



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda - Final-revised

Civil Service Board.

Tuesday, February 8, 2022

1:00 PM

Webex

1. ROLL CALL

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

January 5, 2022

Attachments: [01-05-2022 Minutes](#)

3. UNFINISHED BUSINESS

4. NEW BUSINESS

4A. REVIEW NEW AND REVISED JOB DESCRIPTIONS

4A(1) Financial Systems Specialist (new)

Attachments: [4A\(1\) Financial Systems Specialist \(new\)](#)

4A(2) ISD 709 - Field Engineer (new)

Attachments: [4A\(2\) ISD 709 Field Engineer](#)
[4A\(2\) Memo Dated 01-24-2022](#)
[4A\(2\) Memo Dated 02-01-2022 \(includes memo dated 04-06-2021\)](#)
[4A2\(4\) Memo Dated 02-04-2022 \(includes Memo dated 05-21-2021\)](#)

5. APPEALS

6. INFORMATIONAL

6A. STATUS OF ALL NEW, PENDING, AND COMPLETE AUDITS

Notice: Item 6A contains Private Data. The information is non-public and disclosure of this material is prohibited; therefore, it has been excluded from this packet.

6B. NON-PUBLIC REVIEW OF ELIGIBLE LISTS

Notice: Item 6B Non-Public Review of New Eligible Lists will be distributed to members at the Civil Service Board meeting.

7. NEXT REGULAR MEETING SCHEDULED

Tuesday, March 1, 2022 (11:00 a.m. via Webex)

Tuesday, April 5, 2022 (11:00 a.m. via Webex)

Tuesday, May 3, 2022 (11:00 a.m. via Webex)

8. ADJOURNMENT



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Draft

Civil Service Board.

Wednesday, January 5, 2022

11:00 AM

Webex

Members Present: Joaquim Harris (Chair), Laura Perttula, John Strongitharm

HR Staff Present: Laura Dahl, Aimee Ott

1. ROLL CALL

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

2A. November 2, 2021

This Civil Service Board item was approved.

2B. December 15, 2021 (Special Meeting)

This Civil Service Board item was approved.

3. UNFINISHED BUSINESS

4. NEW BUSINESS

4A. REVIEW NEW AND REVISED JOB DESCRIPTIONS

4A(1) Opioid Program Technician (revised including title change to Peer Review Specialist)

This Civil Service Board item was approved.

4B. ELECTION OF OFFICERS

4B(1) Chairperson

Member Strongitharm nominated Member Perttula for Chairperson.

This Civil Service Board item was approved.

4B(2) Vice-Chairperson

Member Perttula nominated Member Strongitharm for Vice-Chairperson.

This Civil Service Board item was approved.

5. APPEALS

6. INFORMATIONAL

6A. STATUS OF ALL NEW, PENDING, AND COMPLETE AUDITS

This Civil Service Board item was received.

6B. NON-PUBLIC REVIEW OF ELIGIBLE LISTS

This Civil Service Board item was received.

6C. ISD709 - NOTICE OF TERMINATION

This Civil Service Board item was received.

6D. 2022 REGULAR MEETING SCHEDULE

This Civil Service Board item was received.

2022 Regular Meeting Schedule

Regular Meetings through March 2022 will be held the first Tuesday of the month at 11:00 a.m. via Webex.

This Civil Service Board item was discussed.

7. NEXT REGULAR MEETING SCHEDULED

8. ADJOURNMENT



Human Resources

Room 340
411 West First Street
Duluth, Minnesota 55802

218-730-5210
hrinformation
@duluthmn.gov

DATE: January 31, 2022
TO: Civil Service Board
FROM: Heather DuVal
Human Resources Manager (Provisional)
SUBJECT: New Job Classification of Financial Systems Specialist

**RECOMMENDATION:
APPROVAL OF THE JOB DESCRIPTION FOR THE NEW CLASSIFICATION OF FINANCIAL SYSTEMS SPECIALIST.**

Background Information

The new job classification of Financial Systems Specialist is being created based on a recent retirement and reorganization of duties and to support the continued need for software systems functions in the Finance Department.

The job classification was discussed with the Union and they are agreeable to what is being proposed.

Outline of Duties

The Financial Systems Specialist will lead the financial software systems functions for the Finance Department and its customers. Serves as the Finance Department point person for system implementations and upgrades as well as streamlining workflows. This classification also provides backup support for other office functions such as payroll. Additionally, this position will support the department in maintaining exceptionally accurate accounting records and providing understandable data and information to those requesting it.

Recommendation

Based on the above information, and in accordance with Section 13-7 of the Civil Service Code, I recommend that the Civil Service Board approve the new job classification and description for Financial Systems Specialist.

Financial Systems Specialist

SUMMARY/PURPOSE

To lead the financial software systems functions for the Finance Department and its customers. Serves as the Finance Department point person for system implementations and upgrades as well as streamlining workflows. This classification also provides backup support for other office functions such as payroll. Additionally, this position will support the department in maintaining exceptionally accurate accounting records and providing understandable data and information to those requesting it.

SUPERVISION RECEIVED

The supervisor provides continuing or individual assignments by indicating generally what is to be done, limitations, quality and quantity expected, deadlines, and priority of assignments. The supervisor provides additional, specific instructions for new, difficult, or unusual assignments, including suggested work methods or advice on source material available.

SUPERVISION GIVEN

Does not have direct supervisory responsibility but does have significant oversight of employees or projects that require delegation and direction over the work of others.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Serve as primary division contact for all Finance system issues and assist with resolving complex issues/problems.
2. Research new system features and determine and document best practices for system maintenance and usage.
3. Coordinate, test, troubleshoot, and implement Finance upgrades and regular system maintenance.
4. Establish security requirements and user profiles for all Finance system users and provide training to all applicable users.
5. Work with department to prioritize and then implement streamlined processes and procedures using technology to create efficiencies.
6. Be familiar with laws and regulations related to finance policies and procedures, to ensure system compliance.
7. Serve a primary role in all department development projects involving the implementation of new Finance software applications and/or the further development of existing applications.
8. Serve a primary role in the maintenance and integrity of data for all Finance department software applications.
9. Ensure accuracy and consistency of the systems' utilization by all applicable personnel.
10. Provide backup support to users and workers in Finance department.
11. Assist staff with development and utilization of software to further the business goals and requirements of the division, to include developing and maintaining user procedure documentation manuals.
12. Be an effective team member by exhibiting self-motivation, supporting other employees in handling tasks, interacting effectively and respectfully with others, showing a desire to contribute to the team effort, accepting assignments willingly, and completing tasks within agreed upon timelines.
13. Coordinate with various City departments, other government agencies, and community groups to develop methods of sharing resources, minimizing duplication, and simplifying procedures.
14. Provide training on new or modified procedures and policies to all affected parties.
15. Coordinate and perform upgrades and maintenance of financial systems and architectural design functions and programs for the City.
16. Establish and maintain positive working relationship with the supervisor and employees by maintaining two-way communication, producing consistent results, advocating for the team when appropriate, and offering expertise to improve processes, systems, and the organization.

17. Other duties may be assigned.

JOB REQUIREMENTS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed are representative of the knowledge, skills, and abilities required.

1. Education & Experience Requirements
 - A. A minimum of six (6) years of related education and/or full-time, verifiable professional financial and technical experience to include general knowledge of governmental financial policies and procedures and working with a variety of software systems as a primary responsibility.
2. License Requirements
 - A. No specific licenses required.
3. Knowledge Requirements
 - A. Comprehensive knowledge of business processes to maximize software functionality to support operations.
 - B. Comprehensive knowledge of modern office practices and technology.
 - C. General knowledge of Microsoft Office applications, database systems, and research techniques.
 - D. General knowledge of program analysis, planning, implementation, and evaluation principles and techniques.
 - E. Thorough knowledge of a broad range of information technology concepts, including concepts associated with enterprise-level information technology systems.
 - F. Thorough knowledge of personal computer hardware and software configuration and use of software programs in the development and presentation of information.
 - G. Thorough knowledge of the principles and practices of computerized records maintenance.
 - H. Knowledge of problem-solving and conflict-resolution techniques.
 - I. Knowledge of applicable safety requirements.
 - J. Knowledge of, or the ability to learn, City policies and procedures.
 - K. Knowledge of federal, state, and local laws, statutes, regulations, codes, and standards related to the area of responsibility.
 - L. Knowledge of effective leadership and personnel practices.
4. Skill Requirements
 - A. Skill in auditing and processing a wide variety of data.
 - B. Strong computer skills, including the use of large enterprise-wide systems, Microsoft Office Suite (with emphasis on Access and Excel), Finance, general database functions and basic website design.
 - C. Skill in the use of report writer utility tools.
 - D. Strong skill in effectively communicating on a one-to-one basis or with groups for the purpose of obtaining and providing information and for resolving issues and conflicts.
 - E. Skill in training others in the use of software programs.
 - F. Skill in applying sound business judgment in decision-making.
 - G. Skill at working in a team-oriented, collaborative environment.
 - H. Exemplary customer service skills, including the ability to identify needs, provide prompt responses, and exercise patience, respect, and professionalism in all interactions.
 - I. Skill in evaluating and analyzing operational methods and procedures.
 - J. Skill in managing and tracking multiple projects concurrently.
 - K. Skill in the operation of office equipment including, but not limited to, general computer systems, job required software applications, the internet, and modern office equipment.
 - L. Skill in managing one's own time and the time of others.

- M. Skill in completing assignments accurately and with attention to detail.
- N. Skill in using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions, or approaches to problems.

5. Ability Requirements

- A. Ability to establish and maintain effective working relationships with supervisors, employees and the general public.
- B. Ability to quickly learn and incorporate new computer software applications and technologies.
- C. Ability to use logic and creativity to develop solutions to requests and problems.
- D. Ability to stay current on developing technology and its application for Finance system users.
- E. Ability to administer software applications for the department.
- F. Ability to use Microsoft Office applications to create documents, forms, newsletters, spreadsheets with complex formulas for data analysis, and other required materials.
- G. Ability to use and coordinate available systems and equipment to convert documents and data to desired formats.
- H. Ability to create and maintain a positive working environment that welcomes diversity, ensures cooperation, and promotes respect by sharing expertise with team members, fostering safe work practices, and developing trusting work relationships.
- I. Ability to communicate and interact effectively with members of the public.
- J. Ability to communicate effectively both orally and in writing.
- K. Ability to recognize, analyze, and solve a variety of problems.
- L. Ability to organize and prioritize work while meeting multiple deadlines.
- M. Ability to handle difficult and stressful situations with professional composure.
- N. Ability to work successfully as a member of a team and independently with minimal supervision.
- O. Ability to train and lead others.
- P. Ability to interpret and apply laws, contracts, regulations, policies, and procedures.
- Q. Ability to maintain confidential information.
- R. Ability to demonstrate dependability, responsibility, and consistency in job performance.
- S. Ability to attend work as scheduled and/or required.
- T. Exhibit leadership qualities of dependability and accountability.

Physical Demands

The work is sedentary. Typically, the employee may sit comfortably to do the work. However, there may be some walking, standing, bending; carrying of light items such as papers, books, small parts; driving an automobile, etc. No special physical demands are required to perform the work.

Work Environment

The work environment involves everyday risks or discomforts requiring normal safety precautions typical of places such as offices, meeting and training rooms, libraries, and residences or commercial vehicles (e.g., use of safe work practices with office equipment, avoidance of trips and falls, observance of fire regulations and traffic signals, etc.). The work area is adequately lighted, heated, and ventilated.

HR: HD	Union: Confidential	EEOC:	CSB:	Class No:
WC:	Pay:	EEOF:	CC:	Resolution:

DATE: January 25, 2022
TO: Civil Service Board
FROM: Theresa Severance
Human Resources Director
SUBJECT: New Job Classification of Field Engineer

**RECOMMENDATION:
APPROVAL OF THE JOB DESCRIPTION FOR THE NEW CLASSIFICATION OF FIELD ENGINEER**

Background Information

The Duluth Public Schools Facilities Operations department currently has an organizational structure that dates back potentially 100 years or more. The structure was developed in a very different time, with very different procedures required to operate and maintain a school building. In the view of modernization that has been accomplished and improved upon in the last decade, it is imperative that we look to modernize our organization structure to keep current and focused on the required tasks that provide the best and most conducive learning environment for our students and staff, as well as responsible to the tax payer with efficient use of taxpayer funds. With these criteria in mind, the District will be considering a new organizational structure that has been developed in a thoughtful manner, considering both the specific positions needed in addition to right-sizing hourly pay.

As a start to the restructure process, a new job classification of Field Engineer is being created. This new position will provide leadership to building staff and is generally responsible for the operations, preventive maintenance, and custodial care for multiple buildings. The creation of this position is at the core of the District's ability to move forward with the changes and is essential in fulfilling the much needed organizational restructure plan. The Field Engineer position mimics that of the current Engineer IV classification with minor language additions to support the lead nature of the position. The creation of this classification will allow current employees an opportunity for promotion.

Human Resources has shared the new job description with the Union, and they are not in full agreement with portions of the description. Per Article 4.10 of the ISD#709 Civil Service Rules, whenever a new position is established, the appointing authority shall forthwith report the fact to the Board with a full statement of the circumstances and a description of the duties, the Board shall thereupon, after the investigation of the actual and proposed duties, responsibilities and qualification requirements, classify the position, subject to approval of the School Board. Civil Service rules do not require Union agreement to proceed with classification of the position.

Outline of Duties

The Field Engineer assumes responsibility for and participates in the general operation, preventive maintenance, and custodial care of multiple assigned or unassigned buildings and grounds along with the heating, cooling and ventilation of assigned facilities. Positions assigned to this classification have responsibility for directing staff at assigned sites and for maintaining multiple larger facilities/buildings staffed with Second Shift Engineers and Custodians. The Field Engineer is also tasked with meeting with the Principals of assigned sites at a minimum weekly, understanding daily needs of assigned buildings, scheduling of site Operations staff work assignments, determining work priorities, daily site evaluation, and staff evaluations. The Field Engineer classification is the highest level within the bargaining group that operates and staffs our District buildings. The Field Engineer does not have the authority to initiate other personnel actions such as hiring of staff, pay setting, or initiating disciplinary procedures. This position can be assigned to be responsible for unlimited square footage as determined by District Leadership. This position shares a rotational on-call role to ensure safety, security, and preservation of District assets.

Recommendation

Based on the above information, and in accordance with Section 4.10 of the Civil Service Code, I recommend that the Civil Service Board approve the new job classification and description for Field Engineer.





Field Engineer

FLSA Classification

Non-Exempt

Pay Grade

National Conference of Fireman and Oilers, Local 956, Pay Group 23

Reports to

Supervisor of Building Operations & Energy Management/Facilities Manager

Department

Facilities Management

Accountable for (Job Titles)

Second Shift Engineer I/II, Custodian I/II/III

Summary

The Field Engineer assumes responsibility for and participates in the general operation, preventive maintenance, and custodial care of multiple assigned or unassigned buildings and grounds along with the heating, cooling and ventilation of assigned facilities. Positions assigned to this classification have responsibility for directing staff at assigned sites and for maintaining multiple larger facility/buildings staffed with Second Shift Engineers and Custodians. The Field Engineer is also tasked with meeting with the Principals of assigned sites at a minimum weekly, understanding daily needs of assigned buildings, scheduling of site Operations staff work assignments, determining work priorities, daily site evaluation, and staff evaluations. The Field Engineer classification is the highest level within the bargaining group that operates and staffs our District buildings. The Field Engineer does not have the authority to initiate other personnel actions such as hiring of staff, pay setting, or initiating disciplinary procedures. This position can be assigned to be responsible for unlimited square footage as determined by District Leadership. This position shares a rotational on call role to ensure safety, security, and preservation of District assets.

Essential functions

1. Operates and maintains boilers, heating and cooling equipment, along with buildings ventilation systems in accordance with Facilities Management directives, state laws and regulations, in buildings assigned. (Daily)

Examples of types of tasks in this category are:

- a. Operates and maintains boilers of any nature
- b. Adjusts and make minor repairs on thermostats and other HVAC related equipment
- c. Lubricates equipment
- d. Checks belts and replaces if needed
- e. Monitors the HVAC system to ensure efficiency
- f. Operates the energy management computer system to maintain and track system efficiency and occupant comfort.

2. Performs the maintenance and security of school facilities and property. Performs and directs others in performing custodial duties and operating snow removal equipment. Inspects playground equipment, roof and other areas of the building to assess needs and maintenance requirements. Operates and ensures proper operations of building security and technological systems (such as door controls, bells, lighting, alarm panels, etc.). Reports needs beyond the capabilities of building personnel. (Daily)
3. Performs, directs and monitors staff activities, schedules and prioritizes in the cleaning, care, and maintenance of building facilities and grounds in accordance with the standard procedures and guidelines established by Facilities Management and directions of the building principal. Develops staff schedules, makes assignments, adjusts work to meet priorities and deadlines, monitors work performed, provides direction to other operations staff, and evaluates the performance of assigned operation staff excluding initiating personnel actions. (Daily)
4. Monitoring, assisting and/or conducts preventive scheduled maintenance activities on equipment, motors, fixtures, appliances or system equipment (i.e. boiler, supply fans, exhaust fans, pumps, heating and cooling equipment) within the building(s). Detects and makes routine repairs and monitors the repairs made by vendors or other District staff. (Monthly)
5. Works closely with Facilities Management personnel, the building principal, and school staff on issues pertaining to building safety, security, scheduling issues, building code regulations, capital projects, maintenance projects, custodial or set up needs. (Daily)
6. Submits requests to order and purchase supplies, cleaning materials and equipment necessary to maintain facilities and grounds properly. Monitors and submits purchase requests in accordance with the established building maintenance budget. (Daily)
7. Documents, records or prepare record documents, work orders, staff timesheets, inspection sheets, safety procedures or other documentation/reports required or as directed. (Weekly)
8. Performs other duties of a comparable level or type. (As required)

Minimum Qualifications

Requires a minimum of a high school diploma or equivalent and ten years previous experience in similar leadership role, or previous related custodial, facility maintenance and/or boiler operation experience; or an equivalent combination of education, training and/or experience necessary to successfully perform the essential functions of the work.

Certification or Licensing Requirements

- Chief Class C Boilers License in the State of Minnesota
- Certified Pool Operators License
- Certified Building Operator (BOC) Level 1 (required)

Knowledge Requirements

- Basic fundamentals and operational principles involving combustion, mechanical, electrical and HVAC equipment and systems.
- Operational fundamentals of the equipment and supplies used in custodial and ground maintenance.
- General District administrative procedures, rules and guidelines pertaining to such areas as personnel, purchasing, contract services, safety and risk management.
- State laws and requirements governing licensing and operation of HVAC equipment and systems.

- State laws and health guidelines pertaining to the operation and maintenance of swimming pools.
- Basic understanding of supervisory practices and fundamentals.

Skill Requirements

- Directing, assisting, scheduling, planning, monitoring and evaluating the work of assigned facilities management Operations staff.
- Operating and maintaining heating, cooling and ventilation equipment.
- Detecting, troubleshooting, servicing and performing scheduled preventive maintenance on heating, cooling and ventilation equipment.
- Maintaining, monitoring and servicing swimming pools in accordance with regulations and standards.
- Use of hand and power tools.
- Performing custodial and ground maintenance functions.
- Maintaining administrative records and implementing administrative functions (i.e. purchasing, department records, and so forth) in accordance with District and departmental requirements.
- Communicating and collaborating with other district personnel, building administrator(s), building staff, students and teachers in the care, security and maintenance of the facility.

Work environment

Work is typically performed indoors but the job does require some outdoor work in all types of weather conditions. Duties may involve work with chemicals, working with or around mechanical parts, and some exposure to disagreeable fumes or airborne particles.

Physical demands

Medium Work: Exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects.

Physical Requirements: Indicate according to the requirements of the essential duties/responsibilities				
Employee is required to:	Never	1-33% Occasionally	34-66% Frequently	66-100% Continuously
Stand				√
Walk				√
Sit		√		
Use hands dexterously (use fingers to				√
Reach with hands and arms				√
Climb or balance		√		
Stoop/kneel/crouch or crawl			√	
Talk and hear				√
Taste and smell		√		
Lift & Carry: Up to 10 lbs.				√
Up to 25 lbs.				√
Up to 50 lbs.			√	
Up to 100 lbs.		√		
More than 100 lbs.		√		



Vision Requirements: Check box if relevant	Yes	No
No special vision requirements	√	
Close Vision (20 in. of less)		
Distance Vision (20 ft. of more)		
Color Vision		
Depth Perception		
Peripheral Vision		

Job Classification History:

Description revised by BCC, 1/02. Updated by Facilities Management DJS and HR 1/6/2022.

MEMORANDUM

To: District Facilities Staff
From: Dave Spooner
Subject: Facilities Management Organizational Structure Optimization
Date: January 24, 2022

The Duluth Public Schools Facilities Operations department currently has an organizational structure that dates back potentially 100 years or more. This structure was developed in a very different time, with very different procedures required to operate and maintain a school building.

Some examples of building components and procedures from years ago that we do not do today are central to the function or task of the building engineer and fireman. Before conversions to newer technology that started in the 1980s, site staff were required to have a very hands on approach to the heating, ventilation, and general building operational systems. Some examples include:

Properly fire coal boilers, remove clinkers (slag), shovel coal, shovel ash, bank the fire, punch tubes, blow tubes, close storm dampers when fan units shut down at night, clean air washers, manually sweep ducts, maintain oil bath filters, clean oil bath, rebuild sylphon valves, operate pneumatics, calibrate thermostats, change oil in air compressors, touch up paint, replace switches, replace ballasts, test and replace steam traps, pull toilets and do plumbing tasks, repair sinks and faucet's, cut pipe and repair condensate lines, manually control pool chemistry and a complicated backwash, track number of students in pool each day for chemical adjustment, provide weekend security for buildings, and manually lock and unlock doors.

This is just a small list of tasks that in the past were required to be done in our buildings district wide, but now have gone away for the most part due to new technology, building codes, or new building features that function remotely or without oversight.

In view of the modernization that has been accomplished and improved upon in the last decade, it is imperative that we look to modernize our organization structure as well, to keep current and focused on the required tasks that provide the best and most conducive learning environment for our students and staff, as well as are responsible to the tax payer with efficient use of tax payer funds.

With these criteria in mind, the new organizational structure has been developed in a thoughtful manner, considering both the specific positions needed in addition to right sizing hourly pay.

With our newly proposed structure, once reviewed you can see that no site loses any staff, and the only change is the allocated type of positions. This reallocation allows for better use of our staff, and more efficient operation of our buildings. In addition, it allows for a higher level of guidance from more experienced leaders, as well as provides a means for teaching moments as related to daily tasks or even unforeseen problems.

In summary, I believe there is a path or opportunity to accomplish this reorganization in a manner that harms no one in relation to annual pay, and does improve the compensation of our lower custodial class substantially, as well as increase compensation for others.

Thomas F. Andrew (1943-2014)
Timothy W. Andrew+
Aaron R. Bransky*
Jane C. Poole

February 1, 2022

* also licensed to practice in Wisconsin
+ Labor & Employment Law Certified Specialist

VIA E-MAIL AND U.S. MAIL

Mr. Dave Spooner, Facilities Manager
david.spooner@isd709.org
Ms. Theresa Severance, Human Resource Director
theresa.severance@isd709.org
ISD #709
4316 Rice Lake Road, #108
Duluth, MN 55811

RE: Firemen and Oilers Local 956

Dear Mr. Spooner and Ms. Severance:

This office represents Firemen and Oilers Local 956 and we are in receipt of a January 24, 2022 memorandum from you addressed to all District Facility Staff. In this Memorandum you propose a new organizational structure and the creation of a new position within the bargaining unit described as "Field Engineer." You also propose a new wage pay grade for this position and suggest that other positions will be affected by the organizational structure and will have their wages "right sized."

As you know, the labor agreement between the parties expired June 30, 2021 and the contract is now open. On April 6, 2021 Mr. Robert Smith sent a reopener letter to Superintendent Magas requesting dates and times for negotiations, a copy of which is enclosed.

The District must not take any unilateral action with respect to the creation of positions or organizational structure because such actions will affect terms and conditions of employment. Please regard this letter as a demand to bargain regarding any and all terms and conditions of employment as they may relate to the creation of a new field engineer position or how a new organizational structure will impact current positions.

If the District desires to move forward with any of the initiatives outlined in your memorandum please put them in the form of bargaining proposals and contact the Union for dates and times to commence negotiations.



Mr. David Spooner
Ms. Theresa Severance
February 1, 2022
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If you have any questions regarding the position of Firemen and Oilers Chapter 956 please let me know.

Sincerely

A handwritten signature in black ink, appearing to read "Timothy W. Andrew". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Timothy W. Andrew
timandrew@duluthlawfirm.com

TWA/mlc
Cc: Gary Vezina
Jason LeDoux

Enclosure



VIA EMAIL AND UPS

April 6, 2021

Mr. John Magas
Superintendent
Independent School District No.709
john.magas@isd709.org
215 N 1st Ave E.
Duluth, MN 55802

Re: Request to Bargain

NATIONAL CONFERENCE OF
FIREMEN & OILERS,
32BJ/SEIU

Dear Mr. Magas,

Please consider this the Union's notice to make changes in the current Collective Bargaining Agreement pursuant to **Article 37 Terms of the Agreement** with regards to wages, benefits and terms and conditions of employment.

The Union wishes to meet and negotiate a successor contract to the current Collective Bargaining Agreement dated July 1, 2020 set to expire June 30, 2021 between Independent School District No.709 Duluth, MN and National Conference of Firemen and Oilers, District of 32BJ SEIU, Chapter 956.

Please email me dates and times of the District's availability for negotiations.

Sincerely,

Robert Smith
NCFO District of 32BJ SEIU
Cell – 317-626-6076
smithr@ncfo.org

cc: Amy McCarthy - amy.mccarthy@isd709.org
Chapter 956 - chapter956secretary@gmail.com

DEAN DEVITA
NCFO DISTRICT PRESIDENT
ROBERT SMITH
NCFO DISTRICT SECRETARY-TREASURER

EXECUTIVE BOARD

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MICHAEL PISTONE
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Thomas F. Andrew (1943-2014)
Timothy W. Andrew+
Aaron R. Bransky*
Jane C. Poole

*Also licensed to practice in Wisconsin
+ Labor & Employment Law Certified Specialist

February 4, 2022

VIA E-MAIL AND U.S. MAIL

Ms. Theresa Severance, Human Resource Director
theresa.severance@isd709.org
ISD #709
4316 Rice Lake Road, #108
Duluth, MN 55811

RE: Firemen and Oilers Local 956

Dear Ms. Severance:

This office represents Firemen and Oilers Local 956 and I write to follow-up to my letter to you and Mr. Spooner dated February 1, 2022, which I enclose for your reference. My February 1st letter was responding to Mr. Spooner's enclosed Memorandum sent to all District Facility Staff on January 24, 2022, in which he proposed a new organizational structure. In that Memorandum, Mr. Spooner referenced how the proposed reorganization would "right size" and affect pay for members of the bargaining unit. The Union understood that a major initiative within the proposed organizational structure was the creation of a new classification of Field Engineer.

In my February 1st letter, I reminded you that the Labor Agreement between the parties expired on June 30, 2021, and that the Union requested bargaining in a letter to Superintendent Magas dated April 6, 2021. My letter also demanded that the District not take any unilateral action with respect to the creation of positions or organizational structures while bargaining was ongoing. Finally, my letter requested that if the District desired to move forward with its proposed initiatives that they put them in the form of bargaining proposals and contact the Union for dates and times to commence labor negotiations.

The Duluth Civil Service Board's February 8th agenda packet contains a memo from you to the Board dated January 25, 2022, and enclosed with this letter, which recommends that the Civil Service Board approve a new job classification and description for Field Engineer. It goes so far as to include a new pay group for the position, a pay group that is not within the pay groups included in the parties' Labor Agreement. You note in your memo that the Union is not in full agreement with the description, but nonetheless ask the Civil Service Board to proceed with classification and approval of the position. The District and the Union have a long history of bargaining over necessary changes to classifications and job descriptions and only presenting

Ms. Theresa Severance
February 4, 2022
Page 2

those for approval by the Civil Service Board once the parties are in agreement. For example, as recently as June 1, 2021, the District and the Union jointly presented a request for approval of several new job descriptions and changed classifications impacting Engineers (I, II, III, and IV), Pool Custodians, Maintenance Custodians, Fireperson II, and School Custodians (I, II, and III). I enclose the parties' signed Memorandum of Understanding that was presented to the Civil Service Board at their June 1, 2021, meeting.

We are interpreting your January 25, 2022, memo and request to the Civil Service Board as a unilateral act to establish a new classification and position and set rates of pay without first reaching agreement with the exclusive bargaining representative, Firemen and Oilers Local 956.

It appears the School District is seeking Civil Service Board approval for the new Field Engineer job classification, along with a new pay group, to use that approval to present the new position and new pay group as a *fait accompli* or irreversible "done deal" to the Union. But as I pointed out in my February 1st letter, the parties are currently in contract negotiations. When in labor negotiations, an employer cannot implement portions of its proposals absent mutual agreement. Employers are obligated to maintain the "status quo" while bargaining takes place for a successor contract. Even if the contract was not open and the parties were not in labor negotiations, the District commits an unfair labor practice in violation of Minnesota Statute §179A.13, subd. 2(5), if it unilaterally changes terms and conditions of employment. *Foley Education Association v. Independent School District No. 51*, 353 N.W.2d 917, 921 (Minn. 1984) ("Even in the absence of subjective bad faith, an employer's unilateral change of terms and condition of employment circumvents the statutory obligation to bargain collectively with the chosen representative of his employees in much the same manner as a flat refusal to bargain.").

Firemen and Oilers 956 is requesting that the School District withdraw its request for Civil Service Board approval of a new Field Engineer position and pay grade until the parties have completed bargaining for a new Labor Agreement. If the School District moves forward with efforts to unilaterally implement this new term and condition of employment, either through seeking Civil Service approval or the posting or filling of the position, my client will consider filing an unfair labor practice Complaint in State District Court to remedy the School District's violation of the Minnesota Public Employment Labor Relations Act. *See* Minn. Stat. § 179A.13.

Please let me know as soon as possible if the District is willing to withdraw its request to the Civil Service Board to have it approve the new job classification and description for Field Engineer until the parties have completed bargaining or bargained to impasse.

If you have any questions, please let me know.

Sincerely,

s/Timothy W. Andrew

Timothy W. Andrew
timandrew@duluthlawfirm.com

Ms. Theresa Severance
February 4, 2022
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TWA/mlc

Cc: Gary Vezina, Union President
Jason LeDoux, Union Secretary
Duluth Civil Service Board
ISD 709 School Board Members

Enclosures

Memorandum

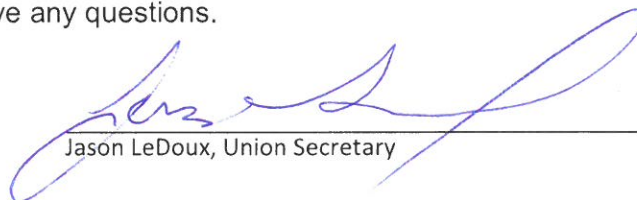
TO: Civil Service Board
FROM: Laura Hoffman Hordyk, Human Resources Director
DATE: 5/21/21
CC: Union
RE: Job Descriptions for Approval

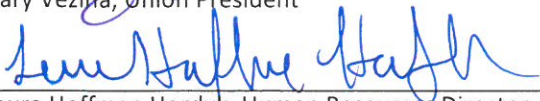
This memorandum is for the three new job descriptions Duluth Public Schools is bringing before the Civil Service Board for approval. Both Duluth Public Schools and the National Conference of Firemen and Oilers District of Local 32BJ, SEIU (NCFO District) Chapter 956 have come to an agreement on these job descriptions. Duluth Public Schools is changing the current School Custodian II position into a new position, with three levels, titled School Custodian I, II, III. Duluth Public Schools is also changing the Maintenance Custodian position to Second Shift Engineer I. Duluth Public Schools is also changing the Fireperson II position to Second Shift Engineer II. We are also including the updated HVAC, Pool Custodian, Engineer I, II, III and IV job descriptions for approval.

Old Job Description Title	New Job Description Title
School Custodian II	School Custodian I/II/III
Maintenance Custodian	Second Shift Engineer I
Fireperson II	Second Shift Engineer II
Old Pool Custodian	Updated Pool Custodian
Old Engineer I/II/III/IV	Updated Engineer I/II/III/IV

Please contact me at 218-336-8721 if you have any questions.


 Gary Vezina, Union President


 Jason LeDoux, Union Secretary


 Laura Hoffman Hordyk, Human Resources Director

Notice:

Item 6A contains
Private Data.

The information is non-public and disclosure of this material is prohibited; therefore it has been excluded from this packet.

Notice:

Item 6B

Non-Public Review of New Eligible Lists

will be distributed to
members at the Civil Service
Board meeting.