

Participant Handouts

2022-23



Organizing Through Advocacy

UniServ Directors are the first line of contact between the workers in our public schools and the state and national affiliates. The challenges of workload, shifting priorities, and having an organizing mindset in the face of overwhelming requests for service make the job complex and challenging. Organizing through Advocacy will help you build and calibrate your current skills, knowledge, and dispositions with the goal of building power to win.

The resources compiled here are to support your learning during your time with us and provide you enough content and framing for continued application of the skills and concepts presented.

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Community Agreements for Our Time

Awareness and Self-Knowledge

This requires self-knowledge and self-awareness. Self-knowledge allows you to see what causes you pain and conflict and enables you to embrace your contradictions and inconsistencies. It allows the space to work on things about yourself that you are not happy with. In turn, self-knowledge helps to prevent you from projecting your negative aspects onto other people. Bringing your best self also requires that you have a positive attitude, are willing to deeply explore your perspectives and remain open to the perspectives and experiences of others.

Listening for Understanding

Be an active listener. Active listening involves paying full and careful attention to the other person, looking him or her in the eye, avoiding interruptions, reflecting your understanding, clarifying information, summarizing the other person's perspectives and sharing your own. Remember that most people need time to open up and might not be willing to immediately share their personal stories, hopes, fears and/or concerns.

Being Gracious

Being kind is a vital way of bringing meaning to our own lives, as well as the lives of others. Kindness is about caring genuinely for others around you, wanting the best for them and recognizing in them the same wants, needs, aspirations and even fears that you may have. Being kind and generous allows us to communicate better with others, to be more self-compassionate and to be a positive force in other people's lives. We are gracious when we accept and genuinely work to use the pronouns that others ask us to use. Being gracious includes following the COVID protocols that are in place to protect the health of this learning community.

Staying Engaged

Staying engaged requires you to be morally, emotionally, intellectually and socially involved in the conversation. Staying engaged means that you are listening with curiosity and willing to deepen your understanding. Staying engaged might also require you to sustain the conversation even when it gets uncomfortable or diverted. This means a commitment to keeping your electronic communications to a minimum with folks not present in this learning community. This also means being present for all portions of the learning agenda.

Being Open and Suspending Judgment

Listening with an open mind includes being receptive to the influence of others. You can suspend judgment by becoming aware of preconceived notions and listening to everything someone has to say before jumping to conclusions. Most importantly, suspending judgment also means listening to what the speaker has to say for understanding, not just to determine whether the speaker is right or wrong. This means that we recognize each of us will make mistakes and that we have the capacity to grow. We should expect imperfections.

Saying "I" - tell your truth

Speaking your truth in authentic and courageous conversations about race and other issues where experiences/perspectives may differ widely from yours requires a willingness to take risks. It means that you will be absolutely honest and candid about your own thoughts, feelings, experiences and opinions and not just saying what you perceive others want to hear. Speaking your truth will require you to speak from the "first person" and use "I" statements.

Seeking Discomfort

Leaning in to discomfort will require you to let go of understandings and stereotypes that you may be holding onto in order to move forward. Leaning in means that you will avoid pre-judgment and be open to the kernel of wisdom in each individual's experiences. Leaning in to discomfort will require you to sit through moments of embarrassment, confusion, anxiety, and/or fear.

Reaching Empathy

Empathy and compassion allow you to understand the other person's point of view. When you are empathetic, you are more understanding, patient and kind. Expanding your capacity to feel empathy will also allow others to enter your circle of human concern. Sharing, using, and respecting pronouns is a very simple form of empathy.

Expecting Non-Resolution and Non-Closure

Expect and accept that there may not be closure. It is not likely that you will resolve your personal understanding about race or another person's racial experience in a single conversation. The more you talk about race or other issues with another person, the more you learn and the more they will learn. Authentic and productive conversations about race and other issues where experiences/perspectives may differ widely from yours are continuous and always evolving. This means that sometimes we will have unfinished, unexplored, and shortened conversations about some concepts.

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

What questions do you want to ask about any of the ideas in these agreements?

What additional agreements do you need in order to be a fully participating member of our learning community?

Can you commit to these agreements? IF not, what would it take for you to be able to commit?

Club or Union?

	Unorganized	Club	Union	Fighting Union
Budgeting	Little or no local funding	Funding used to recognize activists -- stipends, meals	Funding use to recognize activists and also to reach out to members: stickers, buttons, tee shirts, picket signs	Funding used to release activists to do work, to communicate with members, and to open opportunities to the newly active
Roles	A few officers, risk of vacancy	Proliferation of titles and stipends to Presidential allies	Titles and roles generally tied to actual activities; if there's a treasurer, there is a budget; if there's a newsletter chair, there's actually a newsletter	Titles rotate regularly, or are even dropped when no longer needed
Bargaining	No bargaining, or done by a single expert (UD, Pres)	Small group of the usual folks that the president trusts	Team represents all major job categories. Criteria is whether or not the president trusts them and they are recognized by members	Team represents all major job categories; criteria is whether they are trusted by the members
Leaders	Volunteers if any	Tends to be the same small group of folks that populate other teams.	Elections are regularly held and there are sometimes contested positions. Leaders can move others to act. However, their focus is on activism and mobilizing instead of term organizing.	Are trusted and respected by members, and there is a healthy election process with a number of good candidates. Leaders routinely deliver on persuading large groups to take public collective action; the and actively seeks other trusted and respected leaders
Advocacy	None, or done by staff and/or local president Used as one of the few justifications to pay dues	Few members may help with advocacy with much support from staff. It is viewed solely as a service to single members.	Intentional identification and training of member advocates. Most low level meetings are conducted entirely by member advocates with support from local president. Most advocacy is still viewed as a service to individuals with some understanding that protecting the work standards are in everyone's interest.	Intentional identification and training of member advocates. Most low level meetings are conducted entirely by member advocates with support from local president. Advocacy is primarily viewed as way to build worker solidarity and ways to exercise collective action in response to poor work standards. Issues to organize around.
Activity	None led by the union, the staff, or by union members. No ownership.	Programs for individual interest with little risk in participating. Led by one person, and focus of change is on personal practice.	Works to have leaders design and lead the program. Focus is on change of relationship with the union.	Organizing the focus is on the solidarity of the group and the work is to apply pressure on a system.

Three Theories of Change

Organizing, Mobilizing, and Advocacy

BY ELENI SCHIRMER

Why have unions gotten so weak, and how can they strengthen? In her book *No Shortcuts: Organizing for Power in the New Gilded Age* (Oxford, 2016), labor organizer and strategist Jane McAlevey argues that a major factor in labor's decline has been that unions have abandoned the work of organizing, relying instead on the more superficial methods of building power, namely mobilizing and advocacy. What are these three different methods of union strength, and what path toward power does each build?

To organize is to build mass support and strength among ordinary people. Organizing draws its power from working people's biggest strength: our numbers. Working people may or may not see themselves as activists or politically active or even in political agreement, but through organizing, they come together to act in common cause. The work of organizing is systematic and rigorous: It requires connecting with every single worker in a shop, every educator in a building, every building in a district. At its core, it asks people to understand their own agency and to make choices about how they will exercise it. The work of organizing is difficult; ordinary people are seldom confronted by their own agency nor asked to make choices that recognize their own power. As McAlevey notes in her first book, *Raising Expectations (and Raising Hell): My Decade Fighting for the Labor Movement* (Verso, 2012), a memoir of her organizing work: "In the normal course of human events, workers don't expect much from their jobs, government, or unions, because the reality is they don't get much. The job of the organizer is to fundamentally change this." The work of organizing is difficult, but as McAlevey argues, it is essential: There are no shortcuts.

Mobilizing, by contrast, activates an already-convinced membership. Mobilizing encourages those who already support a cause or a mission to take action to defend their belief—for example, by attending a protest, wearing a button, or signing a petition. Mobilizing is a very important step for building movements, but it is not the same thing as organizing. The crucial difference between mobilizing and organizing is that mobilizing relies on the actions of people who have already been brought on board; organizing is the work bringing ever more people on board, having a stake in the direction and outcomes of the actions (mobilizing can be an important component of organizing). McAlevey distinguishes mobilizing as



BRIAN STAUFFER

relying on the participation of a “self-selecting” group—people who have chosen to participate in something due to personal preferences or beliefs, such as environmental protection groups, the ACLU, or Planned Parenthood. Organizing, by contrast, relies on “structure-based” groups, groups determined by a predefined, often structural, relationship, such as working for the same employer, living in the same housing complex, or attending the same place of worship. Membership in a structure-based group, unlike a self-selecting group, is not a result of personal

affinity. In a structure-based group, the number of possible members—and therefore people to organize—is finite and knowable: the number of workers in a firm, residents in a housing building, or members in a church, for example. Whereas mobilizing relies on participation from a self-selecting group, organizing builds high participation among all eligible individuals.

Advocacy is the work of creating change through the actions of professionals or technical experts—lobbyists, pollsters, lawyers, communication specialists, researchers. Advocacy relies on the expertise, status, and know-how of these groups of people to make change. Advocacy usually happens in a closed-door room; ordinary people play a small to nonexistent role in its efficacy. Advocacy has become a dominant strategy for unions and liberals. But its efficiency comes at a cost; it disables the masses of ordinary people who have a stake in the issues under scrutiny by advocates.

These three forms of making change do not exist in isolation; a successful campaign may very well rely on all three strategies. Yet organizing, McAlevey argues, is the most fundamental: The base of any campaign should come from its organizational capacity above all. Yet in reality, according to McAlevey, it's often the strategy most avoided or shortchanged. After all, it is often hard, slow work that requires building connections with mass numbers of people. As a result, it's often sidestepped for quicker grabs for power—mobilizing or advocating support, rather than organizing for it.

McAlevey's framework rests on a more fundamental argument about power. In an age of massive inequality, many see power as the province of the elite—the small, powerful minority who run the courts, the banks, and the media in the U.S. and around the world. From this perspective, forging change is the process of altering who occupies those powerful institutions: voting in new leaders, appointing new judges, securing better regulators who can safeguard the system with an eye toward fairness. In McAlevey's words, this belief is little more than replacing one set of elites with another, better set of elites. It relies on advocacy and, to a certain extent, mobilizing to get the job done.

Yet exclusively focusing on the undemocratic hyper-concentration of elites obscures the power of ordinary people. Ordinary people have two major forms of power: our numbers—there are more of us than them—and our ability to withhold our participation in a system that denies us fairness, dignity, and health: They need us to keep working. Organizing, especially organizing with an eye toward building strikes, activates both forms of power. Successful labor movements and social movements often use a combination of advocacy, mobilizing, and organizing. But as McAlevey argues, organizing is the most important of those tasks—yet often the most overlooked. Her work aims to bring the movement back into labor, and winning back into the movement. 📖

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	ADVOCACY	MOBILIZING	ORGANIZING
Theory of Power	Elite. Advocacy groups tend to seek one-time wins or narrow policy changes, often through courts or backroom negotiations that do not permanently alter the relations of power.	Primarily elites. Staff or activists set goals with low to medium concession costs or, more typically, set an ambitious goal and declare a win, even when the “win” has no, or only weak, enforcement provisions. Backroom, secret deal making by paid professionals is common.	Mass, inclusive, and collective. Organizing groups transform the power structure to favor constituents and diminish the power of their opposition. Specific campaigns fit into a larger power-building strategy. They prioritize power analysis, involve ordinary people in it, and decipher the often hidden relationship between economic, social, and political power. Settlement typically comes from mass negotiations with large numbers involved.
Strategy	Litigation; heavy spending on polling, advertising, and other paid media.	Campaigns, run by professional staff, or volunteer activists with no base of actual, measurable supporters, that prioritize frames and messaging over base power. Staff-selected “authentic messengers” represent the constituency to the media and policymakers, but they have little or no real say in strategy or running the campaign.	Recruitment and involvement of specific, large numbers of people whose power is derived from their ability to withdraw labor or other cooperation from those who rely on them. Majority strikes, sustained and strategic nonviolent direct action, electoral majorities. Frames matter, but the numbers involved are sufficiently compelling to create a significant earned media strategy. Mobilizing is seen as a tactic, not a strategy.
People Focus	None	Grassroots activists. People already committed to the cause, who show up over and over. When they burn out, new, also previously committed activists are recruited. And so on. Social media are over-relied on.	Organic leaders. The base is expanded through developing the skills of organic leaders who are key influencers of the constituency, and who can then, independent of staff, recruit new people never before involved. Individual, face-to-face interactions are key.

Reprinted with permission of Jane McAlevey from her book No Shortcuts: Organizing for Power in the New Gilded Age (Oxford University Press, reprint edition: April 1, 2018).

What are the steps typically found in a grievance procedure?

<https://www.shrm.org/resourcesandtools/tools-and-samples/hr-ga/pages/aresolutionformanagementandemployees.aspx>

A grievance is generally defined as a claim by an employee that he or she is adversely affected by the misinterpretation or misapplication of a written company policy or collectively bargained agreement. To address grievances, employers typically implement a grievance procedure. The grievance procedure may also be part of a collective bargaining agreement.

A grievance procedure is a means of internal dispute resolution by which an employee may have his or her grievances addressed. Most collective bargaining agreements include procedures for filing and resolving grievances. Within a union environment, the processes will typically involve the employee, union representatives and members of the employer's management team.

Grievance processes may differ somewhat from employer to employer and under various collective bargaining agreements. However, most will have certain general processes in common.

Grievances are brought to the employee's immediate supervisor. This may be either an informal process or the beginning of the formal process. Generally, there will be a requirement that the grievance be submitted in writing using a grievance form. Usually, the supervisor and the union representative will review the grievance to determine whether it is valid. Also, most grievance procedures will require that the submission occur within a specified timeframe following the event or incident.

Three possible outcomes may occur at this stage of the process:

- The supervisor and the union representative may determine that no valid grievance exists.
- The grievance may be resolved.
- The grievance may not be resolved to the employee's satisfaction, and it will move forward to the next step in the process.

The next step typically involves the next level of supervisor in the company hierarchy. In most union environments, the employee will be represented by the union and is not present in the review process. A failure to resolve the grievance will lead to the next step in the grievance process.

The third step in the process will lead to a review by a higher level of company management and potentially a higher-level union representative. Ultimately, the grievance may reach the highest levels as set forth by the contract.

If the grievance remains unresolved through the highest levels of management within the company, many procedures include a provision by which an outside arbitrator may be called in to resolve the issue. Senior leaders from both sides are typically involved in the arbitration process.

An effective grievance procedure provides employees with a mechanism to resolve issues of concern. The grievance procedure may also help employers correct issues before they become serious issues or result in litigation.

A grievance is a dispute between the Union and the Employer concerning the application of understandings of employment policy found in the collective bargaining agreement , employee handbook, or school board policy to an employee or group of employees that is addressed through the grievance procedure outlined in these documents. Successful grievances protect employees' rights and strengthen the Union.

A disciplinary grievance challenges the Employer's discipline or termination of an employee covered by the policies above. A disciplinary grievance can utilize the a "just cause" standard as outline in the policies. In a disciplinary grievance the burden of proof is on the Employer.

A contract/policy interpretation grievance challenges the Employer's violation of a non-disciplinary term of policies such as wages, overtime, bidding, lay-off, recall, holiday, etc. The burden of proof is on the Union in a contract/policy interpretation case.

Procedural Requirement: The policies indicate grievance procedures that can provide time limits for initiating a grievance. The grievance procedure typically sets forth the steps at which the parties address the grievance dispute. Typically, the first step of the grievance procedure begins at the worksite, immediate manager level. If unresolved at that level, each successive step involves higher levels of Union and Employer authority. In many policies, a grievance can be initiated verbally at the first step of the grievance procedure and is not required to be reduced to writing until the second step. An untimely grievance, or one filed at the wrong step, is procedurally deficient and therefore subject to dismissal.

Substantive Requirement: A successful grievance requires sufficient facts to prove the claimed contract violation. Your investigation of the dispute giving rise to the grievance requires engaging in the 5 Ws inquiry:

- **Who** is involved in the dispute?
- **What** occurred and what article/section of the CBA was violated?
- **When** did the alleged violation occur?
- **Where** did the alleged violation occur?
- **Why** did the dispute arise?

Keep in Mind

A grievance unsupported by contract language or sufficient facts is "substantively deficient" and will not succeed.

TIME-LIMITS

Almost all policies provide a time limit for filing grievances. You should avoid filing meritless grievances, however sometimes a member may request a grievance based on events that occurred several days or weeks prior. In such a case, even if you question the merit of the grievance, file it, even before you conduct your due diligence grievance investigation. By doing so, you will avoid missing the contractual time-limit for grieving the dispute. You can always withdraw the grievance later if you subsequently determine that the grievance is without merit.

BEST PRACTICES

- Listen to the member's explanation of the complaint; and
 - Learn when the dispute occurred; and
 - Review the filing time-limits in the contract; and
 - If there is insufficient time to conduct an initial investigation write and submit the grievance at the appropriate step of the grievance procedure.
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WRITING THE GRIEVANCE

Most Local Union's have standard grievance forms. If you have such form use it. However, a contractual prerequisite that a grievance be reduced to writing does not require utilization of a specific form. Any writing will do provided it sets forth: (a) the grievant's name; (b) date of grievance; (c) the contract article(s) alleged violated; (d) the date of the violation; (e) a brief description of the violation; and (f) the remedy sought. Generally, the less written the better.

SAMPLE DISCIPLINARY GRIEVANCE

Name of Grievant _____;

Date of Grievance _____;

Contract Article(s) Violated _____;

Date(s) Contract Violated _____;

Description of Violation: On or about March 13, 2021, the employer terminated grievant Billy Joe Smith without just cause as required in Article XV and in violation of the contract as a whole.

Remedy Sought: Reinstate grievant, remove the discipline, and make grievant whole in every way.

SAMPLE CONTRACT VIOLATION GRIEVANCE

Name of Grievant _____;

Date of Grievance _____;

Contract Article(s) Violated _____;

Date(s) Contract Violated _____;

Description of Violation: On or about March 13, 2021, the employer, in violation of Article XVI and the contract as a whole, denied grievant Abe S. Lincoln holiday pay for the contractual President Day holiday.

Remedy Sought: Provide Abe holiday pay consistent with the terms of the contract.

DETERMINE WHETHER THE GRIEVANCE HAS MERIT

Not every member's complaint or request for a grievance represents a policy violation that warrants a grievance. A Union's duty to represent its members does not require pursuit of a meritless grievance. However, a Union is obligated to make an **informed decision** about whether the grievance has merit. Making an informed decision takes time and effort. This requires discussing the dispute with the grievant, the Union, the Employer, and the witnesses. An informed decision requires considering the contract language and any evidence relied upon by the Employer for the action(s) that gave rise to the grievance, as well as any other evidence you discover. You are entitled to this information. You need this information. Ask for it.

BEST PRACTICES

Always accompany a grievance with a **written** information request.

DO NOT simply rely on the Employer's version of events. Do your own investigation.

SAMPLE INFORMATION REQUEST TO THE EMPLOYER

Dear _____,

In connection with the grievance dated March 13, 2021 on behalf of Willie B. Nelson, please provide a copy of the grievant's personnel file including his disciplinary record, the Employee Handbook, investigation report, witness name(s), witness statement(s), video and/or other recording(s), and any specific rule, policy or report relied upon for the disciplinary action. Please forward this information to me as soon as possible but in any event prior to the step 2 grievance meeting.

Thank you,

INFORMING A MEMBER THAT THE GRIEVANCE WILL NOT BE PURSUED

Sometimes you will conclude that a grievance is without merit and should not be pursued. In some cases, you will reach this conclusion before the grievance has been filed. In other cases, this may not occur until the last step of the grievance procedure. If you reach an **informed decision** that the grievance is without merit, you must explain to the grievant the Union's reason for not pursuing the grievance. This is especially so if the grievant is unhappy with the Union's decision not to pursue the grievance. Simply refusing a member's grievance without providing the member an **informed explanation** as to why the grievance is meritless risks a disgruntled member, and a weaker Union.

BEST PRACTICES

When the Union has reached an informed decision not to pursue a member's grievance, provide the member a written explanation. This should be done by the Union Business Agent – not the Union Steward.

SAMPLE OF AN INADEQUATE GRIEVANCE DENIAL LETTER

Dear _____,

The Union has investigated your grievance and has determined that it is without merit and will not pursue it further.

Sincerely,

SAMPLE OF AN ADEQUATE GRIEVANCE DENIAL LETTER

Dear Willie B. Nelson,

The Union has completed its investigation of your grievance dated 03/13/2021 claiming that the Employer terminated you without just cause. Unfortunately, the Employer's video evidence clearly revealed you outside the shop on Valentine's Day while you were on the clock and not on break. As you know, this is a violation of Company Rule 14. The video also shows you filling your green and purple bong with marijuana and taking several hits from your bong before bursting forth "in song" in a cloud of smoke. You have previously been warned to leave your bong at home. Furthermore, your disciplinary record reveals that you were previously disciplined for testing positive for marijuana and warned that a second occurrence would result in termination, pursuant to Company Rule 17 and Article XX. The Union has withdrawn the grievance and will take no further action in this matter.

Sincerely,

SAMPLE OF AN ADEQUATE GRIEVANCE DENIAL LETTER

Dear _____,

The Union has investigated your grievance dated 03/13/2021 claiming a violation of your job bidding rights pursuant to Article XV. That article provides the employer the right to fill a position based on co-equal considerations of seniority, skills and ability. Skills are defined in the contract as having the proper training and certification to perform the work. Ability is defined in the contract to include attendance and disciplinary record. While it is true that you have six weeks more seniority than your co-worker chosen by the Employer to fill the job vacancy, you do not hold the certification necessary for the job. In addition, your attendance and disciplinary record compare unfavorably to that of the employee awarded the position. Accordingly, the grievance disputing the Employer's decision to award the job to your co-worker is without merit. The Union has withdrawn the grievance and will take no further action in this matter.

Sincerely,

DEFENDING A DISCIPLINARY GRIEVANCE

The Employer has the burden of proof in a disciplinary case. In a disciplinary case, the Union plays defense. Therefore, in the grievance meeting you should politely but firmly insist that the Employer explain the evidence and reasons relied upon for the disciplinary or termination decision. Too often the Employer turns the table on the Union and request that the Union or the grievant start the meeting by providing an explanation of why the discipline or termination decision is not appropriate. Avoid proceeding in this fashion. Be polite but firm.

BEST PRACTICES

In the grievance meeting, ask the Employer to provide its evidence and reasons for the disciplinary decision. Use the Just Cause standard as your guide for:

- Requesting Information
 - Questioning witnesses
 - Undermining the District's case
 - Defense arguments
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JUST CAUSE

Just Cause is the underlying theory of every disciplinary or termination case. Understanding Just Cause will greatly assist you in your disciplinary grievance advocacy. Such understanding will guide your subsequent request for information, your investigation - including your questioning of witnesses and decision makers. It will inform the arguments you make during a grievance meeting.

Just Cause is a term of art that may be interpreted differently by Employers, Unions, and arbitrators unless it is specifically defined in the CBA. In its most basic application, the contract's Just Cause standard simply requires fairness. A widely accepted application of Just Cause includes seven elements summarized as follows:

1. **NOTICE:** Did the Employer give to the employee forewarning or foreknowledge of the possible or probable consequences of the employee's disciplinary conduct?
2. **REASONABLE RULE OR ORDER:** Was the Employer's rule or managerial order reasonably related to (a) the orderly, efficient, and safe operation of the Employer's business, and (b) the performance that the Employer might properly expect of the employee?
3. **INVESTIGATION:** Did the Employer, before administering the discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?
4. **FAIR INVESTIGATION:** Was the Employer's investigation conducted fairly and objectively?
5. **PROOF:** At the investigation, did the "judge" obtain substantial evidence or proof that the employee was guilty as charged?
6. **EQUAL TREATMENT:** Has the Employer applied its rules, orders, and penalties evenhandedly and without discrimination to all employees?
7. **PENALTY:** Was the degree of discipline administered by the Employer in a peculiar case reasonably related to (a) the seriousness of the employee's *proven* offense, and (b) the record of the employee in his service with the Employer?

Koven & Smith, Just Cause – The Seven Tests, BNA Books, 2d Ed. 1992, pp. 23-24).

An answer of "no" to any of the above seven elements suggests that the discipline or termination decision was unfair and reflects a lack of just cause.

BEST PRACTICES

When handling a discipline or discharge case apply the elements of Just Cause to the facts in order to find weaknesses in the Employer's case and a viable defense for the Union's case. Not all are covered under these standards. Some have other policies that apply

ZERO TOLERANCE, CARDINAL SIN, PROGRESSIVE DISCIPLINE

The term "Zero Tolerance" is often misunderstood and misapplied in the context of discipline cases. Zero tolerance simply means that the conduct for which there is "zero tolerance" will not be tolerated. A "zero tolerance" workplace rule without more, simply means that any employee who breaches that rule will suffer consequences. It does not mean that the employee has been placed on notice that a breach of that rule will result in termination.

However, a workplace rule characterized as "zero tolerance" that also provides that a violation "shall result in termination" is a "cardinal sin" rule. When employees are placed on notice that a breach of a rule "shall" or "will" result in termination then progressive discipline does not apply. Termination will generally result from a single breach of such rule.

However, if the language of the "Zero tolerance" rule provides that a violation "*may result in discipline up to and including termination,*" then termination for an initial breach of that rule likely runs counter to just cause. That is because the phrase "may result in discipline up to and including termination" is progressive discipline language. In such a case, a violation is addressed thorough successively harsher punishment, i.e., a verbal warning, a written warning, and then a suspension, prior to termination.

BEST PRACTICES

When handling a discipline or discharge case review the language of the rule upon which the discipline or discharge is based to determine whether it is structured as a "cardinal sin" rule or as a "progressive discipline" rule.

PURSUING A CONTRACT / POLICY INTERPRETATION GRIEVANCE

In a contract/policy interpretation dispute the burden of proof is on the Union. In such a case, the Union plays offense. In other words, the Union must prove that the contract /policy language supports the Union's grievance. A common misperception is that a grievance can challenge any unfair conduct by the Employer. This is wrong. A grievance cannot remedy every injustice. It can only remedy a violation of the contract./policy

Simple contract/policy interpretation grievances generally settle prior to reaching arbitration because the cost of arbitration (where it is allowed) often exceeds the cost of remedying the violation. This is especially so when the evidence clearly demonstrates the grieved violation.

Complex contract/policy interpretation grievances based on **ambiguous** language are more difficult. In order to prevail, the Union must do more than simply make a reasonable argument. The Union must provide evidence that the language means what the Union claims it means. Without sufficient evidence to support the argument the Union cannot prevail. Pursuing a contract interpretation grievance without adequate evidence is dangerous because once the Union loses the case the Employer's interpretation will become the prevailing standard.

In contract/policy interpretation cases that are able to move to arbitration, the Arbitrators do not consider fairness. They consider the language and the parties' intent of how that language is to be applied. It is the Union's burden to provide sufficient evidence to prove the claimed interpretation. The rule of thumb is that a party cannot win in arbitration what the party did not already win in the contract/policy. Without sufficient evidence to prove the Union's interpretation of the ambiguous language, such contract interpretation grievances should be avoided.

BEST PRACTICES

Don't pursue a contract interpretation grievance without sufficient evidence.

FACTS MATTER

Facts matter in the grievance/arbitration procedure. Getting all the facts in a case is the best way to make certain that the Union is doing the "right thing" and properly representing the membership.

Let the facts that emerge through your investigation guide you to the final result. Often times the facts will demonstrate that a member has already had the benefit of progressive discipline or has breached a cardinal sin rule for which employees had notice that termination would result.

Other times, the facts will demonstrate that although the Employer had Just Cause to discipline the member, the level of discipline was too severe. In such case, the Union's grievance may succeed in reducing the level of discipline. Sometimes the facts will demonstrate that the Employer's disciplinary action was simply wrong. In such case, the Union's grievance may reverse the discipline and make the employee whole for all contractual losses suffered.

Fulfilling the Union's duty of representation requires leader and staff investigate, investigate, and investigate in order to achieve the fairest and most efficient result for the membership and the Union. Investigate when time permits before filing the grievance. Investigate further based on information learned from witnesses and reports. Use the grievance procedure to flush out the facts. A management labor attorney once said: "The case that comes in the front door seldom looks like the same case going out the rear door." That is because the investigation brings to light additional facts that impact the merit of the case, making it weaker or stronger. Investigate, and let the facts lead you to the proper result.

BEST PRACTICES

Don't Rely on the Employer's conclusions.

Don't Rely on hearsay, rumors or assumptions.

Let Facts be your guide.

INVESTIGATE, INVESTIGATE, INVESTIGATE – THE EARLIER THE BETTER!

When Bad Gripes Happen to Good Stewards

<https://labornotes.org/2015/01/when-bad-gripes-happen-good-stewards> January 02, 2015 / Ellen David Friedman

Excerpted from [The Steward's Toolbox: Skills and Strategies for Winning at Work](#).

Healthy unions should welcome workplace discontent. Stewards can turn discontent into campaigns that build workplace power.

Sometimes, though, too much *unproductive discontent* is floating around. Maybe there's a culture that supports bitching but no action; maybe there are tensions among co-workers that prevent cooperation.

Here's a look at two cases and what a steward can do:

The paralyzed griper. Sofia has been riled up over a pay grade problem for months, and you have heard every chapter of the saga. She feels she's been assigned work above her grade, but isn't being paid accordingly.

The supervisor won't support her application for an upgrade without documentation. But Sofia's dragged her feet because she'd have to prove that her work is different from co-workers in her pay grade, and she's too uncomfortable to actually ask them to describe their work in detail.

She can't file a grievance until she's applied for an upgrade and been denied. If she refuses the assigned work, she thinks she might be found insubordinate or stuck where she is forever.

Sofia's kind of paralyzed, and her co-workers are really tense about it, too. The problem here is that co-workers don't talk freely with each other about their work; a mood of underlying competition or distrust dominates. As steward, you may have to introduce some new standards into the workplace.

Consider a survey that asks detailed information about actual job duties compared to job title (reassuring members that it's anonymous). Then compile the results and post them on the union bulletin board, with some pointed questions:

- Are you constantly assigned new responsibilities with no change in pay?
- Should you be upgraded to a higher job title?
- Is this happening to everyone or just some of us?
- Have you read what the contract says about job upgrades?
- Are we better off "just getting by" or should we be "going somewhere"?

GET THEM TALKING

After you get a little buzz going, you could call an informational meeting about the process for job upgrades. Set a comfortable, non-judgmental tone.

Remind members that they are setting precedents for each other which are either bad (allowing standards to remain low and meaningless) or good (forcing the boss to follow the rules and move people up). Remind them that the goal isn't to compete against each other for the same slice of pie, but to cooperate and build strength together to demand a bigger pie.

Once folks have started to share their stories, it may come out that there are inequities—and these can be uncomfortable to face. Your task is to depersonalize the situation, pointing out that the job of the union isn't to evaluate workers but to make sure the contract is followed.

Help members talk to each other non-judgmentally. Build a sense of shared purpose by moving action along on behalf of affected groups, where possible, rather than individuals.

Doing all of this openly will not only break the tension between co-workers but signal to the boss that things are changing. When the pay grade problems get fixed, what a great confidence-builder for members!

NO GRIEVANCE HERE

Then there's the privileged griper. When Nate asks to talk with you, it's a welcome surprise; he's a respected and influential employee, but he's never been involved in the union. But your enthusiasm fades as Nate lays out an elaborate history of conflict with an upper-level boss who he believes has thwarted his career advancement.

It turns out that Nate has tried—on his own, never consulting the union—to cut deals with various bosses to move up, but has always been stymied. Now he wants to turn it all over to you, making it clear this is his “test” of the union: “After all these years of paying dues, if you can't do something for me, I'll make sure everyone knows how useless the union is.”

A review of the facts makes it clear there is no contract violation, no disparate treatment, no breach of due process...in short, nothing grievable. You may be tempted to file a grievance, do your best, and let Nate lose. But he's likely to lash out against the union. If you reject his request, the result will be the same. So, let's consider some options.

No matter what else, make sure to keep Nate fully apprised of what you're doing. Let him see your activity on his behalf.

Let Nate know you'll have to share some facts of his case, as a condition of proceeding. This is normal because every case has precedent-setting power and may affect the rights of others.

Find some other members who share the respected status that Nate enjoys and who may have similar job frustrations. Ask their opinions. Walk them through the grievance criteria to help them see why you're reluctant to proceed. If they, too, see the absence of merit, then you've found some allies in case Nate blows up.

Next step is to ask Nate to write a summary of his case, including the contract clause he's claiming and the proposed remedy, and give it to the Grievance Committee.

(No Grievance Committee? Now's the time to constitute one and train its members as both advocates and dispassionate gatekeepers of the process.)

Invite Nate to present his case to them, possibly inviting other union leaders to attend, so as to add gravitas to the ultimate decision. At this session, be prepared to let Nate down respectfully and instead generate brainstorming about non-grievance solutions. If you've learned there are

others facing the same problem, get them involved in strategizing and use the union's resources to carry out a plan.

Even if Nate drops it at this stage, you will have blunted any criticism by showing him respect, engaging other members, calling on the institutional strengths of the union, and generating creative alternatives to a grievance.

If he still tries to rile up anti-union feeling, it will ring pretty hollow.

Ellen David Friedman is a retired organizer for Vermont NEA and a member of the Labor Notes Policy Committee.

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Scenario 1

Discrimination

Scenario #1

You, the union staff, get a call from a building rep and a president.

A well-respected teacher and union member, Mrs. J, was given an unfair disciplinary write up.

This is the situation: A parent complained that a 7th grade girl's "about me" project showed 4 LGBTQ+ pride flags. The parent did not come speak to the teacher—she went straight to the school board. On the write up, the principal wrote that Mrs. J didn't show "good judgement" and "clear classroom expectations of appropriateness." In his disciplinary meeting with the member, the principal told Mrs. J that he's a conservative Christian, "we can't promote this here" and asked her if she would allow a Confederate flag or swastika on the wall of her classroom. He also announced that he needs to talk to the students about talking about their sexual orientation at school.

He directed her to turn in lesson plans weekly for his review. He ordered Mrs. J to take down ONLY the project with LGBTQ+ flags and leave every other student project up on the classroom walls. Mrs. J didn't want any student to feel targeted, so she took down every project. Mrs. J and her building rep both tried to talk to the principal and assistant superintendent about this unfair treatment of both students and staff. Neither administrator corrected the issue, and just keep telling Mrs. J that she needs to "understand that parents have opinions too."

The local president and building rep are horrified. There's a history of homophobia in the district, including several union members who fear retaliation from their supervisors. The local officers know their superintendent and school board members well. They believe that the district leadership will back the principal's actions. The president, building rep, and Mrs. J are game to try anything and believe that many of their colleagues would also be horrified. The local isn't familiar with grievances, and doesn't have a grievance chair.

**ARTICLE 3
ETHICS**

The Board of Education expects that each teacher shall put forth every effort to promote a quality instructional program in the school district. The Board of Education has stated its policies in the online district policy manual. All teachers are expected to be familiar and be in compliance with the contents of these policies. To access District policies, go to the HSD home page, then click on "District Policies" under the "Quick Links" section.

The Board of Education's various policies relating to conflict of interest will be made known to all teachers. It shall be deemed unethical for any teacher to attempt to influence a Board of Education member outside of an official Board of Education Meeting in regard to teaching assignments, purchase of equipment and supplies, selection of textbooks, or like matters which are ultimately decisions delegated to the Superintendent/designee.

An effective educational program requires teachers with integrity, high ideals, empathy, and human understanding. All teachers will be expected to adhere to the general staff ethics policy endorsed by the Board of Education.

The Board of Education expects the teachers to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, co-workers and officials of the district.

ARTICLE 8
PARTICIPATION IN POLITICAL ACTIVITIES

The Board of Education recognizes that teachers of the district have the same fundamental civic rights and responsibilities as other citizens. Among these are campaigning for elective public office and holding an elective or appointed public office.

No teacher will use school system facilities, equipment, or supplies in connection with campaigning; nor will the teacher use any time during the working day for campaigning purposes. State law prohibits teachers from participating in the management of a campaign for the election or defeat of a member of the Board of Education which employs such teacher.

Any discussions of politics in the classroom are to be handled in such a manner as to give unbiased information. A teacher shall not impose, or attempt to impose, his or her personal, political philosophy upon the students.

**ARTICLE 9
TEACHER/STUDENT RELATIONS**

The relationship between all teachers and students in the school district should be one of cooperation, understanding and mutual respect. All teachers have the responsibility to provide an atmosphere conducive to learning, which should be accomplished through effective individual and group discipline. All students and teachers will treat each other with respect and have the right to learn and work in a safe environment as defined in the Student Behavior Guide.

Teachers will not be subjected to harassment, abusive language, physical aggression, insults or interference in the performance of the employee's duties. Any such complaints will be handled according to the District's Behavior Guide and/or Policy AC.

Differences and problems that arise between a teacher and student are typically best worked out by conferences between these two (2) persons or between the teacher and the parent of the student. However, teachers and students should immediately report a violation or perceived violation of the district's nondiscrimination and anti-harassment policy (AC), regardless of whether a conference has been held.

No teacher may use his or her status as a teacher to adversely influence a student of the district. No teacher may date, make advances toward, or engage in any sexual relationship with a district student, regardless of the student's age, the perceived consensual nature of the relationship, where the advances are made or whether the teacher directly supervises the student. Further, no teacher may discuss or plan a future romantic or sexual relationship with a student. All teachers possessing evidence of or witnessing such conduct or sexual harassment shall report it to the district's administration immediately. All teachers or school officials who know or have reasonable cause to suspect child abuse shall immediately report the suspected abuse to the Children's Division (CD) of the Department of Social Services hotline, pursuant to state law and to the principal.

**ARTICLE 12
COMPLAINTS AND GRIEVANCES**

A. Purpose

The purpose of this policy is to secure at the lowest possible administrative level and as expediently as possible, equitable solutions to the problems that may from time to time arise affecting the welfare or working conditions of teachers. Both parties agree that these proceedings shall be kept as informal and confidential as may be appropriate at any level of the policy.

B. Definition

1. A grievance is a complaint, misunderstanding, problem or dispute based upon pay, inequitable application of existing published policies, or the conditions or circumstances under which a teacher works. Complaints about non-renewal of a probationary teacher's contract, or about any official Board of Education action, shall be directed to the Board of Education; and a hearing on the same, unless required by state laws, shall be discretionary with the Board of Education. Complaints concerning evaluations, except those that lead to loss of pay, will be excluded. Complaints relating to discrimination on the basis of sex or disability will be resolved in accordance with Policy AC.
2. In this policy, a "teacher" is any certificated teacher of the school district with a teacher contract and one who does not have an administrative contract.
3. "Provide a written answer" shall be the deliverance of the appropriate grievance form or letter, containing the answers and reasons thereof to the grievant, unless notification is by other responsible method such as registered mail.
4. The grievance procedure shall not apply to summer school.

C. Time Limits

1. All time limits herein shall consist of teaching days when a grievance is submitted between the opening day of school as described by the school calendar and on or before June 1st.. Time limits pertaining to a grievance submitted after June 1st and before the last day of school as prescribed by the school calendar shall consist of all week days, Monday through Friday. Every effort will be made to resolve the matter before the close of the school term, or as soon as possible thereafter.
2. The grievance procedure must be initiated within seven (7) days of the action or knowledge of the action. Knowledge of the action is indicated when the

grievant informs the immediate supervisor of the complaint, misunderstanding, dispute or circumstances.

3. The time limits specified in any step of this procedure may be extended, in any specific instance, by the written consent of both parties. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant.

D. Forms

Forms for the filing of a grievance will be available on the Human Resource's Page of the District's website or through the association representative.

E. Personnel Files

1. All documents, communications and records dealing with the proceedings of a grievance shall be filed separately from the personnel files of the grievant and participants.
2. Access to the grievance files is restricted to the grievant, the administration and the Board of Education, or to other person(s) designated by grievant by means of written authorization.
3. The grievant shall agree in writing to the distribution of written responses to a grievant's representative, if any. Failure to do so shall restrict the distribution of written responses to the grievant alone.

F. Reprisals

No reprisals of any kind shall be attempted against any grievant, grievant's representative, member of the association, administrator, association director, or any teacher of the Hazelwood School District because of the filing of a grievance.

G. Procedure

Informal

1. The parties acknowledge that it is usually most desirable for a teacher and his or her assigned supervisor (elementary principal, and/or secondary assistant principal) to resolve grievances through free and informal communications. When requested by either party, the grievant's representative(s) may assist in this resolution.

Step 1

1. If the grievance is not satisfactorily resolved at the informal level, the grievant must present the grievance in writing on the designated form within seven (7) days to the principal's office or the grievance will be considered waived.
2. The principal will arrange a meeting within seven (7) days of the time the written grievance is received. The principal, the grievant and the grievant's representative(s) shall be present for the meeting. For the secondary buildings, the assigned supervisor, if involved in Step 1, will be present at the meeting unless unusual circumstances prevent his or her participation.

The building principal shall provide the grievant and the grievant's representative(s) with a written answer within seven (7) days after the meeting. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant.

Step 2

1. If the grievance is not satisfactorily resolved in Step 1, the grievant must present the grievance in writing on the designated form within seven (7) days to the office of the appropriate assistant superintendent or the grievance will be considered waived.
2. The assistant superintendent or his/her designee will arrange a meeting within seven (7) days. The assistant superintendent or his/her designee, the grievant and the grievant's representative, unless the grievant chooses otherwise, shall be present at the meeting.
3. The assistant superintendent or his/her designee shall provide the grievant and the grievant's representative with a written response within seven (7) days after the meeting. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant.

Step 3

1. If the grievance is not satisfactorily resolved in Step 2, the grievant has seven (7) days to submit the grievance to the superintendent or his/her designee or the grievance will be considered waived.
2. The superintendent or his/her designee shall within seven (7) days hold a meeting with the grievant and the grievant's representative(s).

3. The superintendent or his/her designee shall provide the grievant and the grievant's representative(s) with a written response within seven (7) days after the meeting. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant.

Step 4

1. If the grievance is not satisfactorily resolved in Step 3, the grievant has the option in seven (7) days to request the superintendent or his/her designee to provide a meeting with the Board of Education, or the grievance will be considered waived.
2. A meeting involving the Board of Education, the grievant and/or grievant's representative(s) shall be held within ten (10) days of the receipt of the request if possible.
3. Following said meeting a written response to the grievant and the grievant's representative(s) shall be provided within ten (10) days. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant. The Board of Education shall be the final determining body concerning any grievance.

H. Released Time

In Steps 2 and 3 of the grievance procedure, the immediate and appropriate administrator at such step shall have full authority to grant release time to the participants. Time allotted to lunch, parent conferences, or planning shall not be used for resolving grievances unless the participants agree.

I. General Provisions

1. Nothing herein contained shall deprive any teacher of any legal rights, nor of his or her professional rights as a member of any organization with which the association is affiliated.
2. A grievance arising from the action of an administrator above the rank of principal may be processed in accordance with Step 3 (superintendent).
3. The president of the association may file a grievance on behalf of the association initiating with Step 3 (superintendent).
4. All participants shall be given at least a day of notice of a meeting for each seven (7) days allotted to arrange the meeting.

Policy GBCB: STAFF CONDUCT

Status: ADOPTED

Original Adopted Date: 01/24/2017 | **Last Revised Date:** 09/19/2017

District employees are to serve the public and aspire to a high degree of integrity to maintain the public's trust, support and cooperation. It is important that all employees exhibit exemplary judgment and conduct both on and off duty. This judgment and conduct will maintain a culture of trust and safety among students, parents/guardians, the community and employees. Violations of this trust could lead to discipline and/or action under state or local statutes.

The Board of Education expects that each professional and support staff member shall put forth every effort to promote a quality instructional program in the school district. In building a quality program, employees must meet certain expectations that include, but are not limited to, the following:

1. Become familiar with, enforce and follow all Board policies, regulations, administrative procedures, handbooks, other directions given by district administrators and state and federal laws as they affect the performance of job duties.
2. Maintain courteous and professional relationships with pupils, parents/guardians, other employees of the district and all patrons of the district.
3. Conduct oneself with honesty and integrity in all relationships and interactions, and always act in an ethical manner.
4. Refrain from adverse criticism or gossip about employees of the district.
5. Keep current on developments affecting the employee's area of expertise or position, and participate and engage in professional development activities, teams, etc., provided, mandated or suggested by the district.
6. Transact all official business with the appropriate designated authority in the district in a timely manner.
7. Maintain appropriate, acceptable use of district electronic and communication devices.
8. Care for, properly use and protect school property.
9. Remain faithful and prompt in attendance at work.
10. Attend all required staff meetings called by district administration, unless excused.
11. Keep all student records, medical information and other sensitive information confidential as directed by law, Board policy, district procedures and the employee's supervisor.

12. Immediately report all dangerous building conditions or situations to the building supervisor and take action to rectify the situation and protect the safety of students and others if necessary.
13. Properly supervise all students. The Board expects all students to be under assigned adult supervision at all times during school and during any school activity. Except in an emergency, no employee will leave an assigned group unsupervised. Any employee shall assume responsibility for any unsupervised students and assist in any way possible to prevent injury to person or property.
14. Obey all safety rules, including rules protecting the safety and welfare of students.
15. Adhere to Board policy and law, and use exemplary judgment in all communications and interactions with students.
16. Submit all required reports or paperwork at the time requested. Employees will not falsify records maintained by the school district. Falsification of records or paperwork will result in discipline, up to and including termination.
17. Refrain from using profanity or profane gestures.
18. Refrain from conduct that creates a disruptive and/or offensive learning or working environment.
19. Dress professionally and in a manner that will not interfere with the educational environment.
20. Come to work and leave work at the time specified by the employee handbook or by the employee's supervisor. Employees who are late to work, stop working before the scheduled time or work beyond the scheduled time without permission may be subject to discipline, including termination.
21. Refrain from leaving the designated work site during working hours, whether on district business or not, unless approved by the supervisor.
22. Employees are permitted to engage in outside employment as long as it does not interfere with the employee's work duties or responsibilities or in any way lessen the effectiveness of the employee in his or her district job.
23. School employees, other than commissioned law enforcement officers, shall not strip search students, as defined in state law, except in situations where an employee reasonably believes that the student possesses a weapon, explosive or substance that poses an imminent threat of physical harm to the student or others and a commissioned law enforcement officer is not immediately available.
23. School employees shall not direct a student to remove an emblem, insignia or garment, including a religious emblem, insignia or garment, as long as such emblem, insignia or garment is worn in a manner that does not

promote disruptive behavior.

24. State law prohibits teachers from participating in the management of a campaign for the election or defeat of a member of the Board of Education that employs such teacher.
25. Employees will not use district funds or resources to advocate, support or oppose any ballot measure or candidate for public office. Employees will also refrain from using school contacts and privileges to promote partisan politics, sectarian religious views or self-serving propaganda of any kind.
26. Employees will not use any time during the working day for campaigning purposes, unless allowed by law.
27. Refrain from making disparaging or derogatory remarks about colleagues or other district staff since that is a violation of professional ethics. Transmit constructive criticism of other staff members or of any department of the school district to the particular school administrator who has the administrative responsibility for improving the situation.
28. Personal relationships with students or other staff members that decrease in any way the individual's ability to carry out his or her professional responsibilities are prohibited.

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

**School District Guidelines for
LGBTQ students-Follow Best Practices**

State Law	Best Practices
Bullying/Harassment The Federal Law Title IX and F.S. 1006.147 prohibits bullying and harassment of all students.	Bullying/Harassment Schools will follow the district policy prohibiting bullying and harassment, addressing any incident against an LGBTQ student the same way they would address an incident against any other student, unless the bullying/harassment is based on a student's LGBTQ status, in which case the matter may need to be addressed through the District's anti-discriminatory policy. (contact Student Services or HR)
Official Documents Documentation from a State court is required to reflect a change in name and/or gender in a student's official school records.	Official Documents Schools will only modify student records to reflect a change in name or gender upon receipt of such documentation from a State court. While official student records must contain the student's legal name, schools should permit the use of " " in unofficial student records to assist staff in calling the student by the preferred name.
Names and Pronouns There is no federal or State state law that requires schools to call a student by a requested name or use gender pronouns consistent with their gender identity. F.S. 1014.04 does reserve the right to the parent to direct the education and care as well as to direct the upbringing and the moral or religious training of his or her minor child.	Names and Pronouns Schools will use the name and gender pronoun corresponding to his/her consistently asserted gender identity upon request of the student with knowledge of the parent.
GSA Clubs at School Under the Federal Equal Access Act , a public school permitting any non-curricular club must also allow students to form a GSA. The school must also treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.	GSA Clubs at School Schools will permit students to form GSA clubs. The clubs will comply with S.B. Rule 4.06 "Student Clubs and Organizations". Personnel who support these clubs may not design agendas, lead discussion, or provide resources that directly support the discussion of LGBTQ issues.
Coming Out Federal courts have found students have a constitutional right to be "out" at school if they want to be. Although students have the First Amendment right to free speech , a school can restrict a student's free speech when it causes significant disruption in the classroom.	Coming Out Schools will not try to silence students who are open about their sexual orientation or transgender identity, or who question their orientation or gender identity. Restricting a student's free speech may occur if it: (1) causes, substantial disruption with the school's work or material interference with school activities including classroom instruction; (2) impinges upon the rights of other students to be secure and let alone including but limited to discourse in the classroom setting; or (3) the school reasonably forecasts it will cause a substantial disruption with the school's work or material interference with school activities.
Privacy The U.S. Supreme Court recognizes the federal constitutional right to privacy , which extends to students in a school setting.	Privacy School personnel will not unnecessarily disclose any information about a students' sexual orientation, transgender identity or questions they may have about their sexual orientation or gender identity to third parties.

State Law	Best Practices
Restrooms There is specific case law that requires schools to allow a transgender student access to the restroom corresponding to their consistently asserted transgender identity.	Restrooms On a case by case basis, school social workers will work with school and family to evaluate the use of restrooms corresponding to the student's consistently asserted gender identity. If approved, student will be allowed to use the restrooms corresponding to the student's gender identity or at the student's option gender-neutral restrooms and will not be allowed access to the restroom corresponding to the student's birth sex.
Athletics The Federal law Title IX ensures the safety and inclusion of transgender students in all school-sponsored activities (Department of Education, 2014). No federal law requires schools to allow a transgender student to play on a team consistent with their gender identity and expression. State Statute 1006.205 delineates participation by gender.	Athletics As a result of Senate Bill 1028/State Statute 1006.205, athletic teams or sports designated for females, women, or girls may not be open to students of the male sex. A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex if the statement was filed at or near the time of the student's birth.
Locker Rooms There is no specific federal or State state law that requires schools to allow a transgender student access to the locker room corresponding to their consistently asserted transgender identity.	Locker Rooms On a case by case basis, school social workers will work with school and family to evaluate and provide a transgender student with available accommodations that best meets the needs and privacy concerns of all students. Transgender students will not be forced to use the locker room corresponding to their birth sex.
Dress Gender expression is protected by the U.S. Constitution and Title IX . This right to free expression includes choice of clothes. As long as what is worn would be appropriate if worn by other students, then a student should be able to wear that clothing even if it isn't stereotypically associated with their biological gender.	Dress Schools will allow transgender students to wear clothing in accordance with their consistently asserted gender identity as long as what is worn is in accordance with dress code policy and gender standards.
Prom/Dances The Federal law Title IX and First Amendment Federal court cases prohibits excluding same-sex couples from school-sponsored proms and dances.	Prom/Dances Schools will allow same-sex couples to attend school sponsored proms and dances. Schools will not dictate that only biological males may wear tuxedos, and only biological females may wear dresses. Schools will review the request for transgender students running for Prom King/Queen, taking into consideration the safety of the student.
Gender Segregation There is no Federal or State state law on the issue of gender segregation for school activities (i.e. classroom activities, field trips, PE class, etc.)	Gender Segregation It is recommended that teachers separate students alphabetically rather than by sex for school activities. Note: This does not include gender specific curriculum such as puberty.
Overnight Field Trips There is no Federal or State state law requiring school personnel to adhere to the requests of an LGBTQ student.	Overnight Field Study Because of the complexity of field study issues, they will be handled on a case by case basis.

State Code Education 1001 Section 42 Parental rights in education.

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(42) Parental Rights

1. Local school board must, in accordance with the rights of parents enumerated 1002.20 and 1014.04, adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to know as much about school personnel, curriculum choices, and supplemental materials and activities to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to seek permission to discuss or facilitate discussion of the issue with the parent.

2. A school district may not adopt procedures or student support forms that require school district personnel to withhold from a parent information about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information, unless a reasonably prudent person would believe that such disclosure would result in abuse, abandonment, or neglect, as those terms are defined in s. 39.01. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

3. A school district may not encourage classroom discussion about sexual orientation or gender identity in primary grade levels or in a manner that is not age-appropriate or developmentally appropriate for students.

4. A parent of a student may bring an action against a school district to obtain a declaratory judgment that a school district procedure or practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

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Scenario 2

Class Coverage

Scenario 2 - Class Coverage

During bargaining, the union and the school worked collaboratively to address the substitute shortage by adding new language to the contract for class coverage. This would allow a teacher to receive payment for covering a colleague's class.

After ratification, multiple buildings reported administrators denying the payment. They reason for the denials varied from building to building. Special education teachers at the middle school do not have a guaranteed prep time and were deemed to not qualify for the class coverage payment. High school special education teachers were receiving the payment, even if they did not have a prep time when they covered someone's class. School counselors were denied class coverage payments at the high school, but were given class coverage payments at the middle school. Elementary specials teachers (PE, art, music, tech) were told they did not qualify for class coverage payments, as they did not have the same class of students all day. Elementary general education teachers were given class coverage payments, even though many of them switch groups of students across the day.

AGREEMENT BETWEEN THE
SCHOOL DISTRICT AND EDUCATION
ASSOCIATION

This Agreement, made and entered into between the Board of School Trustees, School District, Howard County, Indiana (hereinafter called the "Board") and the Education Association, an affiliate of the Indiana State Teachers Association and the National Education Association (hereinafter called the "Association").

WITNESSETH:

WHEREAS, the Association has been certified as the exclusive representative of certain certificated school employees of the Board; and,

WHEREAS, The Board and the Association have entered negotiations, have reached agreement and wish to reduce such agreement to writing;

NOW, THEREFORE, The Board and the Association agree as follows:

ARTICLE I

RECOGNITION OF ASSOCIATION

Section 1. Recognition. The Board hereby recognizes the Association as the exclusive representative for all school employees in the following appropriate Bargaining Unit:

Including:

All full-time certificated school employees of the School District, including but not limited to all full-time teachers, job sharing teachers, counselors, media specialists, head teachers, lead teacher, instructional facilitators, educational consultants, and all employees that are not full-time but are included pursuant to the decision of IEERB in Case No. 73-R-2.

And excluding:

All employees on an administrative contract and/or administrative salary schedule;

All contractors, subcontractors and vendors which have been hired or retained by the Board to provide goods or services on behalf of the school district;

All employees serving as school safety or school resource officers; and
All classified employees; and

Hearing Therapists;

Speech Language Pathologists; and

School Psychologists.

Unless otherwise indicated or required by the context, the term "teacher" when used herein shall refer to all employees included in the above described appropriate Bargaining Unit.

ARTICLE II

SALARY AND OTHER COMPENSATION

Section 13. Class Coverage. A secondary teacher who is required to forego their preparation period because the teacher is assigned to cover a period for another teacher will be paid fifteen dollars (\$15) for the period. If an elementary teacher whose regular daily assignment is teaching a class of students for the full day is assigned to cover an additional class of students for another teacher, then s/he will be paid sixty dollars (\$60) for covering a full day or thirty dollars (\$30) for covering a half day.

ARTICLE VIII

GRIEVANCE PROCEDURE AND ARBITRATION

Section 1. Definition. A grievance is a dispute concerning the interpretation, application or alleged violation of a specific article or section of this Agreement by the Board.

Section 2. Procedure. Grievances, with the exception of those that are not appropriate to be resolved at the building level, shall be disposed of in the following manner:

Step One - Immediate Supervisor

Within twenty (20) working days of the time that the grievant knew, or reasonably should have known, of the grievance, the grievant shall present the grievance orally to the immediate supervisor at a time when the grievant does not have students under direct supervision. Within five (5) working days after presentation of grievance, the immediate supervisor shall orally answer the grievance.

Step Two - The Principal

- (a) Within five (5) working days of the oral answer, if the grievance is not resolved, it shall be stated in writing, signed by the grievant and submitted

to the building principal on the form provided by the Administration and the Association representative. See Appendix C.

- (b) The grievance shall (1) name the employee involved, (2) identify the specific provisions of this Agreement alleged to be violated, (3) state the facts giving rise to the grievance, and (4) indicate the specific relief requested.
- (c) Within five (5) working days after receiving the written grievance, the principal shall give her/his answer in writing to the grievant.

Step Three - The Superintendent

- (a) If the grievance is not resolved in Step Two, the grievant may, within five (5) working days of receipt of principal's answer, appeal to the Superintendent by filing the grievance and the principal's answer, along with any written response of the grievant to the answer of the principal, with the office of the Superintendent, which shall receipt therefore.
- (b) Grievances which are not appropriate to be resolved at the building level shall be initiated at this step.
- (c) The Superintendent, or her/his designated representative, shall hear the grievance within ten (10) working days after receipt of any written grievance properly filed with the Superintendent's office and shall render her/his decision in writing within ten (10) working days after such hearing.

Step Four - Arbitration

- (a) Within twenty (20) working days after receipt of the decision of the Superintendent, the Association, upon written notice to the Superintendent, may submit the grievance to arbitration in accordance with the rules of the American Arbitration Association.
- (b) The arbitrator so selected shall only have the jurisdiction and authority to interpret and apply the applicable provisions of this Agreement to any grievance which is subject to arbitration and has been submitted to her/him by the parties in accordance with the provisions of this Agreement. No arbitrator shall have the jurisdiction or authority to add to, take from or modify any of the terms of this Agreement, nor to resolve any claim not founded upon the express provisions of the Agreement.
- (c) The arbitrator shall be bound by the evidence and exhibits submitted to her/him at the hearing. The decision of the arbitrator shall be in writing, shall be limited to the issues directly submitted to her/him by the grievant and shall be final and binding upon the Board, the Association, and the grievant when rendered upon a matter within the authority of the arbitrator.

- (d) The fees and expenses of the arbitrator and the cost of the hearing room shall be shared equally by the parties. All other expenses shall be paid by the party incurring them.

Section 3. Failure to Observe Time Limits. In the event the grievant or the Association fails to exhaust its remedies under the grievance procedures provided above, or to abide by the time limits with respect to each step, the grievance shall be presumed to be abandoned and the matter shall be settled in accordance with the Administration's last answer thereto. In the event the Administration fails to give its answer at any step within the time limits prescribed, the Association shall have the right to proceed immediately to the next step, including arbitration. Any time limit may be extended by mutual agreement of the parties.

Section 4. Effect of Settlement. Any settlement of a grievance affected in the first and second steps of the grievance procedure shall be applicable to that grievance only, and shall not be binding authority for the disposition of any other grievance unless the settlement is approved in writing by the Association and the Board.

Section 5. Right to Representation. A grievant shall be entitled, upon request, to be represented by a representative of the Association at any Step of this grievance procedure.

ARTICLE X

EFFECT OF THE AGREEMENT

Section 1. Complete Agreement. The parties mutually agree that the terms set forth in this Agreement represent the full and complete understanding and commitment between the parties hereto and may be altered, changed, added to, deleted from, or modified only through the voluntary mutual consent of the parties expressed in a written amendment hereto. All subjects having been fully settled, each party voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated, to bargain collectively during the term of this Agreement. This Agreement shall supersede any rules, regulations, prior agreements, or practices contrary to or inconsistent with terms contained within this Agreement.

The parties agree to be bound by Indiana's administrative, statutory and case law in effect as of the ratification date of this agreement. Should the law in Indiana be modified subsequent to the ratification date of this agreement, it shall have no effect on this agreement unless a provision is deemed unlawful by a court of competent jurisdiction. In that event, the parties agree to delete the unlawful provision as set forth in the Severability Clause above.

APPENDIX C

GRIEVANCE REPORT FORM

Grievance

Distribution of Forms

#_____School Dist.

1. Superintendent 2. Principal

3. Association 4. Teacher

GRIEVANCE REPORT

Submit to Principal in Duplicate

Building

Assignment

Name of Grievant

Date Filed

STEP III

A. Date Cause of Grievance Occurred _____

B. 1. Identify the Specific Provisions of Agreement Violated

2. Statement of Grievance _____

3. Relief Sought _____

Signature

Date

C. Disposition by Principal _____

Signature of Principal

Date

D. Position of Grievant _____

Signature

Date

STEP III

A. Date Received by Superintendent or Designee _____

B. Disposition by Superintendent or Designee _____

Signature Date

C. Position of Grievant _____

Signature Date

APPENDIX C (continued)

GRIEVANCE REPORT FORM

Grievance

Distribution of Forms

#_____ School Dist.

- | | |
|-------------------|--------------|
| 1. Superintendent | 2. Principal |
| 3. Association | 4. Teacher |

GRIEVANCE REPORT

STEP IV

Submit to Superintendent in Duplicate

<u>Building</u>	<u>Assignment</u>	<u>Name of Grievant</u>	<u>Date Filed</u>

Date Submitted to Arbitration _____

Signature of Association Representative

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Scenario 3

School Nurse Working Conditions

Scenario 3 – School Nurse**Learningland Education Support Professionals (LESP) - Local 2277**

The Learningland Area School district staff their buildings with both Licensed Practical Nurses (LPN) and/or Registered Nurses (RN) to provide health services. In addition, a Licensed School Nurse is assigned to six buildings to oversee the health services provided and the LPNs and RNs. The LPNs and RNs are in the LESP bargaining unit.

The LPNs and RNs are implementing the protocols, testing and health services needed to support students and staff related to COVID-19 and all other health related issues. They are experiencing a number of issues that is making their work more difficult or impossible. Many of the issues are listed here:

Staff shortages

- The buildings are short staffed and do not have the necessary number of LPNs and RNs. One of the results is that there is insufficient coverage for absences and often have the LSN assigned to their building covering during absences.
- Their LSNs are aware of the situation and have been unable to provide enough additional support. Health services falls under the SPED department and SPED assistant directors have been informed of the shortages but no action has been taken other than having LSN's provide coverage. They have been told the SPED director is aware of the situation.
- LSN's are in a different bargaining unit with the licensed staff and are currently disagreeing with the district about additional compensation for the additional duties being required of them.

Lacking necessary equipment

- There are shortages in cleaning supplies, masks, COVID-19 tests, and other PPE.

Coverage of COVID room

- Kids exhibiting symptoms, testing or have testing positive are required to be isolated, separate from the area all students use for services.
- The LPNs and RNs are required to cover both their regular service delivery in the health services area. They also need to cover the COVID-19 room and are unable to do both with any effectiveness.

Situation

- The local has 724 bargaining unit members (25 RN/LPN) – 65% member density
- The district is struggling to find substitutes in all areas
- The LPNs and RNs understand the difficulties of the current situation for all involved but believe more needs to be done, specifically with the amount of resources being provided.
- The LPNs and RNs are also needing to access leave at higher levels than typical due to illness.
- The district has not agreed to provide additional sick leave for any employees this years, even though they did so throughout the 2020-21 school year.
- The district's finances are stable (not deficit spending or using reserves).
- The district has been allocated \$23,555,597.50 in ESSER funds.

Contractual Language - DEFINITIONS

Section 1. Terms and Conditions of Employment: Will mean the hours of employment, the compensation therefore, including fringe benefits, except retirement contributions or benefits, and the employer's personnel policies affecting the working conditions of the employees, but does not mean educational policies of the School District. The terms in both cases are subject to the provisions of state law.

Section 2. Registered Nurses and Licensed Practical Nurses: Will mean persons employed by the School Board in a capacity exclusively associated with the School District's health services program. The term employee as used herein will not include confidential employees, supervisory employees, essential employees, part time employees whose service does not exceed the lesser of fourteen (14) hours per week or thirty-five (35) percent of the normal work week in the bargaining unit, employees whose positions are basically temporary or seasonal in character and are not for more than sixty-seven (67) working days in any calendar year, and emergency employees.

Subd. 1. Registered Nurse: Will mean all persons employed by the School District in a position for which the person must be licensed as a Registered Nurse.

Subd. 2. Licensed Practical Nurse I: Will mean all persons employed by the School District in a position for which the person must be licensed as a Licensed Practical Nurse.

Subd. 3. Licensed Practical Nurse II: Will mean all persons employed by the School District in a position for which the person must be licensed as a Licensed Practical Nurse by the State who are specifically responsible for providing for the 1:1 health care needs of individual students who require frequent care throughout the school day in order to attend school.

Contractual Language - SCHOOL DISTRICT RIGHTS

Section 1. Inherent Managerial Rights: The employees recognize that the School District is not required to meet and negotiate on matters of inherent managerial policy, which include, but are not limited to, such areas of discretion or policy as the functions and programs of the School District, its overall budget, utilization of technology, the organizational structure and selection and direction and number of personnel.

Section 2. Management Responsibilities: The employees recognize the right and obligation of the School District to efficiently manage and conduct the operation of the School District within its legal limitations and with its primary obligation to provide educational opportunity for the students of the School District.

Section 3. Effect of Laws, Rules and Regulations: The exclusive representative recognizes that all employees covered by this Agreement will perform the services prescribed by the School District and will be governed by School Board policies, rules, regulations, directives and orders which are not inconsistent with the terms and conditions of employment set forth in this Agreement and which are issued by properly designated officials of the School District. Any provision of this Agreement found in violation of any law, rule or regulation there under, will be without force or effect.

Section 4. Reservation of Managerial Rights: The foregoing enumeration of School District rights and duties will not be deemed to exclude other inherent management rights and management functions not expressly reserved herein, and all management rights and management functions not expressly delegated in this Agreement are reserved to the School District.

Contractual Language - EMPLOYEE RIGHTS

Section 1. Right to Views: Pursuant to state law, nothing contained in this Agreement will be construed to limit, impair or affect the right of any employee, or their representative, to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with the full faithful and proper performance of the duties of employment or circumvent the rights of the employees; nor will it be construed to require any employee to perform labor or services against their will.

Other than the above language the contract is silent on safety, resources and work load

Learningland School District Policy**454 Policy: Health and Safety**

I. **PURPOSE:** The purpose of this policy is to assist the school district in promoting health and safety, reducing injuries, and complying with federal, state and local health and safety laws and regulations.

II. **GENERAL STATEMENT OF POLICY:** It is the policy of Learningland Area Schools to provide a safe and healthy environment for its staff and students. Safety and health protection will be an integral part of all operations.

A. The District will establish a health and safety program with the following goals:

1. Promote employee involvement in safety and health;
2. Reduce the number of lost time injuries at each school; and
3. Comply with occupational safety and health regulations.

B. The District will implement a Health and Safety Program that includes plans and procedures to protect employees and students. The objectives of the Health and Safety Program will be to:

1. Assign responsibilities for implementing and maintaining the program;
2. Establish joint labor/management safety committees at each school;
3. Establish procedures for identifying, analyzing, and controlling hazards;
4. Establish procedures for investigating accidents and near misses to prevent reoccurrence;
5. Establish procedures for communicating hazards and controls to employees;
6. Establish procedures for training employees on safe work practices;
7. Establish procedures for enforcement of workplace safety rules; and
8. Establish procedures for maintaining compliance with federal, state, and local requirements.

454 Procedure: Health and Safety

I. Administration

For the purpose of implementing Policy 454 – Health and Safety, the District has assigned the following responsibilities:

A. Employees

Employees will:

1. Comply with the safety rules and procedures associated with their duties;
2. Use all required safety devices and personal protective equipment;
3. Participate in required safety training, safety committees, and safety inspections;
4. Report unsafe acts and hazardous conditions to their supervisor immediately; and
5. Notify their supervisor of accidents, injuries and near misses.

B. Supervisors/Department Chairs

Supervisors will:

1. Promote safety among employees and to train them in safe work practices;
2. Provide employees with personal protective equipment and ensure its use; and
3. Report unsafe acts, careless operation, and inappropriate behavior.

C. Safety Committees

Safety Committees will:

1. Conduct quarterly safety inspections to identify hazards in the workplace;
2. Review all accident reports and make recommendations to prevent reoccurrence; and
3. Review Hazard Identification/Safety Suggestion forms submitted by staff members and make recommendations to the principal.

D. Principals

Principals will:

1. Take all reasonable steps necessary to protect the life, safety and health of staff and students;
2. Correct unsafe or unhealthy conditions at the work site;

3. Establish and coordinate the activities of a joint labor-management safety committee in the building; and
4. Ensure that employees attend required safety training and employ safe work practices.

E. Health and Safety Department

The Health and Safety Department will:

1. Coordinate the District's Health and Safety program;
2. Develop, implement, and maintain written plans required by the applicable regulatory agencies including Occupational Safety and Health Administration, (OSHA), State Department of Health (SDH), State Pollution Control Agency (SPCA), and Environmental Protection Agency (EPA).
3. Develop safety training materials for staff; and
4. Conduct workplace evaluations to identify hazards.

F. Assistant Superintendents/Directors Management personnel will:

Promote safety and assign responsibility as necessary to ensure compliance.

II. Programs

For the purpose of implementing Policy 454 – The District will implement a Health & Safety Program that includes the specific plan requirements listed below. The District will identify a contact person to oversee compliance, monitor regulatory changes and respond to agency correspondence for each program.

B. Bloodborne Pathogens

C. Community Right to Know

F. Crisis Management

H. Employee Right to Know (ERK)

1. Survey the facility for chemical, heat, noise, radiation and infectious agent hazards.
2. Develop and implement a written Employee Right-To-Know Plan
3. Train affected employees on proper methods and procedures.
4. Provide and ensure the use of personal protective equipment.
5. Develop and implement recordkeeping procedures.

I. Fall Protection

J. Fire Prevention

K. First Aid/Cardio Pulmonary Resuscitation (CPR)/Automated External Defibrillator (AED)

O. Hazardous Waste

P. Hearing Conservation

R. Indoor Air Quality (IAQ)

X. Personal Protective Equipment (PPE)

1. Develop and implement a written Personal Protective Equipment Plan.
2. Train affected employees on proper methods and procedures.
3. Provide and ensure the use of personal protective equipment as needed.
4. Monitor equipment usage, storage and maintenance practices.
5. Develop and implement recordkeeping procedures.

Y. Respiratory Protection

1. Survey and document work practices that require respiratory protection.
2. Evaluate and quantify when necessary the exposure potential of work practices.
3. Develop and implement a written Respiratory Protection Plan.
4. Establish respiratory protection practices and procedures.
5. Train affected employees on proper methods and procedures.
6. Provide respirator medical evaluations and fit tests as needed.
7. Develop and implement recordkeeping procedures.

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Scenario 4

Academic Freedom

Scenario 4 – Academic Freedom

A seventh grade classroom teacher has been fired based on a parent complaint about what has been taught in the classroom. Teacher Z has been fired for not following the expected behavior of district employees, not following the established curriculum, and using unapproved curricular materials.

This teacher works in a state that does not allow public sector employees to participate in collective bargaining.

During a six-week instructional unit about the United States Constitution, Teacher Z has asked pairs of students to research and create projects about the “authors” of the constitution. Plans for the unit have been submitted to the principal in accordance with approved procedures. Teacher Z has been working with the media center at both the school and district level to source learning materials for the students as they need them. One of the books, “Jefferson’s Sons” was sent and given to one of the teams to use. It provides a story of Jefferson’s children that he had with his enslaved mistress, Sally Hemmings. The parents took their complaint to the principal, who immediately placed Teacher Z on unpaid administrative leave while an investigation was made.

Findings of the investigation:

- The parents brought their concerns to Teacher Z who rudely told them that the full and honest story of Thomas Jefferson is part of American history and the story of the U.S. Constitution. When the parents told Teacher Z that George Washington was the author of the Constitution, they felt that they had been bullied when Teacher Z corrected their understanding about who actually wrote the document.
- The parents were distraught that anti-American content was used with their child without their prior knowledge.
- The student reported feeling bad about how Sally Hemmings and her children had been treated by Thomas Jefferson.
- The book was part of an approved purchase by the district’s media center.
- There are no approved curricular materials at the district level for the state’s required curriculum unit on the United States Constitution.

AR GCO-R Personnel Evaluation

Issued: 06/11

Rescinds: GCO-R

Issued 01/07

I. Teacher Personnel Evaluation

Appropriate personnel will be assigned to fairly and periodically evaluate the performance of instructional employees. The Superintendent, through the administrative staff, will establish procedures for conducting performance evaluation consistent with S.C. Department of Education regulations: 1. [R-43-205.1](#) Assisting, Developing and Evaluating Professional Teaching (ADEPT) (See [GCO-E](#)).

Continuing Contract Teachers

Continuing contract teachers may be evaluated under the ADEPT Goals-Based Evaluation (GBE), the ADEPT **Formal Evaluation of Teachers (SAFE-T)**, or through the National Board certification process.

Continuing teachers normally will be evaluated using the GBE process. In such cases, the continuing teacher and the building-level administrator will jointly agree upon one or more goals to be addressed during the teacher's five-year certification cycle. Each year the continuing teacher must provide satisfactory evidence that at least one of the goals has been met or satisfactory progress is being made to achieve the goal(s). At any time during the five-year cycle, the building-level administrator may require a continuing teacher to undergo the SAFE-T evaluation process, provided the requirements, as described below, have been met.

1. The teacher has been notified of the weakness(es) that he/she exhibits during the current school term.
2. The building level administrator has provided conferences with the teacher about the weakness(es).
3. The building level administrator has provided some means of assistance (building level and/or district staff) to the teacher to help correct the weakness(es).
4. The building level administrator has provided a time frame for improvement to occur.
5. The building level administrator must provide evidence that classroom observations indicated areas of weakness in one or more of the performance standards.
6. The building level administrator must provide verbal and written notification stating the intention to formally evaluate the teacher during the subsequent school year. This must be done prior to April 15th of the current school year.

Continuing teachers may be allowed to work towards National Board certification, in lieu of the GBE process, for up to a three-year period. However, before continuing teachers will be eligible to undertake the National Board certification process in lieu of GBE, they must have the recommendation of the building-level administrator and they must not currently be undergoing or be scheduled to undergo the **SAFE-T** evaluation process.

II. Administrative Personnel Evaluation

A. Principals

Appropriate personnel will be assigned to fairly and periodically evaluate the performance of principals. The Superintendent, through the administrative staff, will establish procedures for conducting principal performance evaluation in accordance with S.C. Department of Education regulations: [R43-165.1](#) - Principal Evaluation Program. In addition, the District administration will

establish a professional development plan based on the principal's strengths and identified areas for improvement, taking into consideration factors including, but not limited to: the school's strategic plan, school test scores, and other performance goals.

B. District/Building Administrators

District/building administrators (including Assistant Principals and Curriculum Specialists) will be evaluated based on written goals developed by the administrators with the review and approval of their supervisors. Administrators will meet with their supervisors at least annually to discuss progress and effective completion of the identified goal(s). Additional goals may be required by the supervisor to assist with continual growth and development of an administrator.

III. Classified Support Personnel Evaluations

Supervisors will fairly and periodically evaluate the performance of classified support employees. Employees will be rated on key performance elements relevant to their assigned positions. The supervisor will meet with the employee annually to review the written evaluation, discuss the employee's satisfactory areas of performance and give developmental feedback on areas for improvement.

Georgetown County Board Of Education

Policy IFE Curriculum Guides Modification and Assessment

Issued: 1/07

Rescinds: IFE

Issued: 7/02

The curriculum will be guided by State standards, goals and objectives in all content areas from Pre K 3 through grade 12.

Pacing guides will be developed annually at the school level and monitored at each grading period by the school administration.

Policy IIAB Supplementary Materials Selection and Adoption

Issued: 7/9/96

Rescinds: IFAB

Issued: 6/87

Supplementary materials are any instructional materials other than textbooks. The Board believes that the availability of a carefully selected and widely varied collection of supplementary materials enhances students' opportunity to acquire knowledge and to learn how to learn.

Principals, teachers, supervisors and students will be involved in the selection of supplementary materials through suggestions, recommendations and other assistance. The principal must approve supplementary materials.

Unauthorized reproduction and/or use of copyrighted materials is illegal and not permitted by the Board and violations of the copyright law may result in criminal or civil suits and/or suspension or dismissal from employment in the system.

The detailed regulations governing the use of copyrighted materials will be maintained in the media center of each school. It is the responsibility of the school principal to schedule an annual review of the copyright law at school staff orientation. It is the responsibility of the media specialist to keep the school staff informed on the use of copyrighted materials.

Policy Character Education

Issued: 01/07

Rescinds: NEW

The Board of Education is committed to the ideals of good character and citizenship through character education as part of the District's mission of successful teaching and learning.

These ideals include, but are not limited to, the following.

- personal integrity and honest
- respect for the rights of all persons regardless of race, religion, sex, sexual orientation, age, physical condition or mental state
- sense of justice and fair play
- trustworthiness
- patriotism
- citizenship
- understanding, sympathy, concern and compassion for others
- discipline and pride in one's work
- respect for one's property and the property of others, including public property
- understanding of the rights and obligations of a citizen in a democratic society
- respect for authority

The District's program of character education will include a meaningful and challenging curriculum that respects all learners and helps them succeed. The district will maintain school communities in which positive behavior is practiced, demonstrated, modeled, and reinforced within an environment of mutual respect and dignity. The District will implement this program in close cooperation with parents of students.

The District will provide opportunities for the integration of character education throughout the curriculum in grades K-12. The district will include a discussion of the informational pamphlet issued by the Governor's office in respect to the sex and family education curriculum.

The process of integrating character education in school programs will include the involvement of students, staff, families and the greater school community (elected officials, community/civic/business leaders, religious institutions, youth organizations, government, media, and citizens at large).

The Superintendent will recommend any changes to the curriculum necessary to include character education objectives in the instructional program.

The Superintendent will develop guidelines to implement this policy as necessary.

The District will assess the character education program periodically. The evaluation will assess the character of the school, the school staff functioning as character educators and the extent to which students exhibit good character.

Policy INB Teaching About Controversial Issues

Issued: 7/9/96

Rescinds: IKC

Issued: 5/31/81

Education for effective citizenship is a major goal of the district. To achieve this purpose, students should have an opportunity to examine controversial issues within the context of their formal education experiences.

Emotional criticism and the promotion of a cause within the classroom are inappropriate and will not be tolerated. Teachers should guard against giving their personal opinions on sectarian or political questions or any other controversial issues. The teacher's attitude should be that of the true scholar.

Before introducing a controversial topic, a teacher will discuss it with the principal as to these conditions.

- appropriateness to the course
- appropriateness for the maturity of the students
- approach to instruction
- teaching materials to be used

The principal must approve all aspects of the instruction in line with the statements in this policy.

Policy GBEB Staff Conduct

Issued: 2/10

Rescinds: New

Purpose: To establish the Board's expectations for School District staff conduct.

The Board reaffirms the belief that one of the best methods of instruction is that of setting a good example. Therefore, District staff members are expected to set the kind of example that will serve students well in managing their own conduct and behavior and subsequently, will contribute to an appropriate school atmosphere.

Staff members are expected to present a professional appearance, dressing in accordance with safety regulations and in a manner appropriate for the work assigned. To that end, in dress, conduct and interpersonal relationships, all staff should recognize that they are being observed continuously by students and that their actions and demeanor will be reflected in the conduct of the students.

The personal life of an employee will be the concern of and warrant the attention of the District if the employee's conduct impairs his/her ability to effectively perform his/her job responsibilities; if it casts the District in a negative light, or if the conduct violates Federal law, State law, and/or Board policy.

No employee will commit or attempt to induce students or others to commit an act or acts of immoral conduct or criminal conduct. If it appears an employee may have violated the law, the district will cooperate with law enforcement agencies.

Employees of the District who are in the presence of students while on duty will not use profanity, will not consume alcoholic beverages and will not use tobacco in any form.

All employees will maintain professional and appropriate relationships with students at all times, both inside and outside of school. No employee may engage in any conduct of a sexual nature with students at any time. This includes any action or conduct communicated or performed in person, in writing or electronically.

The following list, though not all-inclusive, includes some of the conduct that will subject an employee to disciplinary action:

- possessing, using, selling, manufacturing, distributing or dispensing any illegal drug or alcoholic beverage while on duty or on any District property
- fighting or deliberately harming another person
- being absent without approval
- refusing to follow a supervisor's instructions and directions
- failing to adhere to safety and health rules as established by Federal law, State law and/or District rules and regulations
- intentionally damaging or destroying District property
- using profane or obscene language which is inappropriate in the school setting
- having any interaction/activity of a sexual nature or intent with a student
- possessing weapons on District property unless otherwise authorized by law
- using District property without prior authorization
- behaving in an inappropriate manner to the extent that the employee's ability to perform his/her work is adversely affected
- harassing, intimidating or bullying a student, coworker or member of the public
- posting inappropriate personal information or pictures on any social networking website which results in disruption of the school environment or which impairs the employee's credibility or performance.

Any violation of the staff conduct policy by an employee will be grounds for immediate disciplinary action as determined appropriate by the District, including unpaid suspension and possible termination of employment. In such cases, an employee will be informed of his/her right to any hearing or due process procedure that may be applicable under State law or Board policy.

Arrest of an employee

The Board delegates specific authority to the Superintendent to take appropriate employment action with regard to an employee who has been arrested for any reason. The nature of the offense, whether a misdemeanor or a felony, and any possible danger or perceived danger to students, coworkers or the District will be considered in determining the most appropriate disciplinary sanction or employment action. An employee is expected to notify the District administration within 24 hours of any arrest and to keep the administration informed of the continuing status of any criminal charges filed against the employee.

Georgetown County Board Of Education

Policy IB Academic Freedom

Issued: 7/9/96

Rescinds: NEW

The Georgetown County Board of Education believes that academic freedom is essential to the fulfillment of the purposes of the school system. Board policy must protect teachers from any censorship or restraint which might hinder classroom functions. The district will maintain an atmosphere of academic freedom in the schools. Therefore, the Board sets out the following positions on academic freedom.

- Citizens of our American democracy must be able to listen to all sides of a controversial issue. They must be able to sort out the facts and to arrive at independent conclusions. The schools must expose students to current issues which are within the appropriate intellectual grasp.
- Teachers will not attempt, directly or indirectly, to limit or control students' judgment concerning any issue. Teachers will make certain that full and fair consideration is given to the subject and that facts are carefully examined as to the accuracy and interpretation.
- The community has a right to expect that teachers will present controversial issues in a fair and unbiased manner. The community also has a right to communicate concerns regarding these matters through proper channels to the Board.
- Teachers will consult with the administration on the appropriateness of discussing any planned controversial issues with students.

State Code Title 59 - Education
CHAPTER 29
Subjects of Instruction
ARTICLE 1
General Provisions

SECTION 59-29-10. Required subjects.

The county board of education and the board of trustees for each school district shall see that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar and instruction in phonics, the elements of agriculture, the history of the United States and of this State, the principles of the Constitutions of the United States and of this State, morals and good behavior, algebra, physiology and hygiene (especially as to the effects of alcoholic liquors and narcotics upon the human system), English literature, and such other branches as the state board may from time to time direct.

Section 59-29-12. Critical Race Theory

Public school districts, public schools, and public institutions of higher learning may not:

1. direct or otherwise compel students to personally affirm, adopt, or adhere to the tenets of critical race theory; or
2. introduce a course of instruction or unit of study directing or otherwise compelling students to personally affirm, adopt, or adhere to any of the tenets of critical race.

For purposes of this chapter, 'critical race theory' means any of the following tenets:

1. any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior;
2. individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin; or
3. individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin. "

SECTION 59-29-55. Instruction on Black history.

The State Board of Education shall examine the current status of the teaching of this state's History. By the 1989-1990 school year, each public school of the State must instruct students in the history of the black people as a regular part of its history and social studies courses. The State Board of Education shall establish regulations for the adoption of history and social studies textbooks which incorporate black history and shall, through the State Department of Education, assist the school districts in developing and locating suitable printed materials and other aids for instruction in black history. The State Board of Education shall examine curricular material for grades 1-6 to determine the level of emphasis on the relationship of agriculture and other industries to the state's economy.

SECTION 59-29-120. Study of United States Constitution requisite for graduation; attendance at veteran's activities.

All public high schools must give instruction in the essentials of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers. No student in any such school may receive a certificate of graduation without previously passing a course that includes instruction in the provisions and principles of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers.

On November eleventh of each year which is a legal holiday in this State as provided by Section 53-5-10 to commemorate and honor veterans, all elementary, middle, and high schools in this State if they are open, shall devote at least one hour of the school day in either classroom instruction or at a student body assembly program to study the United States Constitution and the Declaration of Independence. If any such school is not open on November eleventh, this instruction or assembly program must be given on the day the school is open immediately preceding November eleventh.

On November eleventh of each year, schools may permit students to attend activities to commemorate and honor veterans that are held at locations within their respective counties. The parent of a student seeking to be excused pursuant to this subsection shall provide prior written consent to the appropriate school personnel. Attendance at such activities shall count as a part of the instructional day for purposes of Section 59-1-440.

Policy GBK Complaints and Grievances

Issued: 11/98

Rescinds: GAE

Issued: 6/94

The Board of Education recognizes the need to provide an orderly means for the expeditious resolution of disputes concerning the application of any of the provisions of the district's policies, rules or regulations as they affect the work activity of employees.

It is the intent of the Board that all employees having a complaint or grievance be provided a process through which such complaints and grievances will be heard and acted upon. The Superintendent shall develop guidelines to implement this policy.

Employees should secure an equitable solution of grievances at the most immediate administrative level. Employees are encouraged to seek resolution of disputes under the existing grievance regulation and will have the right to do so with complete freedom from reprisal.



Scenario 5

Required Professional Development

Scenario 5 – Required Professional Development

As a UniServ Director in Strong City you consulted with the EA President concerning the Memo received from the Associate Superintendent on a required, Diversity and Equity Training for all staff.

The local president reports that there are a number of both exempt and hourly employees who have second jobs during evening hours and they are really going to feel a financial pinch if they are required to attend these trainings.

These trainings have been approved by the school board and are considered to be extremely important to them. They have established an Advisory Council to provide input on this program. Because of this, the Associate Superintendent has informed all Principals to require that all individual and team planning time for the next six weeks to ALSO be ONLY about the Diversity and Equity training materials.

This has caused some confusion among the exempt staff, especially those whose work is entirely non-instructional in focus. They are unclear as to what and when they are actually supposed to do with the materials.

**Strong City SD
Office of the
Associate
Superintendent**

Memo

To: Strong City Education Association
From: Associate Superintendent
CC: Strong City Board of Education
Date: 08/26/21
Re: Required Diversity and Equity Training

Beginning on September 13, 2021 and lasting until October 15, every staff person in the district is required to participate in district-wide Diversity and Equity Training. The training will occur on Monday and Thursday evenings from 6:30 pm to 8:00 pm in an online format. As such, no staff will be able to use personal leave or vacation leave on Mondays and Thursdays, and must be present for the entire training.

The Strong City Board has committed \$1,250,000.00 for the purpose of creating and maintaining this important program.

The School Board is asking the Strong City Education Association to collaborate with us on designing, developing, and implementing this program throughout the district. We have assigned an administrator to work on the Equity and Diversity Advisory Council with three employees that the District has already identified.

We look forward to a most successful program this year.

WORKDAY

The arrival and departure times of all employees shall be designated by the Superintendent of Schools who has the authority to set the length of the school day and to require more than the minimum time specified by law. Professional judgment would indicate that teachers should be present while children are at school before and after regular hours. The school site offers maximum efficiency for planning, preparation, and evaluation.

Unless otherwise indicated in the contract or agreement of employment, the workday of full-time school personnel shall in general be eight hours in length, Monday through Friday. However, the days and hours an employee shall fulfill the job requirements may vary with the position of the employee.

Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, and extracurricular activities, may require hours beyond the stated minimum.

SOURCE:	Jackson Public School District, Jackson, Mississippi	DATE:
	October 16, 1978	
AMENDED:	July 16, 1990	
	August 16, 1993	
	August 3, 2021	
REVIEWED:	May 24, 2006	
	December 6, 2016	
	July 20, 2021	

OVERTIME AND COMPENSATORY PAY FOR EMPLOYEES

PURPOSE

The purpose of this policy is to ensure the Jackson Public School District's compliance with the minimum wage, overtime pay, compensatory pay, and record keeping requirements of the Fair Labor Standards Act (FLSA) of the United States. The FLSA requires that overtime must be paid to non-exempt employees either in the form of monetary compensation or compensatory time at the rate of 1.5 times the regular hourly rate of pay for the number of hours worked in excess of 40 hours per week.

EXEMPT EMPLOYEES

Certain employees are exempt from coverage under the FLSA, and are not subject to compensation for overtime work. Those exempt employees include executive, administrative, and professional employees. Examples include certified professional employees such as teachers, counselors, supervisors, and administrators. Classified administrators are also exempt and include the chief financial officer, director of finance, director of transportation, coordinator of pupil placement, coordinator of instructional TV, director of maintenance, network administrator, coordinator of construction, and security director. Supervisors who are unsure if an employee is exempt from coverage shall consult with the district's legal counsel for a legal opinion.

COVERED EMPLOYEES

All employees in the job classifications listed below are non-exempt employees and are therefore covered under the FLSA:

Secretaries	Custodians
Bookkeepers	Receptionists
Fingerprint Technician	Transportation Specialists
Clerks	Assistant Teachers
Vehicle Servicemen	Plumbers
Bus Drivers	Security Guards
Delivery Men	Food Service Workers
Maintenance Personnel	Graphic Arts Specialists
Carpenters	Painters
Procurement Specialists	Data Entry Operators

EMPLOYMENT RELATIONSHIPS

An employment relationship is not created between student teachers or students and this school district due to the circumstances surrounding their activities.

An employment relationship is not created between this school district and individuals who volunteer or donate their services to the school district as a public service without contemplation of pay.

The hiring of off-duty policemen or deputies on a part-time basis by the school district for crowd control or for security purposes does not create a joint employment relationship between this school district and the city or county. This school district is separate and distinct and acts entirely independent of other governmental entities.

HOURS WORKED

The workweek for the Jackson Public School District begins on Sunday and ends on Saturday. Each employee subject to the FLSA shall be paid in accordance for all hours worked. Compensable time includes all time that an employee is required to be on duty. Meal periods which are 30 minutes or more should not be interrupted.

Hours worked shall be accurately recorded by each employee on the monthly or weekly time sheet in the form which is provided by the district. Employees using monthly time sheets shall furnish all information requested and shall record the exact time of arrival and departure from work. Employees are expected to arrive and depart at or about the time specified by the district unless requested to work overtime by his or her immediate supervisor. All overtime shall be recorded by each employee on the time sheet or time card.

BREAKS AND MEAL PERIODS

Although not required by the FLSA, employees should be allowed breaks of no more than 15 minutes when appropriate. The time of day for breaks and their length shall be determined by each employee's immediate supervisor. Generally, full-time employees receive a morning and afternoon break. Part-time employees receive breaks as deemed appropriate by the immediate supervisor who takes into consideration the length of daily employment.

Meal periods in which employees are not relieved of duty are compensable. Those employees with bona fide meal periods shall be completely relieved of duty for the purpose of eating a regular meal and shall be free to leave the worksite during this period. Employees having bona fide meal periods may eat in a school cafeteria or in a break area at a worksite, however, the employee shall not engage in any work for the school district during this period except for a rare and infrequent emergency.

BASIC MONETARY REQUIREMENTS

All employees subject to FLSA shall be paid not less than the current minimum wage.

OVERTIME PAY

All employees subject to FLSA shall be paid not less than one and one-half times his or her regular rate of pay for all hours worked over 40 in a workweek. Overtime pay due an employee shall be computed on the basis of the hours worked in each workweek and the overtime compensation earned by an employee shall be paid on the next regular payday for the workweek in which the overtime was worked. Overtime or compensatory pay may not be waived by an agreement between employer and employees.

The granting of compensatory time off in lieu of paying proper overtime pay is permitted provided compensatory time is awarded on a one and one half time basis for each hour of overtime worked. The supervisor and employee must have a written agreement or understanding that the employee will receive compensatory time before the work is performed. It shall be the policy and practice of the board of trustees to grant compensatory time instead of overtime whenever possible. The employee may accumulate a maximum of 240 compensatory time hours. The employee must take the comp time when it is agreeable with the supervisor; however, the supervisor's consent should not be unreasonably withheld.

REGULAR RATE OF PAY

Any overtime pay will be based on the employee's regular rate which will include all remuneration for employment. For those employees paid a simple hourly rate the overtime will be based on that hourly rate. For those employees paid on a salary basis, the monthly salary will be reduced to its hourly rate equivalent. Employees shall be paid for each and every hour worked.

AUTHORIZATION FOR OVERTIME WORK REQUIRED

Each district employee responsible for the supervision of employees subject to the FLSA shall, prior to permitting any overtime work, receive authorization from the superintendent or her designee.

RECORDKEEPING

The superintendent shall require all records on wages, hours, and other items listed in the record keeping regulations (29 CFR Part 615) to be kept by the business office for the time specified by the Act.

The superintendent or her designee shall secure a sufficient quantity of the minimum wage posters. One poster shall be displayed in each district work site.

ENFORCEMENT

District employees shall, at all times, cooperate with authorized representatives of the Department of Labor who may visit a work site for the following reasons:

1. to investigate and gather data concerning wages, hours, and other employment practices;
2. to enter and inspect any school district premises and records;

3. to question employees to determine whether any person has violated any provision of the FSLA.

Employers who have willfully violated this law may face criminal penalties, including fines and imprisonment. The term “willful” is defined by the U.S. Department of Labor as “knew or should have known”.

District employees responsible for supervising employees subject to the FLSA who willfully violate the terms of this policy shall be subject to disciplinary action by the school district. Any disciplinary action taken by the school district will be in addition to any relief granted an employee by the U.S. Department of Labor or a court of law.

SOURCE: Jackson Public School District, Jackson, Mississippi

DATE: August 20, 1979

AMENDED: July 16, 1990

September 18, 1995

September 18, 2000

PROFESSIONAL DEVELOPMENT

Overview and Purpose

The Jackson Public School District is focused on increasing student achievement through quality professional development. The purpose of professional development is to ensure that every educator engages in effective professional learning every day so every student achieves. The District's professional development program is tailored to prescribe professional learning and training based on employee feedback from needs assessment surveys in addition to other collected data. Teachers will have opportunities to improve instructional practices and receive support in the areas identified by them. Every employee will have professional learning opportunities designed to increase their knowledge and job performance skills based on their self-identified needs. Because the Jackson Public School District believes that a collaborative approach is essential to developing and maintaining a successful educational system, all employees are required to participate in the professional development program.

In accordance with Mississippi Public School Accountability Standards of 2016 (Standard 15), the Jackson Public School District hereby ensures that it will implement a professional development program aligned with Learning Forward Standards for Professional Learning as required by the Mississippi Department of Education. Research-based standards establish the framework for professional learning that promotes employee growth and improves student outcomes; therefore, the Jackson Public District acknowledges that "increasing the effectiveness of professional learning is the leverage point with the greatest potential for strengthening and refining the day-to-day performance of educators" as stated by Learning Forward.

Section I: DEFINITION OF PROFESSIONAL DEVELOPMENT

The *Mississippi Public School Accountability Standards of 2016* defines professional development as the growth-promoting learning process that empowers stakeholders (teachers, administrators, staff, and other school personnel) to improve the educational organization.

Section II: GOALS OF PROFESSIONAL DEVELOPMENT

The goals of implementing the *Standards for Professional Learning* are to outline the characteristics of professional learning that lead to the following:

1. effective teaching practices;
2. supportive leadership;
3. improved student results.

Although improved student learning is the ultimate goal of professional development in the Jackson Public School District, it is essential to note the additional benefits of quality professional development:

- Improved job satisfaction
- Improved teacher recruitment and retention
- Increased knowledge of innovation teaching and learning practices

- Improved data-driven decision-making

Section III: Professional Development Model

Jackson Public School District has adopted Learning Forward's *Standards for Professional Learning* as the foundation for its Professional Development Model. These Standards define the attributes and essential components of effective professional learning; in turn, effective professional learning leads to effective teaching practices, supportive leadership, and improved student results. The seven standards of Learning Forward focus attention on the following components:

1. Learning Communities - Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment.
2. Leadership - Professional learning that increases educator effectiveness and results for all students requires skillful leaders who develop capacity, advocate, and create support systems for professional learning.
3. Resources- Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring, and coordinating resources for educator learning.
4. Data - Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning.
5. Learning Designs - Professional learning that increases educator effectiveness and results for all students integrates theories, research, and models of human learning to achieve its intended outcomes.
6. Implementation - Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long term change.
7. Outcomes - Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.

SOURCE: Jackson Public School District, Jackson, Mississippi

LEGAL REF: Miss. Code Ann. §37-17-8; Mississippi Department of Education State Board Policy 4500; Mississippi Public School Accountability Standards 2 and 15

DATE: February 18, 1980

AMENDED: June 20, 1993
July 21, 1986
January 18, 1988
July 16, 1990
June 17, 1991
May 18, 1992
June 19, 1995
August 18, 1997
November 16, 1998
May 16, 2005

May 20, 2014
December 6, 2016
October 3, 2017

GBC

STAFF MEETINGS

Faculty meetings are regularly scheduled. Attendance at these and called meetings is required unless excused by the principal. Advance notice of faculty meetings will be given except in case of an emergency.

SOURCE: Jackson Public School District, Jackson, Mississippi;
Mississippi Accountability Standard No. 9
DATE: October 16, 1978
AMENDED: July 16, 1990
REVIEWED: June 9, 2006
December 6, 2016

GACM

ADVISORY COUNCILS

The superintendent shall solicit ideas and opinions from certified and classified staff, business leaders, consultants, the chamber of commerce and other advisory groups as needed to insure the successful and efficient administration of the Jackson Public School District.

SOURCE:	Jackson Public School District, Jackson, Mississippi
DATE:	October 16, 1978
AMENDED:	July 21, 1986
	July 16, 1990
REVIEWED:	May 26, 2006
	December 6, 2016

PERSONAL LEAVE

Section I: LESS THAN FIFTEEN YEARS OF EMPLOYMENT

Full pay shall be allowed an employee while absent from duty for personal business for the amount of days set forth in the chart outlined in the appendix to this policy.

Personal leave shall be accrued monthly in accordance with the annual amounts included in the chart outlined in the appendix to this policy.

These days shall be in addition to the days allowed for medical leave and shall be cumulative.

Section II: ALL EMPLOYEES

Under no circumstances shall an employee who is eligible for vacation leave receive more than the maximum amount of vacation or personal leave allowable under Miss. Code Ann. §25-3-93. A maximum of five days of personal leave may be carried over from one year to the next.

Except in emergency situations, employees shall request leave for personal reasons twenty-four (24) hours in advance of such leave.

Personal leave requests shall not be made for any day immediately preceding or following a holiday or during the first or last day of the school term. However, if an employee's immediate family member is being deployed for military service on those days, the employee may take personal leave.

Any request for personal leave, except in emergencies and deployment to military service, may be denied by the supervising officer if there is reason to believe such leave would disrupt the school or the department program.

SOURCE: Senate Bill 2247, 2005 Legislative Session, Miss. Code Ann. §37-7-307;
Jackson Public School District, Jackson, Mississippi

DATE: August 20, 1979

AMENDED: January 24, 1983, Effective July 19, 1983
May 20, 1985, Effective July 1, 1984
August 24, 1988
July 16, 1990
June 13, 1994
September 16, 1996
January 21, 2003
June 20, 2005

REVIEWED: December 6, 2016

PROFESSIONAL DEVELOPMENT ADMINISTRATIVE PROCEDURES

Section I: PROFESSIONAL DEVELOPMENT REQUIREMENTS FOR CERTIFIED AND CLASSIFIED EMPLOYEES

A. Each school year, classified employees are required to earn a minimum of twenty (20) professional development (PD) hours/credits designated by their division supervisor. Employees may earn additional hours/credits from other professional growth activities and are encouraged to do so.

B. Each school year, certified employees holding bachelor degrees are required to earn a minimum of 52 professional development hours/credits. Certified employees (including building level administrators) holding masters, specialists, or doctorate degrees are required to earn a minimum of 42 professional development hours/credits. Completion of the number of hours/credits required can be achieved through participation in:

B -1: Building level PD days 12 hours

District level PD

B -2: District level PD 12 hours
(online, distance learning, job-alike groups, New Teacher Induction, etc.)

B -3: Building level offerings 8 hours
(data review meetings, team meetings, professional learning communities (PLCs), etc.)

B -4: Other PD (conference attendee, PD presenter, graduate courses, etc.):

- Employees holding bachelor degrees 20 hours
- Employees holding master degrees and above 10 hours

C. Professional development is defined as any professional growth training for certified and/or classified staff. The activity must have significant intellectual or practical content and its primary objective must be to increase the participant's professional competence as an employee. The activity must deal primarily with matters related to the practice of professional responsibility or ethical obligations of the staff.

D. The number of hours required means that the certified individual must actually complete or attend 52 (for those holding bachelor degrees) or 42 (for those holding master degrees and above) instructional hours of professional development activities per year; hours submitted for credit must exclude introductory remarks, meal breaks, or business meetings. Actual hours attended by classified staff will vary depending on job category.

E. An instructional hour will, in all events, consist of a minimum of 60 minutes.

F. Professional development credits may accrue through participation in professional learning activities offered by the school district.

G. The 32 hours/credits may be earned through participation in school and/or district

level activities during the contractual period.

- H. Credits in B-4 are earned by the staff person at his/her discretion – evenings, summers, and/or Saturdays.
- I. All coaches and other employees must be trained in CPR and have the CPR certification updated annually as mandated by district policy *JDL*.
- J. The certified employee who earns the most credits (district wide) in category B-4 will receive a \$100.00 certificate for resource materials. If there is a tie, a name will be drawn by the Office of Professional Development.
- K. The classified employee who earns the most credits (district wide) will receive a comparable appropriate incentive. If there is a tie, a name will be drawn by the Office of Professional Development.
- L. Any employee who does not earn the required number of professional development hours will be in violation of district policy which could adversely affect his/her evaluation and/or the Reduction in Force procedures (*Procedures GBED*).

SOURCE: JACKSON PUBLIC SCHOOL DISTRICT

DATE: August 1995

AMENDED: May 16, 2005
October 3, 2017

EMPLOYEE GRIEVANCE AND COMPLAINT PROCEDURES**SECTION I: ADMINISTRATION**

Administration of this complaint procedure shall be the responsibility of the Office of Human Resources.

SECTION II: DEFINITIONS

The following definitions shall apply in this complaint procedure:

1. The “administrative management team” includes all executive directors, deputy superintendents, assistant superintendents, and others designated by the Superintendent.
2. A “complaint” is a general expression of dissatisfaction/concern with an employment-related issue.
3. A “complainant” is any full-time employee filing a complaint.
4. The “complaint form” is the approved documentation on which a complaint may be filed.
5. The term “day” shall mean working school days and shall not include weekends, holidays, and vacation days.
6. A “full-time employee” is any person employed on a regular basis and working the number of hours designated as full-time for that position.
7. A “grievance” is a written claim by an employee of an alleged violation and/or inconsistent application of a written District policy/standardized practices or federal/state law.
8. The “reviewing committee” are the individuals responsible for rendering a decision at Step Two of these complaint procedures.
9. Retaliation is an adverse action taken as a result of an employee filing a complaint or grievance.

SECTION III: PROCEDURES**STEP ONE**

All complaints or grievances as defined above must be presented to the employee’s immediate supervisor within ten (10) days from the time the complaint becomes known. The complainant will present his/her complaint, in writing, by completing a “Step One Complaint Form” and providing it to his/her immediate supervisor to resolve the matter informally and without further action.

The immediate supervisor shall provide a written response to the complaint within fifteen (15) days after the receipt of the written complaint form.

In cases where the “immediate supervisor” is the subject of the complaint, employees shall submit their initial report to the next-level supervisor.

STEP TWO

If the complaint or grievance is not resolved at the Step One level, the employee may, within five (5) days of receipt of the immediate supervisor’s written response, submit the “Step Two Complaint Form” to the Office of Human Resources. The Executive Director of Human Resources shall chair a committee

consisting of members of the administrative team within 10 days of the receipt of the “Step Two Complaint Form”.

All other administrators in line of authority will be consulted as necessary. The committee will initially determine whether the complaint on its face merits further consideration. If this determination is negative, the committee shall respond to the complainant in writing with statements that support its decision. Otherwise, the committee will proceed as it deems necessary to obtain sufficient information with which to reach a decision.

The committee will prepare a written summary of all relevant facts, being careful to state such facts fairly and objectively. The committee will then express its findings and conclusions. The summary of facts, findings, and conclusions will then provide the basis for subsequent review in the event of a further appeal by a complainant.

STEP THREE

Within five (5) days of receipt of the response of Step Two, the complainant may appeal this decision by submitting the “Step Three Complaint Form” to the Office of the General Counsel who serves as the designee for the superintendent of schools.

The superintendent’s designee will review the written summary of the Step Two reviewing committee within ten (10) days of receipt of the Step Two appeal and render a written decision within fifteen (15) days following the review.

SECTION IV: COMPLAINT PROCEDURE FORM DISTRIBUTION

STEP ONE

1. Complainant retains original copy of the written complaint and gives a copy to his immediate supervisor and immediate supervisor’s supervisor

After Written Decision

1. Copy to the complainant
2. Copy to Office of Human Resources
3. Copy retained by immediate supervisor and the immediate supervisor’s supervisor

STEP TWO

1. Complainant retains original copy of written appeal After Review and Written Decision
2. Copy to the complainant
3. Copy to Step 1 immediate supervisor and the immediate supervisor’s supervisor
4. Copy retained in Office of Human Resources

STEP THREE

1. Complainant retains original copy of the written appeal

After Written Decision

1. Copy to the complainant
2. Copy to Step 1 immediate supervisor and the immediate supervisor’s supervisor
3. Copy to Office of Human Resources

4. Copy retained by superintendent's designee

SECTION V: ADDITIONAL CONSIDERATIONS

1. The District reserves the right to extend the stated time limits, when necessary, at any step in this complaint procedure.
2. Information collected during Step Two proceedings is confidential and does not become part of the employee's official personnel file. A copy of documents, communications, and records related to the processing of a complaint will be placed in a separate file that is maintained by the Office of Human Resources.
3. A complainant's failure to proceed from one step of the procedure to the next within the set time limits shall be deemed acceptance of the decision previously rendered and shall eliminate any future review concerning that particular complaint.
4. The failure of the reviewing officers to communicate their decision to the complainant within the time limits shall permit the complainant to proceed to the next step.
5. If more than one employee in the same department, school, or office has a similar complaint that has individually been discussed as provided in Step One, the complaints may be consolidated and heard by the Step Two reviewing committee.
6. Complaints filed that have been resolved within the three (3) previous years through the complaint procedure shall be invalid. The Office of Human Resources shall provide the complainant a statement of the ruling involving the same subject matter.
7. A complainant's failure to file the complaint in writing on the appropriate form as specified in each step shall mean the complaint is waived.
8. The Step Two reviewing committee may determine whether facts in support of the complaints should be presented in writing or orally by persons having information regarding a specific complaint or by any combination of these methods. Representation of a complainant by other individuals shall not be permitted.
9. The filing of a complaint shall in no way interfere with the right of the administration or board to continue its management responsibilities subject to the final decision of the complaint. The action or condition which is the subject matter of the complaint shall remain in effect pending final resolution.
10. The complainants may withdraw their complaint at any step without prejudice. However, they shall not be permitted to re-file that same complaint once withdrawn.
11. Retaliation against any employee for filing a complaint or for participation in any way in this procedure is prohibited.
12. A complainant's failure to attend a step review without legitimate cause constitutes acceptance of the decision previously rendered and waiver of any future appeal concerning that complaint.

SOURCE: Jackson Public School District, Jackson, Mississippi

DATE: October 16, 1978

REVIEWED: July 20, 2021

AMENDED: August 3, 2021

Excerpts from Employee Handbook

I. WORKING HOURS AND ATTENDANCE

Working Hours

The working time per week for full-time employees shall not exceed forty (40) hours with special provisions made in departments that require additional hours to meet existing conditions or emergencies.

POSITION	TIME IN	TIME OUT	NOTE
OFFICE MANAGERS (HIGH SCHOOL)	7:30	4:30	1 HOUR LUNCH
OFFICE MANAGERS (MIDDLE SCHOOL)	7:15	4:15	1 HOUR LUNCH
OFFICE MANAGERS (ELEM. SCHOOL)	7:00	4:00	1 HOUR LUNCH
OFFICE ASSISTANTS (HIGH)	8:00	4:30	30 MINUTE LUNCH
OFFICE ASSISTANTS (MIDDLE)	7:30	4:00	30 MINUTE LUNCH
OFFICE ASSISTANTS (ELEM.)	7:00	3:30	30 MINUTE LUNCH
TEACHER ASSISTANTS (HIGH)	8:00	4:00	ON DUTY LUNCH
TEACHER ASSISTANTS (MIDDLE)	7:30	3:30	ON DUTY LUNCH
TEACHER ASSISTANTS (ELEM.)	7:00	3:00	ON DUTY LUNCH
CLASSIFIED ISS TEACHER (HIGH)	8:00	4:00	ON DUTY LUNCH
CLASSIFIED ISS TEACHER (MIDDLE)	7:30	3:30	ON DUTY LUNCH
ACADEMIC TUTORS (HIGH)	8:00	4:00	ON DUTY LUNCH
ACADEMIC TUTORS (MIDDLE)	7:30	3:30	ON DUTY LUNCH
ACADEMIC TUTORS (ELEMENTARY)	7:00	3:00	ON DUTY LUNCH
CERTIFIED TEACHERS (HIGH)	7:50	4:15	ON DUTY LUNCH
CERTIFIED TEACHERS (MIDDLE)	7:20	3:35	ON DUTY LUNCH
CERTIFIED TEACHERS (ELEMENTARY)	7:25	3:25	ON DUTY LUNCH

Normal District Work Site Hours: 8:00 AM to 5:00 PM (1 hour lunch break)

Special District Work Site Hours: 7:30 AM to 4:30 PM (1 hour lunch break)

NOTE: The hours during which the offices and departments shall be open for business shall be determined by the superintendent or his designee.

ATTENDANCE

Employees shall be at their post of duty in accordance with the time regulations set forth by the supervisor and approved by the superintendent or his designee. All departments and schools shall maintain attendance records showing the hours worked by employees. Each employee is responsible for completion of his own attendance document.

J. OVERTIME AND COMPENSATORY PAY FOR EMPLOYEES (REFER TO POLICY GADB)

Classified non-exempt employees who work more than 40 hours will be subject to overtime. A classified non-exempt employee may opt to receive COMPENSATORY TIME. If they do, they must sign an **AGREEMENT TO WORK OVERTIME FORM**. This form must be agreed upon and signed by the employee and supervisor prior to the employee working past the normal work hours.

The purpose of the overtime and compensatory policy is to ensure the Strong City Public School District's compliance with the minimum wage, overtime pay, compensatory pay, and record keeping requirements of the Fair Labor Standards Act (FLSA) of the United States. The FLSA requires that overtime must be paid to non-exempt employees either in the form of monetary compensation or compensatory time at the rate of 1.5 times the regular hourly rate of pay for the number of hours worked in excess of 40 hours per week.

EXEMPT EMPLOYEES

Certain employees are exempt from coverage under the FLSA, and are not subject to compensation for overtime work. Those exempt employees include executive, administrative, and professional employees. Examples include certified professional employees such as teachers, counselors, supervisors, and administrators. Classified administrators are also exempt and include the chief financial officer, executive director of finance, executive director of transportation, coordinator of instructional TV, director of maintenance, network administrator, director of construction, and executive director of campus enforcement. Supervisors who are unsure if an employee is exempt from coverage shall consult with the district's legal counsel for a legal opinion.

NON-EXEMPT EMPLOYEES

All employees in the job classifications listed below are non-exempt employees and are covered under the FLSA:

Secretaries, Custodians, Bookkeepers, Receptionists, Fingerprint Technician, Transportation, Specialists, Clerks, Assistant Teachers, Vehicle Servicemen, Plumbers, Bus Drivers, Safety Officers, Deliveryman, Food Service Workers, Maintenance, Personnel, Graphic Arts Specialists, Carpenters, Painters, Procurement Specialists, and Data Entry Operators

HOURS WORKED

The workweek for the Strong City Public School District begins on Sunday and ends on Saturday. Each employee subject to the FLSA shall be paid in accordance for all hours worked. Compensable time includes all time that an employee is required to be on duty. Meal periods, which are 30 minutes or more, should not be interrupted. Hours worked shall be accurately recorded by each employee on the monthly or weekly time sheet in the form which is provided by the district. Employees using monthly time sheets shall furnish all information requested and shall record the exact time of arrival and departure from work. Employees are expected to arrive and depart at or about the time specified by the district unless requested to work overtime by his or her immediate supervisor. All overtime shall be recorded by each employee on the time sheet or time card.

BREAKS AND MEAL PERIODS

Although **not required by the FLSA**, employees may be allowed breaks of no more than 15 minutes when appropriate and if deemed necessary by the supervisor. The time of day for breaks and their length shall be determined by each employee's immediate supervisor. Generally, full-time employees receive a morning and afternoon break. Part-time employees receive breaks as deemed appropriate by the immediate supervisor who takes into consideration the length of daily employment. Meal periods in which employees are not relieved of duty are compensable. Those employees with bona fide meal periods shall be completely relieved of duty for the purpose of eating a regular meal and shall be free to leave the worksite during this period. Employees having

bona fide meal periods may eat in a school cafeteria or in a break area at a worksite, however, the employee shall not engage in any work for the school district during this period except for a rare and infrequent emergency.

OVERTIME PAY

All employees subject to FLSA shall be paid not less than one and one-half times his or her regular rate of pay for all hours worked over 40 in a workweek. Overtime pay due an employee shall be computed on the basis of the hours worked in each workweek and the overtime compensation earned by an employee shall be paid on the next regular payday for the workweek in which the overtime was worked. **Overtime or compensatory pay may not be waived by an agreement between employer and employees.** The granting of compensatory time off in lieu of paying proper overtime pay is permitted provided compensatory time is awarded on a one and one half time basis for each hour of overtime worked. **The supervisor and employee must have a written agreement or understanding that the employee will receive compensatory time before the work is performed.**

It shall be the policy and practice of the Board of Trustees to grant compensatory time instead of overtime whenever possible. The employee may accumulate a maximum of 240 compensatory time hours. **The employee must take the comp time when it is agreeable with the supervisor;** however, the supervisor's consent should not be unreasonably withheld.

REGULAR RATE OF PAY

Any overtime pay will be based on the employee's regular rate which will include all remuneration for employment. For those employees paid a simple hourly rate, the overtime will be based on that hourly rate. For those employees paid on a salary basis, the monthly salary will be reduced to its hourly rate equivalent. Employees shall be paid for each and every hour worked.

AUTHORIZATION FOR OVERTIME WORK REQUIRED

Each district supervisor responsible for the supervision of employees subject to the FLSA shall, prior to permitting any overtime work, receive authorization from the superintendent or his/her designee.

RECORDKEEPING

The superintendent shall require all records on wages, hours, and other items listed in the record keeping regulations (29 CFR Part 615) to be kept by the Business office for the time specified by the Act. The superintendent or his/her designee shall secure a sufficient quantity of the minimum wage posters. One poster shall be displayed in each district work site.

ENFORCEMENT

District employees shall, at all times, cooperate with authorized representatives of the Department of Labor who may visit a work site for the following reasons: 1. to investigate and gather data concerning wages, hours, and other employment practices; 2. to enter and inspect any school district premises and records; 3. to question employees to determine whether any person has violated any provision of the FLSA. Employers who have willfully violated this law may face criminal penalties, including fines and imprisonment. The term "willful" is defined by the U.S. Department of Labor as "knew or should have known." District employees responsible for supervising employees subject to the FLSA who willfully violate the terms of this policy shall be subject to disciplinary action by the school district. Any disciplinary action taken by the school district will be in addition to any relief granted an employee by the U.S. Department of Labor or a court of law.

Q. MISCELLANEOUS

Rest Periods and Planning Periods

Classified employees are allowed a rest period if their regular daily schedule calls for four (4) hours or more of continuous work. Rest periods are subject to certain restrictions.

1. No rest period is to be taken during the first hour of the shift.
2. No rest period shall exceed 15 minutes.

Time not used for rest periods cannot be substituted for time off from a regular workday or at the beginning or end of a vacation or leave day.

Rest periods are a privilege which may be withdrawn and which should be withdrawn if abused. Rest periods should never interfere with proper performance of work responsibilities.

Certified employees are allowed a planning or personal period sometime during the day.

Abnormal Weather Conditions

Information and directions will be given to school personnel when schools are closed because of abnormal weather conditions (excluding tornadoes).

Notices to school personnel and to the community as to the decision to suspend operation of schools for a day or a part of a day because of severe weather conditions will be based on the latest information provided by the National Weather Service, Hinds County Emergency Operations Center, Strong City Police Department, and Mississippi Highway Patrol.

Before School Begins

After approval by the superintendent, the designee of the superintendent will notify by 5:00 a.m. the Strong City-Hinds County Emergency Operations Center and local media when school operation is to be suspended for the day. The notification will include the reason for the suspension of school operation.

If street conditions will permit, all administrative and supervisory staff, food service managers, and head custodians shall report to their respective assigned locations and perform such duties as needed to secure the facilities. Other employees assigned to schools and bus drivers are not required to report for work. Situations arising because of abnormal conditions adversely affecting school properties that cannot be dealt with by school staff are to be referred to the office of the director of facilities. If street conditions will permit, all other school employees not assigned to a school, central office and maintenance personnel are to report as promptly as possible to their usual post.

For payroll purposes, all personnel shall be recorded as absent for the entire day and shall be paid in full for the day's absence. Should it become necessary to make up day(s) lost in order to maintain accreditation requirements, all employees will be expected to work on the make up day(s) without additional compensation.

While School Is in Session

In the event a school day is to be shortened, all school administrators and supervisors will be notified and the community will be notified as stated in the “Before School Begins” section as to the dismissal time for students. Certified and classified/certified personnel assigned to a school shall be dismissed once the early release directive is issued.

For payroll purposes, all personnel shall be considered as having worked a full day and shall be so recorded on the payroll.

R. PROFESSIONAL DEVELOPMENT - (REFER TO POLICY GBF)

Section I: Definition of Professional Development

The Mississippi Public School Accountability Standards of 2016 defines professional development as the growth-promoting learning process that empowers stakeholders (teachers, administrators, staff, and other school personnel) to improve the educational organization.

Section II: Goals of Professional Development

The goals of implementing the Standards for Professional Learning are to outline the characteristics of professional learning that lead to the following:

1. effective teaching practices;
2. supportive leadership;
3. improved student results.

Although improved student learning is the ultimate goal of professional development in the Strong City Public School District, it is essential to note the additional benefits of quality professional development:

- Improved job satisfaction
- Improved teacher recruitment and retention
- Increased knowledge of innovation teaching and learning practices
- Improved data-driven decision-making

Section III: Professional Development Model

The Strong City Public School District has adopted Learning Forward’s Standards for Professional Learning as the foundation for its Professional Development Model. These standards define the attributes and essential components of effective professional learning; in turn, effective professional learning leads to effective teaching practices, supportive leadership, and improved student results. The Seven Standards of Learning Forward focus attention on the following components:

1. Learning Communities - Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment.
2. Leadership - Professional learning that increases educator effectiveness and results for all students requires skillful leaders who develop capacity, advocate, and create support systems for professional learning.
3. Resources- Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring, and coordinating resources for educator learning.

A blue decorative graphic consisting of several overlapping, semi-transparent triangular and quadrilateral shapes, creating a layered effect.

Organizing Resources



WHY GRIEVANCES ARE NOT ENOUGH

If only we could count on policy enforcement to keep our workplaces trouble-free.

But every time management gets a chance, it will encroach into territory the union has won, taking away things we thought the policy protected. The policy reflects the balance of power between management and workers at the moment it was created—but not necessarily the balance today.

Simply filing a grievance doesn't build power. It's not usually a collective activity. While the grievance moves from step to step, the members have nothing to do but wait.

Besides, grievances can fix only a tiny fraction of the injustices that go on in any workplace. Think about the individual workers whose rights are violated. Most won't file a grievance. Some are still on probation, or already facing discrimination, or simply afraid they'll be marked as troublemakers. Some don't realize they have the right to grieve.

Even a good steward can't comb the workplace getting all the shy or fearful workers to submit their grievances. In any case, the steward wouldn't have time to file them all; she has to pick her battles.

So of the many grievances that might have been filed, only a handful actually are. Months later, a few are finally won, but only the workers involved ever know about them. Even those with similar problems may not realize that a grievance happened. Most are left stewing over wrongs that go unaddressed.

Organizing provides you with a way to back up grievances with workern action or bypass the grievance system altogether. There still won't be time to address every issue

—but the more people participate in solving a problem, the more they will develop the skills and confidence to take on other problems, and the union's power will grow.

You're developing a union culture in the workplace—not just at the union office—where people expect to participate in defending the policies and defending each other.



How to Use Grievances to Organize

<https://www.labornotes.org/2019/03/how-use-grievances-organize> March 08, 2019 / Mike Parker and Martha Gruel

Making grievances public helps drive home the point member's grievance is a battle for everyone. Photo: Jim West/jimwestphoto.com

The difference between a truly democratic union and one that follows a servicing model is stark when it comes to grievance handling. In a strong democratic union there may not even be many grievances; members organize to convince supervisors to stop violating the contract without having to use the formal procedure.



that a

A BATTLE FOR EVERYONE

In the servicing model, the member is not encouraged to get involved but to turn the grievance over to the “expert.” Even in unions that seek member mobilization, the service model of grievance handling prevails: members may be mobilized to act for certain grievance issues, but they take no leadership role—no responsibility or initiative.

But a different approach is possible:

1. Get the grievant(s) directly involved. Let the member carry the grievance as far as possible. In many contracts it is possible for the member to initiate and write the first-level grievance. Train the members to write their own grievances and to do the research that makes the grievance winnable. The stewards then become the advisers and trainers, not simply grievance filers.

As the grievance goes through the procedure, the member should participate in planning the case, talking to witnesses, talking to other members about what’s going on. Where it is not possible for a member to be present at meetings with management, make sure the member is consulted about each decision and notified immediately of any changes or progress.

2. Involve other members in winning the grievance. Wherever possible, make the content public. While there may be privacy issues here, it should be possible to at least list the type of grievance and chart its progress.

One of management’s attacks on unions is to try to divide the “5 percent who have grievances and need the union” from the 95 percent who presumably never have trouble and therefore do not need the union.

Making grievances public helps drive home the point that a member’s grievance is a battle for everyone, not only in the sense of general solidarity and “it could happen to you,” but in the sense that grievance results define the meaning of workplace rules. It also brings the membership into discussions of how well grievances are being handled.

If the grievance clearly and directly affects others, make it a group grievance, with as many signers as possible. Get signers together to work on gathering information and support. Having more people involved will generate pressure on management beyond the formal grievance system.

While some grievants prepare the case, others can be distributing information and buttons, urging co-workers to bring up the topic when a manager stops by their cubicles, or bugging managers themselves.

NO NECKS STUCK OUT

Some unions use a “wheel signature” for group grievances and petitions. On the paper, the signature lines are like spokes around a hub—no top and no bottom—and people sign anywhere they want. The idea is to make all signers equal, either to share credit or to prevent the employer from singling out the originators.

To make membership initiative a reality in handling grievances, union reps and stewards need the same leadership qualities we look for in top leaders: ability to share authority with others, to train others and share credit for union wins, and to delegate tasks and support others if they make mistakes.

Excerpted from Democracy Is Power: Rebuilding Unions from the Bottom Up by Mike Parker and Martha Gruelle. [Buy the book for \\$10.](#)

Coaching for Organizing Through Advocacy: Centering Worker Agency

Building an organizing culture requires centering worker agency throughout the work of the union (ownership), and identifying larger shared purposes to strive for (leadership). In their day to day work, union staff can easily become enmeshed in the numerous grievance and disciplinary matters that demand their attention.

Staff need to build the persistence to approach those matters with both an organizing lens and a servicing lens. To build and support an organizing culture with all staff, consider reframing your plans for problem solving with members using the following prompts that bring worker agency into the conversation:

1. What does the building rep think?
2. What are other people saying?
3. Who are the leaders in this building and are they aware of this?
4. How can you bring the members into this?
5. Who's the right person to go with the member to the principal?
6. What would it take for you not to be in that meeting?
7. How can this be a story about the members?
8. What new leaders are on your radar?
9. What's your plan for this member?
10. What's the membership plan at this school?

Even a simple question like “What does the building rep think?” can be a powerful shift in your thinking and planning if you are used to dealing primarily with individual members themselves. Over time, you will begin to build connecting with building reps and soliciting their views into your advocacy plan as a basic expectation.

For staff who see themselves as organizers, add the challenge question, “what would it take for you not to be in that meeting?” Simply asking the question is a powerful reminder of the expectations for incorporating organizing into your advocacy work.

Pivoting your focus from just the grievance or disciplinary matter at a school to questions about the state of the union in a particular school or workplace, such as in questions 3, 8, 9 and 10, can be an important reminder that building our power is in fact the central mission of staff.

Getting Off the Grievance Treadmill

<https://labornotes.org/2014/05/getting-grievance-treadmill>

May 12, 2014 / Jerry Skinner



Chicago students marched in August 2013. Their shirts say, “Under-resourced & Over-tested = Fed Up!” Photo: Sarah Jane Rhee/loveandstrugglephotos.com.

In February 2010, Chicago Teachers Union (CTU) members at my school were confronted with a new and inexperienced principal determined to operate on a tight budget.

But union members know that grievances can take too long to resolve, put us on defense instead of offense, and take the initiative and control away from workers and into a legalistic “procedure.”

So for the past four years we’ve been turning our grievances into organizing tools. We’ve been mobilizing workers and the community around our grievance issues.

START WITH A SURVEY

Not every problem that requires a grievance is right for mobilizing allies and heightened action. Besides the four criteria listed in the box, the steward can also use a survey to decide which issues to organize around.

The survey should be short enough to complete quickly. It might be as simple as a list of problems that a member can rank in order of importance, or a few statements to check whether she agrees or disagrees.

The survey should have a “Comments” section where members can express their views in their own words—you will get some great slogans and new perspectives on a problem from these comments. Give members the option to share their identity or remain anonymous.

A good organizing issue should:

- Be widely felt.
- Be deeply felt.
- Be winnable.
- Build the union and build new leaders.

—Carl Biers and Judy Sheridan-Gonzalez, New York State Nurses, from the “Getting Off the Grievance Treadmill” workshop at the Labor Notes Conference.

In our February 2010 survey, the three items most often marked as big problems were “Unfilled Teaching Positions” (the principal was using substitutes in 20 classes), “Copier Availability” (teachers were now limited to 500 copies a year), and “Discipline,” which is tied to student and staff safety.

New people in the Discipline Office did not even file, let alone act on, referrals that staff filled out, leading to at least two assaults on teachers (including an attempted poisoning).

We learned that the staff was deeply concerned about these issues—and we knew that parents and students would care, too. We were right in a bigger way than we could have imagined.

CREATE A SAFE SPACE

You cannot organize in the workplace, though, unless people feel secure communicating with those spearheading the organizing. So we created spaces—both virtual and physical—where members felt safe sharing information and planning with each other.

We first set up a non-workplace email list, coordinated through the steward, where all members received and could respond to organizing updates.

Just as important has been the re-creation of the Teacher Lunchroom, where members socialize during lunch and where we hold union meetings after school, into a real union hall.

Our steward Eric Wagner has filled the walls with blown-up copies of articles about our activism, framed posters and pictures from the [September 2012 CTU strike](#), and other union materials (including *Labor Notes*).

Every union member who walks into our lunchroom knows immediately that she is among friends, while any enemy learns just as quickly that we will always act to defend our school and students.

Once you've chosen the right issue to organize around, and created an environment where people feel welcomed and secure, then it is possible to ask members to publicly speak up.

90% ON A PETITION

Our initial action against a hostile boss was a simple petition in April 2010, addressed to our principal's superior officer, explaining our grievances and asking for assistance. What gave this piece of paper its impact was that it was signed by more than 90 percent of the school's tenured teachers. (We told the more vulnerable non-tenured teachers they were not expected to sign, though several still did.)

The principal's boss soon sent his special assistant to a meeting with the entire faculty—from which the principal was excluded—to help resolve the problems.

Because we had done so much communication through emails and face-to-face conversations, every one of the 65 teachers who attended knew instinctively what he or she could contribute. When the special assistant tried to show that reading instruction was adequately funded, our literacy coach pointed out that he was looking at the wrong account in the school budget.

When the issue of safety was debated, the teacher who had almost been poisoned with sulfuric acid shared his story (including how the principal had tried to blame the incident on him).

This was a watershed moment for our school, in which the experience and expertise of the entire staff, not just that of a couple of leaders, was demonstrated to the bosses and to each other.

WORKING WITH ALLIES

In Chicago all public schools have Local School Councils that meet monthly to oversee a school's operations. Parents, students, and community members make up the majority of the LSC's 13 members, which also include teachers and the principal.

We made sure teachers not on the LSC came out to every meeting. We kept the LSC informed about our concerns and all our grievances, surveys, and petitions. Soon, teachers were not alone—nor even the loudest voices—in calling for more resources and a safer school.

In May 2010, 150 students at our school staged a midday walkout and protest. Chanting their demand that the principal hire more teachers, they chained themselves to the school fence and held aloft posters.

Teachers had no involvement in this civil disobedience, despite school officials' efforts to blame it on rogue members. The walkout represented a recognition by the young people we teach that our struggle is also their struggle. When certain students were targeted with suspension, teachers protested at the LSC meeting.

Four months later, three parents (including the LSC president) and their children attended the Chicago school board's monthly public meeting to speak against the principal's attempt to save money by defunding our school's extracurricular programs.

We prepared a documented history of the principal's mismanagement, which the LSC president presented. Because the action involved students and parents, not just teachers, the board felt more pressure to quickly resolve the problems.

REPEAT THE PATTERN

This general pattern of escalating actions has been repeated several times at my school over the past four years. We don't organize around every grievance issue, nor do we win every one of our demands. The board continues to underfund and destabilize neighborhood schools, often by installing inexperienced principals who are not trained in how to respect the rights of staff.

But what we have accomplished by organizing around grievances with our non-union allies includes:

- Getting back \$300,000 that our principal tried to return to the board.
- Restoring full funding of our after-school athletics programs.
- Restoring the right to make as many copies as needed.
- Rehiring of an experienced dean to deal with discipline.
- Saving the jobs of two P.E. teacher-coaches and one art teacher who were nearly victims of the principal's drive to cut non-core classes.
- Forcing the principal to redo the evaluations of several veteran and activist teachers who were targeted with lower performance ratings.

Most important for the union members at my school is that organizing for action has kept us united. A recent University of Chicago report on my school rated Teacher-Teacher Trust a "strong" 67 out of 100, while Principal-Teacher Trust was rated 1 out of 100.

The very knowledge of such solidarity is the best defense against any hostile boss.

Jerry Skinner is LSC teacher representative at Kelvyn Park High School. He was a presenter in the Labor Notes "Getting Off the Grievance Treadmill" workshop.

Turning an Issue into a Campaign

<https://labornotes.org/2015/08/turning-issue-campaign> August 11, 2015 / Ellen David Friedman

When you turn a workplace issue into a campaign, grievances become a tool for building union power. Photo: Dan Lutz.

Sandi walks up to you, the steward, just as the hallways start filling with noisy high schoolers heading for the bus. She is ready to blow her top, and over the din she tells you her supervisor is demanding that she continue driving special education students in her own car—long a part of her job as a teaching assistant—despite a recent warning from her insurance agent that she’s not covered for it.

“He told me if I refuse to drive, I’m fired,” she says. “I’ve been in this job seven years, never any problem. Can he do that?”



You’ve been a steward long enough to know the routine. You ask Sandi: “Why don’t you write up the facts of what happened? Include what your supervisor said, what led up to the conversation, whether there were witnesses. Include what your insurance agent said, your job description, how long you’ve been driving.

“Then look through the contract. Check under the insurance section, reimbursement for out-of-pocket expenses, right to refuse work...anything that might be relevant. Then let’s go talk to your supervisor together, and if we can’t get it fixed, look into filing a grievance.”

And then, because you are a great steward, one who wants to build union power from the bottom up, you ask Sandi one more question: “Anyone else in the same situation?” And that question could change everything. Now you are on your way to “turning an issue into a campaign.”

Not all issues are worthy of a campaign, of course. If Sandi reported that other teaching assistants aren’t affected, the savvy steward could still find strategic ways to use a grievance to build the union. That’s a topic for another day, however.

BUILDING A CAMPAIGN

Grievances, while necessary tools, can make workplace problems seem like individual problems rather than collective ones that can be solved through collective action.

Ask Sandi to talk to her co-workers: How many other people are assigned to drive students? How often do they drive? What does their job description say about driving? Does everyone use their own car? What were employees told about car insurance? Have they talked to their own insurance agents?

With an informal database, Sandi can keep track of which co-workers she’s talked to, what they said, and where the information gaps are. Most importantly, encourage Sandi to tell the other assistants they’ll all need to get together to talk about how to solve this problem.

This approach has several purposes: It gets Sandi active and organizing, putting the issue on co-workers' radar screens. It educates members, and shows them that the union is paying attention to what goes on in their lives. It makes the "fact checking" phase of the campaign a two-way process. And it produces the documentation needed to move into the action phase.

As the campaign organizer, your goal is not just to help members solve their workplace problems but to help them build collective self-confidence and power. A campaign is just a series of steps that help people focus on a common issue, identify a solution, and build pressure on the person with the power to solve the problem. The next step is to assess if this is a problem that is deeply felt (important enough to do something about) and widely felt (a majority of those who could be affected are affected).

Let's say Sandi comes back with a few other teaching assistants in tow, and they are fuming. It turns out that most are driving students on a regular basis, and none have been told that all liability is on their personal insurance.

Now your task is to help members clearly define the problem and a winnable solution. Get the assistants together to weigh the pros and cons of different approaches. Sandi leads off, summarizing the facts she and her co-workers have gathered in face-to-face meetings, phone calls, and surveys. "We've now got information from 37 out of 42 assistants," says Sandi. "It's really a strong case."

The results of this careful effort showed that 80 percent of the workers were driving students in their own cars, with no insurance provided by the employer. "But we found one interesting exception," Sandi explained.

"One gal went to the supervisor—like two years ago—and said she'd only drive if the district covered her under its policy. So they did—but they said she couldn't tell anyone else." Everyone's ears perked up at that news. One member pointed out that if they were all talking to each other more they would have figured this out a lot sooner.

THE RIGHT KIND OF PLAN

The meeting gets really lively at this point, as the members debate solutions and strategies. As steward, your job is to raise questions and criteria that will help the members reach consensus on a plan: What can we do that will actively involve the members—a petition, a mass meeting with the supervisor, a job action, what else? What are the possible impacts and risks of each of these actions? Who are our allies? What's the outcome we're looking for? Who has the power to make this happen?

By the meeting's end there will be a plan with a series of accelerating tactics written out on a timeline, which will keep the members engaged and increase pressure on the boss to solve the problem. Before things break up, you make sure everyone knows their tasks, agrees to report back, and keeps in touch to adjust the plan as things unfold.

GROUP GRIEVANCE

Of course, Sandi wants you to file a grievance, too. But now it will be a group grievance, presented en masse to the supervisor during her lunch break, accompanied by a delegation of supportive teacher union members, with a tape recorder running.

When you turn an issue into a campaign, grievances become a tool for building union power.

Ellen David Friedman was an organizer for the Vermont-National Education Association.



A GOOD ORGANIZING ISSUE

- **Is widely felt.** How common is the problem? How many workers face this situation? Many people must feel that this is a real problem and agree with the solution you're pursuing.
- **Is deeply felt.** Is this an issue that people feel strongly enough about to actually do something? It's not enough that many people agree, if none are really hot under the collar.
- **Is winnable.** It's hard to know for sure whether you *will* win, but it's possible to have a good idea whether you *can*. Your group should match your demand to the power you've already got.

To win, you'll need to make it harder for the decision-maker to keep saying no than to say yes. The more pressure you can bring to bear, the more issues will become winnable.

- **Builds the union and builds leaders.** Consider how this fight will build your capacity for future fights. Will the issue attract leaders or groups who haven't been very involved? Will it build solidarity between groups? Will it give you the chance to try an action that's one step beyond what you've done before? Will the solution lay the groundwork for future improvements?

Each fight should build off the last. It often happens that we don't win the concrete gain wanted, but we do come out smarter and better organized—which makes it more likely we can win next time.

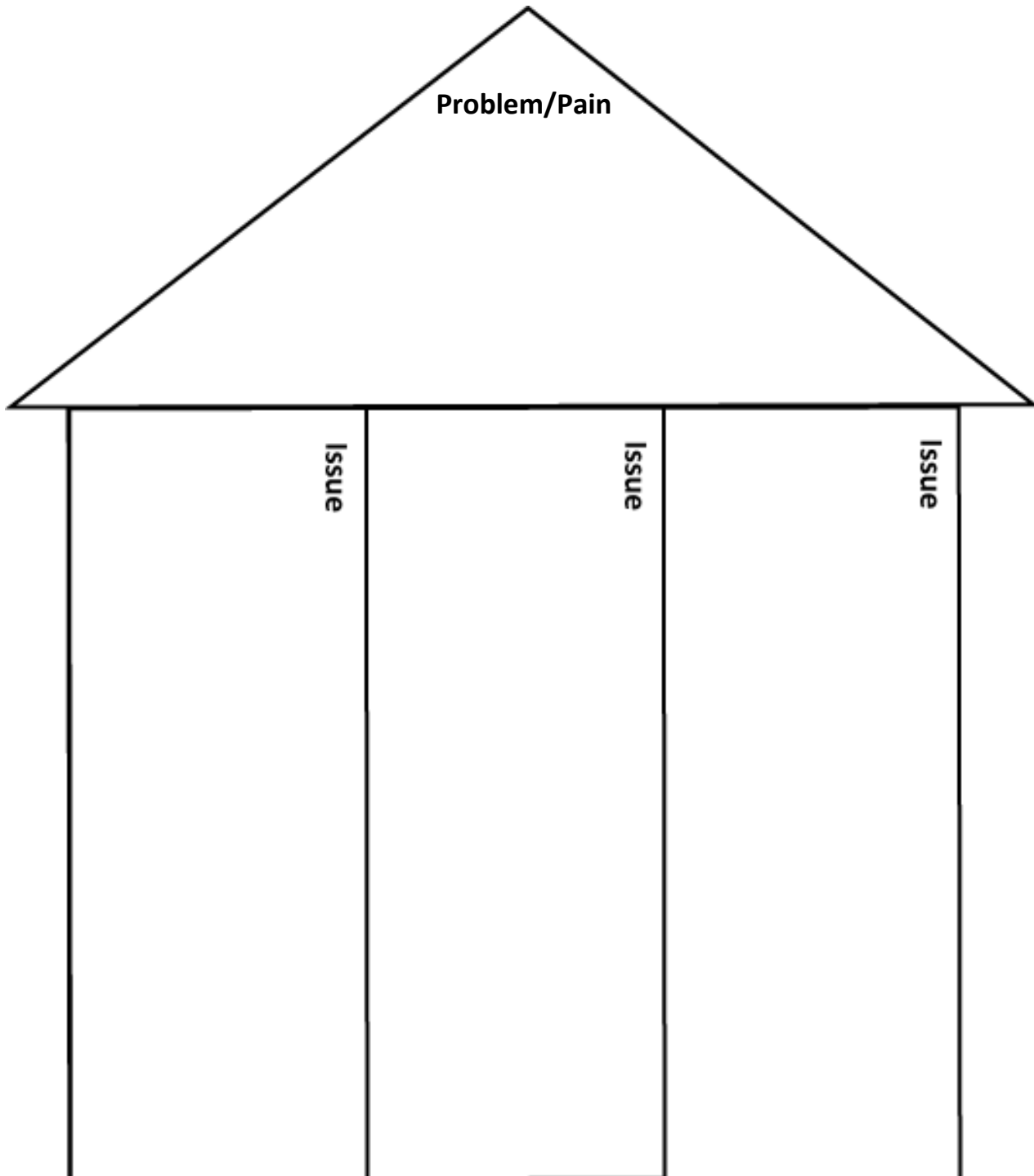


Problems vs. Issues:

Problems are statements of the world as it is. **“There is no respect for educators in this building.”**

Issues are a diagnosis of the problem that almost indicates what the solution is. **“There are no recognized structures in this building that allow educators to be part of decision making.”**

Take some time to first brainstorm the pain and/or problems our people are feeling. Then work to identify the issues within that problem that are causing the pain. Asking, “why do you think this is the way it is?” can move you into an analysis of issues that make up the problem.



Issue Criteria Check List:

Score each Issue from 1 to 3 (1 = No, 2 = Unsure, 3 = Yes) on the specific criteria then total your scores and compare with your team.

Will the Issue...	Issue #1	Issue #2	Issue #3
1. Result in a real improvement in people's lives?			
2. Give people a sense of their own power?			
3. Alter the relations of power?			
4. Be worthwhile?			
5. Be winnable?			
6. Be widely felt?			
7. Be deeply felt?			
8. Be easy to understand?			
9. Have a clear target?			
10. Have a clear timeframe that works for you?			
11. Be non-divisive?			
12. Build leadership?			
13. Set your organization up for the next campaign?			
14. Have a Pocketbook Angle			
15. Raise Money?			
16. Be consistent with your values and vision?			
TOTALS			

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Draft your Change Goal - What is the win that we want?

What is our change goal? How will we know if we've won or not (it needs to be something we can see or touch that makes our lives better)? Remember – it's concrete. The goal will result in visible, significant change in your constituent's daily lives.

1. Is it concrete (measurable)?
2. Does it make a visible impact in people's lives (meaningful)?
3. Does it leverage YOUR resources creatively and make for a good story (motivational)?
4. Must you organize and distribute leadership in order to accomplish?

Ex. LEA wants to secure fully funded budget by demanding a 1-penny increase in the property tax formula by April 1st 2018.

Our Goal – Our Win is...

Cutting an Issue

THE DIFFERENCE BETWEEN A “PROBLEM” AND AN “ISSUE”

A problem is something that you don’t like about the world or your society, but that is too big and/or too vague to grapple with in any coherent way. “Pollution” and “crime” are “problems.” We don’t like them, but it’s hard to know about what to do about them in general. To use an obsolete term, they are “bummers.” In the words of our text, they are “broad area[s] of concern.” They’re terrible but just thinking about them can be disempowering.

In the terms community organizers use, an issue is a more specific challenge that is separated out from the larger “problem.” An issue, rightly described, always includes the solution to the challenge that is chosen. As our text notes, “an *issue* is a solution or partial solution to a problem.” For example, an issue that one might “cut” out of the “problem” of crime is police accountability, and the solution that your group might fight for could be installing video cameras in all police cars in the city. An issue you might “cut” out of pollution might be a campaign to stop a new coal-fired plant from being built in your community.

Again, notice that from the perspective of community organizing, you haven’t “cut” an issue until you have also defined how you plan to solve the specific challenge you have chosen. Without an identified solution, your group doesn’t have anything specific to fight for.

“CUTTING AN ISSUE” AND POWER

To some extent, the criteria for cutting an issue, discussed in detail below, can be counter-intuitive. We are used to thinking about “winning” as the most crucial goal in any battle against oppression. However, organizers think about campaigns in a fundamentally different way. To understand organizing you have to understand this different way of thinking.

The key problem for any organizer is a lack of sufficient POWER. You just don’t have the money or the people to ensure that the social changes you want are made. So the core goal for all community organizers is generating POWER.

How do you generate power? In this context, you generate power by strengthening your organization. So the core aim of all organizers is building a stronger organization.

Therefore, you want to pick issues that are likely to BUILD YOUR ORGANIZATION. For example, an issue that you can easily win without really making organization members work and extend themselves probably isn’t an issue you want to get involved in. You want an issue that will force the organization to grow, and organization members to learn to be better actors.

It is important to understand that having a reputation for a strong organization is a crucial asset for organizing groups. If people perceive your group as strong, YOU MAY NOT NEED TO FIGHT! Groups that might have otherwise done things to harm your community may not because of the threat you may get involved. And organizations may invite you to the table early in the process

of developing particular projects because they know you can cause problems for them later if you don't. Organizations that aren't respected, that aren't seen as powerful, don't get this treatment. When you try to "cut an issue," think about how a specific issue will help build your organization, how it will help you build POWER for the LONG TERM instead of just about whether and how to achieve a particular goal. Then and only then will you be thinking like an organizer.

FRAMING

One of the key challenges for "cutting an issue" is how you frame what your issue is to outside audiences which may be sympathetic to different concerns than you or your group is. For example, if you are an environmentalist and want to have logging stopped in a particular forest, it makes sense to frame your "issue" by emphasizing how you will make sure this won't eliminate jobs, since forest workers may be a crucial part of your opposition.

CRITERIA FOR "CUTTING AN ISSUE"

Chapter 3 of, *Organizing for Social Change*, lays out a series of criteria for what counts as a good issue.

- 1. Result in a Real Improvement in People's Lives**
- 2. Give People a Sense of Their Own Power**
- 3. Alter the Relations of Power**
- 4. Be Worthwhile**
- 5. Be Winnable**
- 6. Be Widely Felt**
- 7. Be Deeply Felt**
- 8. Be Easy to Understand**
- 9. Have a Clear Target**
- 10. have a Clear Time Frame that Works for You**
- 11. Be Non-Divisive**
- 12. Build Leadership**
- 13. Set Your Organization Up for the Next Campaign**
- 14. Have a Pocketbook Angle**
- 15. Raise Money**
- 16. Be Consistent with Your Values and Vision**

It's important to stress that these are flexible "guidelines" and not strict rules. They are tools to help you decide between better and worse issues. But almost no issues really fulfill all of the criteria (since they are somewhat contradictory, as you will see). And there are often very good reasons not to follow one of them, as is noted at points, below.

1. Result in a Real Improvement in People's Lives.

As an organization, there are many issues that you could win, but that really aren't worth your effort. In every case, what is "worth" fighting for is related to the size and established power of your organization. If you are a small block club, then getting a stop sign at the end of the street may count as a "real improvement." If you are city-wide organization, then a

stop sign seems too small to “matter.” Furthermore, such a small change will only matter to a small number of your constituents.

What you want is something that will be seen and experienced as a “real improvement” by as many of your constituents as possible, especially people who aren’t yet a part of your organization. Such achievements strengthen the resolve of current members while drawing new members in. In other words, they build POWER that you can use for even larger campaigns in the future.

2. Give People a Sense of Their Own Power

As in #1, and as will be true for all of these guidelines, what “counts” as fulfilling this criteria depends on what kind and what size of organization you have. As an organization, you want to seek out challenges that *stretch* your organization as opposed to issues that will be relatively straightforward to win. Winning campaigns that seem quite challenging can empower your members and new members for the future. It gives people a sense of their power. You want people (within and outside of your organization) to say “wow, that’s amazing that they were able to [for example] lower class sizes in first grade classes across the city.”

3. Alter the Relations of Power

Again—and I’ll keep repeating this—your fundamental goal is to gain more POWER. You want a campaign to result in some change in the power relations in your community, either because you have changed the structures that allow people to participate or because you have made your own and other related organizations stronger and better able to fight in the future.

You want to come out of a campaign with more POWER, both in terms of members and in terms of reputation, so that you can pursue even larger campaigns in the future. And you want powerful people to think twice before making decisions that will disadvantage your constituents because they worry that you may hold them accountable for these decisions. And you want powerful people to invite you to the table before such decisions are made because they realize they need you on board if they are going to succeed. The POWER of a social justice organization can have wide effects far beyond the specific campaigns it wins.

4. Be worthwhile

This one seems pretty obvious. It has to be a change that actually matters to people who are in need. Otherwise, why bother?

5. Be winnable

Okay, now things get tough. You want to fulfill criteria #1 and #2, which ask you to push for more difficult challenges. But at the same time you can’t push for changes that are so challenging that they are impossible. Again, this is a POWER issue. If you fight for something unwinnable, you are likely to simply disempower your constituents and reduce your capacity to fight in the future.

However, it is important to keep a focus on the fact that POWER is the key goal *not* winning. There have been cases where organizations fought in campaigns that they knew they would likely lose because, for different reasons, even a loss would build POWER for the long run.

For example, participating in a national campaign for immigration reform may be clearly unwinnable right now, but participating draws in a constituency that might otherwise not be part of your organization. And fighting today means you draw in people interested in this issue who may be there to fight when it does seem winnable. (Although there may be more winnable issues that could be cut from the immigration “problem.”)

There are many things you want to change that you don’t currently have the power to change. For example, it can be challenging to cut a good issue around education in Milwaukee because most things you want to do to help MPS require money. But in our state the School Board doesn’t have the power to raise money very easily; only the legislature can give you more money for schools. And it is very hard for an organization based only in Milwaukee to influence enough key votes to get new money. So a Milwaukee-based organization, no matter how powerful it is *in* Milwaukee will need to find a more local issue to fight about, and that issue can generally not involve an increase of state funding.

6. Be Widely Felt

Again, the key issue, here, is your capacity to build POWER, both today and tomorrow. You want to pick an issue that affects a broad range of people, or that concerns a broad range of people, because issues like these are likely to bring in the largest number of participants. Again, this conflicts with the “winnable” challenge, among others, since the more broadly felt a problem is, the harder it is likely to be to change it.

How widely felt you need your issue to be depends on what kind of organization you have. Many groups are, in fact, fairly narrowly framed around particular ethnic or cultural groups. In these cases, what is “widely” felt is relative to your own constituency.

For example, the problem of parking at a University is an issue for people who work at the University, but not for people around the city. But if you are a University student organization, it’s probably hard to find an issue that is more widely felt.

7. Be Deeply Felt

Another way to say this is that it needs to be a “gut” issue. This criteria is deeply related to the next one, “Be Easy to Understand,” because a “gut” issue is generally one that can be clearly stated. For example, the image of a single teacher with forty little kids in a single classroom is obviously unjust to most people. People who are likely to join you will get a painful feeling in their gut just hearing that there are classrooms like these.

You want to get people at an emotional level, not just an intellectual one. You want them to respond with anger and remorse, not simply abstract understandings of inequality or unfairness.

Whether an issue is “deeply felt” is at least partly an issue of framing. You want to seek out those images and stories of the problem you are fighting against that make change seem crucial. This is why recruiting people to give testimonials is a classic technique of community organizers. For example, people might not feel like “immigration reform” is a “gut” issue for them at the start. But they might after hearing a few parents talking about how the current process that ships people spouses to a different state for months prior to their deportation hearings has ripped families apart, given children nightmares, etc. Stories like these shift the dialogue from one about “illegal aliens” to one about what justice should look like in America. They reframe an issue and make it a “gut” issue for those who may not have understood it this way before.

From the perspective of an organizer, what are important are the issues that are important to your constituency. The organizer may care deeply about saving maple trees from a new insect invasion, but if her constituency doesn’t care about this, she probably won’t be able to make them care. The job of the organizer is to develop ethical campaigns for the issues that are central to one’s constituency, not to push the issues that an organizer thinks are important. An organizer is there to facilitate the dreams of the people she works with, the dreams of her leaders, not her own.

8. Be Easy to Understand

This criteria is key and is sometimes forgotten. You need to FRAME your issue in very clear terms for your constituencies. This means eliminating jargon and unnecessary complexities.

An example: one way to FRAME an issue about school funding reform could be: We want the legislature to change the language of the State Law, paragraph 1.22.7, which now reads “school districts will base their post-year funding on their funding as of fiscal year 1998 according to the formula provided in section 1.2.8,” to the following: “school districts will base their post-year funding on the average of state district education funding as of fiscal year 1998 according to the formula provided in section 1.2.8.”

Another way to FRAME your issue would be to say: The funding differences between rich and poor districts in Wisconsin are unjust and unacceptable. We demand the legislature change the funding formula to equalize funding in Wisconsin so that kids of poor parents can get the same resources as the kids of rich parents.

In other words, simplify. Don’t give us a long dissertation on the little changes you want to make. Don’t give us the official jargon or cite the change in the law. Tell us in simple terms why we should care and what the fundamental change will be. YOU and your leaders need to understand all these complexities. Your constituency doesn’t really care about them.

At the same time, it’s crucial to be honest. There can’t be something hidden in the complexities that would be a surprise to people who are supporting you. In fact, as with all of these criteria, sometimes you simply must get into the complexities. And in a case like this, you will need to find a way to educate your constituency about them. Remember, your goal is long-term POWER. If you mislead people, or make them feel misled, then you reduce your capacity to mobilize them in the future.

9. Have a Clear Target

A “target” is “the person or institution that can make the change you want” and a “secondary target” is “a powerful person or institution that can influence the target.” It is important to analyze the power structure within which the target resides. (Think Map of Actors) You need to know who the target is because otherwise you may be pressuring the wrong person or institution. It’s helpful to identify secondary targets, because they represent people and groups that can influence the decision-maker.

10. Have a Clear Time-Frame

A campaign always has target dates included in it. We will talk about this more in our next module (on strategy and tactics). You need to give people a sense that things are happening and that things are going to happen soon, or you will lose them to other challenges in their lives. As our text notes, “An issue campaign has a beginning, a middle, and an end. You should have an idea of the approximate dates on which those points will fall.”

Of course, in the real world you don’t control when things happen or what your opposition will do. But you need these dates as motivators and to help keep you on track, even if they will usually change.

11. Be Non-Divisive

Again, this criteria is relative to the specific organization you have. For example, think about a public school teacher union. The fact that this union represents public school teachers can limit the issues we can work on. For example, we can’t run a campaign about abortion, either pro-choice or anti-abortion. It would split our organization and ruin the power we have gained by affiliating as an education union. Some other organization is going to have to fight about this, and, in fact, some of our members and caucuses may be part of pro-choice groups while others work with anti-abortion folks.

Other issues might surprise you. For example, we can’t fight to ban handguns because this would also split our membership.

There is often a way to develop a non-divisive campaign even around divisive issues. For example, we could run a campaign to pass a law requiring gun locks. And we could run a campaign around providing services to pregnant teens. It’s not that we can’t talk about guns or gun violence. But we do need to be careful to construct our issues in ways that don’t end up destroying our organization.

Again, the key issue here is to maintain and increase POWER to achieve ethical aims, and if that means we have to avoid particular issues, then we will need to live with this. Someone else will need to fight to ban handguns. And the people who do fight handguns will have to live with the fact that they have alienated a large group of people who will probably not be willing to join them on future campaigns, even if they don’t involve handguns.

12. Build Leadership

This criteria is less about the issue you pick than in how you pursue the issue. But the key challenge is to find ways to involve many people in the tasks that need to be carried out and decided on. It is by *being involved* that people learn to and make commitments to become leaders.

13. Set up you Organization for the Next Campaign

You should always be thinking about how the current campaign will lead to the next campaign. For example, if you are working on a campaign that involves educating your members about a particular set of issues and then you decide to switch to something completely different, you probably aren't using your resources efficiently enough.

For example, the local union is currently working to increase the number of school nurses. The union plans to link this specific campaign to future efforts around school health. What the union leaders learn about health challenges on the nursing campaign will be very helpful to them when they shift to campaigns about dental or vision care, for example.

You want to think about how an issue will prepare the organization to keep moving forward in some coherent way. If a particular issue won't prepare you to do this, then it probably isn't a good issue.

There are a range of different ways to think about how one campaign prepares an organization for future campaigns. For example, a parent organization might work to pressure their city council member to put a stop sign at the end of their block. While their next issue might not have much to do with stop signs or traffic, if it involves this council member, then their first effort would have helped establish them as a real force to be reckoned with next time when they come to ask for changes in bus routes, for example. If the "target" who can get stop signs is some faceless bureaucrat who they will never deal with again, then it is less likely to prepare them for future efforts with other officials. Of course, they may still need a stop sign, and winning anything will help a group feel its power.

Again, just because an issue doesn't really fit all of the criteria we are talking about doesn't mean it's something we shouldn't pursue.

14. Have a Pocketbook Angle

People like to save money. And they like to get more resources. Of course, the problem is that many of the social changes we want actually cost money.

If possible, you want your issue to shift resources from those with too many to those with too few. The point isn't to be Robin Hood, here. Sometimes the people who really "ought" to pay are unreachable. But you want to shift power, and shifting power generally means shifting resources from one group to another, and this usually means somebody loses and somebody gains.

People who are more privileged in this society are generally raised to think that we can all "get along," and that we should all be looking for win-win solutions that keep everyone happy. The reality is that real change for people who have "less" generally requires that people with "more" give something up. Which they don't want to do. Which brings us back to POWER

15. Raise Money

Organizers argue that there are two kinds of POWER: organized money and organized people. Sometimes you need to balance what your constituency wants to do with what you can get funded. Sometimes this isn't a problem, since people who care about schools want

something important to change. What the specific issue is, right now, may be less important to them. For example, what is more important: small class sizes or dental care for the 75% of kids who haven't seen a dentist? I may have a preference, but both are "gut" issues.

The problem comes when organizations become primarily driven by getting dollars. This happens quite frequently, since once people are hired we want to find ways to keep funding them. But what generally results from this approach is an organization that loses any sense of real identity—a patchwork of different efforts that don't really hold together. And, in most cases, the race for money ends up getting organizations involved in service work instead of POWER organizing. And, as we have noted, once organizations start focusing on service efforts they generally lose their capacity to fight.

Be careful about focusing too much on money. There are powerful people who would love to use money to co-opt POWER organizations and stop them from being able to resist.

16. Be Consistent with Your Values and Vision

This one is absolutely vital. It's the most important criteria. If you don't meet this criteria, you are in trouble. And if your organization doesn't have a sense of what fits and doesn't fit with your values and vision, you are also in trouble.

Steward's Corner: Using Pressure to Settle Grievances

<https://www.labornotes.org/2022/01/stewards-corner-using-pressure-settle-grievances> January 05, 2022 / from the Union Steward's Complete Guide



Reuters journalists lined up to make their management walk a "corridor of shame" on the way into a disciplinary meeting. Photo: News Guild of New York, cropped from original

What ultimately settles grievances? More often than not, it hinges on the union's ability to pressure management to settle.

When managers look at the steward and the grievant across the table at a grievance meeting, they must

clearly understand that they are dealing with more than just two people. They are dealing with the entire union. Management must also go to the grievance meeting feeling some immediacy, so they don't drag the grievance out through all the steps.

The steward's role is to orchestrate this pressure on management. It means that a steward must think and act like an organizer rather than getting caught up in the lawyer-client scene that so often surrounds the grievance procedure.

How the steward orchestrates pressure, and the amount of pressure needed, will differ from workplace to workplace. It will also differ with the seriousness of the grievance issue.

In determining the amount of pressure necessary to settle the grievance, the steward should brainstorm these questions with the grievant and other members:

- **How serious is this kind of grievance?**
Some incidents actually threaten worker well-being: safety and health violations, sexual harassment, discrimination, suspensions and firings. Others are more of the nuisance variety: failure to pay overtime, scheduling by seniority, minor forms of discipline. While every legitimate grievance requires the steward's attention, often the less serious ones can be settled quickly through informal dealings with the supervisor.
- **How widespread is this kind of grievance?**
An incident that affects a number of workers will generate more pressure from the workers themselves. A pattern of isolated incidents against individuals may demonstrate that management is cracking down and establishing a pattern to undermine the contract.
- **What has management's response been toward this incident?** The steward should expect that management will initially deny guilt. But if the denial is coupled with harshness or arrogance, you'll want to crank up the pressure machine.

Orchestrating pressure should be a fun and creative activity for the steward and co-workers. It opens up the grievance procedure and allows workers to direct their energy to solving the problem, not waiting for something to happen or someone to solve it for them.

Pressure activities can be designed so that workers begin with low-risk, minimum-time-commitment steps (signing a group petition) and build up so that they become comfortable with higher-risk, more time-consuming activities (job action).

Here are some examples:

SUBTLE PRESSURE

- Talking it up in the workplace. Workers discuss the case among themselves, within earshot of supervisors.
- Education. The general issue of the grievance—insubordination, sexual harassment, or whatever—is the subject for lunchtime or break meetings; flyers appear around the workplace announcing it.
- Publicity. Bulletin board notices (probably more faithfully read by supervisors than workers), flyers, articles in workplace newsletters appear about the issue involved in the grievance.
- Workers make sure the grievance is known about by the supervisor's supervisor, other supervisors, and up the chain of command. This can be as simple as workers in different departments making casual comments all on the same day to their supervisors, such as, "The food service supervisor really treats his workers like dirt."
- Workers from other departments sign the bottom of the grievance to show support.

DIRECT PRESSURE

- Workers—led by the steward—ask for a group meeting with management about the grievance issue. Even if the meeting is denied, the union makes the point that people know and are concerned.
- Workers wear a button, sticker, or armband to express their solidarity behind the union's grievance.
- Workers sign a petition calling for swift and rightful resolution of the grievance and present it in a group to key management people.
- Workers alert the clients, customers, and/or the outside public about the grievance issue through informational leafleting, rallies, and use of the media.

Experienced stewards find that involving workers is a much more satisfying way of handling grievances. They also report that grievance wins are far more fulfilling than solving the problem alone with the individual grievant. And even grievance losses serve to unite workers more around blaming management—rather than the union steward—for the loss.

From [The Union Steward's Complete Guide: A Survival Manual](#), 3rd Edition. Edited by David Prosten. Available at labornotes.org/store. For bulk purchases, visit davidprostenbooks.com.

From the Archives: Mass Action Backs Up Stewards on Grievances

<https://www.labornotes.org/2019/05/archives-mass-action-backs-stewards-grievances> May 06, 2019 / Gene Bruskin

Direct action as a method of resolving grievances needs to receive more consideration as one way to help “put the movement back into the labor movement.” Photo: Flickr user Tiomax80, [CC BY 2.0](#), cropped from original.

Our local keeps the company on the defense by fighting many grievances with direct action, membership involvement, group stewarding, and an uncompromising demand for respect.



Steelworkers Local 8751 represents 550 school bus drivers working for a large conglomerate (ARA Services) under contract with the City of Boston. Our workforce is divided between three geographically separate yards and our contract calls for one working steward per 25 drivers.

\$25 BREAKFAST GRIEVANCE

Our first important grievance was over unpaid Christmas bonuses. Company/union meetings went nowhere and a rank and file \$25 Bonus Committee was formed to come up with a strategy.

A meeting between the company and union officers was set at a conference room that the union knew had a connecting door to a public cafeteria. Meanwhile, drivers were invited to a “\$25 Breakfast” at the cafeteria without the company’s knowledge.

When the company showed up for the 10:30 a.m. meeting, the large room was filled with coffee-drinking drivers having a relaxing breakfast after their morning runs. A couple of hours worth of company backsliding and driver speakouts later, the coffee was still flowing although the time for the afternoon school pickups was close at hand. The company folded.

We have continued to find that relying on paperwork and argumentation to win grievances does not do the trick. For one thing, written grievances have often simply not been enough to stem the pile-up of driver complaints and problems. In addition, having working stewards means we have a hard time staying on top of the paperwork when the company gets uncooperative.

Even when written grievances are effective, they can tend to breed passivity by removing the members from an active role in the process.

OPEN MEETINGS

ARA has presented the union with a revolving door of general managers, each determined to prove their control. One effective tactic when grievances pile up is the “open meeting with the

general manager.” Naturally, the company is usually not in favor of such meetings and the union has to be very creative in making them happen.

Sometimes we show up for an after-work company/union meeting with dozens of rank and file drivers. Sometimes we send an uninvited delegation to the central office to bring the general manager to an assemblage of angry drivers. Management generally has a hard time ignoring a large group of drivers when presented with them in the flesh, although they can easily ignore them when tucked away comfortably in their office cubbyholes. During the meetings the drivers get a genuine sense of empowerment by speaking their piece directly to the boss with the support of their fellow workers.

Once we wrote an open letter to the general manager detailing the violations the drivers wanted corrected. A copy was sent to every driver, company headquarters in Philadelphia, the media, and a number of city and school officials, as well as the schoolchildren’s parents. For safekeeping we even made up some informational picket signs. When the open meeting finally occurred, the general manager quickly conceded to most of our complaints.

On a daily basis, of course, such actions are not possible because of the tremendous amount of organizing necessary to pull them off. To keep up the pressure we try to have our stewards meet with management in groups, trying to offset by numbers the enormous advantage of power and resources the company has.

Running a union this way is far from easy. Like everyone else we face discouragement, apathy, infighting, and various forms of inefficiency. But direct action as a method of resolving grievances needs to receive more consideration as one way to help “put the movement back into the labor movement.”

The Power of Deep Organizing BY SAM GINDIN

Jane McAlevey's *No Shortcuts* provides a dynamic framework for building union power.

The profound defeat of the US labor movement over the past three to four decades is usually measured by the loss of things that workers once took for granted like decent wages and benefits. A less quantifiable but ultimately more decisive indicator is the retreat from possibilities. By extension, the labor movement's renewal (or reinvention) is inseparable from reversing, through effective struggle, this lowering of expectations. Jane McAlevey captured this sentiment in the title of her first book, *Raising Expectations (and Raising Hell)*, a memoir based on her experiences as a labor organizer.

The underlying argument of *Raising Expectations* was that while the threat of globalization, austerity, and anti-union legislation is real, these factors can also be an excuse; the mantra of "Globalization (or whatever) made us do it!" was not of course an entirely incorrect sentiment, but it avoided asking to what extent the problem also lay with the unions themselves.

Raising Expectations was full of struggles that McAlevey was directly involved in — struggles that showed what could be done despite the overwhelming power of capital. It had a personal, chatty feel to it and had an instant and powerful impact on rank-and-file workers and labor activists, quickly and deservedly making McAlevey a hit on the labor circuit as a speaker, trainer, and strategist.

The crisis within the labor movement has had all kinds of unions scrambling to find "new" models. But leaderships that were averse to institutional risk and lacked faith in their members — or worse, feared an awakened membership — gravitated to alternatives that were no alternatives at all: corporate campaigns that substituted PR and moralizing for organizing, deals with employers that left the members aside, mergers that added size but no energy or strategy. Refusing to build working-class agency, their eventual failure should not have surprised anyone.

As the title of McAlevey's second book asserts, there are no shortcuts. In *No Shortcuts: Organizing for Power in the New Gilded Age*, she argues that only a radical rethink of strategy — which implies a wholesale top-bottom restructuring of everything about how unions function and allocate resources; how they relate to their members, the community and employers; how they develop leadership and how they bargain; and how they understand "politics" — has any chance of rebuilding working-class power.

No Shortcuts is more academic and more conceptual than *Raising Expectations* yet remains very readable. The prime concern of both books is working-class agency and *No Shortcuts* repeatedly emphasizes the fundamental differences in how advocacy, mobilization, and organizing properly deal with worker agency.

Advocacy is the lowest form of worker participation. It "doesn't involve ordinary people in any real way; lawyers, pollsters, researchers, and communications firms are engaged to wage the battle." Mobilizing does bring significant numbers of people into the fight, but they are, McAlevey contends, generally the already committed activists, not the mass of the workforce and community, "because a professional staff directs, manipulates, and controls the mobilization; they see themselves, not ordinary people, as the key agents of change."

It is the third approach, organizing proper, that McAlevey insists on because it "places the agency for success with a continually expanding base of ordinary people, a mass of people never previously involved — that's the point of

organizing.” Campaigns of course matter in themselves “but they are primarily a mechanism for bringing new people into the change process and keeping them involved.” It is ordinary people who “help make the power analysis, design the strategy, and achieve the outcome. They are essential and they know it.”

No Shortcuts provides a wide variety of new examples beyond McAlevey’s own direct involvement that show others independently coming to similar approaches. The rich case studies range across the private and public sector. These clarifying examples include Chicago teachers and food workers in North Carolina, comparative strategic approaches among nursing home workers in Washington and Connecticut, and a worker action center standing outside the formal labor movement, Make the Road in New York. McAlevey also offers a comradely assessment of these movements’ strengths and weaknesses that broadens the discussion of what to do and how to do it.

To be clear, McAlevey makes no claim to inventing a new organizing model. Her model is inspired by the class-struggle unionism of the Congress of Industrial Organizations (CIO) in the 1930s and came to McAlevey through her mentors in the iconic SEIU Local 1199 New England. Her contribution lies in the adaptations made based on her own experiences and, as an obsessive organizer, pulling together the model’s core elements into a tight methodology of organizing that could be passed on and emulated by others (a how-to manual to complete this trilogy seems the next logical step).

There are criticisms of McAlevey’s approach, but before turning to them it is useful to summarize the basic elements of the organizing model she is encouraging:

1. Deep organizing.

Unions have been trapped in a mobilizing model that focuses on activists and workers who are already committed, when what is needed is an organizing strategy oriented to reaching the indifferent or opposed workers. Without that, unions cannot build the breadth and commitment necessary to address their powerful adversaries.

2. Full-worker organizing.

Union members (and indeed all working people) are more than “just workers.” They are simultaneously members of the community and have a range of untapped potentials as organizers in and outside the workplace. Full-worker organizing builds on those broader potentials.

3. Class perspective.

McAlevey laments the marginalization of class in progressive analysis — the dependence on selling your labor power to others in order to meet your needs — and places class at the center of her organizing. Quoting Ira Katznelson: “American urban politics has been governed by boundaries and rules that stress ethnicity, race and territoriality, rather than class, and that emphasize the distribution of goods and services, while excluding questions of production or workplace relations. The centerpiece of these rules has been the radical separation in people’s consciousness, speech and activity of the politics of work from the politics of community.” Building unity across these divisions is fundamental to building class power.

4. Organic leaders.

The development of workers into a social force capable of exercising power doesn’t occur spontaneously; it needs to be built and this depends on certain workers acting as catalysts. (“All people are not alike.”) Identifying such workers is one of the most important and difficult organizing tasks. These organic leaders may hold no elected position but fellow workers look to them for opinions and advice, and have confidence in following them. They carry out the crucial labor-

intensive organizing tasks of one-on-one conversations about workplace and community concerns. (Among the issues raised here is how those appointed as organic leaders and those elected as workplace and local leaders relate to each other).

5. Power analysis.

Knowing your opponent is indispensable to building your power and strategy. This includes not just mapping your employer's strengths and vulnerabilities but also that of the broader power structure you face geographically — in the community and at higher regional and sometimes national levels.

6. Documenting the potential power of workers themselves.

Keeping track of every worker's involvement, assessing hierarchies of leverage within the workplace, and noting influential contacts in the community and support from other unions is the flip side of documenting the employer's power. Power analysis and charting involve technical expertise but the process of gaining this information should also be structured to engage the members as part of their learning and development.

7. Direct action.

The model is biased toward direct action. Strikes are not only economic weapons but crucial to building capacities and relationships. The same goes for directly confronting management in the workplace over grievances rather than confining responses to legalistic forms.

8. Big bargaining.

The bargaining itself is distinct not only in terms of the demands put on the table, which must be sensitive to both the needs of the members and building community support, but in terms of the structure of bargaining. The innovation here lies in bargaining committees that include representatives from every department, every shift, every classroom, floor, functioning unit — the size of the bargaining team can number in the hundreds.

The justification for this break with the traditional structure of union bargaining teams is that it demonstrates to management the depth of the union's strength; it exposes workers to management arguments and develops confidence in directly confronting them; and it is part of broadening the cadre base. (The extension of bargaining to broad involvement may have roots in anarchist thinking but here it is especially structured and disciplined).

9. Stress tests.

Constant self-evaluation is fundamental. Tests are built in so that the union is constantly assessing the strength and weaknesses of organic leaders, the members, and specific departments (for example, any department that cannot show it has a strong majority of its members supporting the union does not get a seat at the table — pushing such departments to do the organizing so they aren't excluded).

10. Systematic organizing.

All organizing has to include strategic flexibility. But McAlevey is also adamant that the model is a totality and works because various aspects of the model are self-reinforcing. Cherry-picking pieces can derail success. As well, the fact that this model can be presented as a whole makes it easier to emulate.

Confronting Class

McAlevey refuses to romanticize the working class; worker spontaneity will not build power. Developing the potential agency of workers requires bringing the specific art of organizing into their struggles by way of carefully trained and experienced staff and full-time paid organizers.

It's this emphasis on staff and paid organizers that has led to criticisms of the model being top-down. But the whole thrust of the model, confirmed in its actual practice, is precisely to identify and develop rank-and-file organic leaders who can in turn be the catalysts for the widest and deepest engagement of workers, and the development of their capacities and confidence as the workplace and community organizers without whom success is impossible.

There is also the argument that in McAlevey's focus on staff and workers, she ignores the role of the "militant minority" that can lead the strikes and resistance that inspires others. There are two crucial distinctions between them and McAlevey's "organic leaders." First, the organic leaders are not self-selected or chosen on the basis of their ideology but their credibility among workers.

Second, the organic leaders are part of a patient, disciplined internal plan to develop majority power as opposed to adventures that might result in high-profile but premature and ultimately counterproductive actions. Nevertheless, if the socialists or independent militants that make up the "militant minority" come, as they did in the 1930s and in some of McAlevey's recent examples, with the kinds of skills and orientation that fit the deep organizing model, their contribution can be invaluable.

One recent critique rejected the very idea of having an organizing model: "Trying to find an ideal 'model' is a distraction. Organizing is hard. It is expensive, risky and even in ideal circumstances fails a lot." No-one would deny the complexities of organizing workers but the point is precisely to *limit* those uncertainties and counter the powerfully resourced and highly systematized efforts of employers. (And no-one would deny that even then the messiness is never totally erased).

Moreover, if organizing is primarily and irrevocably "difficult" it seems to let questioning union structures and practices off the hook. If the idea of an overarching method is precluded, then the question of how radically unions must change to be successful likewise tends to be set aside.

In light of McAlevey's model and the larger contradictions shaping the struggle to build localized bases of workplace and community power, three questions about the limits of McAlevey's model arise: First, how can this model be disseminated more broadly? Word of mouth and McAlevey's publications are not enough given the scale and urgency of the issue.

Second, the model works where there is a union leadership fully committed to implementing it as a whole. But such unions or locals are the exception, not the rule. What then are the model's implications for operating within unions that are hostile to the model or only interested in pulling particular pieces from it?

Third, there are limits to what unions, even the best unions, can do. Globalization, financialization, austerity, etc. may often be defeatist excuses but they are nevertheless also real barriers and threats to workplace power. Can unions do more than stretch the limits they face or is it necessary to address other forms of working-class organization? Or, pushing the last point a bit further, where in the discussion of power, class, and worker agency does socialism come in?

On the first point of getting this model out there, as successful as McAlevey's work and books have been in popularizing this approach to building worker power, we need something much more systematic to realize the potentials of deep organizing. Does that part of the labor movement that is sympathetic need to establish an institute to train the organizers who can then fan out across sectors and across the country to multiply the message? And in line with the thrust of McAlevey's model, should such training include a heavy dose of field work and learning by doing?

But even this would be limited to the few unions already on-side. What then? The Toronto Labor Committee, a group of socialists, labor activists, and organizers, has initiated an experiment in bringing the McAlevey model to a larger working-class base. We had been floundering in trying to create cross-workplace rank-and-file links focused on “democratic, militant, class-based” unionism. As correct as it may have been to attempt this, it was too abstract to sustain rank-and-file interest.

In contrast, using McAlevey’s work to give people a tangible notion of how a transformed union might function and be able to stand up to what they face has led to great interest. The local example of the eleven-thousand-member Elementary Teachers of Toronto (with whom we have links) adopting the McAlevey model powerfully reinforced that interest. We had to first teach ourselves the key components of McAlevey’s model, and then recruit interested rank-and-file workers (and some leaders) to classes that elaborate on the principles and experiences of this model. The next crucial step is asking which pieces of the model can be applied or adapted to building a force within the union to get the model on the union’s agenda.

Alongside this, we have been struggling with how to combine building the union with raising larger, more political questions. One modest element of this, especially but not only in the public sector, is to confront the apparent constraint of fiscal budgets on what is possible and run educationals for workers on how to read budgets technically and how to understand them politically.

But the larger point is that even the best and most community-rooted unions cannot change the world by themselves and so are confined to the limits of operating under capitalism. Unions can educate about elite and local power but focusing their education on capitalism as a *system* rarely occurs. They can create organic leaders but not necessarily lead them to the next step of becoming organic *socialist* leaders. They can support political parties but do not ask what role workers and unions might have in transforming capital states to socialist states. Such things — all vital to dealing with working-class power — can only be tackled within or alongside an institution with a broader and longer-term perspective: a coherent socialist tendency or party.

In fact, the absence of such a left is not only a limit to further advances, it also goes a long way to explaining the defeats of the labor movement over the past decades. This is suggested by the very origins of the model McAlevey promotes. The Communist Party and other socialist organizations were indispensable to the advances in working-class struggles in the 1930s — the decade out of which McAlevey’s model emerged. And it is no coincidence that the remarkable organizing carried out by the Chicago Teachers Union or the Smithfield workers included socialists with their particular skills, connections, strategic sensibilities, and longer-term horizons.

Though *No Shortcuts*, in its concern with revitalizing unions, doesn’t directly raise the relationship between class power in the workplace/community and the struggle for socialism, McAlevey does nevertheless make two contributions to that issue: First, and most important, any socialist project demands multiple concentrations of progressive and sustainable institutional power; neither protests nor electoral breakthroughs will mean much without this. McAlevey has demonstrated that building such bases is possible in the here and now.

Second, her model includes general organizing tenets beyond getting workers a union or organizing the already unionized. Principles such as taking class beyond the workplace, identifying organic leaders, seeing all workers as potential organizers of an alternative power base, addressing how to penetrate those not unsympathetic, etc. are of value to *any* class-based organizing, including socialism. What needs careful consideration and assessment is the potentials of adapting McAlevey’s organizational insights to taking on capitalism — not just fighting and reforming it, but replacing it.

For those of us grappling with the near-overwhelming difficulties of the “how-to” of changing our workplaces, communities, and society, *No Shortcuts* is an invaluable resource. It should be read, passed on, discussed, constructively challenged, and acted on.

Mike Parker Knew Not to Trust the Boss

BY

STEVE EARLY

In the 1980s, corporations began promoting "quality of work life" and "lean production" schemes as a win-win for workers and bosses. But autoworker Mike Parker insisted these schemes were about better exploiting workers and undermining solidarity.

While spending thirty years as a working autoworker, Mike Parker had as much or more influence on members of other unions than most full-time labor educators.

A good example was the impact of his 1985 book, *Inside the Circle: A Union Guide to Quality of Work Life*. The book appeared at a time when employers in both union and nonunion workplaces were promoting labor-management collaboration during a decade of terrible concession bargaining, lost strikes, and decertification drives.

This olive branch from management took multiple forms — “quality circles,” “employee involvement” groups, participation teams, and joint problem-solving committees. The ensuing “quality-of-work-life (QWL) process” was widely hailed as ushering in a new era of peaceful labor relations in which traditional “adversarial bargaining” would be replaced by labor-management cooperation.

QWL was supposed to be a win-win. Employers would get the benefits of better morale and efficiency by involving their employees in discussions about how their jobs should be done. Unions would achieve tangible improvements in working conditions that would make their elected leaders more popular with the rank and file. Labor-oriented academics and union educators would get new gigs as paid consultants who would facilitate the QWL process. In the fevered imaginations of some, QWL was even viewed as a step in the direction of industrial democracy, in the form of greater workplace control over decision-making.

Top officials of unions like the United Auto Workers (UAW), United Steelworkers, and International Brotherhood of Electrical Workers (IBEW) were big fans of this approach, as was the AFL-CIO. Only a handful of unions — the United Electrical Workers, International Association of Machinists, and American Postal Workers — warned their members that QWL schemes could be used to speed up work, eliminate jobs, weaken worker solidarity, and erode collective bargaining.

A Unique Critique

Entering the debate — and altering it considerably — was a forty-five-year-old Detroit autoworker named Mike Parker, part of the group that founded *Labor Notes*.

Parker's critique of "employee participation" was unique because of his shop-floor perspective. When *Inside the Circle* was published, Parker was employed as a skilled electrician at Ford's River Rouge plant and a member of UAW Local 600. His study combined considerable personal anecdotal material with a survey of the mainstream academic literature on the subject and the results of his own interviews with scores of other workers involved in QWL programs in major industrial firms.

Inside the Circle acknowledged that employer invitations to participate were often quite well received, initially, because they appealed to "workers' best instincts — to do a good job, to be part of a group, to make a contribution." Historically, he noted, it was unions that had tried to "improve the quality of working life, increase workers' control over their jobs, and democratize the workplace and the entire economy." But in workplaces or industries where labor organization influence had declined, particularly on the shop floor, this left a vacuum for savvy unionized employers to exploit. "Instead of providing us with more control or influence," Parker warned, "QWL-type programs are further eroding the only real power we have by undermining our unions."

Parker's book explained the nature of this threat clearly and persuasively. Collective bargaining is easily discredited if issues that should be the subject of formal labor-management negotiations are addressed instead in QWL meetings, particularly when these do not include elected stewards or bargaining-committee members. When management showed greater willingness to make changes and improvements — however minor — through the QWL process than in union bargaining sessions or grievance settlements, union dues-payers were likely to start questioning why a contract or grievance procedure was even necessary.

Inside the Circle also made the equally important argument that the QWL process fostered a narrow "company union" mentality among trade unionists. These processes could — and did — become a ready-made transition belt for the idea that jobs can only be protected through labor cost reductions achieved via contract concessions and heightened competition with fellow union members employed in other work locations of the same employer or rival firms in the same industry.

"The main point of quality of work life," Parker wrote, "is to convince workers that their security and future are tied to the success of the company (or plant or department) instead of to their union — hardly the way to build labor solidarity throughout an entire industry."

Good Strategy Advice

Some ideologues on the labor left argued that the best response to labor-management cooperation schemes was “Just say no” — as if most unions, at the time, had the institutional capacity or leadership will to boycott QWL (which they did not). In contrast, Parker provided much useful and practical advice about how shop-floor organizers could “push quality of work-life programs to their limits” by keeping them focused on union-defined solutions to problems like mandatory overtime, job speedup, and other stressful and unsafe conditions.

That’s exactly the approach Mike took in training sessions and discussions with telephone workers in the Northeast after leadership changes in Communications Workers (CWA) District 1 made it possible to blow the whistle on a blizzard of new telecom management schemes for “Process Improvement,” “Self-Managing Teams,” and “Making Things Better” — all under the rubric of a “Vision Quest” for “Quality.”

Not surprisingly, this management charm offensive was launched after a bitter four-month anti-concessions strike at NYNEX (now Verizon) involving sixty thousand CWA and IBEW members in New York and New England. The company began herding hundreds and eventually thousands of bargaining-unit employees into two- and four-day training sessions whose message was, “We must find ways to serve our customers better, faster, and cheaper or we’re not going to be in the ball game.”

At the union’s counter-training for local officers and stewards, Parker led participants through a series of group exercises designed to draw out the upsides and downsides of “employee participation,” as management defined it. He helped CWA strike veterans and contract-campaign activists see how “management’s drive to gain more control over the work process” could lead to an “eventual breakdown of the informal standards that various work groups have set for what’s reasonable output.”

Parker also helped key leaders develop a union agenda that focused on getting the Public Service Commission in New York to impose new service quality standards on NYNEX that would create more work for techs and service reps and enable them to serve customers better. At a CWA District 1 conference, Mike debated a NYNEX local president who was a proponent of the company’s new approach and sharply disagreed with the critique of QWL contained in *Inside the Circle*.

Taken to Heart

But as the debate within the union continued, the influence of Parker’s book and *Choosing Sides: Unions and the Team Concept*, coauthored with Jane Slaughter, became more apparent. In upstate New York, the president of one small CWA local read both books and then worked with his executive board to craft a policy statement entitled “Their Quality and Ours,” which could have been lifted from either of these *Labor Notes* guides.

This statement from Local 1115 outlined the union’s own agenda for workplace improvements, training, technology, and health and safety, and providing “quality services for the customer, while insuring more and better jobs.” The local rejected “the introduction of alternative workplace structures which purport to represent workers’ interests while circumventing the union.” It warned of the threat to “worker solidarity” posed by “structures which require conformity to company-determined objectives, divide workers into competing groups internally and statewide, undermine workplace conditions, and erode the independence of the union.”

There was no footnote referencing Mike Parker, but his influence was reflected throughout this document. And it remains in my dust-covered files as just one small indication of the very big role Mike played during a critical union debate in the 1980s — and many other labor and political struggles before and since.

Republished from [*Labor Notes*](#).

ABOUT THE AUTHOR

Steve Early was a longtime Boston-based national union representative for the Communications Workers of America. He has written four books about labor and politics, including *Save Our Unions*, and he just coauthored a new book dealing with veterans' issues.

FILED UNDER

UNITED STATES

WORK / UNIONS

LABOR MOVEMENT

Plan for Organizing

What is the issue that you will organize around?

Our issue is...

What would it look like if you achieved positive change on this issue? This is called a win. It is a concrete goal that will directly address the issue and make a significant, visible change in the lives of your people.

Our win is...

Strategic Plan

- What foundation do you need to build before beginning your plan (recruit leaders, gather resources, etc.)?
- What will you do to kick-off your campaign and gear up for the first tactic?
- What tactics will you take to reach the win?

Foundation		
Kick-off		
Tactic 1		
Tactic 2		
Tactic 3		
Tactic 4		
Tactic 5		
Win		