



Hillsborough Classroom
Teachers Association

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June 3, 2025

Dr. Charmion Patton
HCPS Chief Human Resources Officer
Hillsborough County Public Schools
Submitted electronically via Ccharmion.Patton@hcps.net

Re: **HCTA Response to School Board Position on FRS Eligibility & Taxation of Additional Base Pay Supplements**

Dear Dr. Patton,

Thank you for your response regarding the implementation of the 2024–2025 Instructional and ESP Compensation Agreements, specifically concerning the FRS eligibility and taxation of the additional base pay supplements agreed upon for this contract year.

However, your reply not only fails to resolve the matter, but it also confirms the core concerns raised by the Hillsborough Classroom Teachers Association (HCTA). The facts now firmly support what we believe to be a textbook case of bad faith bargaining in violation of Florida Statutes. HCTA is actively preparing, in consultation with our legal counsel, for the potential filing of a formal Unfair Labor Practice charge with the Public Employees Relations Commission (PERC), should the School Board fail to resolve this matter promptly and in good faith.

HCTA maintains that the School Board of Hillsborough County violated its statutory obligations under Florida Statutes § 447.501(1)(c) by failing to bargain in good faith and by materially misrepresenting the terms of the 2024–2025 Instructional and ESP Compensation Agreements, specifically regarding the retirement eligibility and tax treatment of the negotiated additional base pay supplements.

The School Board now cites Chapter 2 of the FRS Employer Handbook to justify its position, referencing the section that excludes payments that are “*usually nonrecurring, do not increase the employee’s base rate of pay, and do not carry with them a commitment for payment in the next year*” as being considered bonuses and therefore excluded for retirement purposes. However, this language was not newly introduced in the most recent July 2024 update, and it appeared in earlier versions of the handbook. Internal correspondence shared with HCTA shows that the School Board was in possession of this guidance as early as June 20, 2024, five days prior to the final bargaining session held on June 25, 2024.

Despite this knowledge, during the June 25 bargaining session, the School Board’s representatives engaged in extensive discussion on this exact issue. HCTA made clear that avoiding bonus classification was critical, not just for tax purposes, but also for FRS eligibility. The Board’s chief negotiator acknowledged this concern and proposed revised language accordingly.

The record reflects that HCTA clearly stated our intent to have “*clarity on certain items that we’ve talked about here as it relates to the taxing of onetime payments **and the eligibility for FRS.***” The School Board’s team stated on the record this was “*understood*” and then led HCTA to believe that modifying the terminology to “*one-time additional base pay supplements*” would preserve FRS eligibility across all relevant payments. The language “*FRS pensionable*” was stricken from all economic items, including those that are in fact FRS eligible, and was framed by the School Board to specifically mean and intend the payments would be FRS eligible:

*“...that’s why some of the changes we’re proposing is to have **consistent language for those one-time payments.** So, what we are proposing is instead of using the word supplement, and we consulted with Stephanie Heaton who’s the general manager of accounts payable and*

payroll...even though the top step payment IS FRS pensionable ...that's why she advised on what would be best as far as the supplements...

The Board confirmed that the top-step payment was FRS eligible, removed the “FRS pensionable” language, and proposed mirroring that structure for all other payments. The shared understanding was that these payments were additions to base pay, not discretionary bonuses. To now assert these conversations were limited to tax implications is inaccurate and wholly inconsistent with the documented exchange. It also distorts the shared understanding of what HCTA made clear on behalf of HCPS employees we represent.

Additionally, your statement that “*it is not until all negotiated language is ratified and voted on by the Board that we can determine which payments will be allowable for retirement purposes*” is deeply troubling and indicative of bad-faith bargaining. It suggests that the Board reserves the right to reinterpret key terms after ratification, creating a dangerous precedent and significant uncertainty for all future compensation discussions, including the millage-related payments negotiated in good faith.

If the School Board was unable to determine FRS eligibility at the time of bargaining, we respectfully request that you provide:

- Documentation of any new guidance or determinations issued *after* ratification and Board approval that impacted this decision
- A written explanation of why HCTA was not immediately informed of the Board’s shift in position
- An account of why employees were allowed to operate under incorrect assumptions for months following agreement and ratification

The failure to disclose known guidance during active negotiations, especially when the topic was explicitly raised during negotiations, undermines the collective bargaining process and erodes employee trust in the integrity of contractual agreements.

Unless the School Board can:

- Provide clear, date-stamped documentation explaining when and why the determination of ineligibility was made, **and**
- Propose a timely and meaningful remedy to mitigate the economic harm caused to employees,

... then HCTA will be forced to pursue statutory remedies under § 447.501(1)(c).

While we are evaluating all legal and contractual options, we urge the School Board to resolve this matter in a timely and transparent fashion. We remain committed to resolving this matter constructively to seek the best outcome – one in which employees are made whole, and both parties can move forward with renewed trust and accountability.

Sincerely,



Brittni Wegmann
Executive Director
Hillsborough Classroom Teachers Association

C: Van Ayres, HCPS Superintendent & HCPS School Board Members
Rob Kriete, HCTA President & HCTA Board of Directors