

PITTSFIELD FEDERATION OF SCHOOL EMPLOYEES

CUSTODIAL UNIT

P.O. BOX 2073

PITTSFIELD, MASSACHUSETTS 01201

GRIEVANCE TRANSMITTAL SHEET

TO:

Ms. Anne Marie Carpenter
Director of Human Resources

FROM:

Gary Sagendorph, Chapter Chairperson
Custodial Unit

COMPANY:

Pittsfield Public Schools

12/19/2022

E-MAIL ADDRESS:

acarpenter@pittsfield.net

TOTAL NO. OF PAGES, INCLUDING COVER:

3

PHONE NUMBER:

(413) 499-9505

SENDER'S PHONE NUMBER:

(413) 358-8774

RE:

Grievance (Level II) – Custodial Unit
Retro-Payment Issue

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Sent via E-mail

Dear Ms. Carpenter,

The attached grievance forwarded to you at Level II. Also attached is an information request related to this matter.

Gary Sagendorph, Chapter Chairperson
Custodial Unit

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GRIEVANCE


Pittsfield Federation of School Employees
Local 1315, AFT, AFT-MA, AFL-CIO
(Custodial Unit)

-
Pittsfield School Committee
December 19, 2022

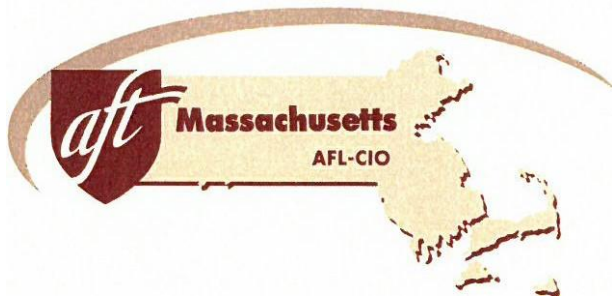
Statement of Facts: The Pittsfield Federation of School Employees (Custodial Unit), Local 1315, AFT-MA, AFL-CIO hereinafter referred to as the Federation, and the Pittsfield School Committee, hereinafter referred to as the District are parties to two (2) collective bargaining agreements (CBAs) ratified on or about October 12, 2022: the first CBA covered FY2022 from July 1, 2021, through June 30, 2022, and the second covers FY2023-FY2025 from July 1, 2022, through June 30, 2025. These CBAs cover the terms and conditions agreed to by the parties with regard to hours, wages, and other conditions of employment, including but not limited to wage increases and retroactive pay (retro-pay) for all members of the bargaining unit for FY2022, and FY2023. On June 25, 2022, the District notified the Federation of an issue of overpayment of three (3) members of the bargaining unit dating back to November 16, 2021, and since that date the Federation has made at least two (2) requests for payroll records to confirm the alleged overpayment. On September 15, 2022, the Federation requested the following information from the District: *“The Union is requesting a list of the members of the Custodial Bargaining Unit and the total number of hours of overtime worked by each employee during FY2022 (2021-2022), and FY2023 (2022-2023) since July 1, 2022 through and including September 16, 2022.”* To date the District has not provided this information. Appendix A in the FY2022/FY2023 CBAs state: *“The hourly rates listed in Appendix A – Salary Schedule above are effective and retroactive to July 1, 2021/July 1, 2022, and for all hours worked or any portion thereof. Retroactive pay shall be paid to all employees as soon as possible upon ratification of the 2021-2022/ 2022-2025 collective bargaining agreement.* On or about November 18, 2022, the District implemented the wage increases previously agreed to, and then on or about December 2, 2022, they issued bi-weekly paychecks to members of the bargaining unit which included retro-pay for FY2022 and FY2023. On or about December 6, 2022, the Federation began receiving complaints from members of the bargaining unit regarding underpayment of retro-pay, including but not limited to the three (3) employees who were allegedly overpaid by the District. This is a class action grievance filed on behalf of all affected members of the bargaining unit, and these violations are on-going. The grievant in this matter is the Federation.

Provisions of the Agreement Violated, Misinterpreted, or Misapplied: The District did violate Article I: Recognition, Article XXIV: Pay Schedule, Appendix A and any other applicable article or section, when they refused to provide information to the Federation which is reasonable and necessary to enforce the CBA, and then failed to appropriately compensate members of the bargaining unit with retro-pay that they were owed on or about December 2, 2022.

Relief Requested: The District must provide the Federation with the information requested, and compensate all members of the bargaining unit consistent with Article XXIV and Appendix A of the 2021-2022 and 2022-2025 CBAs, and all other actions required to make affected members of the bargaining unit whole in every way.


Gary Sagendorph (Dec 19, 2022 10:47 EST)

Gary Sagendorph, Chapter Chairperson
Custodial Unit



AMERICAN FEDERATION OF TEACHERS MASSACHUSETTS

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Boston, MA 02111
(617) 423-3342 / (800) 279-2523
Fax: (617) 423-0174

SENT VIA E-MAIL

December 19, 2022

PITTSFIELD PUBLIC SCHOOLS
Ms. Anne Marie Carpenter, Director of Human Resources
269 First Street
Pittsfield, MA 01201

RE: Information Request - Custodial Unit (Overpayment/Retro-Pay Issues)

Dear Ms. Carpenter,

On June 25, 2022, the PPS notified the Federation of an issue of overpayment of wages to three (3) members of the Custodial Unit: Luis Calderon (Calderon), Shaun Phelps (Phelps), and Clinton Pierce (Pierce). Since that date the Federation has made as least two (2) prior requests for the following information, to which the District has not replied. The Federation now requests the District provide the following information/documents forthwith:

1. A copy of all calculations made by the District regarding the issue of overpayment of wages to Calderon, Phelps, and Pierce.
2. A copy of the payroll records for Calderon, Phelps, and Pierce for each payroll cycle starting on or about 11/1/2022 through and including 12/16/2022 showing number of hours worked, hourly rate of pay, gross pay, and net pay (gross pay less deductions).

On December 2, 2022, the District issued bi-weekly paychecks to all members of the Custodial Unit which included payment of retro-pay for FY2022 (July 1, 2021 - June 30, 2022) and FY2023 (July 1, 2022 – November 17, 2022). Regarding the above matter, the Federation now requests the District provide the following information/documents forthwith:

1. For FY2022 (July 1, 2021 – June 30, 2022):
 - a. A copy all calculations made by the District regarding retro-pay for each member of the Custodial Unit.
 - b. A copy of the bi-weekly payroll records for all members of the bargaining unit from July 1, 2021, through June 30, 2022, showing the number of regular hours worked/paid and hourly rate of pay, the number of overtime hours worked/paid and the overtime rate of pay, and the employee's gross pay and net pay (gross pay less deductions) for each bi-weekly payroll cycle.

2. For FY2023 (July 1, 2022 – November 17, 2022):

- a. A copy all calculations made by the District regarding retro-pay for each member of the Custodial Unit.
- b. A copy of the bi-weekly payroll records for all members of the bargaining unit from July 1, 2022, through November 17, 2022, showing the number of regular hours worked/paid and hourly rate of pay, the number of overtime hours worked/paid and the overtime rate of pay, and the employee's gross pay and net pay (gross pay less deductions) for each bi-weekly payroll cycle.

The Federation is making this request pursuant to Article I of the Custodial Unit collective bargaining agreement, and MGL c. 150E. If any part of this request is denied or if any material is unavailable, please state so in writing and provide the remaining items as soon as possible, but no later than January 9, 2023, which the union will accept without prejudice to its position that it is entitled to all documents and information called for in this request. If this matter goes to arbitration, the union will oppose the introduction of any non-disclosed information. Please direct any response to this information request to me, at the address listed above, or via e-mail to warmstrong@aftma.net.

Respectfully,

Walter Armstrong

Walter Armstrong
Field Representative

Cc: Mr. Gary Sagendorph, Chapter Chairperson – Custodial Unit
Ms. Christine Bossana, President – Local 1315
Attorney Russell Dupere



Grievance (Level II) and Information Request - Retro-Payment Issue - 12.19.2022

Final Audit Report

2022-12-19

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