



# **BUILDING REP MANUAL**

*You have the power to make change!*





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## (2020-2021)

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# INTRODUCTION



## **Congratulations and Welcome!**

We would like to welcome you to quite possibly the most important position in OEA: Building Representative!

Although it might seem small, as a Building Rep you will play a vital role in the success of your local Association. You are the eyes and ears in each building who has a feel for the pulse of staff morale. We believe that the people closest to the action are the ones who should be making the key decisions that affect our work as educators, and that's why you are so important!

You will wear many hats as a Building Rep. You are the organizer who welcomes new members in the fall, who listens and takes action when your colleagues bring concerns, and who leads the way when we need to mobilize. You are the communicator keeping people informed of important upcoming events and act as a conduit between your building and your local Association. You are the advocate who fosters a relationship with your administration and who supports your colleagues when they need representation.

Finally, we want you to know that you have the power to affect change in your building! As a union member and Building Representative, you are part of the Labor Movement, an international collective of working people. Globally, workers exchange their time and energy for compensation and working conditions. In your role, you will help to improve the lives of your colleagues, who in turn will impact the future generation that is in today's classroom!

In Solidarity - OEA Union School

## Association Code of Conduct

- I will not criticize any colleague except to the individual directly.
- If any colleague is being criticized in my presence, I will confront the criticism and ask that it stop.
- I will not participate in any conversations with management that criticizes, or negatively speculates about, any colleague.
- I will settle my differences with colleagues within my association.
- I will engage in debate, offer others every opportunity for debate, respect minority viewpoints, and I will observe and support the majority decision of my association.

## What Can You Expect as a Building Rep?

1. Be treated as an equal partner by management when performing union work.
  - You have an official position that is legally protected to represent your members
  - Represent a colleague in a case that could lead to discipline
  - Establish monthly meetings and maintain a working relationship with site administrators
2. Establish ongoing relationships with your union members.
  - Introduce yourself and other employees to new staff
  - Send out regular communications regarding local issues and meetings
  - Make regular contact with members. Share any issues to take back to the union
  - Answer questions and research answers when you are not familiar with the issue
3. Regular participation in your local union.
  - Attend Local Association Meetings and report information back to site staff
  - Host regular 10-Minute Meetings in your building
  - Actively communicate and promote union activities in your building
4. Maintain accurate records.
  - Keep notes and handouts from meetings
  - Create and maintain your site's 10:1 Site Action Team roster
  - Know your contract and where to find it
  - Know Local Officers and other association representatives
5. Facilitate Member Education and Training
  - Share information about local training opportunities and OEA events
  - Build on your strengths and push your boundaries
  - Help ensure that your Local Association provides your members with the education and training they need

## What Can Members Expect From Their Rep?

1. **Listen** to the concerns of members and engage them in developing problem solving strategies.
  - Be available and approachable. Meet with members individually as needed
  - Members should be able to come to you in confidence
2. **Communicate** information.
  - Upcoming events
  - Training and opportunities to build skills or develop professional practice
  - Relay employee concerns and opinions to Association leadership
3. Thoroughly **investigate** any concerns or potential problems.
  - Building Reps should always involve the employee in the investigation process
  - These could be building issues, or potential grievances
4. **Enforce** the contract.
  - Know the contract
  - Follow the process when the contract is not being followed

**In every encounter, employees have the right to be treated fairly and without discrimination based on race, sex, ethnic background, sexual orientation, gender identity, citizen status or Association Membership. You must represent members and nonmembers in grievances. It is the law.**

## 25 Best Practices to Make You a Better Building Rep

1. Make person to person, face to face contact with everyone in your building.
2. Always make it a point to welcome new staff and ask them how you can be helpful.
3. Map your building.
4. Hold 10-Minute meetings in your building on a monthly basis.
5. Distribute up to date information about unions, local, and state issues.
6. Learn about the issues that are important to your members by listening to them on a regular basis.
7. Respect the sincerity and opinions of every member.
8. Always look for way to advocate for, not judge, your members.
9. Treat everyone equitably.
10. Asking members for help is a key to success.
11. Work to build solid foundation of increasing involvement and ongoing growth.
12. Stick to timelines related to any grievance.
13. Never accept rumor as fact. Investigate the source so you can evaluate the validity of the issues.
14. Always keep in communication with a member who has filed a grievance.
15. Always partner with a member who as an issue that needs to be solved.
16. Ask for help and advice. Always be willing to say, "I'll find out."
17. Follow up is everything!
18. Listening and empathy go a long way in most circumstances.
19. Keep your word. Deal with issues fairly and without bias.
20. Keep confidential conversations private.
21. Remember you are a peer to management when representing a member.
22. If you are respected by your peers, management will respect you.
23. The union is reflected in your representation.
24. Every member has a right to have an OEA representative in a meeting with management that could lead to discipline.
25. Every member has the right to representation from OEA.

## **An Injury to One Is an Injury to All**

- The mistreatment of any individual worker creates the possibility of mistreatment of every worker.
- Workers must come to the support and defense of fellow workers who are threatened.
- This creates a balance of power between the employer and the employee.
- It is the foundation of solidarity among workers.



# ORGANIZER

## Beginning of the Year Checklist

Preparing for being an effective Building Rep includes developing a plan of action. Here are some things to consider:

- Inform your administrator of your position as Building Rep, preferably in a face-to-face meeting
- Assist with local membership materials and return them to your local Association office
- Find other members to help you
- Make sure that each member in your building knows that you are the Building Rep
- Communicate on a one-to-one basis with members
- Hold a building meeting in September when given your first 10-minute meeting assignment

In your position as Building Rep, there are some basic things you will do on a regular basis to serve as a liaison between your building and the Association:

### Annually

- Attend Building Rep training or advocacy trainings
- Hold elections in your building and encourage members to participate

### Monthly

- Attend Building Rep meetings
- Hold 10-minute meetings in your building
- Conduct meetings with your principal to problem solve building level concerns

### On-going

- Post union materials on bulletin board in your staff room
- Share material in both hard copy and electronic form, when available
- Report concerns to your local president and local leadership
- Monitor contract implementation in your building
- Encourage members who demonstrate leadership qualities to be more involved

## Organizing is Power

Organizing is a powerful tool to effect change. In situations without access to money and power, organizing has been the most successful tool for working people throughout history. Understanding key terminology and its basic structure enhances likeliness of success.

### **Goals vs. Vision:**

Goals are specific and measurable. We know if we have successfully elected a new school board candidate. However, we don't know if this will usher in a change to the political climate of the school board. Things that sound like goals but are not measurable can be thought of as visions rather than goals. While a vision can help guide the progress of an organization, goals are concrete and move us forward incrementally.

## **Building a Plan:**

A good plan has a goal that is specifically measurable, and includes strategy and tactics. The choices we make depend on how much time and resources are available. Strategy refers to the overall approach we will take to achieve our goals. For example, we might organize and mobilize members for action during a bargaining campaign. The tactics are the specific steps we take to implement our strategy.

An example of a tactic is for everyone to come to the first open bargaining session wearing red to show solidarity for the team.

## **A Good Tactic:**

- Moves us closer to our goal
- Is understandable to our members and to outsiders
- Builds on previous tactics

## **Reviewing the Plan:**

Build into your timeline a periodic plan assessment so that you can see if you are actually achieving your goals. Sometimes circumstances will change which will cause us to scrap our plan entirely and start over. Sometimes we need to completely revise our goals. By reviewing your plan regularly, you will know when you are on track for success and when you need to make adjustments.

## Components of a Campaign

### Goals

- What are the goals of this campaign?
- What are your short-term goals? (Steps that help you win this campaign)
- What are the long-term goals? (Beyond this campaign but a victory here helps you build toward achieving them)

### Organizational Considerations

- Resources including staff, funds, infrastructure, or other support.
- Any organizational constraints you face during the campaign?

### Strategy, Planning and Leadership

- When/how have you developed your strategy and what is it?
- Give us an idea of the timeline for this campaign.
- Who will “run” the campaign? How will coordination of tasks, activities and decision-making be handled?

### Research

- What research do you need to do?
- Who will participate in the research?

### Membership Involvement

- What kind of mobilization structure do you have?
- How will your members be involved? When and why?

## Other Support

- What allies do you have and how can they support you?

## The Opposition

- Who is the primary target? Are there secondary targets?
- Were there other opponents who worked you? Who and how?

## Tactics

- What tactics might you use? When and why?

## Media/Public Relations

- What role could the media play?
- What is your public relations strategy?

## In evaluating your campaign, think about:

- Payoff
- What was the victory?
- Are there other benefits resulting from this campaign?

## Lessons

- Are there any key lessons that you've learned from this campaign?
- What do you think was critical to your success?

## **Member Inventory: Know Your Building**

*Think of the members in your building. Start with the people that you know. Use this as a guide to recruit for future projects, and to map your building.*

People who are in the first 1-3 years of employment:

People who have worked more than 10 years in their position:

People who are close to retirement:

Recently retired members who still volunteer:

People who are politically interested/active:

People who you turn to for advice in your building:

People who are involved in union work:

People who you have not listed yet:

## **One-on-One Conversation Planning Guide**

**Use this guide before you have an organizing conversation. Use the acronym FORD to help you get started: Family, Occupation, Recreation, Dreams.**

### **Where or how will you find this person?**

(Who might they know, what are their interests, who do you know in common?)

### **How will you start the conversation?**

(FORD ex: When did you get into education?)

### **How will you find out about talents, background, networks, resources?**

(FORD ex: What do you like to do outside of work?)

### **How will you find out what issues they care about?**

(FORD ex: What is the most challenging part of your job?)

### **How will you find out what motivates this person?**

(FORD Ex: What dreams do you have for your students?)

### **How will you find out what they would like to see changed?**

(FORD Ex: When we get more funding for education, what's the first thing you spend it on?)

## The Organizing Conversation

Effective organizing means building relationships one at a time through structured one-on-one conversations. Organizing conversations are the most effective way to gather information about members and the workplace, identify worker concerns and issues, impart factual information about the union, “inoculate” against disinformation, move members to action and assess commitment to the union.

The basic elements of the organizing conversation are:

**Introduction-** Who you are and why this conversation is important.

**Discover the Story/Issues-** What does the member do at work? What is it like to work there? What is satisfying about the job, and what is unsatisfactory (helps identify issues in the building)?

**Agitate-** Validate their issues. Who makes decisions in your building? Why are things the way they are, who has the power to determine working conditions and policies, what role do members have in determining work and professional conditions?

**Hope/The Union Vision-** Inspire hope, share the union vision. Imagine how things could be different if you and your co-workers had a voice. What would your job and workplace look like and how would things be better for unit members had a voice in the decision making?

**Urgency-** Convey a sense of time-bound urgency and explain why their participation will help make a difference. Help them see themselves as part of the solution.

**Educate-** Explain what the union can do, or is currently doing, to address these issues. Use the opportunity to talk about the union's recent victories and the importance of collective solidarity.

**Your Ask-** Move the member to action with a specific ask: Will you take a stand by joining with your co-workers to help build the union? Will you help create a list or map your unit by filling in the names and locations of coworkers? Will you accompany an organizer to call on another member? Will you come to a union meeting and bring two people with you? Will you wear buttons, shirts or gear? Will you become a union member?

**Conclude-** Keep the door open for further contact, and make sure to reflect and takes notes after the meeting! Make plans for next steps or a check-in. Organizing is 90% follow-up, so make a plan now.

The objective is to have at least one organizing conversation with every member of the local as early as possible in any campaign. The successful organizing conversation helps provide the organizer with strategic information about the unit, identifies potential issues, helps assess individual commitment and moves members to take specific observable action in support of the union. The conversations last more than a few moments- it can take 30 minutes or longer. Organizers should be careful not to preach or "sell" the union. Instead, the organizer should aim to follow the 70/30 principle: spend 70 percent of the time listening and 30 percent of the time speaking.

## Mapping

### What is “Mapping” my worksite?

Mapping provides a snapshot of your workplace- the locations and spatial relationships between and among bargaining unit members. Ideally, it should not only depict the proximities between co-workers but also their relationships and connections.

### Why is “Mapping” important?

Properly mapped buildings can identify clusters of members and activists, new employees and veterans, hot spots and dead zones, where conversations have occurred and where they have not. Keeping a map that is regularly updated is a key responsibility of a Building Rep.

### 5 Steps to Mapping

1. Get building map and organize meeting of building activists
2. Decide and define your maps legend/key
3. Fill out the map
4. Use the map for organizing opportunities
5. Update the map regularly

### Step #1: Get Map/Organize Meeting

Taking into account co-workers’ level of activism, respect they have amongst colleagues, and geographic locations, a Building Rep should pull together a meeting as one of their first orders of business in a new school year. “Mapping” is a group exercise and not a solitary effort!

### Step #2: Decide/Define What You Are Mapping

Beyond the raw data of who is working where, have the group decide what other information needs to be tracked (i.e. Member/non-member status, grievant, activists/ potential activists, etc.). Start by mapping **job-alike classifications** (math teachers, custodians) and **social groups**.

## **Step #3: Fill-Out the Map**

Using an updated building roster, plot which member is in which classroom or area (hallways, wings, etc.), whichever the case may be. Meeting spaces and locations to distribute/collect material should also be identified- not everyone eats lunch in the break room!

## **Step #4: Use the Map!**

Whether planning turn-out for a rally, assessing co-workers for a potential strike, conducting a petition drive, or preparing a grievance, maps should be distributed and used by a Building Representative and their 1:10 communication structure.

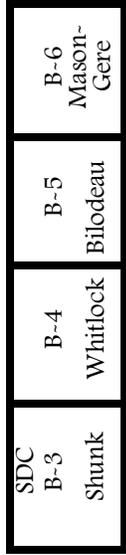
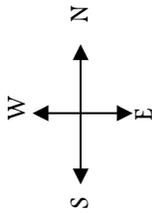
## **Step #5: Update Your Map**

Time should be allocated at monthly Representative meetings or Building meetings not only to update the location of colleagues but to assess the continual recruitment of activists onto an Organizing Committee and ALWAYS in the context of what needs to happen that month (i.e. membership drives, rally mobilizations, potential grievances and other issues).

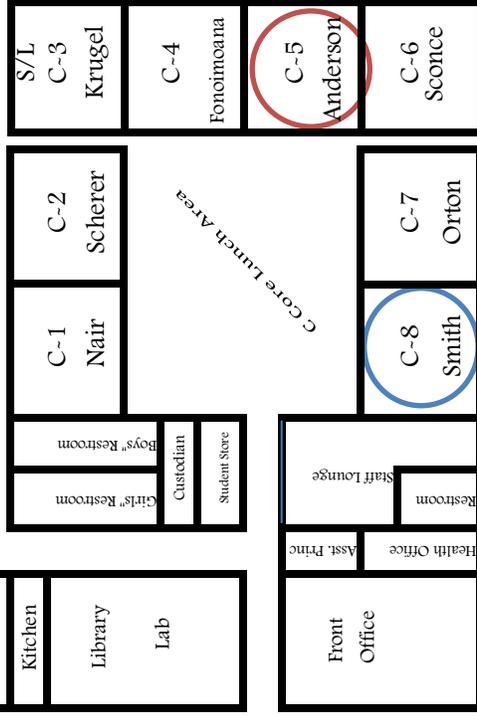
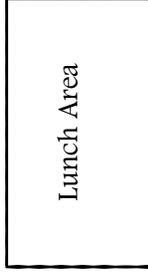
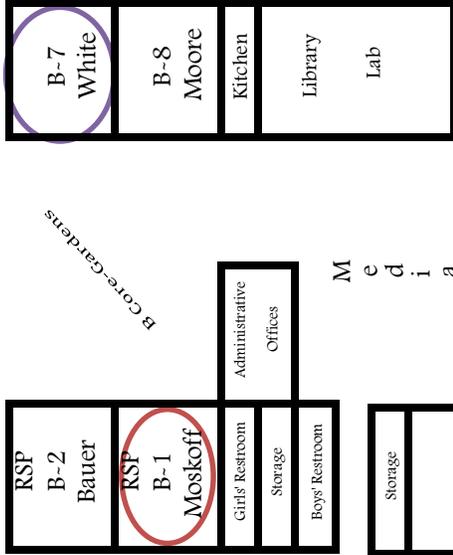
Atlanta Ave SE



Field

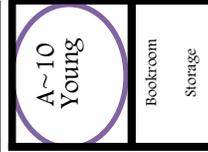
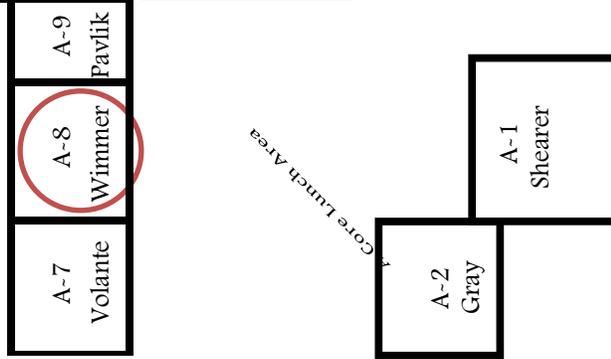


Blacktop

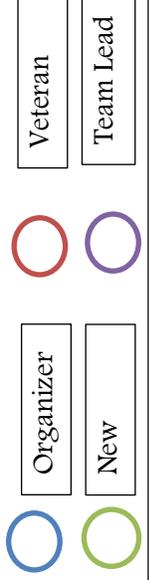


Couldbe Your School  
123 Any Street  
Your Town, USA 10101

Parking Lot



Map Legend



# COMMUNICATOR

## Effective Communication

One of the most effective ways for an Association to be healthy and strong is for it to maintain an effective, two-way communication system. Since one of the main purposes of a union is to be a participatory, democratic organization personal contact is vital.

Members in each building should assume some of the responsibility. Communication responsibility must be spread out among a wider number of people. This will allow rapid communication when needed, while also encouraging real conversations between small groups of people.

The best way for this to happen is to create 1:10 communication structure. These structures were vital in the Chicago Teacher's Strike of 2012, and the more recent UTLA strike of 2019. Invite natural leaders, department chairs, and other core activists to be a "1" and identify up to 10 people they will keep up to date on important union happenings.

Trust and solidarity will develop, future leaders will emerge, and bargaining support will no longer need to start from scratch.

### Hierarchy of Effective Communication

1. Face to Face
2. Phone Call
3. Text Message
4. Social Media
5. Email

## Communication Best Practices

### **Face to Face- the most successful way to organize throughout history**

- Make eye contact
- Note body language
- Listen
- Don't interrupt
- Repeat what you heard (I think I heard you say...)

### **Phone Calls- direct, but most people screen their calls**

- Get prepared
- Be direct
- Don't monologue
- Be clear with your ask
- Keep it short

### **Text- 95% of text messages are read in the first 3 minutes**

- Keep it short and sweet- no paragraphs!
- Don't text too often
- Use appropriate language
- Only text during appropriate hours
- Use apps like Remind or Hustle to keep your number private

## **Social Media- a tool, not the only tool**

- Keep it short and sweet
- Post regularly, but don't overload the newsfeed
- Use appropriate language
- Use Facebook, Twitter, Association websites

## **Email- only 20-30% of all emails are ever opened**

- Ask yourself: Do I really need to send an email?
- Keep it short and simple
- Check your messages often and reply promptly
- Check spelling, grammar, punctuation
- Read your messages before sending
- Always include a subject in your message
- Upper/Lower case= good.....ALL CAPS= SHOUTING WITH TEXT!!!
- Be mindful of abbreviations and emojis

## Communication Process

As a Building Rep, focus on the communications goal of support, accepting, and listening. Speak with a strong sense of self, listen, use clear expression, cope with angry feelings, and share information about yourself that will develop a relationship.

**Support:** At times we all seek support, need occasional or frequent reassurances that others respect us, love us, or accept us. Some of us may keep others at a comfortable distance while others seek to maintain intimacy with a wide variety of people.

**Accepting:** Few of us are as accepting of people as we might like to be. Liking a person is not necessarily accepting her/him. Accepting a person means recognizing them as another human being with strong needs, feelings, purposes and one who should be listened to and understood so that effective relations can be established. Acceptance of a person should be the prelude to listening to her/ him and to be helpful.

**Listening:** It is difficult to really listen. There may be times when we listen only partially to another person. Consequently, we may make assumptions about communication that are often inaccurate. Listening takes the concentration necessary to try to perceive the various communication levels present and the various feeling and needs within the individual.

The important thing to be aware of is our own behavior and its consequence on others. As we become more aware, we can often find more effective ways of relating to people.

**The goal is to strive for Support, Acceptance, and Listening.**

## 5 Components of Effective Interpersonal Communication

To communicate effectively, we should understand the five components that apply to others and ourselves.

### 1. A Strong Sense of Self

- A strong sense of self is necessary for healthy and satisfying interactions with others
- A poor view of one's self may make it difficult to converse with others, admit when one is wrong, express one's feelings, accept constructive feedback from others, or voice ideas different from other people
- Communication with others helps to shape one's sense of self

### 2. Listening

- A listener should have a reason or purpose for listening
- It is important for the listener to suspend judgment initially
- The listener should resist distractions- noises, views, people- and focus attention on the speaker
- The listener should wait before responding to the speaker; to prompt a response reduces listening effectiveness
- The listener should paraphrase what they heard to insure clear communication
- The listener should seek important themes of what the speaker says, by listening for the real meaning

### 3. Clear Expression

- Effective listening is necessary, and it can be equally difficult to say what we mean or to express what we feel
- The speaker must establish a clear picture in words of what they are trying to express and then clarify and establish what is said.

### 4. Dealing with Emotions

Individuals need to express feelings positively to influence, affirm, reshape, and change themselves and others. They must:

- Be aware of their emotions
- Admit their emotions and not ignore or deny them
- Own their emotions and accept responsibility for what they do
- Check their emotions and not seek to argue
- Allow themselves to learn and grow as individuals

### 5. Self-Disclosure

- The ability to talk truthfully and fully about one's self is necessary
- Most people will learn more about each other in non-threatening situations
- The information can be descriptive or evaluative, and can include thoughts, feelings, aspirations, goals, failures, successes, fears, and dreams, as well as one's likes, dislikes, and favorites

## The 10-Minute Meeting

Building Reps who host regular building or department meetings have the best shot at strengthening rapport with their colleagues, especially during challenging times. These meetings are often held at the end of an existing meeting (like an all staff meeting for example) when a large number of the membership is in the same place. Duty free lunchtime is another opportunity to hold a short meeting. By running a concise meeting, Building Reps can share important information, collect feedback/concerns from members, and report out on success stories.

Time	Category	Topic	Rationale
2 minutes	Current Issues Update	Brief discussion of major topics from the last Rep Council meeting.	Keeping members informed, reduce backroom deals. Direct communication prevents rumors from spreading.
4 minutes	Hot Issue	Current issue that requires member input before the next Rep Council meeting.	Member input should be actively sought and presented when making decisions.
3 minutes	What's on your mind?	A brief review of current issues in the building. Some might require further follow-up.	Members need to feel that their Rep and their Local is conscious of their needs
1 minute	Success or Problem Story	Share areas of success and thank members for their efforts.  ~or~  Identify problem areas and ask for help in solving the problem.	Praise, encourage, and recognize the members. Build a culture of optimism.  Seek input from members on strategies for success in problem areas.

Use a feedback form as an "exit ticket" to seek input from your colleagues. This allows you to learn about issues in your building and creates an opportunity to follow up after the 10-Minute Meeting. See Resources for sample feedback form

# ADVOCATE

## **Emergencies**

If you are contacted by the police or a District Administrator concerning a school-related issue that could involve criminal issues like physical or sexual abuse:

You should make no statement to police or district administrator at all. Tell them you need to contact your union immediately. Call the UniServ office and we will arrange an attorney to assist you. Reps in buildings should not go in as a Representative on criminal issues and should strongly recommend that the teacher follow this advice and immediately contact the UniServ office.

**DO NOT let someone tell you about a crime they may have seen or committed because you do not have the same privilege that a lawyer does.**

**Contact your UniServ office immediately!**

## **Don't Judge- Defend!**

The role of an Association is not to put its members on trial, but to defend and protect them.

An Association should not put members in further jeopardy by posing yet another threat to his/her job security by conducting a "study" before a grievant goes to face management.

Members pay dues to be protected, not tried by their Association.

Management can take care of itself, and the Association takes on management's role at the peril of its members.

Confusing the roles only stifles employee rights and causes wounds to fester.

The role of the Association is to listen to the complaint of a member, to devise the best strategy for obtaining his/her interest, and to set about securing it the best way possible.

The truth of the complaint will come out in the grievance process. It is the Association's job to provide the balance of power to insure just treatment.

## General Duty of Fair Representation

Application of the general duty of fair representation to specific situations has resulted in the development of the following specific duties that a union owes to all unit employees:

- Duty to represent all unit employees
- Duty to negotiate on behalf of all unit employees and consider non-joiner views concerning negotiations
- Duty to be familiar with the contract
- Duty to advise unit employees of their contract-based rights
- Duty to investigate grievances
- Duty to process grievances in a non-arbitrary, non-discriminatory and good faith manner
- Duty to notify a grievant of union decisions
- Duty to satisfy contractual time limits
- Duty to present a good arbitration case

## Top 10 Tips for Representing a Member in a Meeting

1. Advise administrator you are there to represent the member; be cordial since this is an official role.
2. Prepare and coach your members to be honest in answering questions, which is different from offering information.
3. Advise member to keep answers brief; members will have a tendency to over explain when they are nervous.
4. Listen carefully.
5. Take notes recording direct statements, and make note of times, dates and places.
6. Request copies of any documentation shown or referenced in meeting.
7. Silence is golden - do not feel pressured to respond or have member respond.
8. Sit close to the member you are representing in case you need to write notes to each other or you need to physically cue the member to stop talking.
9. Beware of members blurting out confessions to poor performance or improper behavior.
10. Never, ever lie!

## Weingarten Rights

### The Legal Right To Association Representation During An Investigatory Interview

#### What the Right is in General

If an employee is called in for an interview or discussion or conversation with management that the member reasonably believes may result in discipline, then the employee has the right to demand Association representation at the interview.

#### Where the Rights Comes From

The National Labor Relations Act (Section 7) states that employees have the right to engage in “concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Included within this is the right to have Association representation at an investigatory interview.

#### The “Weingarten” Case

This right was formally recognized by the U.S. Supreme Court in 1975 in a case called NLRB vs. Weingarten. In this case, the Court determined that workers have this right. The Court established the following general rules:

1. An employee’s **right to representation** in an interview applies to situations where **the employee reasonably believes the investigation at the interview could result in discipline**; In this kind of situation, the employee is entitled to Association representation;
2. The employee **MUST CLEARLY REQUEST** representation in order to claim this right (there is no right to representation unless an employee requests it and the employer has no duty to inform the worker of this right);
3. An employer does not have to grant a “Weingarten” request; once an employee makes a request for Association representation, an employer has three options:
  - a. The employer may grant the request;
  - b. The employer may deny the request and stop the investigatory interview immediately;
  - c. The employer may give the employee the option of continuing the interview without a representative or discontinuing the interview.

4. The employer has no duty to bargain with the Association representative who attends the interview.

## **Investigatory Interviews Vs. Disciplinary Meetings**

There are limits on Weingarten rights, the most important being that these rights only apply to “investigatory interviews.” If an employer has already made a decision to discipline and the interview is only for the purpose of informing the employee of that decision, then the meeting is a “disciplinary meeting,” not an “investigatory interview.” There is no legal right to Association representation in a “disciplinary meeting.”

However, even though there is no legal right to have Association representation at the time discipline is imposed, many local Associations have negotiated this right into their contracts. Ask your president or UniServ consultant if you’re not sure. Most employers will also allow a representative to be present if asked, even if it is not in the contract.

## **Questions and Answers On Weingarten Rights**

- 1. Since an employee only has the right to an Association representative when they “reasonably” believe discipline may result from the interview, what is a “reasonable” belief?**

The reasonableness of a worker’s fear is determined by objective factors. These factors include: the employee’s prior discipline record; the events leading to the interview; the location of the interview; the company representative present at the interview; and the company’s opening words at the interview. These factors must be analyzed on a case-by-case basis.

- 2. What is the role of the Association representative in the Weingarten interview?**

The employee is entitled to the assistance of the representative, not just their presence. The Association representative has the right to speak at the interview; they should be able to take an active role in helping the employee to present the facts.

- 3. What if the employee requests an Association representative and there are none on the premises?**

There is no simple answer to this. The employer may have to postpone the interview or they may be able to go ahead without an Association representative. However, a member should still insist upon the presence of an Association representative.

The employee’s right is to the presence of an Association representative, not to a specific person. So, if the representative the employee wants is not available and another one is, the employee is entitled to the presence of the Association person who is available.

#### **4. Is the employee entitled to meet privately with the Association representative before the interview?**

Yes. An employee is entitled to meet with the Association representative before the interview. A general idea of the reason for the interview must be given to the employee beforehand so that the representative has some information. However, the employer does not have to give specific information about the case.

#### **5. Is a conversation at your work station concerning productivity a Weingarten interview?**

It depends. The law draws a line between “run of the mill” conversations where the employee reasonably expects discipline will result. Where the worker has no reasonable fear of discipline in a discussion concerning production, they are not entitled to representation. Where the worker has this reasonable fear, they are entitled to representation.

#### **6. May an employer discipline a worker for refusing to go along with the employer’s demand that a Weingarten interview be conducted without an Association representative?**

No. An employer may not discipline an employee for insisting on their Weingarten rights to Association representation. If an employee asks for Association representation and the employer refuses to allow it, the worker does not have to continue the interview; the worker may refuse to answer more questions. The employer may not discipline the employee for refusing to discuss the matter in this situation.

However, there is no clear answer on whether a worker whose proper request for Association representation has been denied can: refuse to participate at all in the interview, refuse to report for the interview or leave the interview when their request for an Association representative is denied.

#### **7. What legal action can an employee and his/her Association take if the employee is disciplined or discharged after an employer unlawfully denies his/her Weingarten rights?**

A denial of an employee’s Weingarten Rights is a violation of Oregon Law, and is referred to as an “Unfair Labor Practice” (ULP). Complaints alleging a ULP must be filed with the Oregon Employment Relations Board (ERB). The ERB has the power to order disciplinary actions removed from the employee’s record if:

- The employer unlawfully denied an employee’s request for representation in violation of Weingarten; and
- The employer’s decision to discipline was based on information obtained at an unlawful interview.

NOTE: The ERB can order an employee reinstated with full back-pay and benefits if the employee is discharged from employment in violation of their Weingarten Rights.

## Investigatory Meeting Checklist

### Before the meeting:

Find out what the meeting is about:

- Ask the member if they know or was told the subject of the meeting.
- Ask if the member received a letter or e-mail message about the meeting and if so, review it with the member.
- If the member doesn't know what the meeting is about, or if you remain unclear, ask the administrator who called the meeting.

Talk to the member about the matter:

- Ask the member to describe - briefly - what happened.
- Ask the member if there are any witnesses, who they are, and what they would have seen or heard.
- Ask if the member had previously received any oral or written warnings on the subject.
- Review the relevant contract provisions/district policies. Prepare the member for the meeting.

Advise member to:

- Be truthful.
- Listen carefully to the question asked. If you don't understand the question, ask for clarification.
- Keep answers short and on the point raised by the question.
- To say "I don't know" or "I don't remember" if that is the truthful answer.
- Not be defensive or outwardly show anger. If you need a break, ask for one.
- Not assume what the Administrator is trying to prove and just answer the question.
- Not "play cute" or engage in word games.
- Remember that even though you may like the Administrator, in this setting they are not your friend.
- Confession, while good for the soul, may be bad for your employment.
- NEVER, EVER LIE!

## **During the Meeting:**

- Make sure the atmosphere remains professional and respectful.
- Ask for copies of any documents or policies referenced by the Administrator.
- Make sure the member is responding to the question asked, and not going on “bird walks.”
- Clarify unclear questions.
- Call for a break if member is becoming angry or starts crying.
- Listen carefully to questions and answers.
- Take good notes.
- If documents are referenced at the meeting and copies are unavailable, confirm at the end of the meeting who will be getting what documents to whom and when.
- Ask about Administrator’s next steps.

**Ask Administrator when the member may expect to hear the outcome of the investigation.**

## Just Cause

**The concept of just cause means that you are innocent until proven guilty and entitled to certain due process rights. It means that if you're accused you have the right:**

- To a fair, unbiased, full investigation
- To hear the accusations/charges against you
- To face your accusers
- To receive evidence of accusations/charges
- To respond to the accusations/charges
- To provide evidence of innocence
- To be represented by the Association in all steps of the process
- To receive only that discipline which is based on proven violations of reasonable rules, and which is appropriate in light of the facts and yours record with the employer

Your just cause rights under the contract don't negate your rights under the law.

Just Cause does not mean that a member can't be fired. It does mean that a member can't be disciplined or fired at the employer's whim. Just Cause is a bedrock labor principle.

Who is hurt when Just Cause is violated? We all are. Ignoring Just Cause has a chilling effect on a workplace, hampering creativity, productivity, and morale.

## Grieve Gripe or Grumble?

### What should I do when a member raises a concern?

#### First, listen to the member and try to find out the basic facts:

- Who is involved?
- What is the main issue? What was the motivation?
- When did it happen?
- Where did the event take place?
- Why did it happen?

#### Second, determine whether this is a Grievance, Gripe, or Grumble:

A **grievance** is the allegation that the **contract has been violated** by your administration's policy or practice. It could also mean that a regulation of the school board has been misinterpreted, misapplied, or applied in the discriminatory manner.

A **gripe** is usually based on something one person or more might disagree with, although it **has nothing to do with contractual rights**. If this is widely felt and winnable, it could be an excellent organizing opportunity.

A **grumble** is a something that is **complained about regularly**, but no real solutions are offered. This behavior is negative and repeated in a variety of settings causing a disruption within the building.

Finally, take steps that move you and your building forward. If it is a grievance, check your timelines, consult with your local leadership and professional staff if that is your protocol, and file. If it is a gripe, talk with the person and determine if this issue is impacting others in the building as well and if it might be an organizing campaign. If it is a grumble, coach the person to either solve the problem or choose a new venue to vent their frustration.

## Grieve or Organize?

As Building Reps, we continually examine how every action we take can increase participation in the union to win more of our issues and strengthen our organizations. Complete this form when contacted by one of your members about an issue/problem they want to solve. Once filled out, use this form to discuss issue/problem with your local governance or OEA staff. Please note that grievances for contractual violations must be filed within a certain numbers of days based on your local's contract language.

Person's Name: \_\_\_\_\_ Date: \_\_\_\_\_ Work Site/School: \_\_\_\_\_

### Background Information:

- 1 Your member's name: \_\_\_\_\_
- 2 Contact number: \_\_\_\_\_
- 3 Home Email: \_\_\_\_\_
- 4 Your member's status (circle one):      Substitute Temporary Probationary Permanent
- 5 How long has your member been at the current work site? \_\_\_\_\_
6. Has this issue been communicated/addressed in the past?
7. If yes, please explain:
  
8. Is the person a member? yes or no

### In the space below, please provide an overview of your grievance or issue:

(1) What happened

(2) When it happened

(3) Where it happened

(4) Who was involved:

**After writing up the four Ws, please answer the following questions**

Is this a professional practice issue? Yes or No

How many people are affected by this issue: \_\_\_\_\_

Is this problem deeply felt? Yes or No

Are there other members who would like this problem to be resolved? Yes or No

Would those members be willing to be part of solving this problem? Yes or No

Does resolving this issue increase the visibility of the Union? Yes or No

Is This Issue Winnable or Partly Winnable? Yes or No

Are there Leadership who would need to become involved? Yes or No

**Possible actions:**

Grievance

Group Meeting with Decision

Show of Solidarity: make buttons, wear same color shirts, rubber bracelets, car banners One-Minute Stand-up on the Job

Newsletter Article

Phone Tree, Involve Allies

**Problems and issues may need to be addressed in contract negotiations or Labor Management meeting**

## Grievance Procedure Timelines

Grievant: \_\_\_\_\_

Building Rep \_\_\_\_\_

Issue: \_\_\_\_\_

Date of Event: \_\_\_\_\_

**Use your contract to answer the following questions.**

### Level One

How much time do we have to initiate a grievance? \_\_\_\_\_ days

How is "day" defined? \_\_\_\_\_

To which management representative does the grievance go to initially?

How do we know who the "immediate supervisor is?

How does one initiate a grievance? \_\_\_\_\_

What happens next? \_\_\_\_\_

When is a written grievance necessary? \_\_\_\_

To which management representative is a written grievance given to?

### Outcome of Level One Response:

\_\_\_\_\_ Satisfied

\_\_\_\_\_ Not satisfied; need to appeal

\_\_\_\_\_ No response in time; appeal

\_\_\_\_\_ Extension granted until \_\_\_\_\_

If not satisfied or no response, appeal to: \_\_\_\_\_

## Level Two

How long do we have to appeal to Level Two? Within \_\_\_ days of

What happens at Level Two? \_\_\_\_\_

When is the Level Two response due? \_\_\_\_\_

Who does the Level Two response go to? \_\_\_\_\_

### Outcome of Level Two Response:

- \_\_\_\_\_ Satisfied
- \_\_\_\_\_ Not satisfied; need to appeal
- \_\_\_\_\_ No response in time; appeal
- \_\_\_\_\_ Extension granted until \_\_\_\_ If not satisfied or no response, appeal to: \_\_\_\_\_

## Level Three

How long do we have to appeal to Level Three? Within \_\_\_ days of

Who does a Level Three appeal go to? \_\_\_\_\_

What happens next? \_\_\_\_\_

When is the Level Three response due? \_\_\_\_\_

Who does the Level Three response go to? \_\_\_\_\_

### Outcome of Level Three Response:

- \_\_\_\_\_ Satisfied
- \_\_\_\_\_ Not satisfied; need to appeal
- \_\_\_\_\_ No response in time; appeal
- \_\_\_\_\_ Extension granted until \_\_\_\_ If not satisfied or no response, appeal to: \_\_

# PROBLEM SOLVER

## Emergency First Aid for the Building Representative

In the first few minutes or hours following an incident that poses a threatening outcome for a member, the Building Rep should be prepared to take action.

The first stage of an incident is often filled with trauma which hinders clear thinking. Therefore, it is vital that members be warned against taking potentially unwise actions.

### Warn the member:

- Not to make spontaneous responses to charges brought against them.
- Not to appear at an accusatory hearing (including a meeting with an administrator) unless accompanied by an association representative.
- Not to attempt to defend themselves alone.
- Not to accept "an opportunity to resign."
- Not to agree to any proposals, either orally or in writing.
- Not to submit any written statement to administrators.
- Not to refuse to carry out an order of an administrator, even though doing so would violate the contract. Your UniServ Consultant will advise the member concerning exceptions to this rule.

### Advise affected members:

- Immediately write down everything that happened- a narrative including time, date, location, names of people involved, witnesses, and actual words spoken.
- To get advice early from association representatives- not to "wait and see what happens."
- To keep copies of all correspondence and papers relating to the situation

## **Tips For A Building Rep Meeting With The Administrator** **(Monthly Rep/Administrator Check-In)**

### **Preparing For The Meeting:**

- Hold monthly 10-minute meetings and informal conversations with staff.
- Make a list of successes and concerns.
- Do not include individual problems unless you have the member's permission.
- For each problem area, list a solution that complies with the contract.
- Create an agenda for both parties to take notes.

### **Meeting With The Administrator:**

- Set up a regular time to meet each month, immediately after Building Rep or UniServ Council meeting. It is good to schedule them in advance at the beginning of the year.
- Don't overload the meeting agenda. Include no more than a couple of issues.
- Take the initiative at the meeting:
  - Discuss each problem area and ask for a solution.
  - Stay focused.
  - If you cannot get resolution on an issue – go on to the next one.
- At the end of the meeting, orally summarize the results of this meeting with the administrator.

## Monthly Administrator Agenda

Issue / Concern	How Addressed in Contract	Plan for Resolution

Notes:

## Interests Based Problem Solving

Although Interest-Based Problem Solving is a generally used in non-traditional bargaining, the skills can be applied to regular meetings with your administrator in order to be productive and collaborative.

### Principles of Interest Based Problem Solving

- Focus on issues, not on personalities.
- Use reason to make decisions rather than power.
- Focus on interests, not on positions.

### Philosophy of Interest Based Problem Solving

- Interest based problem solving assumes that the most effective solutions to problem. are those reached with all affected parties called stakeholders.
- Assumes that the representatives of all stakeholder groups are in a good relationship with each other and these relationships will continue.
- The stakeholders are involved in the decision and committed to the implementation of the solution.

### Story

- Interest based problem solving relies on a series of components that relate to the topics, plan, issue, or problem.
- Builds an understanding- what is it that we want to work on?

### Interests

- Why is it import to resolve this topic?
- How will the decision impact the topic?
- What will be the value once implemented?

## Positions Are:

- Things you say you want
- Demands
- Things you say you will or will not do

## Interests Are:

- Underlying motivations
- Needs and concerns
- Fears and aspirations

## Steps in the Process:

### 1. Brainstorm options as a group

- What are the possibilities?
- What are the solutions?

### 2. Evaluation

- What options would best meet the interest of all parties?
- Decisions are created through consensus

### 3. Consensus is reached

- The group agrees on a single option
- Each group member can honestly say:
  - I believe that you understand my point of view
  - I believe that I understand your point of view
  - Whether or not I prefer this decision, I support it because \_\_\_\_\_
  - It was arrived at openly and fairly
  - It is the best solution at this time

## 4. Implementation

- All parties make a commitment for implementation
- Resources to support decisions are identified and allocated

An interest-based agreement process relies on six key components to support the relationship. (Adapted from a model developed by Ron Wilson from the Oregon School Board Association)

- Story: explain the problem and issues in detail, clarify, analyze- answer what?
- Interests: motivation to solve the problem- answers why?
- Options: brainstorm possible solutions to the problem- answers how?
- Evaluation: analyze options against interests and standards: objectives measures of option's value- answers how well?
- Commit: consensus agreement to support selected options- answers will we?
- Implement: action plan (who/what/where/when) to solve the problem

An interest-based agreement process relies on ten key attitudes and behaviors that supports the six key components and the relationship.

- Communicate- describe, don't accuse
- Focuses on interests- not on positions
- Understand interests- don't judge them
- Defer evaluation and commitment
- Respect the role and responsibilities of others
- Seek to meet mutual and separate interests
- Know your alternatives
- Use consensus to decide

# RESOURCES

## Frequently Asked Questions

### Q: What is a UniServ?

**A:** UniServ means “United Services,” and is a collection of local education associations, usually organized geographically, for the purpose of establishing and maintaining effective local associations. To accomplish this, one or more UniServ Consultants are assigned to provide professional support to each UniServ. This program was initiated in the early 1970’s. Currently there are twenty-five UniServ Councils within OEA, including two units for some community colleges. Large locals like Portland, Beaverton, Salem, and Eugene are individual councils because of their membership size.

### Q: What is the UniServ Council? What do they do?

**A:** The UniServ Council is composed of an elected executive council (president, vice president, secretary, treasurer), all the local presidents, OEA RA representatives from each local, the UniServ Council Board Member for the OEA Board of Directors, Board Member for the People for the Improvement of Education (PIE), the Legislative Action Committee (LAC) liaison, the past year’s Council President and OEA staff consultant. Each member has one vote except for the Consultant who does not vote.

The Council develops area goals and service programs at their annual retreat. They meet monthly as a group to exchange ideas and concerns at local levels. Emphasis in the past few years has been working with the parents and community to gain more visibility as a Council and create a proactive working relationship with our districts.

### Q: What is OEA Foundation?

**A:** OEA Foundation was created to help meet the immediate needs of students you come in contact with during the year, with funding provide through donations from members, staff, and friends of OEA. The fund was developed so members would not have to reach into their own pockets to take care of basic needs, such as shows, a warm coat, glasses, or medicine. This is handled discreetly and quickly by applying to OEA for these funds via the OEA website: [bit.ly/oeafoundation](http://bit.ly/oeafoundation). From 2010-2015 OEA Foundation awarded more than \$500,000 to students in Oregon!

**The application takes about 5 minutes and staffs can request up to \$100 per student (\$2,000 limit per school).**

### Q: What is “Open Enrollment”?

**A:** This is approximately part of the months of August and September, ending on October 1. Members can decide to change insurance carriers in accordance with the providers negotiated in your collective bargaining agreement. This must be done through the district personnel office and not at the worksite.

## **Q: What is the American Disabilities Act (ADA)?**

**A:** The ADA became law in 1992 and affects individuals with disabilities (physical and psychological) who, with or without reasonable accommodation, can perform the essential functions of an individual's job. If a member needs to seek reasonable accommodations from the district to perform their job, call the UniServ Consultant who will work with the member directly.

## **Q: Does an administrator have to inform the member of their right to representation prior to a meeting?**

**A: NO!** The member should always ask, "What is the meeting about?" and get specific details. If the member feels such an investigation could lead to discipline, the member **MUST ASK** for representation (refer to Weingarten Rights in Section 3). If you or a representative are not available, the meeting should be canceled until a representative can be present.

It is important to educate your members about asserting their rights or they will not be aware of them. When procedures are not followed, it is difficult to protest member's rights under "just cause" and "due process" provisions that must be followed in complaint and discipline procedures. **Failure to request representation means a member waives that right.**

## **Q: What is a Collective Bargaining Agreement? Who are bargaining unit members?**

**A:** The Collective Bargaining Agreement (CBA) is a negotiated contract between the district and your local that is governed by the collective bargaining laws and timeline in the state of Oregon. It determines your hours, wages, benefits, terms and conditions of employment. This should not be confused with your individual single page employment contract that you sign each year with the district.

Bargaining unit members are all the employees, members and fair share fee payers, in your unit whose working conditions are bargained by your local.

## **Q: What are the legal documents that govern our working conditions?**

- A:**
- (1) The Collective Bargaining Agreement (CBA) that was mutually negotiated and agreed to by the district and your local (in accordance with Oregon collective bargaining law);
  - (2) The ORS laws (Oregon Revised Statutes)
  - (3) Oregon Administrative Rules (including TSPC guidelines)
  - (4) District School Board Policies which can be changed by the Board at any time after several public hearings.

## **Q: What is an Unfair Labor Practice (ULP)?**

**A:** This is a violation of the Oregon collective bargaining law, which might involve the district implementing a unilateral change in working conditions. These are changes that impact your hours, wages, terms and conditions of employment **without** having negotiated these changes with the bargaining team.

## **Q: Can a member request representation at an evaluation meeting?**

**A:** Typically not, usually an administrator will meet with the individual member and outline goals and objectives for the year. Sometimes peer coaching will be an option, but the coach should never share evaluation information with the administrator. It is not appropriate for a member to provide information to be used in an evaluation of another member. Only those with administrative credentials can evaluate. Remember, a grievance cannot be filed on the contents of an evaluation, only the procedure. If a violation of the procedure occurs, or you are unsure, you should call your Grievance Rep.

## **Q: Is it a breach of confidentiality if a Building Rep is aware of a Plan of Assistance (POA) for a member?**

**A:** Typically, there should be a representative with the member when finalizing the plan. It is good for the Rep to request specific criteria, resources, and assessment information to make the plan reasonable and attainable. It is also helpful for the member to feel supported through the process because the intent is to improve teaching performance. You should use discretion and not mention such actions to the general building membership or in discussion with other members. Check with your President. If a member feels that the process is not being followed, check with your Grievance Rep or UniServ Consultant.

A Plan of Information (POI) is not written up, while a Plan of Assistance (POA) is required to be a written report that goes to your personnel file.

## **Q: When should I call the UniServ Consultant for legal support?**

**A:** Call the UniServ office **immediately** if you learn of the following situations:

1. Child abuse report filed against a member (do not allow them to speak with **anyone** about the details- not even you!).
2. Random drug/alcohol testing
3. When a member is informed that a TSPC complaint has been filed or receive notification of a TSPC hearing date.
4. When a member has been accused of improper use/misuse of district technology.

**If an attorney is needed, this recommendation can only come from the UniServ consultant.**

## Union Alphabet Soup:

### What does this mean?

<b>ADMw</b>	<i>Average Daily Membership (weighted)</i> - Factors in the state funding formula for K-12 financing to schools; IEP students count double the dollar amount, while Kindergarteners count as one half the amount.
<b>AFT</b>	<i>American Federation of Teachers</i> - Another teacher union which has more members on the east coast than the west. In Oregon, some nurses and substitutes are members of the AFT.
<b>ASO</b>	<i>Associate Staff Organization</i> - Affiliated with the National Staff Organization representing the associate staff of OEA.
<b>BM</b>	<i>Ballot Measures</i> - This is what we will be supporting or opposing in November elections.
<b>CBA</b>	<i>Collective Bargaining Unit</i> - The contract is negotiated between your district and local Association that determine your hours, wages and conditions of employment under state law.
<b>CGPS</b>	<i>Center for Great Public Schools</i> - One of the five centers within OEA structure for professional development and training.
<b>COSA</b>	<i>Confederation of Oregon School Administrators</i> - The group which represents your administrators.
<b>CPD</b>	<i>Continuing Professional Development</i> - All educators renewing their continuing license must have signed and completed a CPD plan PRIOR to their renewal date.
<b>ESD</b>	<i>Educational Support District</i> - Provides special services to local district.
<b>ERS</b>	<i>Education Revenue Sources</i> - Approximately 70% of general operating revenues come from the State General Fund and the lottery. Another 30% comes from local revenues (property tax and timber monies).
<b>EEL</b>	<i>Educators Employment Liability Insurance</i> (See LDP)
<b>ESSA</b>	<i>Every Student Succeeds Act</i> - Federal legislation that stipulates requirements for federal funds over several years.
<b>GR</b>	<i>OEA Government Relations Department</i> - The political and lobbying center within OEA.

- LAC** Legislative Advocacy Committee - Members who commit to serving as legislative contacts for OEA and to help establish policy and procedures for political activities.
- LDP** Legal Defense Program - This includes your \$1 million liability insurance coverage and legal services that are provided by Horace Mann Insurance Company. Allows access to an attorney for specific contract violation and representation issues. The approval is granted with recommendation through your UniServ Consultant only.
- MOU** Memorandum of Understanding - An agreement that is outside of the current collective bargaining agreement that has resulted in a change of working conditions that is mutually agreed upon by the Association and the District.
- NEA** National Education Association - The largest union representing 2.7 million members of educational professionals across the nation.
- OAR** Oregon Administrative Rules - Licensing rules and policies as adopted by the Oregon State Board of Education and overseen by the Teacher Standards and Practices Commission (TSPC).
- ODE** Oregon Department of Education. Colt Gill is the current Director of the Department of Education.
- OEA** Oregon Education Association - An affiliate of the National Education Association since 1858. A union representing 45,000 Oregon teachers, educational support staff and community college personnel. OEA focuses on professional issues, members' representation at the District level, and education-related policy.
- OEA RA** Oregon Education Association Representative Assembly - Approximately 700 members are elected by their colleagues to meet each spring and make recommendations for policy that shape the direction of OEA. OEA RA is a democratic, membership-driven process.
- OEA PAC** OEA Political Action Committee- A political action branch of OEA that collects specified contributions by enrolling members in our political action campaign. PAC Board members and local leaders initiate the interviewing and recommendations for political candidates. Dues dollars are not spent on candidates; only PAC dollars are designated for this purpose. OEA supports candidates who "measure up" to specific criteria for the support of public education and the preservation of member rights.
- ORS** Oregon Revised Statutes - Oregon laws relating to public schools and community colleges.
- OSBA** Oregon School Boards Association - Represents 198 school boards, 21 ESDs and 17 community college boards on educational policy issues.

<b>OSEA</b>	Oregon School Employees Association – One of two unions representing education support personnel in Oregon. OEA is the other.
<b>PDU</b>	Professional Development Unit (See CPD)
<b>POA</b>	Plan of Assistance- developed to provide support and assistance to a teacher when the building principal or a designee has determined that the teacher's performance is less than satisfactory.
<b>PSO</b>	Professional Staff Organization – An affiliate of the National Staff Organization representing the professional staff of OEA.
<b>QEM</b>	Quality Education Model – A model developed in 1999 to link education spending to student performance by determining the cost of educating a student in Oregon. To date, the model has never been fully funded. It continues to be revised and updated over time.
<b>Revision</b>	A change to the Oregon Constitution. This can be done through an amendment which must receive a simple majority of legislators' support or a revision with two-thirds vote of support for passage to the ballot.
<b>SIF</b>	School Improvement Fund Passed in 2001 by the Legislature to begin to fund the QEM. The model has never been funded by the Legislature.

## UNION GLOSSARY

**Association-** A term used by affiliates of the National Education Association; synonymous with union.

**Arbitration-** Dispute settlement procedure whereby parties involved submit their differences to a third party for a final and binding decision. Costs are covered in various ways, including being split equally or being covered by the “losing” party.

**Bargaining Agent-** A union that is named as the exclusive representative for all the people covered or who will be covered by the master agreement. The bargaining agent may be agreed to voluntarily by an employer, such as a school board, or may be determined by an election.

**Bargaining Campaign (aka Contract Campaign)-** The organizing activities that involve union members and community supporters in efforts to reach a favorable result in bargaining.

**Bargaining Council-** Within OEA, a bargaining council is a group of unions that have banded together to become the bargaining agent for the locals within the council. The Council is the “official” union and is named on the contract, however the member locals carry out most or all the duties of enforcing a contract once it has been finalized.

**Bargaining Team-** The union negotiators who will actually be at the bargaining table and actively involved in the negotiation toward a contract.

**Bargaining Unit-** The group of employees that is represented by a single union for purposes of collective bargaining. The bargaining unit covered by a collective bargaining agreement is described in the recognition clause of the agreement.

**Collective Bargaining-** The process by which a union (the bargaining agent) and an employer negotiate a contract that will govern the conditions of employment for a specific group of employees.

**Collective Bargaining Agreement (CBA)-** A written contract, arrived at through the process of negotiation, which sets forth the terms and conditions of employment for employees in a bargaining unit.

**Contract-** Synonymous with Collective Bargaining Agreement.

**Cost Summary-** An explanation of the cost of a party's bargaining proposal for each issue that is unresolved at the time of impasse.

**Employment Relations Board (ERB)-** A state agency that has the responsibility for enforcing the state collective bargaining law (PECBA). The ERB also refers to the three-person board that has the responsibility to administer the agency and to make decisions in contested cases.

**Grievance-** A claim made by an employee, a group of employees, or a local union against an employer which alleges a violation, misinterpretation or misapplication of any provision of the collective bargaining agreement (CBA). The CBA may narrow or broaden this definition.

**Grievance Procedure-** A mutually agreed upon timeline and process by which the local Association and the employer will use to investigate alleged violations, misinterpretations, or misapplications of any provision of the collective bargaining agreement.

**Final Offer-** A post-mediation package of proposed contract language which represents the terms on which a party would settle the contract. The final offer includes the party's final proposal on all unresolved issues as well as tentative agreements reached during the negotiation package.

**Impasse-** A point reached during the mediation process where one or both parties or the mediator decides that continued mediation would not be helpful to reaching agreement. A declaration of impasse triggers the timeline for submitting "final offers" seven days later.

**Inflation-** The general upward price movement of goods and services. This movement is measured through the CPI (Consumer Price Index) that reports the incremental cost growth that consumers experience in day-to-day living expenses. There are two groups of consumers: the urban (CPI-U) which is what we use as a reference in negotiations, and WPI-W, wage escalation agreements (typically hourly wage earners).

**Interest Arbitration-** The use of arbitration as the final step of negotiations for a new contract. Oregon law mandates that public safety employees who are prohibited from striking will use interest arbitration if negotiations do not result in agreement.

**Interest-Based Bargaining (IBB)**- A form of collective bargaining in which the parties concentrate on defining and addressing their “interests” rather than making proposals in which they assert a position on an issue. The parties then work collaboratively to reach consensus on solutions that meet the interests of both parties.

**Local Association**- Group of organized employees holding a charter from a national or state Association. A local is usually confined to Association members in one district or small locality.

**Mediation**- A stage of the bargaining process that the parties reach if table bargaining does not result in a full agreement. During mediation, an impartial third party (usually an employee of the ERB) assists the parties in attempting to reaching agreement. The mediator has no power to force the parties into any kind of agreement.

**Memorandum of Agreement (MOA)**- A limited contract between an employer and union which changes the terms of an existing CBA.

**Memorandum of Understanding (MOU)**- A limited contract between an employer and union which supplements an existing CBA. The terms “MOA” and “MOU” are often used interchangeably.

**Negotiation**- The process by which representatives of management and of a union bargain to set wages, hours, and terms and conditions of employment.

**Proposal Bargaining**- A form of collective bargaining in which the parties exchange proposals that represent one party’s position on what language should be included in the final contract. Proposal bargaining is a traditional form of bargaining that is distinguishable from Interest-Based Bargaining (see above).

**Public Employee Collective Bargaining Act (PECBA)**- Oregon’s public employee collective bargaining law, ORS 243.650-.782.

**Ratification**- A process by which members of a bargaining unit or governing body decide whether to accept a contract that was negotiated by their bargaining teams. For OEA locals, ratification is a prerequisite for finalizing a new contract.

**Religious Objector-** An employee who are unable to become a member of an Association due to bona fide religions tenants. Religious objectors may choose to have their dues redirected to a mutually agreeable non-religious/non-profit organization.

**Reopener-** A contract term within a multi-year contract which provides and allows for mid-term negotiation over specifically stated items or provisions.

**Retroactivity-** The application of new contract terms to work that was completed prior to the completion of negotiations. Retroactivity may apply to a specific provision, such as salary, or to the entire contract.

**Salary Schedule-** A chart, usually found as an appendix in a contract, that sets forth wage levels through which employees will move during the course of their employment. Teacher salary schedules traditionally provide for “step” movement based on years of experience, and “column” or “lane” movement based on educational attainment.

**Scope of bargaining-** The categorization of subjects according to whether a party can be required to bargain over a proposal addressing that subject. A subject may be mandatory, permissive or prohibited for bargaining. In Oregon, determinations as to which subjects are mandatory or permissive are made by the ERB by applying the PECBA definition of “employment relations,” ORS 243.650(7).

**Strike-** A work stoppage or withholding of services for the purpose of gaining concessions from the employer.

**Tentative Agreement (TA)-** An agreement by the parties on a single provision or article of a new contract prior to agreement on a full contract OR agreement by the parties on a full contract that is subject to ratification before it can be finalized.

**Unfair Labor Practice (ULP)-** Conduct by a public employer, its designated representative, a union, or a public employee that violates certain provisions of the PECBA. ORS 243.672.

## **Your Feedback Is Welcome!**

While using this manual, did you:

- Think of another topic that should be included?
- See something that needs updated or replaced?
- Remember an example that could be shared?
- Find an error?

We depend on your feedback to improve the usability of this manual. If you found something that needs replaced or added, please don't hesitate to contact the OEA Union School. While we only print these manuals once per year, we can use your feedback to update and share digitally. Please send all suggestions to: [oealearn@oregoned.org](mailto:oealearn@oregoned.org)

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