

# Roles of a Faculty Representative

<http://www.ceaohio.org/wp-content/uploads/2020/09/CEA-FR-Notebook-2020-2021.pdf>



**Columbus Education Association**

This information is for CEA members only.

# Attend All CEA Meetings

## Legislative Assemblies/FR Workshops

- First Thursday of the month (via zoom or Downtown HS) @ 4:30 PM
- Workshop months are November and April
- **205.04** “...Except in the case of emergency, the principal shall not schedule building-level staff/in-service meetings in the afternoon of the first Thursday of each month during the regular school year.”

## District Meetings

Third Thursday of the month @ 4:30 PM; location determined by District Governor

**Arrange for coverage if you cannot attend.**

**Report information back to your unit**

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# Serve...

## **As a member of your Association Building Council (ABC)**

Phil is our resident expert; he will be presenting on ABC in more detail.

## **On the 211 Interview Team**

Article 211 training is typically in late January, half day. You and your administrator will be expected to participate in training as well as train the remaining members of your 211 team.

## **As a member of the Building Leadership Team**

Gather input from staff and participate in the school improvement agenda.



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# Membership and Elections

## **Enroll new members and keep track of membership**

CEA attends New Teacher Orientation and works with PAR CT's to help enroll new members. We want every eligible bargaining unit member to become a CEA member. Potential members do not get to vote, they cannot access the CEA scholarships and do not qualify for legal services through OEA.

## **Conduct elections for the Association**

Elections include CEA officers, governors, contract ratifications, and delegates to the OEA and NEA Representative Assemblies

## **Participate in the Reform Panel Process**

John is our resident expert; he will be presenting on Reform Panel in more detail.

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# Interacting with Unit Members

## **Distribute all CEA materials and information to the membership**

As materials come to the building/unit; distribute those to your CEA members. Maintain a CEA bulletin board in the teachers lounge to post information.

## **Contribute to a successful PAR program**

Meet with the PAR Consulting Teachers who are assigned to members in your building. All teachers new to the district receive PAR services.

Call the PAR office (614-365-5110) if you have a new teacher who has not been assigned a PAR consultant.



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# ABCs



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# Association Building Council: Who?

- The ABC is made up of five members. They are:
  - The Senior Faculty Representative (SFR)
  - Two CEA bargaining unit members elected by their peers
  - Two CEA bargaining unit members who consent to be appointed by their principal
- Your administrator is NOT a member of the ABC, but is required to meet with the ABC and the staff at least once per month



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# Association Building Council: Who? (Con't.)

- The opportunity to run for one of the two elected spots on ABC is open to all CEA bargaining unit members, regardless of whether they are dues-paying members of CEA
- Your principal selects the two appointed members, but they must consent to serve.



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# Association Building Council: When?

- ABC meetings should be held at least once per month
- CEA recommends holding ABC meetings after school on days where there are no other after school meetings (BLT, etc.)
- Consider holding the meetings on the same day each month (second or fourth Thursday of the month is recommended)



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# Association Building Council: How?

- Put a call out for submissions of items of concern seven to ten days in advance.
- Any CEA bargaining unit member may submit an item for the ABC (Classified staff have their own ABC)
- After consulting with the principal, the ABC Chair (elected at the first meeting) prepares an agenda
- Consult means “to seek the advice of”; however the principal cannot exclude or block items from being placed on the agenda.



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# Association Building Council: What?

- There is virtually nothing that the ABC cannot discuss.
- ABC concerns should not single out an individual bargaining unit member OR classified staff member
- ABC concerns may be submitted anonymously
- CEA bargaining unit members (who are not on the ABC) may speak to an item placed on the agenda if it is their item



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# Association Building Council: Miscellaneous

- After the meeting the ABC minutes should be distributed to all CEA bargaining unit members and your administrator(s)
- Your administrator does not “approve” or have the right to edit the minutes of the meeting
- Send a copy of your minutes to your CEA District Governor and Vice President Phil Hayes at the CEA Office (an electronic document is encouraged)
- A template for minutes is available on the CEA website under “Forms”



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# REFORM PANEL

ARTICLE 1503



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## WHY USE REFORM PANEL?

To improve the teaching and learning conditions in your building through collaboration.

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## ROLE OF THE PANEL

- The panel has the authority to grant and cancel variances in the Master Agreement. (The Contract)
- The panel may grant variances for a specific period of time, ask for yearly report or make it permanent.



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## EXAMPLES

- All new programs and incentives outside of the contract must be approved by the panel and requires the signature of the Co-Chairs.
  - Changes to the writing portfolio
  - Teachers choosing to teach an extra period
  - Changing the bell schedule to accommodate TBT's
  - Nurses opting out of PAR
  - Splitting a Department Chair
  - Kindergarten staggered start
  - Breakfast in the classroom



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## VOTING ON A VARIANCE

- Any variance must have a 2/3rds vote of approval from the bargaining unit members by secret ballot.
- All bargaining unit members that did not vote will be counted as a no vote.



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## SUBMITTING A VARIANCE REQUEST

- Download form from the CCS or CEA website.
- Complete the form with the signature of the SFR and the principal
- Send Forms to Angela Thompson Angela Y Thompson (athompson4@columbus.k12.oh.us)
- The SFR or the designee and the Building Principal will present in front of the panel for approval.



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## MEETING DATES

| Form Due | Meeting Date |
|----------|--------------|
| Sept. 3  | Sept. 15     |
| Oct. 8   | Oct. 20      |
| Nov. 5   | Nov. 17      |
| Dec. 3   | Dec. 15      |
| Jan. 7   | Jan. 19      |
| Feb. 4   | Feb. 16      |
| Mar. 4   | Mar. 16      |
| Apr. 8   | Apr. 20      |
| May 6    | May 18       |
| Jun. 3   | Jun. 15      |



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# Health and Safety

The 2019-2022 CEA Master Agreement includes contract language regarding the occupational health and safety of CEA members. Faculty Representatives play a key role in enforcing this language and ensuring members are utilizing the negotiated procedures for addressing such concerns



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# Reporting a Violation

| Step | Who  | Action   | Deadline  | Notes  |
|------|--|--|---|--|
| One  | Bargaining unit member and/or CEA Faculty Representative | File health and safety complaint in writing with immediate supervisor or principal | Within five (5) workdays of the occurrence and/or violation | Submit concern via email to principal/supervisor and cc: CEA at <a href="mailto:CEAHealthSafety@ceaohio.org">CEAHealthSafety@ceaohio.org</a> |
|      | Principal or immediate supervisor                        | Responds in writing  | Within ten (10) workdays of complaint filing                | If complainant(s) are satisfied with response, process ends. If not satisfied or no response received, move to step two.                     |



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# Sample Email

*Dear \_\_\_\_\_ (Principal/Supervisor),*

*Per Article 206.05 of the CEA Master Agreement, I am making written notification of a health and safety complaint.*

- *Include date of violation/complaint*
- *Describe violation/complaint*
- *Provide location*

*It is my understanding; I should receive a response in ten days.*

*Thank you,*




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# Appeal Process

| Step  | Who   | Action  | Deadline   |   |
|---|---|---|--|---|
| Two   | Bargaining unit member and/or CEA Faculty Representative  | Appeal health and safety complaint in writing | Within five (5) workdays of the immediate supervisor/principal's response or due date to respond | Submit concern via email to Director of Building and Grounds Dejuan Hood at <a href="mailto:dhood@columbus.k12.oh.us">dhood@columbus.k12.oh.us</a> and cc: CEA at: <a href="mailto:CEAHealthSafety@ceaohio.org">CEAHealthSafety@ceaohio.org</a> .   |
|  |   |   |  |   |
|   | <ul style="list-style-type: none"><li>CCS worksites appeal to the Director of Building and Grounds</li><li>Non-CCS- worksites appeal to the Director of HR Administration</li></ul> | Responds in writing                           | Within ten (10) workdays of appeal filing  | If corrective action is identified in the response, then the response must include a planned date of project completion. If complainant(s) are satisfied with response, process ends. If not satisfied or no response received, move to step three. |

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# Filing a Complaint with Public Employees Risk Reduction Program (PERRP)

| Step  | Who  | Action  | Deadline |  |
|-------|--|---|----------|--|
| Three | Bargaining unit member and/or CEA Faculty Representative | File complaint with Ohio Bureau of Workers Compensation Public Employees Risk Reduction Program (PERRP) using form SH-6 | N/A      | <p>PERRP form SH-6 can be found at: <a href="https://www.bwc.ohio.gov/downloads/blankpdf/SH-6.pdf">https://www.bwc.ohio.gov/downloads/blankpdf/SH-6.pdf</a></p> <p>This fillable pdf can be submitted via email to <a href="mailto:perrpcomplaint@bwc.state.oh.us">perrpcomplaint@bwc.state.oh.us</a></p> <p>When filing, cc: CEA at: <a href="mailto:CEAHealthSafety@ceaohio.org">CEAHealthSafety@ceaohio.org</a></p> |



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# What Happens Once a Complaint is Filed with PERRP?



- PERRP will notify the employer in writing of the complaint (not including the name of the complainant).
- The employer must investigate, correct and respond to the allegations within 30 days. If the employer does not respond, or if PERRP determines the response is inadequate, an inspection of the workplace will result. Two outcomes can result from a complaint inspection.
  1. PERRP determines there are no reasonable grounds to believe that a violation or danger exists. If this occurs, the complainant will be notified of the outcome.
  2. PERRP identifies violations and issues citations to the employer that require corrective action. If the employer fails to correct identified hazards within the allotted time, they may face fines.

# CCS LEAVES OF ABSENCE

## FREQUENTLY USED



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# FAMILY MEDICAL LEAVE ACT (FMLA) 12 WORK WEEKS IN A 12 MONTH PERIOD

- THE BIRTH OF A CHILD AND TO CARE FOR THE NEWBORN W/IN ONE YEAR OF BIRTH
- THE PLACEMENT OF A CHILD FOR ADOPTION OR FOSTER CARE AND TO CARE FOR THE CHILD W/IN ONE YEAR
- TO CARE FOR A SPOUSE, CHILD, OR PARENT WHO HAS A SERIOUS HEALTH CONDITION
- ANY SERIOUS HEALTH CONDITION THAT MAKES THE MEMBER UNABLE TO PERFORM THE DUTIES OF YOUR JOB
- TWENTY-SIX WORK WEEKS OF LEAVE DURING A SINGLE 12 MONTH PERIOD TO CARE FOR CERTAIN MILITARY RELATED QUALIFYING EMERGENCIES (SPOUSE, SON, DAUGHTER, PARENT, NEXT OF KIN)
- FMLA CAN BE PAID, UNPAID, OR A COMBINATION OF BOTH DEPENDING ON YOUR LEAVE BALANCE AND MEDICAL PROVIDER RECOMMENDATION



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# INTERMITTENT FMLA

- LEAVE FOR DAYS THAT ARE NOT CONCURRENT DAYS OF ABSENCE.
  - MEDICAL APPOINTMENTS
  - MISSED DAYS FOR MEDICAL CONDITION
  - INCLUDES INDIVIDUAL MEMBER OR A QUALIFYING FAMILY MEMBER



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# CATASTROPHIC LEAVE (SICK LEAVE DONATION)

- DUE TO CATASTROPHIC ILLNESS OR INJURY OF A TEMPORARY NATURE
- SICK AND PERSONAL LEAVE EXHAUSTED
- DONATION OF SICK LEAVE DAYS COME FROM THE CONTRIBUTIONS OF OTHER MEMBERS ACCUMULATED UNUSED SICK LEAVE
- A MAXIMUM OF 45 DAYS MAY BE GRANTED
- IF NEEDED, ONE RENEWAL WILL BE CONSIDERED BY THE COMMITTEE



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# SICK LEAVE (PAID) DUE TO ILLNESS OF A FAMILY MEMBER

- ALL PROVISIONS OF FMLA APPLY
- MUST BE ACCOMPANIED BY A STATEMENT FROM THE PATIENT'S DOCTOR WHICH:
  - STATES THE RELATIONSHIP
  - STATES THE ILLNESS/DISABILITY
  - EXPLAINS THE NEED FOR THE ABSENCE OF THE MEMBER
- THE BARGAINING AGREEMENT REQUIRES SUBMISSION OF MEDICAL DOCUMENTATION CERTIFYING THE ILLNESS OF A FAMILY MEMBER IF AN EMPLOYEE IS ABSENT FOR 3 OR MORE DAYS.



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# SICK LEAVE (UNPAID) ILL HEALTH

- ALL PROVISIONS OF FMLA APPLY TO EMPLOYEES WHO TAKE LEAVE FOR THEIR OWN SERIOUS MEDICAL CONDITION
- THIS HAPPENS WHEN AN EMPLOYEE'S ABSENCE EXCEEDS THE CERTIFIED NEED BY THE DOCTOR
- A DISABILITY PERIOD EXCEEDING AN EMPLOYEE'S ACCUMULATED SICK LEAVE BALANCE
- ONCE YOUR DOCTOR MEDICALLY RELEASES YOU TO RETURN TO WORK, YOU MAY USE PERSONAL TIME FOR ANY ADDITIONAL TIME, OR IT WILL BE UNPAID (REGARDLESS OF SICK LEAVE BALANCE)
- YOU WILL NOT RECEIVE PAY FOR A PAID HOLIDAY IF IN AN UNPAID STATUS
- IF YOU ARE IN AN UNPAID STATUS, YOU ARE RESPONSIBLE FOR BOTH EMPLOYEE AND EMPLOYER BENEFIT CONTRIBUTIONS



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# MATERNITY LEAVE

- ALL PROVISIONS OF FMLA AND THE CONTRACT APPLY
- PHYSICIAN CERTIFICATION REQUIRED FOR MEDICAL PORTION OF THE LEAVE IN ORDER TO USE PAID SICK LEAVE (INCLUDING PRIOR TO DELIVERY)
- 6 WEEKS TYPICAL DELIVERY, 8 WEEKS CESAREAN DELIVERY
- DELIVERY DURING VACATION, BEFORE/DURING/FOLLOWING THE END OF THE SCHOOL YEAR (I.E. SUMMER MONTHS, SPRING, OR WINTER BREAK), THE NUMBER OF WEEKS DURING THOSE PERIODS ARE ALL CONSIDERED PART OF THE MEDICALLY CERTIFIED DURATION TIME; DAYS ARE NOT DEDUCTED FROM THE MEMBER'S SICK LEAVE BALANCE FOR THESE PERIODS OR FOR HOLIDAYS OR DATES DESIGNATED AS "CALAMITY" DAYS
- ANY TIME TAKEN AFTER YOU HAVE BEEN MEDICALLY RELEASE BY YOUR PHYSICIAN CANNOT BE DEDUCTED FROM SICK LEAVE; HOWEVER, YOU COULD USE OTHER AVAILABLE LEAVE BALANCES AT THE END OF THE UNPAID LEAVE PERIOD TO DELAY THE RETURN-TO-WORK DATE



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# PATERNITY LEAVE

- ALL PROVISIONS OF FMLA AND THE CONTRACT APPLY
- USE IS BASED UPON PHYSICIAN CERTIFICATION OF THE MOTHER
- ALSO, BASED ON A MEMBER'S SICK LEAVE BALANCE FOR MEDICAL NECESSITY
- CAN USE OTHER LEAVE BALANCES BEFORE GOING INTO AN UNPAID STATUS FOR THE REMAINDER OF THE LEAVE
- CAN BE INTERMITTENT



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# ASSAULT LEAVE

- A MEMBER MAY BE GRANTED UP TO 40 DAYS DUE TO INJURY RESULTING FROM A PHYSICAL ASSAULT WHICH OCCURS ON BOARD PREMISES OR WHICH OCCURS OFF BOARD PREMISES IN CONNECTION WITH THE PERFORMANCE OF ASSIGNED DUTIES



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# Applying For ADA Accommodations

Jeremy Baiman, OEA Labor Relations Consultant



# Disclaimers

- This presentation is for Columbus Education Association Members only
- This presentation is for informational purposes only and does not constitute legal or medical advice
- Questions regarding individual situations should be directed to the CEA Office. If necessary, members will be provided an attorney at no cost through the NEA Legal Services program
- Much of the information in this presentation is provided by the Ohio Education Association Education Policy Research and Member Advocacy (EPRMA) department and the Ohio Education Association Legal Services department, and has been compiled by the Columbus Education Association for CEA members

# Americans with Disabilities Act (ADA)

- Federal law prohibiting discrimination against people with disabilities
  - Prohibits discrimination in employment based on employee's disability
  - Requires employers to provide reasonable accommodations
  - Prohibits retaliation against employees for asserting their ADA rights
- The ADA covers employers with 15 or more employees, including state and local governments.
- Enforced through complaints to the Equal Employment Opportunity Commission and Ohio Civil Rights Commission
- CEA available to assist members with crafting reasonable workplace accommodations for members

# ADA – Potential COVID-19 Accommodations

- Connection between impairment and specific need for accommodation
  - Impairment puts employee at higher risk of serious complications
  - Accommodation is necessary to reduce that risk
- Look to CDC recommendations to reduce risk of exposure for specific groups and CDC school reopening guidance
- Specific accommodations that reduce risk
  - PPE / Distancing / Other transmission reduction measures
  - Transfer to vacant position with less contact with other people
  - Telework/Remote work
  - Medical leave
- Medical condition that may inhibit employee from using PPE –latex allergy, breathing issues) or religious reasons for not wearing PPE

# ADA – Higher Risk Conditions

- People 65 years + (Age alone – without any health conditions that qualify as a “disability” – is not a basis for an accommodation)
- People of all ages with underlying medical conditions, particularly if not well controlled, including:
  - People with chronic lung disease or moderate to severe asthma
  - People who have serious heart conditions
  - People who are immunocompromised, which can be caused by many conditions including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
  - People with severe obesity (body mass index [BMI] of 40 or higher)
  - People with diabetes
  - People with chronic kidney disease undergoing dialysis
  - People with liver disease



# ADA – Mental Health Conditions

- CEA bargaining unit members with certain mental health conditions may have more difficulty coping with the stress and disruption caused by the pandemic
  - Examples: anxiety disorders, obsessive-compulsive disorder, post traumatic stress disorder
- May be entitled to reasonable accommodations, just as with any other condition that qualifies as a disability

# ADA – Living with High Risk Individuals

- ADA usually won't apply
- ADA does not require accommodations based on an employee's family member having a disability
- ADA does prohibit “associational discrimination” – Cannot treat employees who need an accommodation because of a family member's disability less favorably than employees who need accommodations for other reasons
- Family and Medical Leave Act (FMLA)/ Other family leave
  - May be entitled to FMLA leave or other leave to care for a disabled family member



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# ADA – How to Request an Accommodation

- Administered through the CCS Office of Compliance in the Legal Department, Not Human Resources
- 614-365-5143
- [Complianceofficer@columbus.k12.oh.us](mailto:Complianceofficer@columbus.k12.oh.us)
- Online form to request accommodation:  
<https://tinyurl.com/CCSRequestAccommodation>

# ADA – How to Request an Accommodation

- Accommodation can be requested upon hiring or at any point during employment when a need arises. CEA is available to assist members with making a request.
- No “magic words” are required. It doesn’t have to be in writing, but it’s a good idea to make a written record.
- Employers must consider the request and engage in an interactive process to try to find a suitable reasonable accommodation.
- Medical documentation: Employees do not have to include details about their medical condition when requesting an accommodation but must provide medical documentation if the employer asks for it.
- If an employer denies a requested accommodation, employee should ask why it was denied and try to address any problem, if possible.
  - “Undue hardship” – get details; discuss alternatives
  - Insufficient information about medical condition or requested accommodations
- Should begin the process of requesting an accommodation sooner rather than later



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