



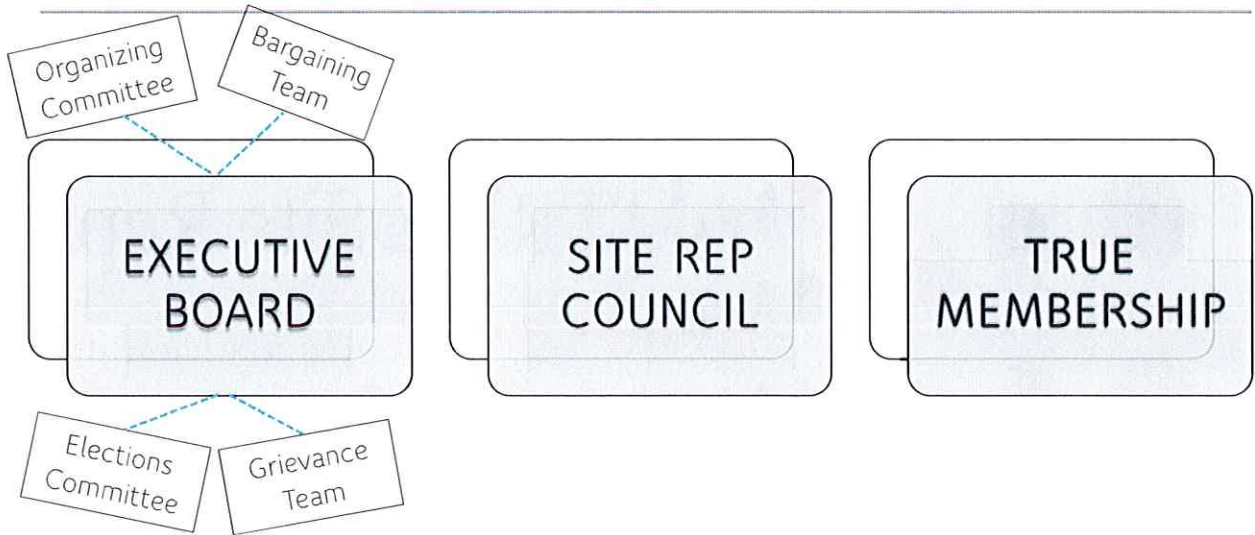
Rights & Responsibilities of TRUE Site Reps

TRUE SITE REP TRAINING
SEPTEMBER 14 & 16, 2021

Why Collective Bargaining Matters

Collective bargaining enhances educational excellence and ensures educational employees a voice in their professional lives. Employees should be fairly compensated in line with their experience and training. State law should be expanded to provide employees with shared decision-making on curricular and other instructional issues. CTA believes in and supports strategies that promote affordable healthcare, including prescription drugs, for all Californians. [Read full CTA article on Collective Bargaining](#) on the CTA website.

TRUE ORGANIZATION



TRUE COMMUNICATIONS CHART



TRUE OFFICERS (4) & DIRECTORS-AT-LARGE (8)



TRUE SITE REPS (60+)



TRUE MEMBERS (1500+)

Who Does TRUE Represent?

Elementary & Secondary Regular Ed & Special Ed Teachers	School Social Workers, Mental Health Therapist, Program Specialists	Student Learning Coach & Student Support Teacher
Nurse	School Counselors	School Psychologists
Early Childhood Educators & Adult Education Teachers	Arts Integration Specialist, TOSAs, MTSS, PBIS	Language/Speech/Hearing Specialist, Physical Therapist, Vision Therapists
	and so much more.	

Twin Rivers United Educators (TRUE) is the exclusive bargaining representative of all non-supervisory certificated employees in the Twin Rivers Unified School District (TRUSD). TRUE negotiates with TRUSD the Collective Bargaining Agreement (Contract), which covers their employment conditions: salary & stipends, class size, workday/work year, health benefits, leaves, evaluations, etc.

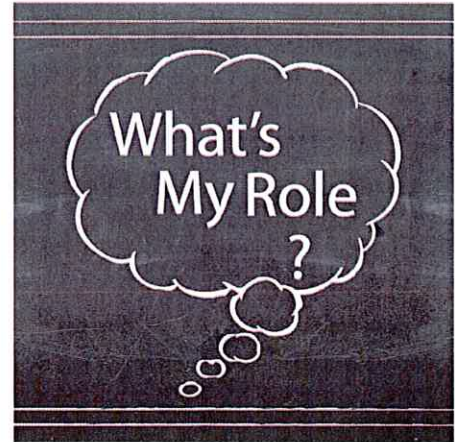
Who Can Be a TRUE Member?

All non-supervisory/ non-management certificated staff, be they Interns, Temporary, Probationary or Permanent/Tenured Employees.

Paras and Substitute teachers (including retired teachers) can't be TRUE members (but substitutes & retirees can be CTA members).

What's My Role as a Site Rep?

- You are a leader, the first contact when an employee is faced with a work-related concern or issue
- You are a contract enforcer
- You are a membership Recruiter and Organizer
- You can be a representative in a meeting between Bargaining Unit Member & Admin



Duty of Fair Representation



DUTY OF FAIR REPRESENTATION

You are an agent of the Association.

Breach of DFR by you could subject the Association to a Failure to Represent charge with PERB or a lawsuit.

You could also be named in the charge.

DUTY OF FAIR REPRESENTATION



When the Union has won the right to be the exclusive representative of workers in a bargaining unit, it also has the duty to represent all employees in that bargaining unit (in our case, all non-management certificated staff) – regardless of whether they are members of the union or not.

SITE REP ROLES & RESPONSIBILITIES

- Represent ALL Bargaining Unit Members if called into a meeting
- Attend Site Rep Council Meetings (send an Alternate if you can't attend)
- Distribute and/or post flyers and other info as soon as you get them (if needed, ask other staff members to help you take care of this promptly)
- Maintain an up-to-date TRUE bulletin board (you'll get material from TRUE).
- Conduct 10-minute informative meetings with staff, after the Site Rep Monthly Meeting.
- Keep at hand a copy of the Collective Bargaining Agreement (Contract)
- Guide co-workers to visit often the TRUE website and join the TRUE Facebook group.



Knowledge
+ Action
= **POWER**

DUTY OF FAIR REPRESENTATION

Must represent ALL unit members:

Association Members

Non-members

Those you like

Those you dislike

No discrimination of any kind



Duty of Fair Representation



Negotiations MUSTS:

- Negotiate on behalf of all unit members.
- Consider views of non-members & fee payers.
- Advise all about their rights under Contract.
- Inform all about negotiated agreements.

However, only members need vote to ratify.

Duty of Fair Representation



If asked to provide representation and you cannot make the meeting:

- Try to postpone the meeting until you can represent the Member
- Call the Association for assistance.



Duty of Fair Representation Representative as Advocate



- Listen actively to Bargaining Unit Members.
- Advocate Members' views, not just yours.
- Don't judge – Defend.
- Let the process show the “truth” or “value” of the complaint.
- Give verbal & nonverbal feedback.
- Avoiding asking questions that are hidden criticisms.
- Respond with appropriate eye contact, facial expressions & body language.
- Listen for speaker's content & feelings.
- Respect & explore other's views.



Are not members of local (TRUE), CTA, nor NEA.

Receive no representation on legal matters.

Cannot vote in union elections or to ratify the Contract.

Receive no local association or CTA/NEA automatic or discounted benefits.

Non-Members

The Right to Representation

Members Should Ask for a Representative if:

They believe they are the focus of a possible disciplinary action.

They get a final evaluation of unsatisfactory.

They have a complaint filed against them

They have a grievance.

When Members Are Accused:

They should NOT:

- Make any statements
- Admit anything
- Explain anything
- Sign anything
- Resign
- Be insubordinate



They should

- Contact TRUE Association immediately
- **Remember that the principal is NOT their pal!**

INSUBORDINATION

“Failure to obey authority.”

- Must obey directives
- Rule is Work, then contact local C' Association to grieve
- Only exceptions are if the directive is:
 - *An illegal act*
 - *Life threatening*
 - *Morally repugnant*



Weingarten Rights

If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my Association Representative be present at the meeting. Without representation, I choose not to answer any questions.

Need help? Contact your Local Chapter President

Before Responding, You Have the Right To...



Slow down

- Slow down - don't just plunge in.

Know

- Know exactly what the charge is.

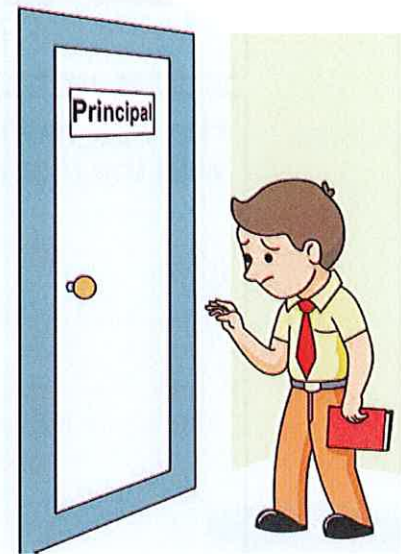
Get

- Get a copy of:
 - Any written complaint or witness statements.
 - Related conference memos, documents, responses, policies, etc.

If Directed to Meet:

They have a right to a reasonable amount of time to get a Representative if disciplinary in nature.

- Don't be insubordinate by refusing to meet.
- Listen & take notes.
- If asked to respond say: "We'll be happy to respond after we talk to the Association."



Don't Represent Yourself!



"...the EERA no longer protects employees who represent themselves individually in their employment with their public-school employer."

-Administrative Law Judge Blubaugh
-Woodland Decision

FIRST

Have a Pre-Meeting Alone with the Member First

- Know where you want the meeting to go.
- Know where you don't want the meeting to go.
- Know what you'll do if it goes where you don't want it to go.
- Plan for the worst-case scenario.

THEN

Plan for the Meeting

- Get as much information as you can.
- Recommend member listens and not talks in the meeting.
- Have member take notes.
- Member should let you respond to questions unless you nod an okay.
- Set non-verbal signals.

Meetings with Administration



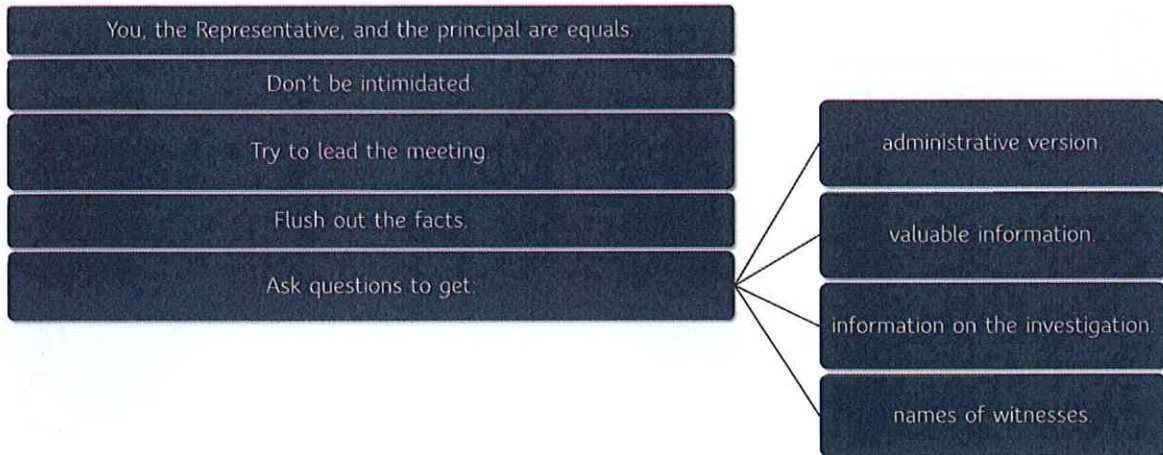
DO:

- Present member's view
- Quote the Contract
- Be reasonable but firm
- Go in with a positive attitude
- Suggest solutions
- Know when to talk & when to listen
- Take the time to take good notes

DON'T:

- Implicate the member
- Allow administration to quote rules/policy without providing you a copy
- Get angry
- Personalize issues
- Let members incriminate themselves
- Be rushed to respond too quickly

In the Meeting with the Principal



A Cautionary Note

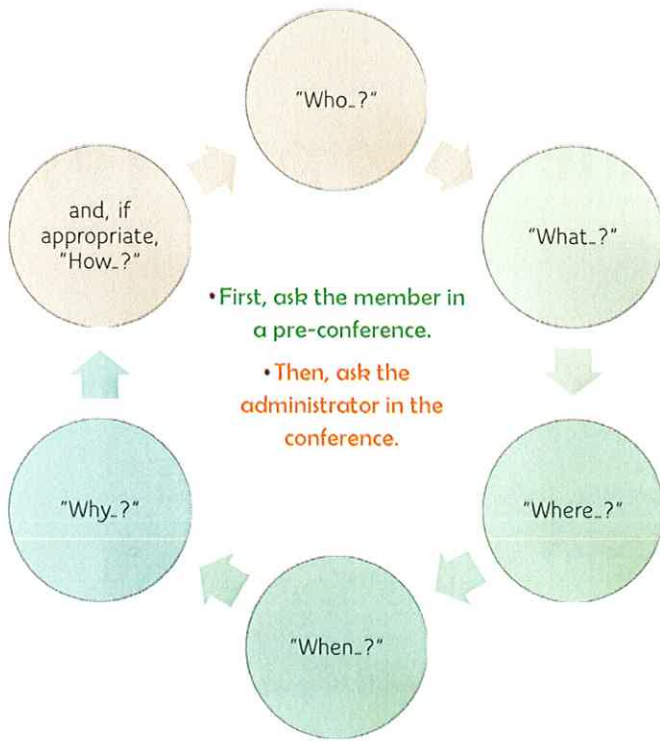
Be Be prepared to deal with the unexpected

Ask Ask for a brief caucus outside to check out validity of any newly learned information

Try Try to flush out all the facts before you take a stand



Ask the Crucial Questions...



Sample WHO? Questions



Sample WHAT? Questions

- What exactly are they charged with?
- What is your belief?
- What brought this about?
- What have you done to investigate the matter?
- What evidence do you have?
- What do you intend to do next?
- What, if any, actions will you be taking?
- What, exactly, did the person say?
- What assistance and guidance have you given? (and/or: will you be giving?)

Sample WHEN? Questions

When did this happen?

When did it come to your attention?

When did you do the investigation?

When did you warn them that this was a problem or was not appropriate?

When will you make your decision?

When will the investigation be completed?

When will you give us copies of the memos, regulations, witness statements, etc.?

Sample WHERE? Questions

Where are the witness statements?

Where were the witnesses located when they observed the incident?

Where are the copies of the rules and/or policies that you claim were violated?

Where do you see this going?

Where is the evidence of progressive discipline?

Where is the documentation for this?

Where will this memo be kept?

Sample HOW? Questions

How do you know that?

How would you have expected the situation to be handled?

How can you explain... ?

How can that be?

How would s/he have known that?

How have you assisted him/her?

How long has this been going on?

How long will it be before you decide?

Sample WHY? Questions

Why are we here?

Why did you talk to those people?

Why didn't you talk to these people?

Why are you only talking to my client?

Why do you think that?

Why are there no statements from witnesses?

Why did this take so long?

Why didn't you tell them that?

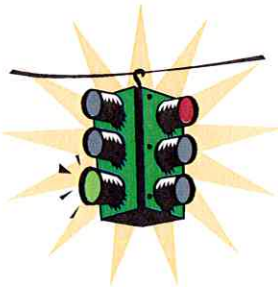
Why can't we...?



When You Don't Know What To Do...

- ❖ Listen & take notes.
- ❖ Use power of silence.
- ❖ Paraphrase or restate.
- ❖ Ask administrator to clarify or explain.
- ❖ Ask for a brief caucus.
- ❖ Exercise your right to respond after you consult with the Association.

SIGNING DOCUMENTS



DO:

- Read it first.
- Get a copy.
- Keep a copy.
- Exercise the right to attach a response.
- Put current date by the signature.
- Contact CTA local if disciplinary in nature.

DON'T:

- Sign a blank document.
- Sign if incomplete.
- Sign if in pencil.
- Sign an improperly dated document.
- Sign that you agree if you don't agree.
- Rush - If uncomfortable, ask for Association representation first.

Debrief Member After Conference

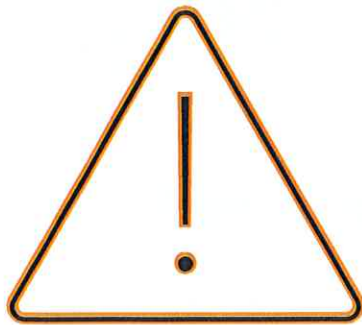
- Reassure the member.
- Get further information.
- Have member write a response for you.
- Talk about next steps.
- Be sure the member contacts you if gets anything in writing from District.
- Answer questions.



Post-Conference Cautions

- Don't push situation to a higher level.
- Don't let member do own investigation.
- Don't instigate student or parent protests.
- Don't make promises you cannot keep.
- Keep it confidential.
- Act professionally.

Caution: Member vs. Member

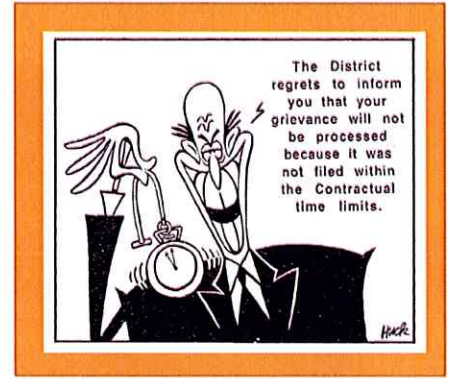


Not the Association's role to resolve unless it is a complaint against management.

There is no grievance if management cannot be made accountable for the resolution.

GRIEVANCE DEADLINES

- ✓ Failure to meet deadlines may result in forfeiting the grievance!
- ✓ Check the Grievance Article in your Contract to see how many days you have to file a grievance.
- ✓ Determine what constitutes a day.
- ✓ File before the deadline.
- ✓ Get help from local CTA Association immediately!



When Members Need Your Help, Don't Forget:



Your Duty of Fair Representation obligations.

The Bargaining Unit Member's right to have a Representative.

The Iron Rule.

An injury to one is an injury to all.

The Union Code of Conduct.

To be assertive.

To maintain confidentiality.

To try to resolve problems at the lowest level possible.

To avoid taking sides in member vs. member problems.

An Injury to One Is an Injury to All

- o MEANS THE MISTREATMENT OF ANY INDIVIDUAL MEMBER CREATES THE POSSIBILITY OF MISTREATMENT FOR EVERY MEMBER.
- o CREATES A BALANCE OF POWER BETWEEN THE MEMBERS & THE ADMINISTRATION.
- o REQUIRES MEMBERS TO SUPPORT & DEFEND FELLOW MEMBERS WHEN THREATENED.
- o IS THE FOUNDATION OF UNION SOLIDARITY.
- o IS THE BASIC PREMISE OF UNIONISM.



THE UNION CODE OF CONDUCT

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

The Iron Rule



Never do for others what they can do for themselves.

Goal is not to make your members dependent on you

Goal is to empower your members

Site Rep Qualities

- Competent
- Dependable
- Volunteers Time
- Asks questions – probs for information
- Good Listener
- Leadership "intuition"
- Open-Minded
- Diversity of voices/demographics
- Sense of Service



MEMBERS OF SITE REP COUNCIL

VOTING MEMBERS:

TRUE Executive Board Members

Site Reps from all Schools & Groups

Alternates
(can only vote when Site Rep of their school or group is absent)

NON-VOTING MEMBERS:

TRUE Committee Chairpersons

TRUE Reps on CTA State Council

TRUE Delegates to NEA-RA



Establishes TRUE policies and objectives



Provides advice and consent on matters pertaining to the general membership



Votes on approval of MOUs affecting more than 1% of TRUE members



Adopts TRUE Dues and annual budget



Approves amendments to TRUE Bylaws



Decisions require majority vote (unless otherwise specified in Bylaws) of Site Reps present and voting (no proxy votes allowed)

The Site Representative Council

Communication Modes

Various types of meetings

- Rep Council Meetings
- General Membership Meetings
- 10 Minute Meetings
- Site Visits
- One-On-Ones
- Virtual Meetings

Various types of Communications

- Email **Do Not Use District Email for Union Business!**
- TRUE Website & Closed Facebook Group
- Flyers
- Up to Date Bulletin Boards

Call me!!

TEXT ME!

E-mail
→ Me ←

Site Rep Council & 10-minute meetings

The Site Rep Council (SRC) Meeting is held at least every other month during the school year, usually on Thursday, beginning at 4:00 p.m. Check the calendar on the TRUE Website

10-minute meetings should be held by the Site Rep, within days after SRC. TRUE usually sends out a 10-minute meeting slide with topics to be discussed.

www.trueassociation.org/calendar/