



NEWSBREAKER

Volume 7, Issue 2

September 2011

Calendar



- 9/12 Eboard 4pm**
- 9/26 Rep Council 4pm**
- 10/3 Eboard 4pm**
- 10/14-10/16 Region 1 Leadership Conference**
- 10/17 Rep Council 4pm**
- 10/21-10/23 CTA State Council in LA**

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Weingarten Rights: Self Preservation through Union Representation

PRESIDENT'S CORNER

By Melanie Driver

It seems like most sites have balanced their classes and most unit members have settled into regular routines. Unfortunately, there still has been a need for some classes to be collapsed because of student enrollment. The last big influx of student enrollment continues to be Labor Day. Hopefully, the need to add or eliminate any classes will be done quickly. All classes should be maintained at or below the class size limit in the contract after the first ten days. Please refer to the contract and enforce the limits identified in the contract. If you have more students than the contract limit, you need to speak to your site administrator about the overage. I am hearing that there may be some elementary classes above the 32-1 limit for K-3 classes and above the 34-1 limit for 4-6 classes. Any students above these numbers need to be overflowed to another school if there isn't room at the site. Do not allow the district to put students above these numbers in your class.

Class size limits are especially important at the QEIA sites. Class size must be maintained at the QEIA class size limits for all core classes. If they are not, QEIA funding is at stake. We are currently at full implementation and it would be sad to lose QEIA funding because classes are not within the QEIA class size limits.

There are currently 93 certificated individuals on the rehire list as of the beginning of September. Six of these individuals were laid off from administrative positions but have rehire rights to certificated positions.

Thirty have been on the rehire list since 2009 and 45 since 2010. There are 38 multiple subject teachers, 15 PE teachers and 14 counselors on the rehire list. Twenty-three currently are working in the district either less than full time or in temporary positions. Twelve have asked not be contacted this year and 58 others remain on the rehire list. It is unclear if any of these are currently working in another position outside the district.

There have been 10 unit members that have been rehired from the 2009 rehire list this year. This includes 7 multiple subject teachers, 2 social science teachers and 1 librarian. These are individuals that benefited from the language we bargained last year that added one additional year on the rehire list. Each of these individuals would have been dropped off the list at the end of the 2011 school year because they had exhausted their 24 month rehire rights. As a reminder, any 2009 rehire with 24 month rehire rights, must accept any permanent position equal to what they have rehire rights to or be dropped off the list.

The PAC committee is currently gearing up to run a school board campaign. We need volunteers to help with this so please consider ways to get involved. The PAC committee will be sending out information on how you can help and I want to encourage everyone to get involved to make this campaign successful.

There are openings on the Professional Development Committee. This committee meets once a month to approve activities for professional development (Buy-Back). If you are interested in being appointed to this committee, let me know. F-SUTA will be planning the *Day of the Teacher* event as well as the *Retirement Dinner*. If you would like to volunteer to help with these events, let me know.

Everyone's hard work has shown in the student achievement being reported. I am so fortunate to be able to spend time at sites and see the amazing work you are doing. I am proud to represent such a dedicated group of professionals. Thank you for all you do each day.

DO YOU UNDERSTAND THE WEINGARTEN RIGHTS? BY STEPHANIE COBB, *F-SUTA BARGAINING TEAM*

Your principal calls you into his/her office, shuts the door and asks you to sit down. She questions you about the way you handled a certain situation and begins to make accusations. You start to feel anxious and worry you could face disciplinary action. Should you invoke your Weingarten Rights? The answer is yes, absolutely.

The right of employees to have union representation at meetings with supervisors that could lead to discipline was announced by the U.S. Supreme Court in a 1975 case ([NLRB vs. Weingarten, Inc.](#)). These rights have become known as the Weingarten Rights.

To invoke Weingarten Rights, a member should say something like this: "If my response to your questions could lead to my being disciplined, I request union representation at this meeting, and that the meeting be postponed until my union representative arrives." When the employee makes the request for a union rep to be present, management has two options:

- It can stop questioning until the representative arrives.
- It can call off the interview and proceed with the investigation without the benefit of the employee's input.

Your union rep is of your own choice. It does not have to be your site rep.

Employers will often assert that the only role of a union rep in an investigatory interview is to observe the discussion. The Supreme Court, however, clearly acknowledges a representative's right to assist and counsel workers during the interview.

The Supreme Court has also ruled that before an investigatory interview, management must inform the union representative of the subject of the interrogation. The representative must also be allowed to speak privately with the employee before the interview and at any time during the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

While the interview is in progress the representative cannot tell the employee what to say – but he or she may advise them on how to answer a question. At the end of the interview the union representative can add information to support the employee's case. Don't be afraid to ask for what you are entitled to.



"You don't need your union rep. Just have a seat and we'll discuss your grievance like two rational human beings".

IFT GRANT PROGRAM



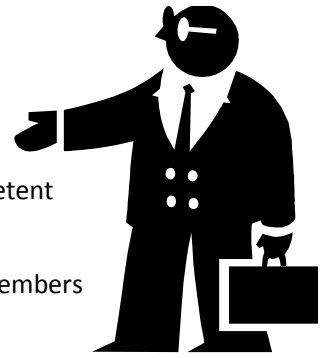
The CTA Foundation for Teachers and Learning is supported through a portion of the \$20 annual reverse dues check off. The IFT Board of Directors strongly supported the creation of this grant program as a way for IFT to give something back to CTA members.

Beginning in the 2010-2011 school year, CTA members and chapters with strength-based ideas about improving student achievement have received funding to turn those ideas into reality. The IFT Grant program has selected nearly two dozen grant recipients in its first two years. Designed to support the belief that the most effective reform proceeds from the bottom up, rather than the top down; fourteen individual grants have been awarded to teams of educators in amounts up to \$5,000. In addition, nine local chapter affiliates have been selected for chapter grants in amounts up to \$20,000. Applications and pertinent information regarding the IFT Grant program can be found at www.teacherdrivenchange.org. On-line applications for the 2012-13 school year will be accepted between January 1 and April 30- 2012.

DO'S & DON'TS FOR EMPLOYEES CHARGED WITH SERIOUS MISCONDUCT

Recently, public school district employees have faced an increasing number of charges of sexual or other criminal misconduct with students. District officials who investigate these charges often seem to believe only the students. Employees facing such charges need competent legal counsel immediately.

The CTA Department of Legal Services has prepared the following "Do's & Don'ts" for CTA members charge with sexual or other criminal misconduct involving students.



Remember: Even if you know you are innocent, district officials must investigate on the assumption that you are guilty.

DO . . .

1. Do contact your CTA representative immediately through your Union president.
 - a. Public school employees are entitled by law to have, and should demand, representation in any meeting with district officials to discuss any complaint against them.
 - b. If no representative is available, reschedule the meeting.
 - c. Asserting your right to Union representation is not insubordination. You do forfeit this right if you attend the meeting without a CTA representative.
2. Do seek referral to a CTA/NEA Legal Services attorney to discuss the situation.
 - a. CTA and NEA jointly sponsor a legal services program (Group Legal Services or GLS) for CTA members which provides advice and consultation, as well as representation, in cases directly involving your employment.
 - b. Initial consultations are paid for by CTA/NEA, and CTA members may be entitled to legal representation at CTA/NEA expense.
3. Do keep a diary of all communications from anyone about the situation so that you will have a complete record of everything that transpired.
 - a. Keeping a diary also helps you to "make sense" of what's happening during a time which is usually difficult and often very emotional.

DON'T . . .

1. Don't talk to anyone except your spouse about details of the situation until after you have talked to your lawyer.
 - a. A legal rule called "privilege" prevents the police or school authorities from requiring your spouse to reveal what you told her/him in the confidentiality of your marriage.
 - b. The "privilege" rule extends to the lawyer-client relationship as well. However, there is not "privilege" for communication with a roommate or "significant other," "another employee, a Union representative or a district official.
 - c. Remember: Unless privileged, what you say about the problem to another person will be subpoenaed and used against you.
2. Don't be misled by district officials who say that "Nothing will happen to you if you will just tell them about the situation."
 - a. District officials, even those you trust, have a mandatory legal duty to investigate student complaints about employees, and to follow the investigation wherever it may lead.
 - b. If you face misconduct charges, protect yourself by getting and following professional legal advice.
 - c. Prudence demands that you take all necessary precautions to preserve your employment.
3. Don't take any action affecting your job until you consult with a lawyer.
 - a. District officials often use coercion against an employee charged with misconduct.
 - b. They might offer to keep the incident "quiet" in exchange for an immediate resignation.
 - c. CTA members are entitled to, and should obtain, advice from legal counsel before taking any action which could jeopardize with their job or their credential.
 - d. Remember: A "deal" with the district does not prevent a student, a parent, or the prosecuting attorney from filing criminal charges, suing for civil damages or abusing your reputation.

Dear F-SUTA Members,

The new school year has started and one of the old issues has become a current issue. The issue is the use of staff meetings as training time. This should not be allowed.

This is not allowed in our contract as it falls into two different Articles. Article 19 deals with staff meetings and Article 20 deals with trainings.

The reason for the two different Articles is due to the past abuse of the administrators and administration conducting all the training during staff meeting time. This resulted in staff having to find extra outside time to do their one (1) mandatory buy back day at various times during the year and only to find out that most of the items offered were done during their staff meetings. Your T4S trainings are only one example. They are Trainings, not staff meetings and as such you should get buy back time.

Staff meetings are for:

The purpose of a staff meeting is to dispense (give out, distribute, hand out), or disseminate information (distribution of information to the general staff) concerning items that are important to the staff's safety and well-being. This leads to discussions and further interpretation of what is the meaning of the information.

Staff meetings are not for training the staff or staff development (the process of teaching, increasing, or learning a new job skill or job) as defined in the contract.

Staff Trainings are specifically for:

The training of the staff on the development (the process of teaching, increasing, or learning a new job skill or job) of job skills and learning new job skills as defined in the contract, and teachers are allowed to accrue the time doing this, if after workday, as part of their buy back hours to meet the requirement within the contract.

These two are entirely different within the context of the contract and are not to be intermingled as the net result becomes that all trainings are done on staff time and not on the buy-back time. The teachers must do the buy-back time on their own time and get their hours of credit to meet the contract requirements.

By doing the trainings on the staff time, the District and Site reduce the ability of the Teaching staff to get the required numbers of hours in order to meet the contract buy-back requirements.

This item was a hard fought part of our contract, to separate the misuse of staff time and give the staff credit for training.

If this is happening at your site, raise your voice in objection and the site reps should request a meeting with the principal to make sure they understand the contract. Do not let this concept get abused.

Training is Training, not Staff Meeting time.

Sincerely,

Arthur Aronsen,
(F-SUTA Grievance Chair)

Know Your Contract and Stick to Your Guns!

- By Arthur Aronsen, F-SUTA Grievance

The Association has the right to address any and all issues with the site or District administration concerning the contract.

While you personally may not feel that anything was done incorrectly and question why some person is interfering with your site and the way you do business at the site, what must be remembered is “are you following the contract?”

If you are not following the contract, then you and/or your site, is/are not following the agreement that the Association negotiated for all to follow and adhere to. This also means the site Administration, as the District representatives, have also signed the agreement.

However, many times in the interest of “getting things done” and “for the good of the students”, the administrators by pass the contract and the teachers follow because it is what they are being told to do and they simply do it.

What happens then is that you break your contract with the administration, and if allowed, it becomes an acceptable practice.

To prevent things like this from happening, the Association may file a grievance for one site, or the entire District if the practice is widespread, using one site as an example.

The Association does not have to ask permission to do this as they represent the entire unit as the spokes person on all issues concerning the contract.

To put this into focus, teachers do not mind when the Association speaks for a raise and bargains for better working conditions. Well this is the enforcement of those better working conditions that were bargained and won.

Teachers need to be more vigilant and read their contract and understand it so they are not taken advantage of, get what they are due, and what they pay for.

Never let the statement, “It’s in the best interest of the students” blind you or anyone as to what the contract says about your responsibilities to the contract. Any time I hear someone say that, there is a lie in there some place. It’s really “in the best interest of the administrator” to get this done with flagrant disregard for our contract.

Site Reps should be the first to raise a red flag that this is not permissible according to the contract and let the Association know so that we can get to the seat of the problem.

Your Association has worked hard to get the best possible working conditions, so read the contract and do not do things that work against your best interest.



Tools for Teachers



VSP is proud to offer a complete school program kit, including lesson plans and activities that teach about healthy vision for life. Visit the Eyecare Discovery Center at vsp.com and look for the Teachers’ Lounge.

Our Amazing Eyes Lesson Guides-VSP is proud to offer this cross-curricular language arts, science, and health program developed by The Vision Council, Transitions Optical, Inc. and Scholastic Publishing. These guides encourage students to think seriously about vision care while they practice their reading, writing, and science skills. They also learn fascinating facts about the eye and the importance of vision health.

ABCs of Healthy Vision Youth Vision Kit-This educational kit by the Carnegie Science Center and Transitions Optical, Inc. helps people of all ages explore the wonderful world of sight and learn about how to protect and maintain lifelong healthy vision. The program features free lesson plans for teachers and a Website with additional activities and free downloads.

Eyecare Discovery Activity Guide-The Eyecare Discover Activity Guide includes fun activities like The Amazing Shrinking Person, Hot Dog Finger, and Pirate Patch that show how your eyes work.

Sight for Students-VSP’s Sight for Students program provides free eye exams and glasses to low-income, uninsured children. The program operates nationally through a network of community organizations who identify children in need and VSP doctors who provide the eyecare services. Since its inception in 1997, Sight for Students has helped more than 489,000 children at a cost of more than \$96 million. In each of the past three years, VSP has exceeded our goal to help 50,000 children a year. Learn more at sightforstudents.org.

Insurance Corner Important Information For F-SUTA Members



Courtesy of California Casualty



Susan Frantz
Sr. Field Marketing
Mgr.
California Casualty

Tips for Lowering Your Auto Insurance

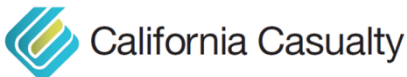
These days, every dollar counts. If you're looking to trim your auto insurance budget, you can save money by making a few changes.

Here are tips from the Insurance Information Network.

- Consider raising your deductibles for comp/collision coverages.
- Ask about discounts (multi-policy, multi-car, good driver etc) that are available.
- Consider dropping collision coverage on older vehicles.
- Shopping for a new vehicle? Check insurance costs before you settle on a particular make or model. To find which vehicles are safer, check the Insurance Institute for Highway Safety's web site at www.iihs.org.

Call us toll free now for more information and to get a no-obligation quote!

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NATIONAL EDUCATION ASSOCIATION FOUNDATION GRANTS

Visit neafoundation.org to view the guidelines and online application for grants. Here are a few that can currently be found on the Foundation Website:

[Learning & Leadership Grants](#) provide opportunities for teachers, education support professionals, and higher education faculty and staff to engage in high-quality professional development and lead their colleagues in professional growth. The grant amount is \$2,000 for individuals and \$5,000 for groups engaged in collegial study.

[Student Achievement Grants](#) provide \$2,000 and \$5,000 awards to improve the academic achievement of students by engaging in critical thinking and problem solving that deepen knowledge of standards-based subject matter. The work should also improve students' habits of inquiry, self-directed learning, and critical reflection.

[NEA's Books Across America Library Books Awards](#), in collaboration with the National Education Association, the Foundation awards \$1,000 grants to public schools serving economically disadvantaged students to purchase books for school libraries. The awards are made possible with support from corporations and individuals who donated to the NEA's Books Across America Fund to bring the gift of reading to students.

Application deadlines are: February 1, June 1, and October 15

