

TO THE NUMBER ONE PERSON IN THE UNION

THE BUILDING REPRESENTATIVE

As the DFT Building Representative, you are a vital link between the members in your building and the Union Executive Board. Your main job is to enlighten, inform, and interest members; to impart the spirit of Federation policies and ideas; and to bring suggestions and concerns from the members to the Executive Board. Distribution of materials is only one part of the job.

Read the handbook and keep it available for reference. Feel free to let others read it too.

The importance to the Federation of the job, which you do, cannot be overstated. The effectiveness of its representatives in the schools is, in fact, an accurate measure of the Federation's effectiveness.

It is through your effort that the Dearborn Federation of Teachers has become a very effective teachers' union and a powerful force in educational decision-making in the community.

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BUILDING REPRESENTATIVES HANDBOOK

PART 1 – Duties of a Building Representative

PRIORITY DUTIES OF THE BUILDING REPRESENTATIVE

- Attend all Building Representative meetings. Elect or appoint an alternate to attend meetings whenever it is impossible for you to attend.
- Serve on Elementary Building Academic Enrichment Fund.
- Build the Union at your building by increasing member commitment and participation.
- Work to empower members to work together to resolve issues
- Listen to individual and group grievances. You may be called in on the preliminary stage of the grievance procedure. See: “Handling Grievances...”
- Provide for the election of the Building Representative at the May building meeting. Notify the DFT office as to the person elected. The Building Representative officially takes office in September.
- Notify the DFT office of extended illness or death of one of your building members or the death of one of the member’s immediate family.
- Be responsible for the prompt distribution of Federation materials.
- As the official representative of the Federation in your school, you should preside at the building meetings. For Elementary teachers, the third Monday of each month will be reserved for union building meetings. For Secondary teachers, union building meetings will take place on a mutually agreed upon Monday. Post notices of meetings and distribute agendas before meetings. If special building meetings are necessary, they cannot be called on days when faculty or departmental meetings are regularly scheduled.

GENERAL DUTIES OF A BUILDING REPRESENTATIVE

As the official representative of the Federation in your school, you should:

- Be familiar with the DFT contract, school policies, and Federation matters.
- Keep your colleagues informed about DFT, AFT Michigan, and AFT activities and Federation business discussed at the Building Representatives' meetings. Post notices of interest.
- Attend School Board meetings, whenever possible, and encourage members in your building to attend.
- Keep the DFT office informed of all real and potential problem areas and grievance situations. Supply requested information.
- Maintain the permanent file of Federation communications.
- Encourage members to attend all Federation meetings. Personally invite newly hired teachers to attend the Annual Fall Party.
- When money is needed for the political action fund and other fundraising drives, contact each member personally or delegate some of the responsibility.
- Enlist the help of your building membership to aid you with Federation activities. Keep your members involved.
- Meet monthly with the Building Administrator in order to resolve problems before they arise.

“ Upon request, the building administrator will meet informally with the Union building representative on matters relating to the implementation of this Agreement or other matters of mutual concern. Such meetings will not exceed one per month except by mutual agreement.” (XLIII)

FACTS ON PARLIAMENTARY PROCEDURE

I. PURPOSES OF PARLIAMENTARY PROCEDURE

- A. To determine the will of the majority.
- B. To protect the rights of the minority.
- C. To aid orderly debate and decision making.

II. HOW TO MAKE A MOTION

- A. Speaker must be recognized by the chairperson.
- B. Present motion before speaking on the subject.
- C. Use form, “I move...”; avoid “I make a move to...” or “I make a motion that...”
- D. Motion is “seconded” (certain motions need no second --- see chart)
- E. Motion is debated; all debate must relate to the subject matter of the specific motion on the floor.

III. KINDS OF MOTIONS

- A. Main Motion – a proposal for action by the assembly.
- B. Subsidiary Motions – used to modify or dispose of motions by speeding up voting, delaying action upon them to a committee.
- C. Incidental Motions – handle matters that must be settled before the motions out of which they came can be voted on.
- D. Privileged Motions – deal with the needs and privileges of the members.

IV. ORDER OF PRECEDENCE

- A. Only one item of business is handled at a time.
- B. A different priority for consideration is given to each motion or type of motion.
- C. A motion with priority over another must be decided first.

BUILDING REPRESENTATIVES HANDBOOK

PART 2 – Handling Complaints and Grievances

WHAT IS A COMPLAINT?

A complaint is a school-related problem that does not qualify as a grievance.

Both parties to the contract recognize that no one can foresee all of the problems that might arise. Indeed, if negotiators tried to write into the contract every conceivable problem, and to provide for its solution, the resulting document would be cumbersome and restrictive.

As a result, the present complaint procedure was developed. Building Representatives must know the details of this procedure and inform their staffs that such a plan exists.

Resolution can often be accompanied at the building level in a conference with the administrator. When a satisfactory resolution cannot be reached, the complaint should be discussed with the DFT President or a designee before proceeding further.

WHAT IS A GRIEVANCE?

By definition, a “grievance is an alleged violation, misapplication or misinterpretation” of the DFT contract.

The advice of the Union President or a designee should be sought when the contract violation is discovered. An informal, preliminary stage, described in the contract, precedes the formal submission of a grievance. To be initiated formally, a grievance must: 1.) be addressed to the administrator being grieved against; 2.) state the specific contract provisions allegedly violated; and 3.) indicate the remedy sought.

In a sense, the contract is our Constitution and our Bill of Rights. The protection of a teacher’s rights and welfare are the reasons why the DFT exists, and why contracts are negotiated. Far from being an admission of failure, the filing of a grievance is proof that teachers not only recognize their rights but also have a responsibility to protect them.

HANDLING GRIEVANCES AT THE INFORMAL CONFERENCE STAGE

BEFORE entering an informal conference:

- I. Call the DFT President or Grievance Committee Chairperson for information about/or advice. Previous grievances, contract technicalities, method of presentation, etc...may have bearing upon the grievance.
- II. Know the facts of the situation:
 - Use the checklist, "Know the Facts" (see p. 5)
 - Write down the facts and prepare notes to guide your presentation.
 - Do not use opinion or hearsay evidence.
 - Discuss the facts thoroughly with the grievant and develop a united position. Decide what each of you will say.
 - Try to anticipate the administrator's arguments and have answers ready.

DURING the conference:

I. Take a confident, positive, businesslike position:

- Avoid being apologetic, timid, defensive.
- Disagree with dignity; avoid show of hostility, use of threats, loss of temper.
- Do not disagree with the grievant in front of the administrator.
- Remember that the burden of proof lies upon the administrator, who must prove the rightness of the action taken.
- Declare your intention of taking the grievance, if necessary, to the next step.

II. Stick to the Point:

- State the facts clearly and plainly.
- Do not permit the administrator or the grievant to sidetrack the issue or introduce unrelated complaints against the grievant.

III. Settle the grievance, if possible, at this first step.

AFTER the conference:

I. If settled:

- Inform the DFT President and/or Grievance Committee Chairperson of the settlement terms.
- Follow the settlement process until remedy is completed.

II. If not settled:

- Immediately refer the grievance to the DFT President; providing all facts, arguments, etc., used in conference.
- Keep track of the further progress of the grievance.
- Keep the grievant informed.

IN ALL CASES: Follow to the letter the grievance procedures of the DFT contract. Failure to do so may cause loss of grievance on a technicality. (Consult charts on p. 7 for time and procedure requirements).

KNOW THE FACTS

WHICH administrator is the grievance charged against?

Name:

Title:

WHEN did the contract violation occur?

Date:

Time:

WHERE did it occur?

Building:

Area:

WHAT has been violated?

Contract:

Past practice:

Policy:

Law:

Arbitration ruling:

If possible, cite specific clauses of the contract.

ARE there any witnesses?

HOW can the grievance be remedied? Be as specific as possible.

HANDLING GRIEVANCES

In addition to your work in building the Union and organizing your facility, you have an important role enforcing the contract by settling or preventing grievances. It is important that you deal with situations at the site in such a way as to demonstrate to your members that the Federation is concerned about their professional welfare and stands ready and able to help them. In other words, do not hesitate to file a grievance where there is a contract violation.

I. FIRST, MAKE SURE THE PROBLEM IS A GRIEVANCE

A grievance is a violation of the contract or of established policy and practice as embodied in the Contract, Michigan State Law, or custom.

There are some gray areas with no clear-cut line of demarcation. In any borderline cases, call the President.

An information exchange can remedy some problems.

A gripe against a fellow worker, a personal disagreement, an out-of-facility problem, a mistake in reading the contract; these examples are not grievances. It may be necessary to talk with the aggrieved member at length to determine whether a grievance exists.

If you are sure the complaint is not a grievance, tell the member gently that it cannot be taken up as such, and explain why it is not a grievance. If the member is still not satisfied, let him/her call the President for clarification. Be tactful, though firm. (You might be wrong.)

An out-of-facility problem is not a grievance, of course, but you may be able to refer a member with such a problem to someone who can help him/her.

II. YOU MUST PREPARE YOUR CASE – INVESTIGATE

Facts are ammunition. Listen carefully to the member's version of the situation. Be sure you get all the facts from the member, all the weaknesses of the case, as well as the strengths, so you can prepare a defense in advance.

Don't be satisfied with generalities. Insist on facts. Ask questions to make sure that you have all the facts which have a bearing on the case. Take notes. Talk to others concerned. Be very careful, however, in talking to others, not to betray the member's confidence and right to privacy.

FIVE W'S

WHO is involved in the grievance? (names, titles or positions, witness(es))

WHEN did the grievance occur? (day, date, time)

WHERE did the grievance occur? (exact location – classroom, supervisor's office)

WHY is this a grievance? What article of the contract has been violated? Past practices? Arbitration ruling? Labor Law?

WHAT adjustment is requested?

Keep the member informed at all times as to the status of the case. When the final decision is granted – whether good, bad, a compromise, or if discontinued. **DON'T FAIL TO TELL THE GRIEVANT!**

III. DISCOURAGE THE MEMBER FROM TAKING UP HIS/HER GRIEVANCE WITHOUT YOU

To do so could get the member and/or the Union into hot water.

The Union has a right and an obligation to be present whenever a grievance is taken up which may affect other employees in the building (to represent the Federation point of view, even if you do not represent the complainant.)

If the member, for some personal reason, prefers to have someone from the Union office handle the grievance, don't feel offended – that is the member's right.

If there is some reason you feel you should not handle a member's grievance, call the Union President for advice and assistance.

IV. PREPARE THE MEMBER BEFORE THE MEETING WITH THE SUPERVISOR

Decide on strategy: how to present the grievance, what ammunition to use, how to answer the arguments you anticipate from the supervisor. Discourage the member from talking too much. The member should stick to briefly answering the factual questions.

V. AT THE HEARING WITH THE SUPERVISOR, A LOT DEPENDS ON YOUR ATTITUDE

In the grievance procedure, the Building Representative and the supervisor are equals. The supervisor has the backing of the Board, but you have the Federation behind you.

Start by asking him/her how the condition you're complaining of came about. First, the supervisor may have information that you don't have, no matter how carefully you prepared your case. Second, it puts the burden of defending the action on the supervisor. Third, it helps establish real communication between you, a prerequisite to a fruitful meeting.

Next, present your case and tell him/her how the Union wants this grievance settled. If s/he gives you an argument, don't retreat.

Listen to the arguments; state your counter-arguments; note areas of agreement/disagreement; try to get some movement toward resolution. If you cannot get any movement, summarize and restate how you want this grievance settled.

VI. DON'T LET YOUR ADMINISTRATOR:

- Sidetrack you. If he/she tries, let it go until he/she is talked out. Then bring him/her back to the facts of the complaint.
- Talk you into a trade where he/she wins on one grievance and you win to the next. This is unfair to the members involved. It will boomerang against the Union. Settle each case on its own merits.
- Make you lose your temper. Few people can think straight when they're upset. Remember, you can always appeal the case.
- Stall. Keep the time limits in mind all the time.

- Break up the united front between you and the aggrieved member. If a disagreement arises, take time out to straighten this out in private. Make sure the member is warned about this in advance.

VII. IF YOU CAN'T SETTLE, DISAGREE WITH DIGNITY

Tell the supervisor that you are doing so, and proceed to the next step. Use the STEP 2 appeal form.

You have the authority to file a grievance at STEP 1. No grievance can be appealed to the Director of Labor Relations except by the Union office.

VIII. KEEP RECORDS OF GRIEVANCES

A copy goes to the supervisor; the Federation; the grievant; and you, as Building Representative, should keep a copy. These copies will be invaluable:

- In reducing later disagreements on the facts and merits of the case.
- For use as precedents when similar grievances arise later.
- As suggestions to the Union for future negotiations.
- As useful ways of showing non-believers how the Union helps members.
- In pursuing the grievance further.

Make copies of and delete the member's name and other identifying information before sharing with ANY other party. Remember, each grievance is confidential.

IX. ENFORCE THE CONTRACT

Sometimes, you will find out about a contract violation even though the affected member does not complain. Discuss the situation with the member. Point out the violation.

If the member still does not wish to initiate a grievance, generally, you should not do it for him/her unless it affects other bargaining unit members or set bad precedent. However, your Facility Union Committee will be able, during the monthly consultation with the supervisor, to discuss a practice which violates the contract.

X. THE CREATIVE GRIEVANCE

The Building Representative should constantly monitor the building and situation. You need not wait for specific individual grievances to be submitted by a member. A situation can deteriorate if nobody is paying attention. You

should feel free to write personal or class action grievances of general concern for infractions, such as, but not limited to, health and safety, unilateral changes in working conditions. Of course, it is necessary to understand the contract thoroughly.

GRIEVANCE HANDLING

Collecting Facts For Grievances

These are some general ideas about collecting facts.

Facts Can Be Used In Three Different Ways

1.) **Kept for the information of union leaders.**

The union representative in the first step of the grievance procedure must collect all information applying to a case. This complete set of facts usually becomes long and detailed which means that no one can remember it all. This complete set of information must be written down for future reference by building representatives, grievance committee persons, or other union leaders involved in the grievance procedure. Remember that this should be as complete as possible and should include whatever might apply, even indirectly, to the grievance. You may never use all of this information, but often something that looks unimportant in the beginning of a case may become vital information later.

2.) **Written Grievance Filed with the Administration**

The written grievance, which goes to the administration, must have only a few essential facts. These essential facts must include the 5 W's answered as briefly as possible. There must be enough information for the administration to identify the problem clearly.

You must have the person's name (who), where and when the grievance occurred, what happened in a few words and why it is a grievance, that is, what violation do you feel the administration committed. Don't forget to include the demand or what you want the administration to do in order to protect the member's rights.

Almost always, the facts you include in the grievance handed to the administrator will be fewer than those you have written down for yourself and other Union representatives.

3.) **Negotiating the Grievance**

Finally, facts are used in negotiating with the supervisor. In the actual discussion with your supervisor, you may use all the facts written down for your own information, or you may only use a part of them. You probably will use more information than is in the written grievance handed to the administration.

Of course, during negotiations, you will develop arguments to support your case which should then be written down for your own information. Also, during negotiations, the administrative representative may provide information which you did not have before. This should be written down.

So, during negotiations, you may use fewer facts than you have, but you may also pick up additional facts to support your case from the statements of management.

Use of Witnesses

Witnesses can greatly help a grievance, but there are several things to guard against when using them.

- 1.) Be certain you fully understand the witness' story. Go over it with him/her until you do and make sure that he/she tells the same story each time. This is not a matter of a witness lying, as much as people's memories acting in strange ways. Some people remember more clearly than others. Some people can tell a story more clearly than others.

Be certain that your witness has a good memory and can repeat his/her story accurately.

- 2.) Be sure that the witness is willing to help you and the person with the grievance all the way up the grievance procedure. A person might say that she/he saw what happened, but refuse to tell it to the administrator.

Make clear to the witness that you are depending on him/her to support the case by telling what she/he knows. You must make

him/her understand that she/he might be called before management or an arbitrator. It is better not to have a witness than to have one upon whom you depend but who later backs down and refuses to testify.

It helps to have the witness sign a written statement of his/her story, but this is not essential.

The 5 W's

The 5 W's are a simple guide in collecting a complete set of facts.

WHO Who is the employee with the grievance? What is his/her work site and assignment? What is his/her seniority? What education does he/she have? What has his/her record been?

The administration might be asking other questions about the person which are harder to answer because they can only be rough estimates. No records can show the answers clearly. For example: What is the person's ability? Does he/she work as well as his/her fellow workers? Can he/she do a certain job which he/she has never done before? What are his/her character and personality like? The union usually tries to avoid using these finds of facts to support a grievance, preferring arguments based on written records. However, since the administration may use this type of information, a union representative does well to prepare him/herself by checking these same questions.

The object here is to avoid being caught by surprise with an administration argument. You should be prepared for any argument the administration might use, but in order to do this preparation, you must obtain all possible information even though you, as a union representative, may not use some of it for your own case.

WHEN When did the grievance happen? This is usually a simple question to answer. But do not be satisfied with the date. Find out the time right to the minute if possible because minutes can sometimes change the entire picture.

WHERE Where did the grievance happen? Here, again, the answer is often simple, just the room number/office. However, there are cases where several places or work situations are involved. You may have to have clearly in mind the exact spot at which the grievance occurred.

WHAT What happened to the grievant? This question tells the story of the grievance. What happened to the aggrieved and what did the administration do? Often, grievances are not simple, and usually involve several things happening at once. In getting the facts, you have to constantly ask yourself, "Do I understand this case?" "Do I have the facts straightened out in my own mind?" Until you definitely have the story clearly in mind, you should continue to ask, "What happened?" until it is clear.

WHY Why is it a grievance? The answer to this question is that the administration violated section so and so of the contract or violated past practice.

In noting the administration's violations, don't be satisfied with a single section of the contract. If more than one section has been violated, be sure to list them all. The more violations involved, the stronger your case will be. This does not mean, of course, that you can throw in any violation at all. You must determine what clauses or practices have been violated and then list them in the grievance.

DEMAND Every grievance must include the demand you are making on the administration. You want the administration to correct its action so that the worker has his/her rights protected.

In stating the demand, be sure that you ask for everything to which the aggrieved is entitled. For example, if a person has not received a job according to his/her seniority, you, of course, will demand that the person be given the proper job. But this is not enough. If he/she has lost pay because of the administration's error, he/she has a right to that back pay.

GRIEVANCE HANDLING

What to Remember When Writing a Grievance

Be as Brief as Possible

In the written grievance that goes to the administration, you only inform the administration that a grievance exists. This should be done as briefly as possible.

Don't Argue Your Case in the Written Grievance

Because the written grievance only informs the administration of the complaint, it should have no arguments supporting the case. Save these arguments for actual negotiation of the grievance. Of course, you should have them written down for your information and for other union officers.

The Written Grievance Should Have a Complete Statement of the Facts

Although brief as possible, the written grievance must still have enough information so that the administration fully understands the situation. This means that it should include all of the 5 W's – Who, What, When, Where, and Why – plus the union demand. You'll be surprised at how few words you need to get the entire 5 W's into writing.

Write the Way You Talk

If the administration has lawyers negotiating in the grievance procedure, don't think that you have to use big words to impress them or anyone else. The most impressive kind of grievance is one that briefly, but clearly, states the situation. You can do that by writing in the same way you talk. It might help at first to say it out loud and then write down what you've said.

Practice Makes Writing Easier

When you first start to write grievances, it requires a lot of hard work. If you stick to it, and practice, writing becomes much easier and finally is no trouble at all. But you have to get practice. A good way to do so is to write up every complaint a teacher brings to you whether you write it for the administration or not. Write them up and throw them away but still get the practice of writing.

Be Definite

Too many people say things like “I hope I have a grievance”, “I think I have a grievance”, or “I think the administration should do something about this situation.” When you put a grievance in writing, you do not “hope” or “think” that it is a grievance, you know it, as far as the administration is concerned. State your grievance as if you are sure of yourself. This is done simply by saying that the administration has violated the contract in the case you’ve described.

Now it may be shown that you’re wrong in thinking a violation has taken place, but until you’re proven wrong, you must be convinced that your case is a good one. If the administration thinks that you’re not convinced, the pressure to give in is that much greater.

HOW A GRIEVANCE IS PROCESSED:

<u>UNION ACTION</u>	<u>ADMINISTRATIVE RESPONSE</u>
I. Confer with appropriate Administrator	
II. Consult with DFT office and/or Grievance Committee as soon as possible for assistance in writing grievance.	
III. Send white copy of the grievance Form to Director of Human Resources within <u>15</u> working days.	Director of Human Resources activates grievance with time stamp and disseminates copies to all parties. Administrator against whom the grievance was filed responds in writing within <u>10</u> working days.
IV. Appeal decision to Board of Education within <u>5</u> working days.	Superintendent responds within <u>20</u> working days.
V. Appeal decision to Board of Education within <u>5</u> working days.	Board of Education hearing held within <u>30</u> working days. Board of Education decision within <u>5</u> working days.
VI. Appeal decision to arbitrator	If favorable, remedy within <u>20</u> working days.

within 20 working days.

Board of Education deals
with arbitrator's decision as
advisory or binding.

VII. Pursue litigation.

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