto's School for Educational Improvement



Each Year, the Business Council of New York State, Inc., awards its Pathfinder Award to **only 24 of over 2,000 elementary schools** in the state. The award honors schools that show the most improvement from one year to the next as measured by their students' scores on standardized tests in 4th grade Math and English Language Arts.

This year, they chose to honor the John F. Kennedy Magnet School of the Port Chester Rye Union Free

School District, led by ESSAA member Louis Cuglietto. This school was selected from all public elementary schools in the state's judicial district 9, which includes Dutchess, Orange, Putnam, Rockland and Westchester counties.

When any such award is presented to a school, it reflects positively on all concerned - students, teachers, and administration. Only when there is inspired and inspirational leadership in the principal's office can the outlines for success be filled in.

Clearly, for there to be improvement, the vision for such improvement must first be in place. Mr. Cuglietto has brought his vision to fruition, as evidenced in the presentation of this very prestigious award.

Our sincere congratulations to this outstanding exemplar of what ESSAA members strive to achieve in their schools. The entire organization joins the Business Council in saluting you, Louis!

Wagner Appointed ESSAA Liaison to SED and Board of Regents

Dave Wagner couldn't stay fully retired for even a week. After a long, distinguished career as an administrator with Schenectady Schools, Dave did some interim work and is now working with ESSAA to keep an eye on the Education establishment in Albany.

Dave has been in the education business since 1965, spending most of that time as a principal or interim principal in over 10 buildings spanning all grade levels. He brings a wealth of experience to the post and will serve us well. We'll look forward to reading his reports in future issues of *The Advocate*.



ESSAA Salutes the Following Individuals for Contributing \$100 or more to the ESSAA PAC:

- | | |
|--------------------|------------------|
| Robert Saperstein | Albert Martin |
| Robert Darcangelo | Gomfort Sarfoh |
| Margaret Beck | Edna Baker |
| Kevin Martin | John Sullivan |
| Edward Keeler | Theresa Sullivan |
| Peggy Anne O'Shea | Carol Fisher |
| Vincent Coletta | Amy Goodman |
| Charles Smith | Walter Moran III |
| Edwin Hotaling | Stephen Lieber |
| Raymond Palmer | Shiela Tebbano |
| Jerry Guzik | Jerry Spicer |
| Mike Flood | Jan Yablow |
| Thomas Della Salla | Paul Derkasch |

If you wish to join the "100 Club", send a check to:

Janet Mulvey
Van Cortlandville School
Rte. 6
Mohegan Lake, NY 10708

Presort
First-Class Mail
U.S. Postage
PAID
Albany, NY
Permit # 370

**Empire State Supervisors
And Administrators Association**
Box 187
Eastchester, NY 10709



The ESSAA Advocate

EMPIRE STATE SUPERVISORS
AND ADMINISTRATORS ASSOCIATION

VOLUME III ISSUE 3
Spring 2003

Workshops A Success

Two small but enthusiastic groups met in Newburgh on January 9, 2003 for an informative day of workshops co-sponsored by ESSAA and RASA.

During the afternoon, Paul Derkasch, Esq. ran a detailed and informative workshop on the negotiation process. His topics focused on the Taylor Law Mechanisms and included, among others:

- Selection of Team Members
- What you can negotiate
- Mandatory proposals
- Permissive proposals
- Prohibited proposals
- Contract Ratification
- Duty to bargain
- Refusal to bargain in unilateral change context



ESSAA Vice President Tom Vasiloff confers with presenter Paul Derkasch prior to the Negotiations workshop.

Paul also spent time on the "nuances" of a successful negotiation, including such topics as leadership qualities needed and relationships with communities and institutions. If you are interested in hosting a regional workshop with Paul, call 888-88-ESSAA to make arrangements.



Ron "Cook" Barrett uses a computer-generated multi-media show as part of his presentation.

Later that evening Ron "Cook" Barrett gave his riveting workshop on gangs. For any educator, this is a life-changing event. There is a whole world that exists right under our noses that many of us know nothing about. Simple numbers, words and subtle hand signals have deep meaning to a large percentage of our students in urban, suburban and rural settings.

An understanding of these signals can make enormous differences in the tenor of a school's life and the lives of the students who attend it. It constitutes a knowledge set that any administrator is wise to bring to the attention of faculty and staff.

Inside this Issue

President's Message	2
Legal Victory for ESSAA In Insurance Battle	3
Further Successful Negotiations for ESSAA	3
School of ESSAA Principal Wins Major Award	4
Dave Wagner Back in the Saddle After 1-Week Retirement	4
ESSAA PAC Contributors Acknowledged	4

Seen Our Site Lately?

Check it for the latest news and information on ESSA events statewide.

www.essaa.org

ESSAA to Sponsor Commissioner Evaluation

This spring ESSAA will offer the second annual commissioner's evaluation. This year we will pare the questions to 10 key areas of concern. Our goal is to get 1,000 administrators from around the state to evaluate the commissioner. The results will be published during Regents week.

Please email us at soundoff@essaa.org if there is a particular question you would like placed on the evaluation.

From The President

March, 2003

Dear Colleagues,



Since its inception, ESSAA has had one primary goal: TO PROTECT AND DEFEND PUBLIC SCHOOL SUPERVISORS AND ADMINISTRATORS THROUGHOUT NEW YORK STATE. In order to accomplish this, three components, (Legal, Lobbying, and Communications) must work harmoniously together. The first challenge, the task of providing outstanding legal service to the membership was accomplished immediately by retaining Paul Derkasch, Esq., and Bob Saperstein, Esq. When ESSAA membership expanded to a point where an additional attorney was warranted, and after a two year search to find a perfect addition to the legal department, Kevin Martin, Esq. joined the team. These three experts in educational labor law, with their collective dedication to the ESSAA membership, have formed a blanket of protection for all of us that is clearly the best in the entire country.

The second component was fulfilled by retaining an outstanding lobbying firm to guard the "Legislative Gate" against those who work relentlessly to destroy public education in New York State. ESSAA has been fortunate to have secured the lobbying services of Robert Ungar Associates. Through Bob's influence and his affiliation with multiple labor organizations, he has accurately forecasted the actions of our lawmakers, and has helped us to prevent major disasters for all public school supervisors and administrators. In addition, P.A.C. Chairperson Janet Mulvey is scheduling lobbying workshops throughout NY State to bring us all "up to speed" on the dos and don'ts of protecting our legislative flanks.

The third component, Communication, is clearly the most difficult, but under Communications Director Mike Flood we have been able to develop an effective program that encompasses our entire membership. In the past two years we have achieved a high level of success with our "email to membership program". Concurrently, our regularly scheduled Executive Board meetings are held three times a year in various locations throughout the state. Publishing our newsletter quarterly has also been a big help. Our web-site (www.essaa.org), although still in its developmental stage, will soon become the core of our entire communication plan.

Finally, in addition to all of the above, the ESSAA officers, attorneys, lobbyists, directors and coordinators meet twice a year (usually in July and January) to evaluate where the organization has been, and where it is going. Thus, when it becomes necessary to cancel a meeting or program for reasons such as inclement weather conditions, the work of ESSAA continues unabated because a communication system is in place to deal with all contingencies.

This review is intended to let the membership know that ESSAA is continually monitoring itself, and to reaffirm that as we continue to grow, our legal staff, lobbying staff, and communications network will also grow to meet the current and future needs of our membership. We hope that 2003 will be an outstanding year for you and for ESSAA.

Very truly yours,

John F. Sullivan

ESSAA Officers

JOHN F. SULLIVAN
President
888-88-ESSAA
Westchester

ANTHONY LAURINO
Executive Vice President
888-363-8797
Long Island

TOM VASILOFF
Vice President
315-656-7242
East Syracuse-Minoa

EDWARD KEELER
Vice President
315-792-2006
Utica

JERRY SPICER
Vice President
518-462-7185
Albany

EUGENE WOLOTSKY
Vice President
914-948-7271
Westchester

CHUCK SMITH
Treasurer
518-399-7480
Schenectady

ROBERT DARCANGELO
Secretary
607-762-8282
Binghamton

ESSAA Directors

HERBERT DICKSON
Director of
Organizational Development
607-748-8683

MIKE FLOOD
Director of Communications
727-946-8060

JAN YABLOW
Director of Research &
Development
914-693-7564

ESSAA Attorneys

PAUL DERKASCH, ESQ.
888-363-8797

KEVIN MARTIN, ESQ.
888-332-3986

ROBERT SAPERSTEIN, ESQ.
888-363-8797
888-294-8282

ROBERT UNGAR, ESQ.
Legislative Counsel
516-227-2400

Legal Matters

ESSAA WINS MAJOR ARBITRATION VICTORY FOR ACTIVE AND RETIRED PORT CHESTER ADMINISTRATORS

At issue in this arbitration was the meaning of the following contract language:

"The District will provide and pay the cost of group life insurance for each member of the Association in the amount of \$100,000 non-reducing."

Under this language, the District had continued the \$100,000 non-reducing life insurance for its retired administrators for approximately eleven years. The District then took the position that the benefit was only meant for employed administrators, and that the benefit had been continued for retired administrators as a result of a mistake made by a former clerk. The District then terminated the insurance coverage for the retirees. Imagine that you retired ten years ago, made a pension choice because you expected to receive a \$100,000 non-reducing life insurance policy for the rest of your life, and now find it taken away from you. That is what happened to the Port Chester retirees.

Moreover, when ESSAA attorney Robert Saperstein filed for arbitration, the District went to court to stay the arbitration, claiming that since the retirees were no longer employees, they could not grieve under the contract. ESSAA countered by moving the court to compel the District to go to arbitration. After vigorous litigation, the New York State Supreme Court agreed with ESSAA's legal position, and ordered the District to go to arbitration.

Having prevailed in court on the issue of arbitrability, ESSAA's attorneys still faced a difficult case on the merits. Many of you might say it was a past practice, so winning should be simple. Unfortunately, the doctrine of past practice does not apply to retired employees.

Compounding the problem, the contract clause does not mention retirees. This highlights the importance of having contract proposals and contract language reviewed by ESSAA counsel beforehand. The language in Port Chester had been negotiated at a time the unit belonged to SAANYs. The lack of legal and negotiating assistance given by SAANYs was a prime factor in the unit leaving that organization for ESSAA.

Clearly, had the words, "and continued into retirement" been inserted at the time the contract was negotiated, there would not have been a problem at a later date. But the absence of that language, or any similar language expressing the intent of the parties as to what happened into retirement, left the retirees vulnerable.

Attorney Saperstein was able to track down two former Superintendents and a former Assistant Superintendent for Business, all of whom agreed to testify on behalf of the Association. These honest central office administrators testified that the intent of the clause was that the insurance benefit continue into retirement; that was what they meant by "non-reducing". In addition, a number of

retirees who had been involved in the negotiations testified to the same facts. Fortunately, a number of the retirees had saved documents which also supported their position.

Additionally, as a result of the excellent trial preparation for which ESSAA attorneys are known, Mr. Saperstein was able to prove that the clerk the District was blaming for mistakenly continuing the insurance had not even worked in the benefits office until a number of years after the first retirees had begun receiving the life insurance into retirement.

The arbitration became a nine-hour marathon; ESSAA then submitted a 28-page legal brief. Thereafter, the arbitrator issued a twenty-page decision accepting the legal arguments made by ESSAA and ordering the District to provide the life insurance.

Congratulations to the Port Chester administrators and many thanks to Mr. Saperstein for his outstanding representation!



Eastchester Negotiators Amy Goodman and Theresa Sullivan all smiles at the conclusion of negotiations

NEGOTIATION NOTES

Below are two recent ESSAA settlements. Both reflect how the critical shortage of administrators has impacted on salaries.

The Eastchester Administrators negotiated a three-year deal that has a public settlement number of 9%, but actually generated 16.8% for the unit.

Adjustments, tenure awards and significantly increased longevity accounted for most of the money. For example, over the three years of the contract, the High School Principal's salary rises from \$134,000 to \$155,000, the Middle School Principal's salary goes from \$120,000 to \$139,000, and the Elementary School Principals' salaries rise from approximately \$122,000 to \$147,000. Other unit salaries increased similarly.

The Yorktown Administrators also negotiated a great deal based primarily on adjustments to salary. For example, the High School Principal's salary soars from \$115,600 this year to \$129,800 next year, and it then goes to \$134,800 for 2004-05. The Middle School Principal's salary jumps from \$107,600 this year to \$121,500 for 2003-04, and then it goes to \$132,300 for 2004-05.

The senior Elementary School Principal's salary leaps from \$108,800 this year to \$128,500 effective July 1, 2004. The other Elementary School Principals will have their salaries raised from around \$102,000 to \$124,000 over two years.

The Athletic Director's salary goes from \$87,000 to \$110,000 over the same two years and Assistant Principals will have their salaries increased from approximately \$87,000 to \$107,000 over the two years. The unit maximized the reality of the administrative shortage and coupled it with the fact that good administrators would leave if they weren't compensated appropriately.