

UACT Role of the Rep Training

UACT Office

2015

Site Rep Roles

- Advocate/Contract Enforcer
- Communicator
- Organizer
- Association Liaison
- Membership Promoter
- Election Officer

The Advocate & Contract Enforcer

ENFORCER

Establishment of Teacher Rights

- Prior to 1950: No legal rights
- 1950-65: Right to address Boards of Education
- 1965-75: Winton Act -- written agreements not binding, verbal agreements not required. "Meet and confer"

Collective Bargaining

- 1975- present – EERA, the Educational Employment Relations Act
- Defined units for representation
- Provides for “exclusive representation”
- Right to bargain binding contracts
- Binding arbitration of grievances permitted
- PERB oversees implementation
- Impasse procedure

Weingarten Rule:

- An employee has a right to the presence of a union representative at a meeting with the employer where the employee has a reasonable expectation that discipline may result.
- This is a "Private sector" rule made applicable to school employees by PERB
- See **NLRB v. Weingarten** (420 U.S. 251(1975))
- See **Redwood CCD v. PERB** (159 Cal.App.3d 617 (1984))

Duty of Fair Representation

- 1. **Duty** to represent all unit employees.
- 2. **Duty** to negotiate on behalf of all unit employees and consider non-joiner views concerning negotiations.
- 3. **Duty** to be familiar with the contract.
- 4. **Duty** to advise unit employees of their legal rights in the context of the contract.
- 5. **Duty** to process grievance in a non-arbitrary, non-discriminatory and good faith manner.
- 6. **Duty** to investigate grievances.
- 7. **Duty** to satisfy contractual time limits.
- 8. **Duty** to notify a Grievant of union decisions.
- 9. **Duty** to present a good arbitration case.
- 10. **Duty** to allow a Grievant to have his/her attorney present at arbitration proceedings.

Who is a B.U.M.?

- CTA member
- Agency Fee Payer
- Religious Objector
- Classroom Teacher
- Speech Pathologist
- Classified employee
- Principal
- Nurse
- Sub
- BTSA Support Provider
- District Administrator
- ELL Support Teacher

Rights of Employees to Have Assistance of a Union Representative (cont.)

The representative must be allowed to:

- Speak during the meeting.
- Request that questions be clarified.
- Advise the employee on how to answer questions.
- Provide additional information.

Rights of Employees to Have Assistance of a Union Representative (cont.)

If the employer denies the request for union representation:

- Employer commits unfair practice.
- Employee may refuse to answer and the employer may not discipline the employee.

No right to representation for:

- Routine interaction with a supervisor
- Receipt of notice of previously determined discipline
- Receipt of a work directive
- Routine formal evaluation procedures

What should I do if...?



- The admin says I cannot talk in the meeting?
- The admin says my member cannot reschedule meeting?
- The admin says my member cannot have union representation?
- The admin surprises my member in a meeting?



Contract and Ed Code Knowledge

- You don't have to be an expert
- Know where to get answers
- Familiarize yourself with the contract
 - Get an idea of what's in there and what ain't
- If there is a question use the moment to teach about the contract
- DON'T MAKE STUFF UP

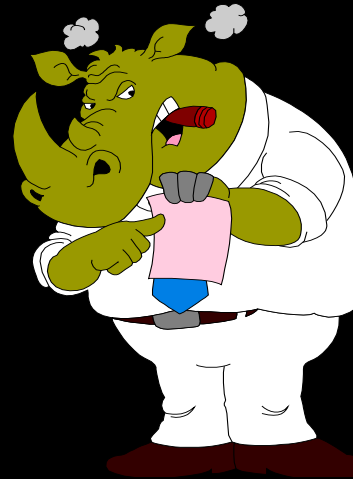
What is a



?

A grievance is a written claim that there has been a violation, misinterpretation, or misapplication of the Agreement.

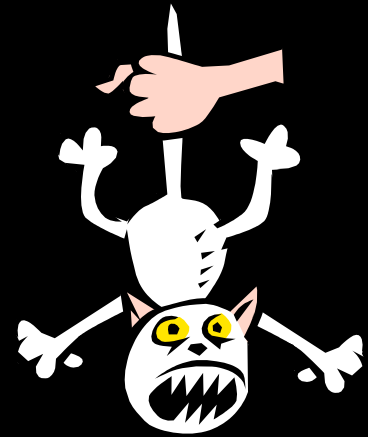
Who is a Grievant?



A grievant is a:

- ☹ unit member
 - ☹ group of unit members
 - ☹ the Association
- . . . making the claim.

Problem or Grievance?



A problem is a set of existing conditions or circumstances that has an adverse effect on a unit member(s) and is not specified in existing contract language.

Caution!! Member vs. Member

- Not Association's business to resolve unless it is a complaint against management
- There is no grievance if management cannot be made accountable for the resolution
- DON'T WHINE - ORGANIZE!!!

What Reps should know about Insubordination

- It can get you fired!
- Who's boss!
- Definition -- "failure to obey authority"
- Complain, Comply, Grieve
 - Exceptions
 - **Act is illegal**
 - **Life threatening to self or others (safety)**

CTA GLS Program

- Know when to say “SHUT UP!!!” to the member
- Know when to end a meeting instantly
- Covered by CTA dues
- ONLY CTA members
- Must be directed through UACT Office

The Communicator



Communicator Roles

- ATTEND MONTHLY REP MEETINGS
- HOLD REGULAR MEETINGS TO DISCUSS ASSOCIATION ACTIVITIES
- ACTIVELY LISTEN TO MEMBERS
- BRING MEMBERSHIP CONCERNS TO THE REP ASSEMBLY
- BE AWARE OF "HOT" ISSUES
- DELIVER ASSOCIATION CORRESPONDENCE TO MEMBERS
- RETURN MEMBER SURVEYS
- KEEP ASSOCIATION BULLETIN BOARD UP-TO-DATE

**Site
Rep**

Exec Board

**Site
Rep**

Members

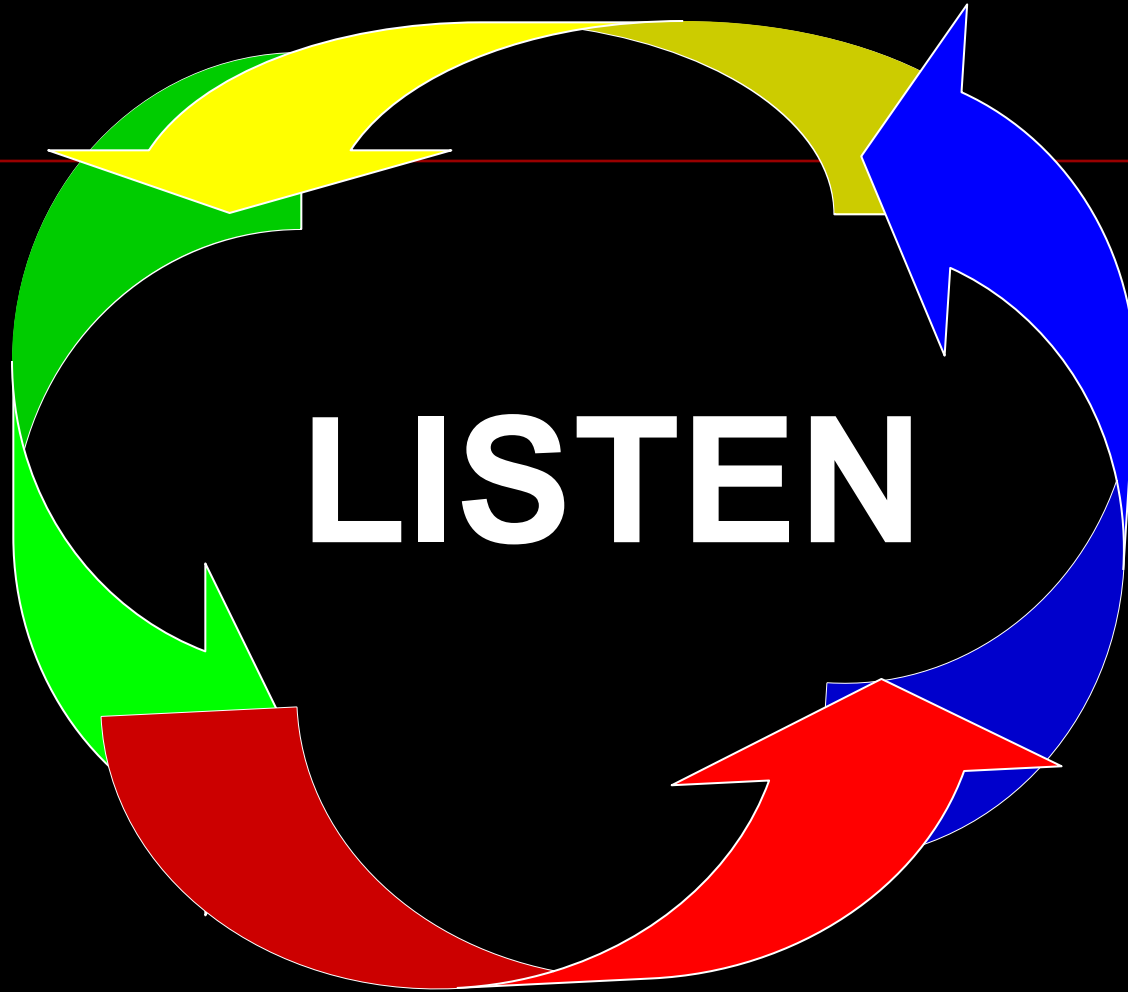
Members

LISTEN

**Site
Rep**

**Site
Rep**

Rep Council



Rep Council

- Rep Council is the decision making body for UACT
- Bring information to Rep Council about site
- Bring info back to your site
- Don't be afraid to speak up

Information Distribution

- Newsletters
 - Different this year
 - Mailboxes
- Bulletin Boards
- UACT Office, website, CTA/NEA



Mailboxes vs email vs lunchroom

- PERB restrictions on district property and political speech
 - San Leandro (CA Supreme Court June 2009)
 - Conejo Teachers- unfair labor practice

Other Communicator Roles

- Hold meetings at your site
 - 10 Minute meetings are great
- Listen to your members
- Know what's going on at your site



Duty Of Fair Representation

Part of your duty is to communicate UACT information to the members at your site.

Organizer



Organizer Roles

- KNOW YOUR STAFF
- SUPPORT ASSOCIATION POSITIONS, POLICIES, LEADERSHIP, AND STAFF
- HELP DEVELOP MEMBERSHIP OWNERSHIP IN LOCAL CHAPTER
- ASSIST MEMBERS WITH PROBLEMS
- FIND MEMBERS FOR ASSOCIATION JOBS AND PROJECTS
- ENCOURAGE MEMBERS TO ATTEND ASSOCIATION MEETINGS AND SCHOOL BOARD MEETINGS
- FOLLOW THROUGH WITH EXECUTIVE BOARD PLANS TO SUPPORT ASSOCIATION POSITIONS
- ASK INDIVIDUALS FOR THEIR HELP

An Injury to One is An Injury to All

- The mistreatment of any individual bargaining unit member creates the possibility of mistreatment for every member.
- Requires that members come to the support of fellow members who are threatened.
- Creates a balance of power between the members and the administration.
- It is the foundation of solidarity among unit members.

What does it mean to be “organized”?

- empower people to act
- those who previously lacked power to instigate change
- bring hope where there is none
- reinforce people's sense of their own dignity and self worth
- encourage cooperation and community
- groups in conflict to resolve their differences in a positive way
- provide developmental leadership
- develop the capacity of other people

Problems vs Issues

- Problems are global
- Create situations
- Long-lasting
- Source/cause distant
- Irritate
- Encourage study
- Resolved over long time
- Issues are specific
- Emanate from situations
- Short-lived
- Source/cause identifiable and close by
- Inflammate
- Encourage Action
- Resolved quickly

Getting Volunteers

- Face to face personal contact.
- Second-best, use the telephone.
- Third-best, send a personal letter.
- Try your friends first. They are usually easier to recruit and will give you a sense of initial success.
- Shower potential volunteers with compliments, either from your own personal knowledge or knowledge gleaned from others, but in any case, sincere praise is difficult to shun.
- Try to find leaders who know the potential volunteer. It is more difficult to say "no" to friends.
- Survey the membership, then call the responding prospects.
- Send out fliers soliciting volunteers, describing the activity as well as task to be performed by volunteers.
- Offer incentives and/or rewards to volunteers for signing up.
- Be direct and confident in your approach.

Membership Promoter



Membership Promoter Roles

- STAY IN CONTACT WITH AGENCY FEE PAYERS
- KNOW THE NEW MEMBERS AND BE HELPFUL TO NEW TEACHERS
- SHOW YOUR CONVICTION FOR THE ASSOCIATION
- RESPECT ALL MEMBERS' VIEWPOINTS
- BE PREPARED TO ANSWER PREDICTABLE QUESTIONS
- BE HELPFUL TO ALL MEMBERS, AND ASK THEM FOR HELP.
- ASK FOR SUGGESTIONS FOR IMPROVING YOUR CHAPTER
- FORWARD MEMBERSHIP FORMS TO YOUR MEMBERSHIP CHAIR or UACT OFFICE IMMEDIATELY

Why do people join?

- Someone asked them to join.
- Everyone joins. Their friends are members. Peer pressure works.
- It's the "professional thing to do".
- Concern for the professional issues for which the Association advocates.
- Concern for contract negotiations and a desire to have a voice in negotiations.
- They believe that collective action is more effective in addressing concerns than singular action.
- They wish to partake of the benefits, financial and otherwise, of local, state and national association membership.
- In the past they have had need of representation or have known of others who needed service and believe they were well-served by the Association.
- They view the Association as alive and well, dynamic, responsive to member needs and wish to identify with a proven winning team. No one wants to identify with a loser

BENEFITS OF BELONGING TO LOCAL/CTA/NEA MEMBERSHIP SERVICES

CTA members and non-members (fee-payers) alike often question the difference in CTA/NEA services to members and non-members. The following may help clarify this issue.

<u>SERVICES</u>	<u>MEMBER</u>	<u>NON-MEMBER-Agency Fee Payor</u>
<ul style="list-style-type: none"> •Bargaining •Grievances •Dismissals/Layoffs •Representation •Discrimination •Unfair Labor Practices •Economic Services •Liability Insurance Policy •Retirement •Attorney, Job Related Issues •Attorney, Non-Job Related Issues •Workers Compensation •CTA/NEA Sponsored Insurance •Dues Tab Life Insurance •Unemployment Representation •Organization Policy Setting 	<ol style="list-style-type: none"> 1. Input solicited. All provisions of contract apply. Vote on ratification. 2. Association representation provided in all areas within scope of representation, as defined in bargaining law. 3. Full representation. Attorney provided, as needed. 4. Representation as a friend, advisor, mediator, with appropriate administrative personnel. 5. Counseling and advice regarding referral to appropriate agency. 6. Representation if your individual rights are violated under EERA. 7. Travel and purchasing discount services. 8. \$1,000,000 personal liability provided. 9. Counseling and representation. 10. 1 hour free consultation. 11. ½ hour free consultation. 12. Referral to attorney and counseling. 13. Life Insurance, Income Protection, Home, Auto, etc. 14. Free life insurance in the amount of the past 5 years. NEA dues paid. 15 Advice and representation. 16. Right to vote and hold office. 	<ol style="list-style-type: none"> 1 Input solicited. All provisions of contract apply. 2. Association representation provided in all areas within scope of representation, as defined in bargaining law. 3. Representation only if action impacts on negotiated contract or part of a larger group that includes members. 4. None. 5. None. 6. None. 7. None. 8. None. 9. None beyond contracted. 10. None. 11. None. 12. None. 13. None. 14. None. 15. None. 16. None.

BENEFITS OF BELONGING TO LOCAL/CTA/NEA MEMBERSHIP SERVICES

<u>LOCAL LEVEL- CHAPTER ASSOC.</u>	<u>Your RRC/ Your SCC</u>	<u>STATE LEVEL- CTA</u>	<u>NATIONAL LEVEL-NEA</u>
<ul style="list-style-type: none"> ▪ Individual and group representation by leaders and professional staff ▪ Promotion of economic and professional benefits ▪ Exclusive Bargaining Agent in Employer-Employee Relations ▪ Negotiated salary increases and fringe benefits ▪ Professional programs: teacher education, standards, curriculum and instruction, professional rights and responsibilities, human relations, legislation, public relations, salaries, insurance and retirement ▪ Protection of employee rights and privileges under District policy and State law, including legal consultation ▪ Association publication 	<p style="text-align: center;">–Enhanced professional staff assistance Assistance with contract preparation Local training-workshops provided in:</p> <ul style="list-style-type: none"> ☒ Bargaining ☒ Membership ☒ Grievance Processing ☒ Contract Preparation ☒ Retirement ☒ Organizing ☒ Professional Growth ☒ Fringe Benefits and more 	<ul style="list-style-type: none"> ▪ Legal Services (both personal and job-related matters) ▪ CTA Scholarship Programs ▪ State consultants and individual representation ▪ CTA Endorsed Special Services Programs: Group Term Life Insurance, Group Disability Insurance, Credit Unions, and Auto and Homeowner's Insurance ▪ CTA special services benefits for members are: discounts on travel and entertainment, new automobile purchasing, automobile extended warranty insurance, automobile quotation service, national automobile club, and hotel discount programs ▪ State Association publications: <u>CTA Action, Politics and Legislation (PAL)</u> 	<ul style="list-style-type: none"> ▪ Free on-the-job Liability Policy ▪ Free Dues-Tab Life Insurance ▪ National recognition for research ▪ Representation in the U.S. Congress for federal aid to education and legislation ▪ Protection and promotion of federal income tax benefits and allowances for employees ▪ Promotion of federal financing of teacher scholarship programs ▪ NEA special services benefits for members are: life insurance plans, NEA book program, car rental program, credit card program, unified magazine service, tax-deferred annuity plan ▪ DuShane Fund for the advancement and protection of employees' rights nationally ▪ National publications: <u>NEA NOW, NEA Today, NEA Travel Guide</u>

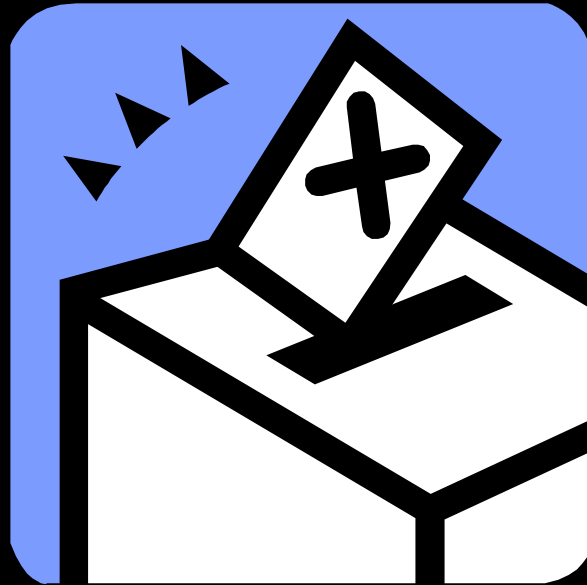
Non-Member "Do's"

- Contact the non-member in person, one on one.
- Look the person directly in the eye.
- Be enthusiastic, no matter how negative the non-member appears.
- Be positive, as though you expect everyone to join.
- Be prepared to answer predictable questions.
- Show respect for the non-member's views.
- Enlist assistance from friends of the non-member.
- Listen for clues to the non-members needs and concerns.
- Remember that verbal communication is 7% content, 38% tone of voice, and 55% facial expression/body language.
- Bring a membership form with you

Non-Member "Don'ts"

- Confront a group of non-joiners about membership. Talk to each individually.
- Embarrass the non-member in front of others.
- Contradict or argue with the non-member.
- Take rejection personally.
- Give up after one try.
- Be afraid to ask.
- Beg for membership.
- Forget to bring a membership form with you.

Elections Officer



Election Officer Role

- BE AWARE OF PENDING ELECTIONS
- KNOW DEADLINES AND TIMELINES FOR VOTING

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