



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 O'Odham and Piipaash, Salt River Pima Mericopa, Gila River Indian Community.

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?



WHO
ARE WE?

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 10:00 and 2:00

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

Karla as
Resource

Questions?



Community Agreements p. 2-3

Using Self-Awareness and Self-Knowledge

Listening for Understanding

Being Gracious

Staying Engaged

Being Open and Suspend Judgment

Saying “I”- tell your truth

Seeking Discomfort

Reaching Empathy

Expecting Non-Resolution and Non-Closure

*Adapted from “Embracing equity and inclusion”, Annie E. Casey Foundation

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
2:00-2:15	Break
2:30-4:15	Hearing Grievances, Prep for Bd. Hearing
4:15-4:30	Final Thoughts, Prep for Tomorrow



August



Fold the Line

Name, Pronouns,
Location

What do you know
about really effective
advocacy?



Seleste



Where do
you stand?

The Litigator

**The Guide
on the Side**



The Fixer

**The Strategic
Organizer**

Corner Discussion

Three Prompts for 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.

Steven

Explore the Unorganized to Fighting Union Continuum p. 4





BREAK

Steven

Discuss the Unorganized to Fighting Union Continuum at Your Table



Whole Room

What did
you notice?

Assessing Your Local p.4

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

Step 1 – On your own, take 5 minutes to assess where one of your locals is on the Unorganized to Fighting Union continuum – especially as it relates to advocacy.

Step 2 – Table Discussion, 10 minutes to share at your table what your findings are.



Let's All Talk

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



Vanessa

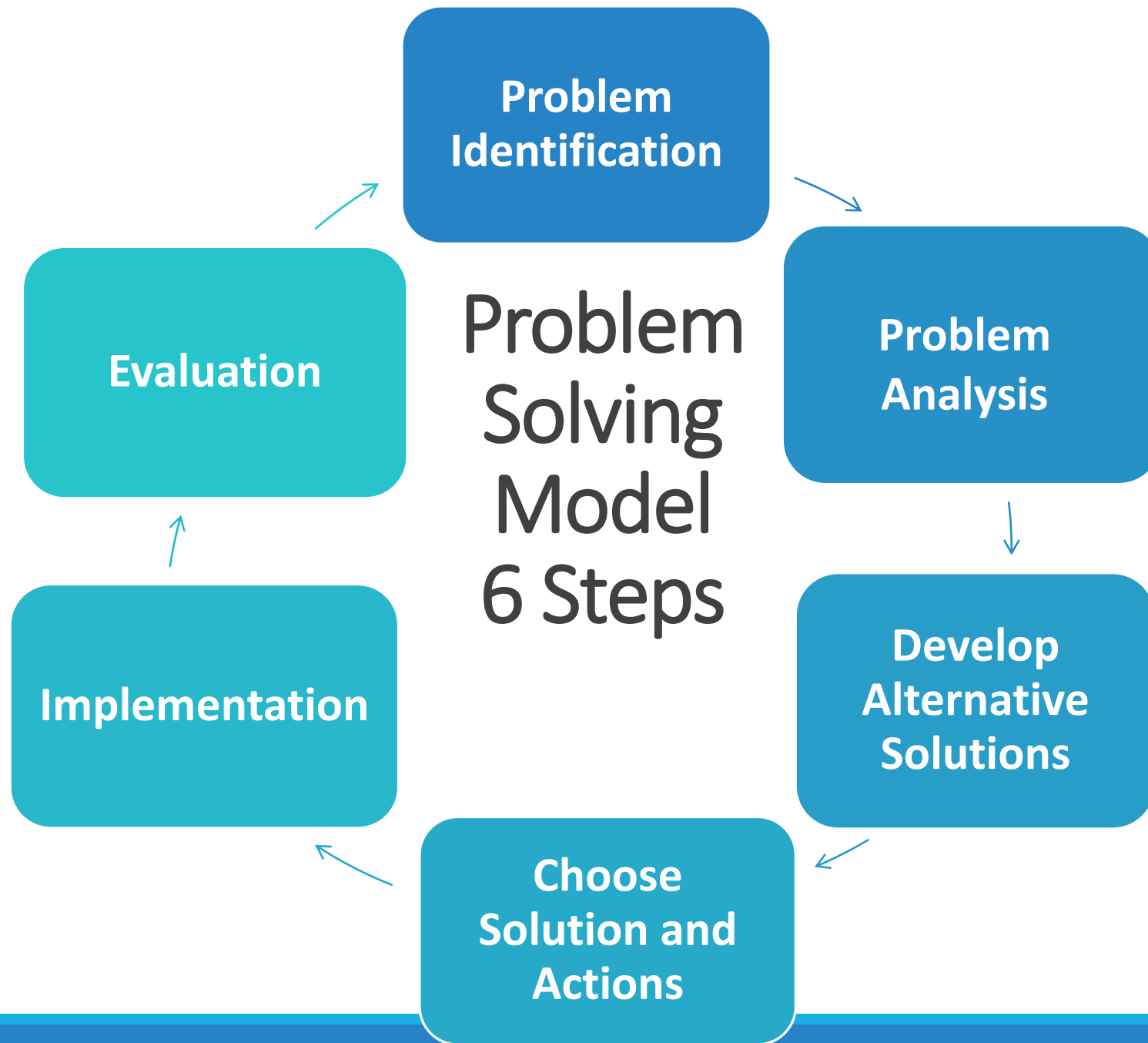
Problem-Solving

Remember the four corners?

Issues and complaints require problem solving, and problem solving has distinct components.

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





Problem-Solving Steps When Individual is the Center

Problem Identification – Step 1

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

Problem Analysis – Step 2

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

Brainstorm Possible 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
- What's your remedy

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 Contract/Policies



Contract



History/Past Practice



Local Board Policy



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

A couple key terms for discipline

Garrity Rights

If allegations can also lead to potential criminal charges, invoke Garrity Rights which protect public employees from being compelled to incriminate themselves during investigatory interviews conducted by their employers.

5th Amendment Protection.



But it depends...

7 Tests of Just Cause p. 15

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

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 ?

Key Points

A formalized problem-solving process helps you ensure nothing is overlooked or omitted.



Bekah

Best Practice Carousel

Using p. 9-21 and your own fabulous knowledge in your group – create a chart about the best practices in handling a grievance

Count by 5's



Best Practice Carousel-Debrief



WOW!



AGREE



QUESTION?

Key Points

While there are several ways across states to approach advocacy, being thorough, adhering to a process, and completely documenting advocacy matters are necessary practices.



Toney

Individual Grievance Scenario Intro

You'll be assigned a scenario and team.

This afternoon your teams will each write a Level 1 grievance.

Before Lunch all your teams are doing is getting familiar enough with your assigned scenario.



Scenario Count Off

Count by 6

Scenario 1 - p. 22 Discrimination (1, 2 Teams)

Scenario 4 - p. 51 Academic Freedom (3,4 Teams)

Scenario 5 - p. 64 Professional Development (5,6 Teams)

Read the scenario, skim supplements.



Read Well Enough to Answer the Following

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? (p. 10-12, p. 43)

Worktime 15 Minutes



Lunch



Charles

Grievance Statement and Form

Be CONCISE

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?

Words to Remember

Date of grievance "ongoing", when relevant

"All others similarly situated", when relevant

" All other provisions that apply", when relevant

"Any other relief deemed just and proper", when relevant

One most-important note...you will never get an apology, so do not write an apology as a remedy.

Intake Forms Make the Member a Partner

List of basic questions

Can engage the member more in the process

Can also provide valuable information

Can make the member feel ownership

Date of Intake	_____	Date of Incident	_____
Member Name	_____	(C) Phone	_____
Work Site	_____	(W) Phone	_____
Position	_____	Work Email	_____
Notes Taken By	_____	Personal E-mail	_____
Years in District:	_____	Tenure: Yes/NO	_____

Emergency Cases: Inform the member to not speak with the police, DSS investigator, or BCPS investigator without TABCO/ESPBC/MSEA representation. Advise members to send a copy of their statement to UniServ Director prior to providing it to BCPS. If they have already done so, ask for a copy to provide to the UniServ Director.

☐ Observation/Evaluation	☐ DSS
☐ Plan of Assistance	☐ Police Investigation
☐ Meeting with Administrator/Supervisor	☐ BCPS Investigation
☐ Office of Certification	☐ Workman's Compensation
☐ Office of Payroll	☐ Assault

Situation Summary

Witnesses

Remedy Sought

Supporting Documentation

Other Notes

Scenario-Directions

You will write a Level 1 grievance.

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

Eholmes@nea.org



Worktime and Submit
to Principal Ellen
eholmes@nea.org



Tips for Processing Grievances

Prepare for Step/Level hearings; 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

Be mindful of timelines

DON'T GRIEVE IN SILENCE

If we don't file grievances for contract violations, we devalue our language, and can make it unenforceable.

Grievances can be an opportunity to organize around an issue, especially when an issue impacts multiple people.

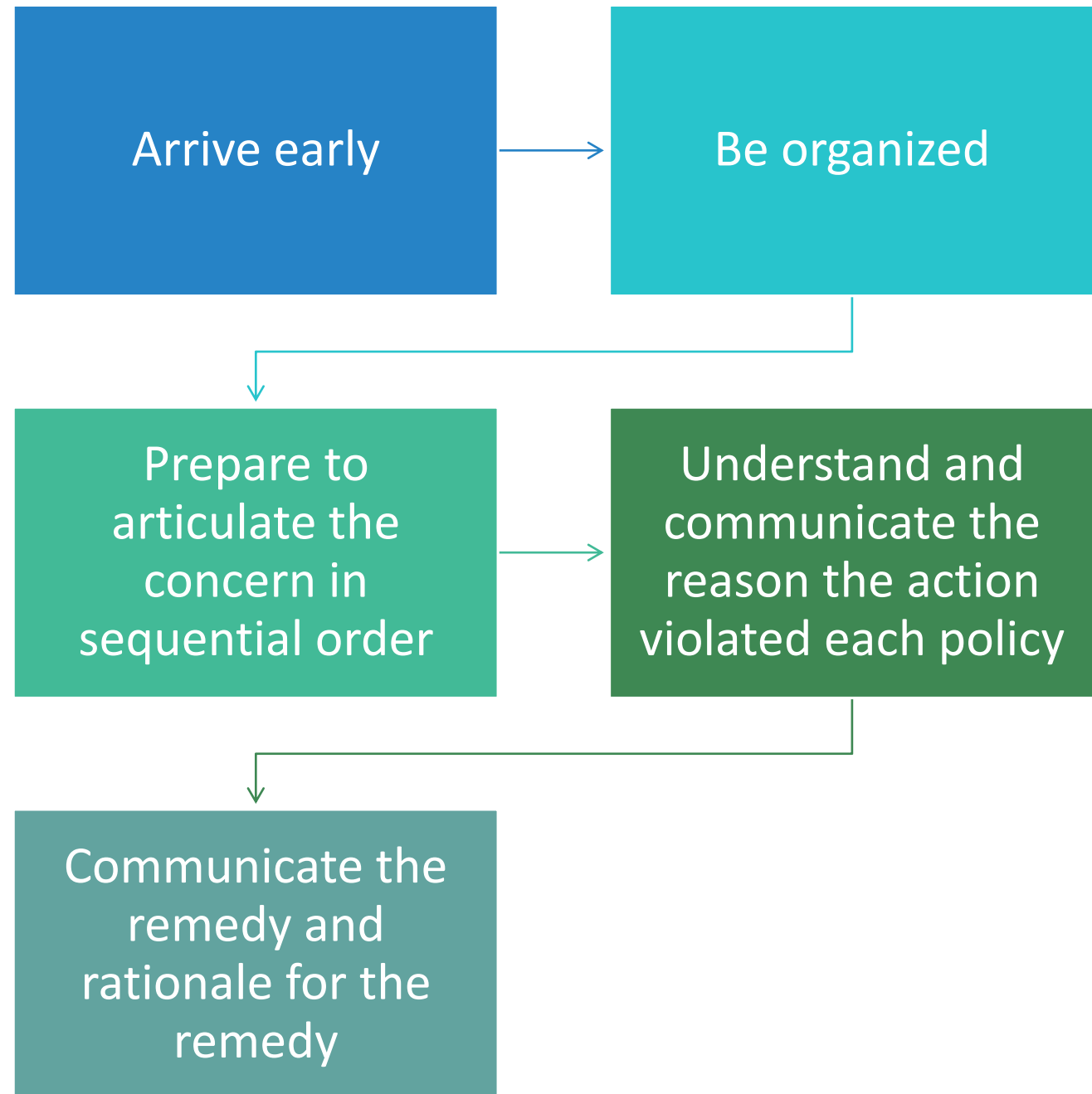
When your union fights, members need to know.

What other things can you do while the grievance process plays out?

Who does it benefit for you to be silent?



Preparing for Steps 1, 2, and 3 Hearings



Scenario-Directions



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

Group Presentation Time

There are two teams for each scenario because, one team will be the school district while the other team is the Union and then reverse.



30 Minutes to Prepare Case Presentation





BREAK

August

Group Presentation Time

Group 1 presents Group 2

Group 3 presents Group 4

Group 5 presents Group 6

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...

Charles

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

Write your Opening Statement

15 minutes to write your draft opening statement



Pair Share: Opening Statement use p. 10 of additional handout.



Present your opening statement to a partner.

Your partner will listen to see if you've touched the key points and ask good clarifying questions when finished.



Debrief-Opening Statements



What was challenging about presenting this?

What surprised you?

How might you as a UD support your members/leaders in doing this?

Key Points

Opening Statements
provide a roadmap of
your case.





Ending it Right...*Ellen*

Choice Networking
Housekeeping

“The opposite of
networking is
NOT working”

– Someone smart

Choice
Network
Time