



Entry Activity

What do you
know about
really
effective
advocacy?



Organizing through Advocacy

UNISERV FOCUS ACADEMY

Honoring This Space

We begin by acknowledging that through a history of colonization and brutality, we are currently on the traditional lands stewarded by generations of the Kaskaskia, Shawandasse Tula, Myammia, Hopewell.

We honor these indigenous people, all elders, past, present, and emerging. We are called to learn and share these learnings about this tribal history, culture, and contributions that have been suppressed in the telling of the story of what we now call the United States of America.

start
with why

Why are
we here?

The image shows the words "WHO ARE WE?" in large, white, three-dimensional block letters. The letters are arranged in two lines: "WHO" on top and "ARE WE?" on the bottom. They are set against a solid grey background. The lighting creates soft shadows on the surface below the letters, giving them a sense of depth and volume.

Meet the Team
and
Each Other

Three Day Agenda Overview

Days 1-2

Convene at 8:30

Lunch from Noon to 1:00

15 Min Breaks at 10:15 and 2:15

4:30 to 5:00 Networking

5:00 Adjourn

Day 3

Lunch is a boxed lunch at 1:00 PM

1:00 PM Adjourn, no flights before 3:30



**KEEP
CALM
HERE'S
THE
AGENDA**

Logistics to Remember

Parking Lot

Bathroom
Location

Materials

Food

Room
Temp

Phillip as
Resource

Questions?



Community Agreements

1. Share Responsibility for the Success of Each Learning Session
2. Move up, Move back
3. Respect Confidentiality
4. Be Responsible for Building Deep Understanding
 - Be timely with your presence, your speaking and your listening
 - Be fully present with speakers, open to new perspectives, and accept challenges
 - Place tech on silent and stay checked-in
 - Share using “I” statements
 - Connect to your core values and speak from your heart
5. Expect and Accept Imperfection
6. Expect/accept non-closure- Agree to disagree
7. Remember COVID etiquette

Agenda Review - Today

8:30-10:00	Introductions, Getting Started, Reflection
10:00-10:15	Break
10:15-12:00	Levels of Org., Problem Solving
12:00-1:00	Lunch
1:00-2:15	Grievance Scenarios
2:15-2:30	Break
2:30-4:15	Hearing Grievances, Prep for Bd. Hearing
4:15-4:30	Final Thoughts, Prep for Tomorrow





Fold the Line

Name, Location

What do you know
about really effective
advocacy?





Where do
you stand?

The Litigator

**The Guide
on the Side**



The Fixer

**The Strategic
Organizer**

Corner Discussion

Three Rounds

1. Where are you most comfortable most of the time?
2. Where does your manager expect you to be most of the time?
3. Where do leaders and members expect you to be most of the time?

DISCUSS – Why do you feel this way?



What does it all mean?



For each corner consider –

1. Who has the power?
2. Who is the story about?
3. How many people are engaged?

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Key Points

Balancing the short-term individual needs with long term system needs is difficult but necessary.

Work to lean towards the corner that builds the most power.



BREAK

What does advocacy look
like where you are?

-Steven

Club or Union?



Assessing Your Local

Think of one local you work with facing a significant challenge.

Step 1 - Each person will assess where their local lies on the Club to Union continuum – especially as it related to advocacy.

Step 2 – Share at your table what your findings are.



Debrief

What did you notice?

What surprised you about your assessment?

What are you wondering about?

Key Points

Don't grieve in silence

When your union fights
members need to know

When you handle advocacy at
an individual level, the real
winner is the boss

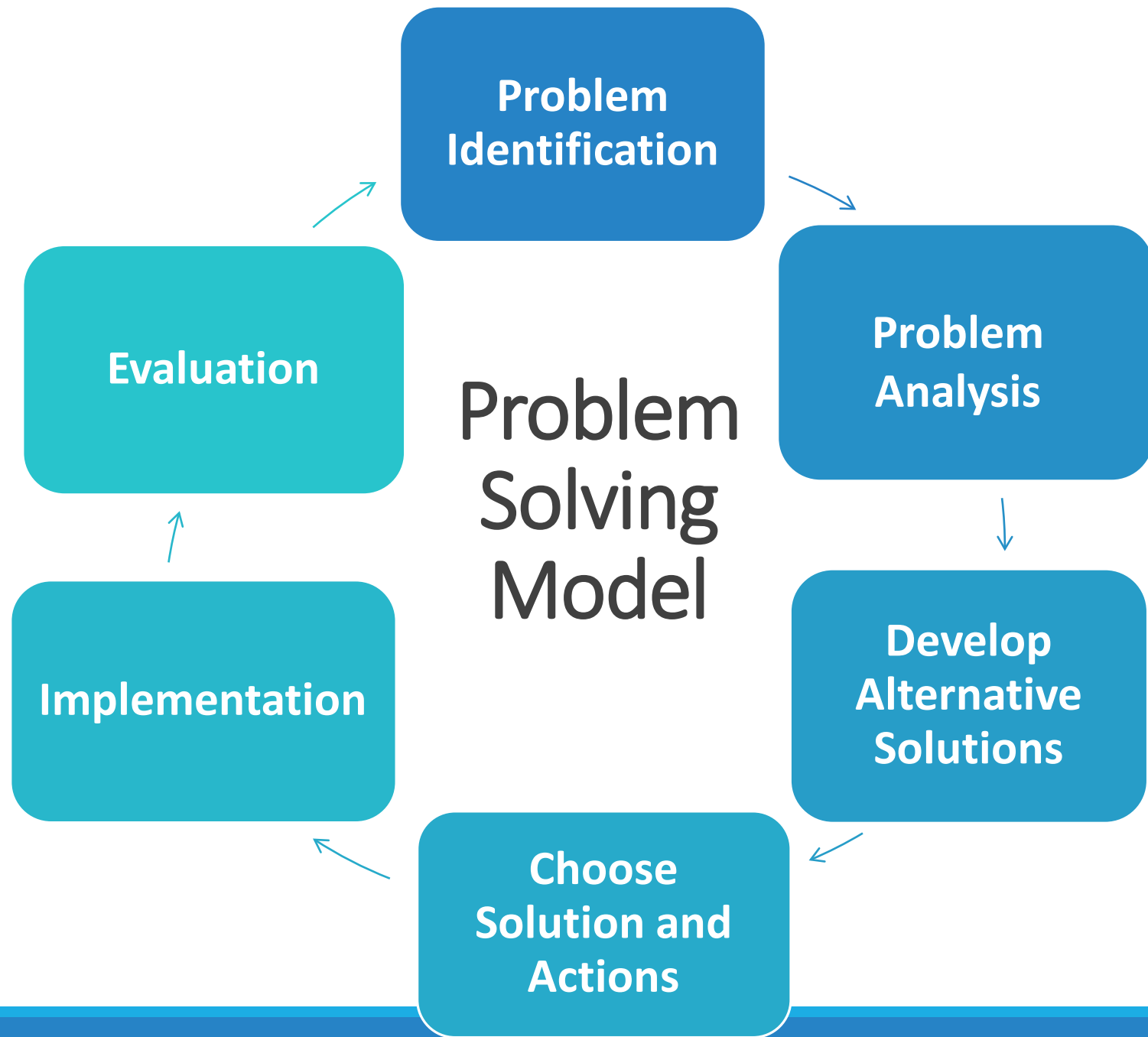


Problem Solving- *Heidi*

Problem solving is ***all*** our jobs.

And it is the basis for handling grievances/issues





Problem Solving Steps – Individual

Problem Identification – Step 1

- What happened?
- Where?
- When?
- Why?
- How?
- Who?

Problem Analysis – Step 2

- Past practices
- Contract/policy/handbook
- Laws
- Venting?

Develop Alternative Solutions – Step 3

- Adversarial or collaborative?
- Grievance remedies
- Organizing remedies
- Ways to solve the problem & the cost/benefits associated with each

Problem Solving Steps – Individual (continued)

Choose Solution and Actions – Step 4

- Member needs
- Association needs/procedures
- District needs
- Resources

Implementation – Step 5

- Who does what?
- When?
- Where?

Evaluation – Step 6

- What happened?
- Did it work?
- Feedback?

Pitfalls to Resolving Conflicts

Not handling emotions first.

Failing to identify hidden agendas.

Not defining the problem/clarifying the issues.

Insufficient or disrupted brainstorming.

Ending prematurely.

Lack of follow-up.

Not engaging members /building leaders throughout the process

Initial Analysis & Interpretation of Contracts\Policies



Read your whole contract or policy



Definitions



Relevant Articles

Intent of the Parties

Clear and unambiguous language

Initial Analysis & Interpretation of Contracts\Policies



History/Past Practice



Local Board Policy



**Keep an open
mind/allow for
creativity**

Disciplinary Situations- *Charles*

Disciplinary Meetings

Check the Contract/Policy

- General purpose of the meeting
- 24-48 hr advance notice

If an advocate is allowed to attend the meeting:

Listen, take notes, and advocate

Private caucus with the member at any point in the meeting

But what about Weingarten??

WEINGARTEN RIGHTS

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working condition, I respectfully request that my union representative or steward be present at the meeting. Without representation, I choose not to answer any questions.”



Disciplinary Meeting Common Format

- Employer's allegations and questions
- Your advocacy
- Subsequently, employer decides to not discipline, some level of discipline, or recommend termination
- Next step:
 - Prepare to file grievance, or;
 - In the case of termination, contact the state affiliate attorney(...internal affiliate process for handling termination cases)

If allegations can also lead to potential criminal charges as well, invoke Garrity Rights.

Garrity Rights protect public employees from being **compelled to incriminate** themselves during investigatory interviews conducted by their employers. This protection stems from the fifth and fourteenth to the United States Constitution, which declares that the government cannot compel a person to be a witness against him/herself.

Garrity Rights come into play depends primarily on whether they are compelled to answer questions. If they face little or no penalty and then makes statements, those statements are voluntary. However, if they face a sufficiently severe penalty for refusing to answer, courts would generally hold that those statements were compelled and thus their use in a future criminal proceeding would be unconstitutional.

Inform employer, caucus with the member, and let the member decide

“Just Cause”

Pg. 14

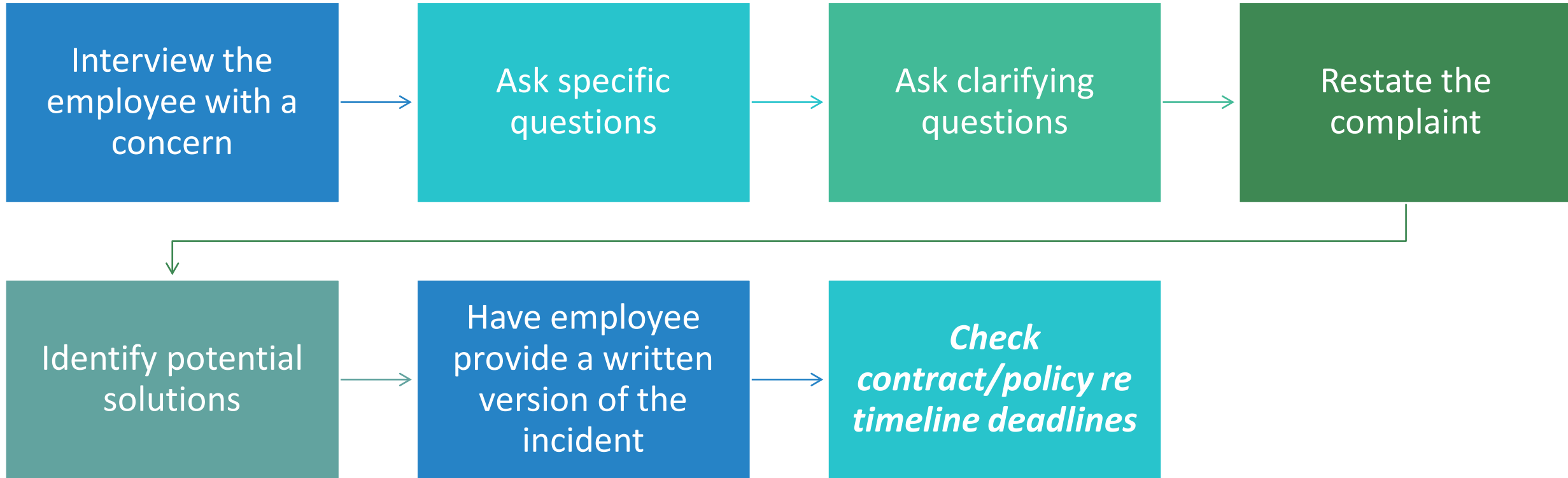
A “no” answer to any of the below questions means that the employer did not have just cause to discipline the employee.

7 Tests of Just Cause

1. Did management adequately warn the employee of the consequences of his conduct ?
2. Was management's rule or order reasonably related to efficient and safe operations ?
3. Did management investigate before administering the discipline ?
4. Was the investigation fair and objective ?
5. Did the investigation produce substantial evidence or proof of guilt ?
6. Were the rules, orders and penalties applied evenhandedly and without discrimination to all employees ?
7. Was the penalty reasonably related to the seriousness of the offense and the past record ?

Grievance Processing

Initial Concern Intake



Analyze the Complaint

1

Research and examine the complaint

- contract/laws/board policies, past practices, similar grievances, manuals, and handbooks

2

Decide if complaint is a formal grievance

- Review grievance definition in contract/board policy, or state code
- Did the action violate specific language or practice?

3

Advise the employee of the action that you and Association plan to take.

Consider the Remedy

What adjustments are necessary to completely correct?

What is needed to place the aggrieved person in the same position he/she would have been in, had an injustice not occurred?

Best Practice Carousel

Using Pages 8-20
and your own
fabulous
knowledge in your
group – create a
chart about the
best practices in
handling a
grievance.



Best Practice Carousel-Debrief



Lunch



Writing the Grievance – *Charles and Steven*

Scenario Countdown

Count off by 10.

#1 and #2 will do Scenario 1-Discrimination

#3 and #4 will do Scenario 2-Class Coverage

#5 and #6 will do Scenario 3-Nurse

#7 and #8 will do Scenario 4-Acad. Freedom

#9 and #10 will do Scenario 5-Prof. Development

Read the scenario, skim supplements.



Reviewing a Case

1. Is there a grievance procedure?

2. Are there timelines to consider?

3. Who can be a grievant?

4. Is there a form for your procedure?

Worktime



Grievance Statement and Form

Who is involved in the grievance?

When did the grievance occur?

Where did the grievance occur?

Why is this a grievance?

What contract/policy did the action violate?

How to remedy?

Scenario-Directions

You will write a Level 1 grievance.

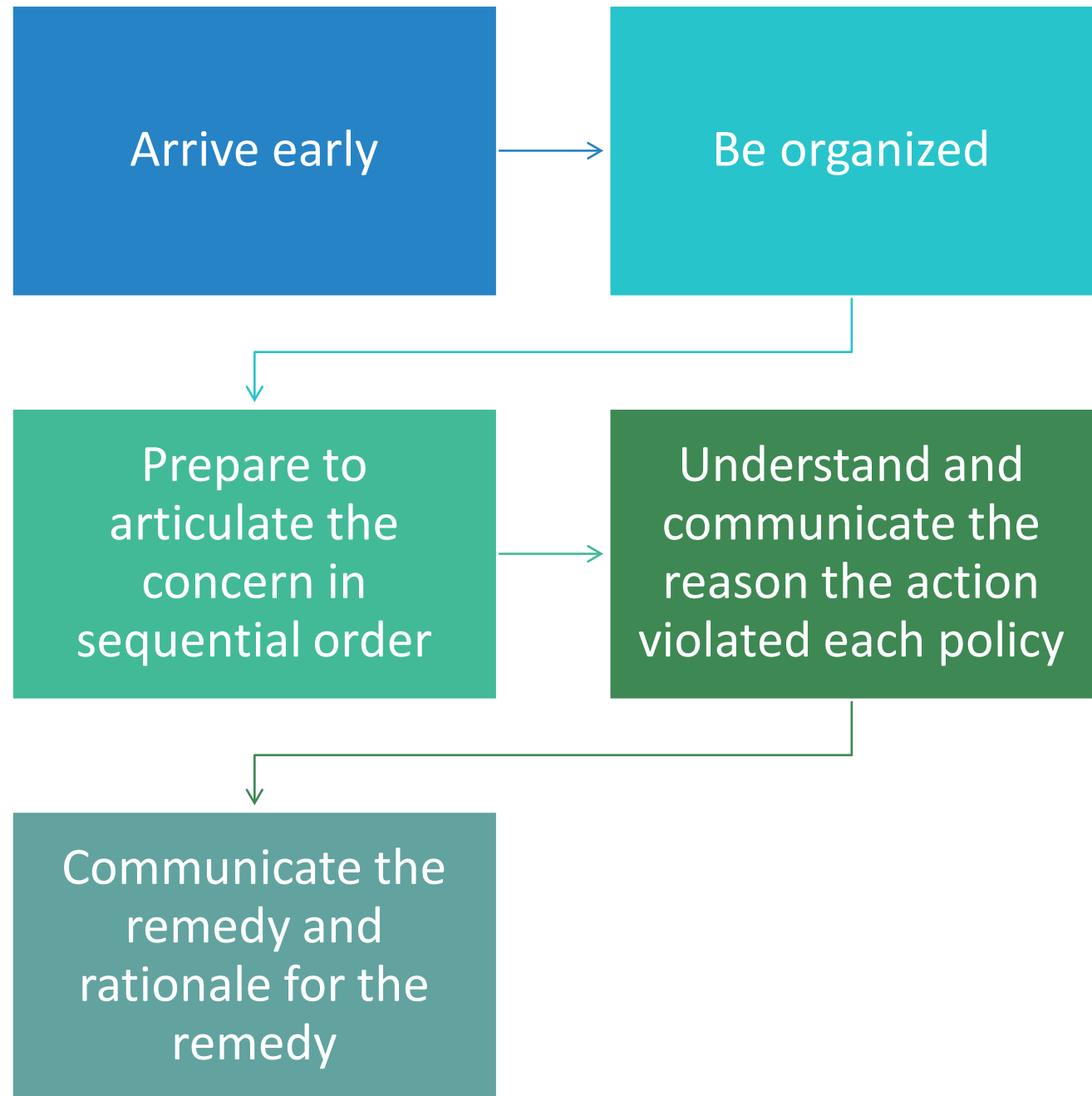
It will be submitted to Principal Ellen Holmes who will summarily deny the grievance.



Worktime



Preparing for Steps 1, 2, and 3 Hearings



Tips for Processing Grievances

Investigate and handle every case as though it will eventually end in a School Board Hearing/Arbitration

If it exists, fully inform the grievance committee

Anticipate potential employer responses to grievance

Do not depend on the employer to assume authority for solving problems. Exercise authority and dispose of issues promptly.

NOTE: Often there is an Informal Step prior to the formal Step/Level 1

Prepare for your Step/Level hearings

Scenario-Directions



Now, prepare how you will present the case at the superintendent/district level.

Worktime





BREAK

Scenario-Directions



Finish preparing how you will present the case at the superintendent/district level.

Worktime



Group Presentation Time

Group 1 presents to Group 3

Group 2 presents to Group 9

Group 5 presents to Group 7

Group 4 presents to Group 6

Group 8 presents to Group 10

Then, reverse!



Group Presentations-Roles

Union

Person 1: Advocate-presents the case (person w/least experience presenting)

Person 2: Grievant

Person 3: Building Rep.

District

Person 1: Superintendent

Person 2: Asst. Superintendent

Person 3: Supervisor/Principal



Group Presentations-Debrief



What did you take away from listening to your partner group's presentation?

What was challenging as a presenter?

If you were doing this for real, how many workers would be involved on the union side?

Key Points

Know your grievance procedure.

Use your grievance procedure.

Know how to analyze your CBA/policy.

Connect as many workers as possible to the work of the union, including grievance work.



Preparing for School Board Hearings

School Board Hearing Common Format

- I. Open the record—establish spokespersons and identify witnesses.
- II. Union spokespersons open with overview of case (opening statement).
- III. District spokesperson often opens, but can reserve opening until union concludes its case.
- IV. Union presents its evidence.
 - A. Call witnesses (witness sworn in)
 1. Direct examination
 2. Cross-examination
 3. Redirect
 4. Recross
 - B. Introduce documents and other exhibits
 - C. Union “rests.”
- V. District spokesperson opening statement (if reserved in Item III, above.)
- VI. District puts on its case
 - A. Call witnesses (witness sworn in)
 1. Direct examination
 2. Cross-examination
 3. Redirect
 4. Recross
 - B. Introduce documents and other exhibits
 - C. District “rests.”
- VII. Union “rebuttal”—counter District's case with further witnesses and/or evidence.
- VIII. District “rebuttal”—counter union’s rebuttal.
- IX. Union’s closing argument
- XI. District’s closing argument

****NOTE:** When employer carries burden of proof (e.g., discipline/termination grievances), the employer must go first

School Board Hearing Common Format

Writing an Opening Statement

Opening Statement

Provides a roadmap for the
School Board and Hearing
Officer



A Good Opening Statement

Gives description of the district and the bargaining unit

Gives employment background of grievant and other pertinent information

States the action which gave rise to the grievance

States the issues to be decided

A Good Opening Statement, cont.

Identifies the entitlements (contract provisions; laws; practices; etc.)

Explains what you intend to prove and evidence you will introduce grievance

Summarizes

States the remedy

Direct and Cross Questioning

Union Witnesses (Direct Examination)

Prepare your
witnesses

Lay your
foundation

Open ended
questions

District's Witnesses (Cross Examination)

Listen and
take notes

Objections

Ask leading
close-ended
questions



Ending it Right

Choice Networking
Housekeeping

“The opposite of
networking is
NOT working”

– Someone smart

Choice
Network
Time