

Thursday, November 2, 2023

CEA FR Training



Responsibilities of a Faculty Representative

Responsibilities of a Faculty Representative

Attend all

- Legislative Assemblies
- Faculty Representative Trainings
- District Meetings
- If unable to attend, arrange for another representative to attend

Membership

- Enroll new members
- Keep track of unit membership

Communicate

- Report CEA information at the conclusion of staff meetings
- Distribute all CEA materials and information to the memberships

Responsibilities of a Faculty Representative

Serve as a member of the

- Association Building Council
- Building Leadership Team

Participate in the

- 211 selective interview process
- Reform Panel process

Contribute to a successful PAR process

Conduct elections for the Association

ABCs



This information is for CEA members.

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



This information is for CEA members.

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.



This information is for CEA members.

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)



This information is for CEA members.

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.



This information is for CEA members.

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



This information is for CEA members.

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”



This information is for CEA members.

Elections

- Non-members do not vote.
- Only members on your rosters vote.
- Secure the ballot box– don't have members place ballots in your mailbox.
- Everyone gets an opportunity to vote.
- Make sure you include the certification form and sign across the sealed envelope.
- Ensure your ballots are ready for pickup on Wednesday, Nov. 15!



This information is for CEA members.

Elections

- CEA Staff Consultants and Officers are unable to answer your questions about elections– all questions should be answered by CEA Elections Chair Brittany Pierce (440-225-2631).



This information is for CEA members.

Organizing Your Unit Membership

- Use non-CCS email
- Personal contact
- Regular CEA meetings
- Delegate some responsibilities with other FRs/alternates
- Invite other staff to attend Legislative Assemblies and District Meetings with you
- Keep in contact with your District Governor
- Call CEA when you have questions

Questions?

Thursday, October 2, 2023

CEA FR Training



REPRESENTING MEMBERS IN MEETINGS WITH ADMINISTRATORS OR SUPERVISORS

Right to Representation: Weingarten Standard

- An employee's right to representation in investigatory or pre-disciplinary meetings was established in a 1975 United States Supreme Court decision, *NLRB v. Weingarten, Inc.* This decision applies only to the private sector.
- In *In re Davenport, SERB 95-023*, the State Employment Relations Board adopted the Weingarten standard for public employees in Ohio, stating:
“We believe that Weingarten provides the proper balance between the public employer’s need to manage and the public employees’ rights in O.R.C. 4117.03(A)(2) to engage in concerted activities for mutual aid and protection. Therefore, we specifically find that, upon an employee’s request, representation by an employee organization is required at investigatory interviews which the employee reasonably believes could lead to discipline (the Weingarten standard) and at grievance meetings.”

Right to Representation: Weingarten Standard

Requirements of the Weingarten Standard:

- The CEA bargaining unit member must reasonably believe the meeting could lead to discipline (the meeting is investigatory or disciplinary in nature)
- The CEA bargaining unit member must request representation
- The Administrator/Supervisor has three choices:
 - Grant the request for representation
 - Deny the request and terminate the interview
 - Give the option to continue without representation or postpone until representation is available

Right to Representation: Contract Provisions

In addition to the Weingarten standard, our CEA Master Agreement contains the following provisions related to our right to represent CEA members in meetings:

- 109.11 – Administrators will not interfere when CEA bargaining unit members are entitled to representation in a meeting
- 404.01 – *“A teacher shall be entitled, upon request, to have present an Association faculty representative or other representative of the Association when the teacher is being given a formal reprimand or warning, is being disciplined for any alleged infraction of rules, delinquency, or unprofessional performance, or is being given a recommendation that such teacher resign or take a leave of absence without pay.”*

Right to Representation: Contract Provisions

In addition to the Weingarten standard, our CEA Master Agreement contains the following provisions related to our right to represent CEA members in meetings:

- 404.06 – Right to CEA representation to discuss inappropriate direct criticism by an Administrator
- 701.06(F)(1) – Right to representation during meetings with administrators regarding sick leave use

After an Incident, Members Should NEVER...

The first hours after an incident are CRITICAL. Remind members that they should:

- Never make spontaneous responses to charges
- Never attend disciplinary meetings without CEA representation
- Never “accept” an opportunity to resign
- Never agree to any proposal, written or oral
- Never submit a written statement to administration without prior review by CEA
- Never speak to an outside agency without contacting CEA first
- Never refuse to carry out an administrative order - WORK then GRIEVE!

Prior to the Meeting – SFR Best Practices

- Ask the administrator what the purpose of the meeting is
- Ask the member who they would like to bring as a CEA Representative
- Meet with the member and take detailed notes regarding the situation/issue
- Review the Master Agreement and/or Board Policies for relevant articles/provisions
- Urge the member to stay calm and act professional during the meeting, and only answer the questions asked
- If the situation has been reported to the police or FCCS, immediately call the CEA office

During the Meeting – SFR Best Practices

- Take a copy of the Master Agreement for reference
- Take detailed notes of the meeting, including who was present
- Ask clarifying questions
- Ask for copies of all documents utilized or referenced during the meeting

Meeting Goes Sideways – SFR Best Practices

- If the meeting reveals serious charges (FCCS/police) immediately stop the meeting and call the CEA office
- If the meeting gets heated, or the member doesn't know if/how to answer a question, request a caucus and step outside with the member. During this time, you may call the CEA office or simply remind the member to remain professional
- If the member is incriminating themselves, request a caucus and remind the member not to answer anything but the questions asked
- Remind members that refusal to answer questions asked can be insubordination, however, "I don't recall", "I don't know" or "I don't want to speculate" are all valid answers.

After the Meeting – SFR Best Practices

- Review what happened in the meeting and answer any questions the member may have, don't make up an answer if you don't know
- Review with the member "what to expect next"
- Maintain member and student confidentiality
- Explain that if discipline results, review with the member the potential to challenge the discipline through the grievance process or a written rebuttal (Article 404)
- Provide an update to the appropriate CEA staff/leadership
- Advise a member that any document they are asked to sign is just acknowledgement of receipt, not agreement with the contents, if it makes the member feel more comfortable, they can write "acknowledgement of receipt only" and then sign

Representation of the Contract

- Can a CEA representative attend any disciplinary/investigatory meeting even if a member doesn't want a representative present?

Duty of Fair Representation (DFR)

Duty of Fair Representation: The obligation placed on a union and all its representatives to represent the interests of every member of the bargaining unit – whether a member of the union or not – in a fair and impartial manner

- CEA must represent all employees equally without prejudice. All actions must be carefully documented
- CEA must not give away or change benefits and/or rights guaranteed by the Master Agreement without the agreement of the membership

Thursday, August 17, 2023

CEA FR Training





Peer Assistance and Review

Article 401: Teacher Evaluation and PAR

401.07

- A. The evaluation and any related actions involving teachers during the period of assignment to the Peer Assistance and Review Program (PAR Program) shall be in accordance with the procedures established by the PAR Program Panel, which shall be consistent with O.R.C. 3319.111 and 3319.112 to the extent such laws apply. Such related actions shall include action by the Board based on recommendations by the PAR Program Panel regarding intern teachers and action by the Board based on reports by the PAR Program Panel regarding teachers who have been previously assigned to the PAR Program for intervention.
- B. The provisions of this Article 401 shall apply to teachers assigned to the PAR Program only in the event of administrative action which is not in accordance with the PAR Program Panel procedures. Such administrative action shall only be initiated where the basis for such action is primarily related to concerns other than classroom teaching performance.
- C. Any teacher may request to be assigned to the PAR Program by submitting a written request to the Association President. If the teacher requesting assignment to the PAR Program has been given a Notice of Special Evaluation and has more than five (5) years of continuous Columbus teaching experience, such teacher shall be accepted into the intervention phase of the PAR Program. The final determination of whether to admit a teacher with five (5) or less years of continuous Columbus teaching experience to the PAR Program will be made by the PAR Panel.
- D. Only teachers who have a summative evaluation rating of Ineffective on their most recent evaluation form may be recommended for PAR Intervention by an administrative-initiated referral.

The Two Components of PAR:

Intern

- PAR is mandatory for teachers newly hired by Columbus City Schools, even those with previous experience.
- PAR Panel assigns a PAR Consulting Teacher to each intern. The term “intern” is used to identify full-time bargaining unit members new to Columbus City Schools.
- Formal evaluations are not conducted by the administration while a teacher is in PAR.

Intervention

- PAR is designed to assist experienced teachers in the Columbus City Schools who are exhibiting difficulty in the classroom. Teachers must have five or more years of teaching experience in the district to receive service from PAR.

What is the Role of the SFR with PAR?

- At the beginning of the year, the Senior Faculty Representative will be contacted by the individual PAR Consultants serving in the building to establish communication.
- Throughout the school year, the consulting teacher will meet with the building principal and the Senior Faculty Representative (SFR).
- The SFR may share perceptions or concerns to help the PAR CT support the intern or intervention's role in the building.
- The PAR Consultant is not permitted to share information or report to the SFR
- Convene the ABC to determine the number of votes required to approve an intervention for the PAR Program (i.e., majority, unanimous or some other percentage).

Peer Assistance and Review for Interventions

Thoughts on PAR

- A teacher referred to PAR should never come as a complete surprise to them.
- PAR is not a tool to use against a teacher because of a disagreement.
- PAR is a place to help struggling teachers get back on track.
- Teachers who have been positively released from PAR have overwhelming told the Co-Chairs they were grateful for the strategies and guidance that was provided to them by their Consulting Teacher.

PAR Intervention Process: 3 Routes

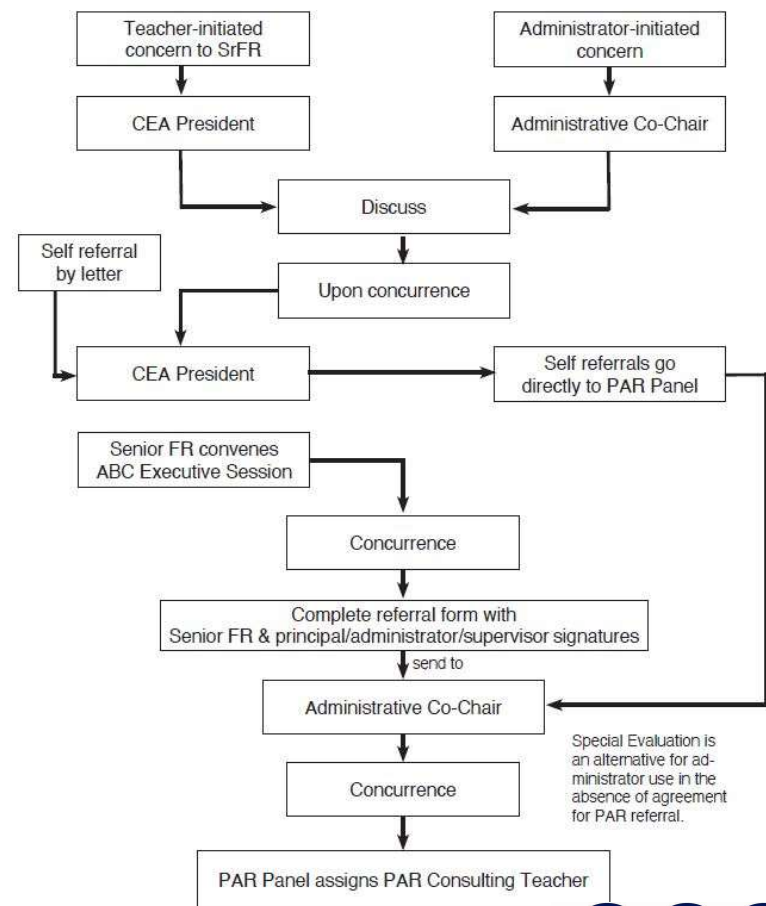
- Self-referral (See Article 401.07, section C.)
- Referral by the building principal or program supervisor (See Article 401.07 section D.)
- Referral by the Senior Faculty Representative (SFR) (See the CEA Membership Handbook)

Self Referral

- A teacher may self refer to PAR by contacting the CEA President.
- Self referrals go directly to PAR Panel for a vote. If there is an agreement, then a PAR Consulting teacher is assigned.

PAR Intervention Referral Process

- Each ABC will determine the number of votes required to approve an intervention for the PAR Program (i.e., majority, unanimous or some other percentage).
- Only teachers who have a summative evaluation rating of Ineffective on their most recent evaluation form may be recommended for PAR Intervention by an administrative-initiated referral.



PAR Intervention Indicators

- Serious discipline and classroom control problems
- Frequent conflicts with students
- A noisy classroom atmosphere
- Children frequently out of the classroom and in the halls
- Total lack of student interest in classroom activities
- High incidence of discipline referrals
- Unduly harsh and unreasonable treatment of students
- Frequent parent complaints and difficulty resolving problems with parents
- Lack of planning and preparation for instruction
- Disorganization meeting professional responsibilities
- Extremes in grading as reflected in grade inflation or excessive failure rates
- Lack of student growth and achievement
- Tardiness and high absence rates
- Sarcasm and demeaning comments in relation to students
- General negativism toward all facets of the job
- Difficulty with routine tasks
- Failure to comply with district policies and administrative requests

SFR Guidelines for Teacher Identification for PAR Intervention:

- Concern goes to SFR
- SFR calls CEA President
- President calls District Co-Chair
- Discuss

SFR Guidelines for Teacher Identification for PAR Intervention:

- SFR convenes ABC Executive Session.
 - Administrators are not members of ABC.
 - Administrators do not vote.
 - Administrators do not go into Executive Session.
 - Executive Session discussions are NOT recorded in the minutes or discussed outside of Executive Session.
 - Vote in Executive Session.
 - Criteria for voting someone into PAR should have been determined when ABC was set up at the beginning of the year.

SFR Guidelines for Teacher Identification for PAR Intervention:

- Concurrence
 - Complete Referral form with SFR and principal signatures
 - Send to Administrator CO-Chair
 - Concurrence by PAR Panel
 - PAR Assigns PAR Consulting Teachers

Administrator Initiated Concern

- Conversation with the District Co-Chair
- Discuss with CEA President
- Concurrence
- Goes Back to CEA President
- Senior FR convenes ABC Executive Session
- The Administrator is not a member of ABC and does not go into Executive Session or vote.

Administrator Initiated Concern continued

- Concurrence
 - Complete referral form(Sent out by PAR Panel Admin AKA Co-Chair)
 - PAR Panel Admin sends it to the PAR Panel for a vote
 - PAR Panel votes and if they agree a PAR Consulting Teacher is assigned.

Non-Concurrence

- Administrators have the option to conduct a Special Evaluation.
- Any teacher who gets a notice of Special Evaluation can refer themselves to PAR.
- Teacher with less than five years of experience or less than five years removed from PAR then the PAR Panel will vote.

