



The Role of the Building Delegate Paterson Education Association

October 2022

WHAT IS THE ROLE OF THE BUILDING DELEGATE?



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- ⚡ Represent approximately 15 members
- ⚡ Have face-to-face personal contact
- ⚡ Understand member needs
- ⚡ Offer immediate assistance
- ⚡ Represent them in meetings with administrators



WHAT IS THE ROLE OF THE BUILDING DELEGATE?



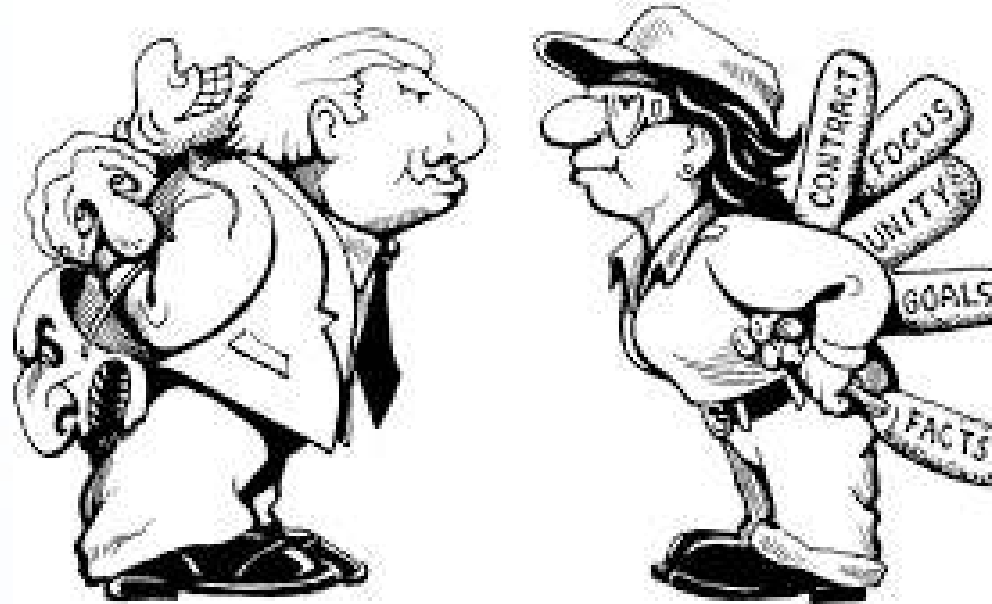
GENERAL TIPS

- ⚡ Have a designated Association notebook/log
- ⚡ Develop a rapport with the building administrator
- ⚡ Be a good listener
- ⚡ It is okay if you do not know the answer to a question, but you should find out and then get back to the member.
- ⚡ Need advice? Speak to your fellow delegates



THE ROLE OF THE BUILDING DELEGATE

When an employee is acting in her capacity as the Association Representative she is equal to the principal.



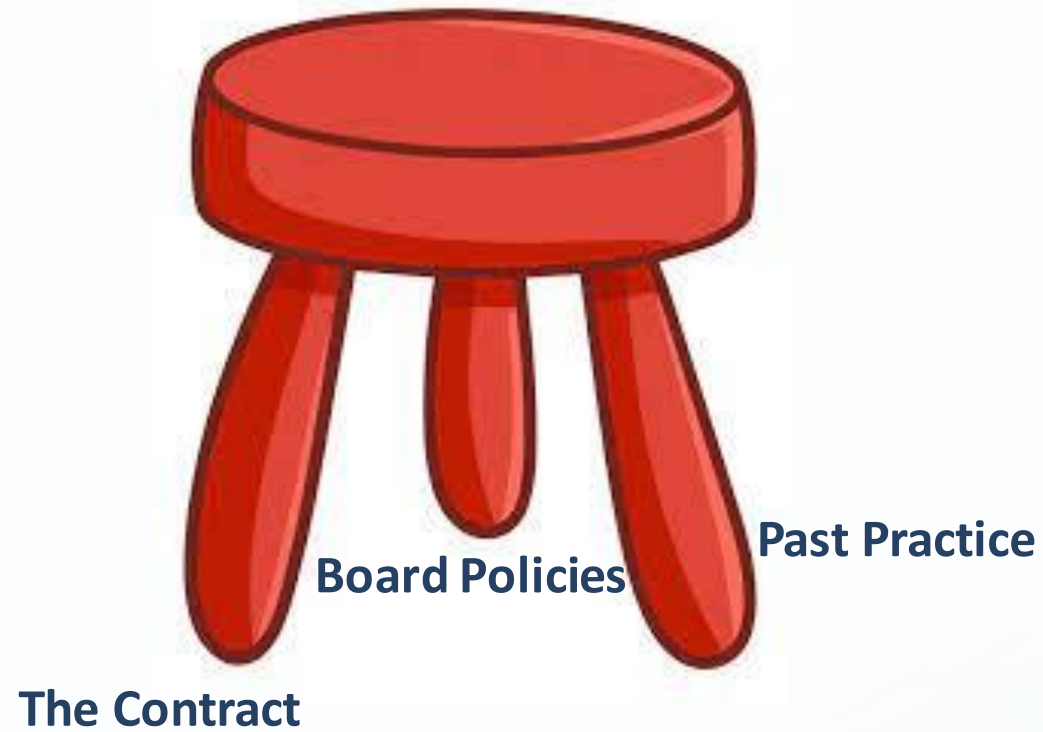
LEGAL FOUNDATIONS - EERA

- ⚡ Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq.
- ⚡ Union negotiates terms and conditions of employment
- ⚡ Union and Employers must establish grievance procedures
- ⚡ Weingarten Rights



KNOW YOUR RIGHTS

Association Representative








KNOW YOUR CONTRACT

- Article 3 – definition of a grievance and timelines
- Article 4:3 – just cause
- Article 4:4 – required meetings
- Article 5.3 & 5.4 – use of school facilities
- Article 7 – work day and hours, swipe in/out, tardiness, etc.
- Any many more . . .



BOARD POLICIES

<https://www.paterson.k12.nj.us/Page/255>

-  3000 – cert. staff; 4000 – non-cert. staff
-  3150/4150 – discipline
-  3216/4216 - dress code
-  3283/4283 – electronic communications between staff and students
-  3322/4322 – telephone use



PAST PRACTICE

- ▲ A term and condition of employment that exists outside the written contract
- ▲ Gap filler where contract is silent or ambiguous.
- ▲ Three factors:
 - Frequency
 - Consistency
 - Accepted by both parties



FILING A GRIEVANCE

- ⚠️ Contract is not self-enforcing; grievances must be filed.
- ⚠️ Article 3 – grievance procedure including timelines, steps, etc.
- ⚠️ Grievance or gripe?
- ⚠️ Work then grieve.



WHAT IS A GRIEVANCE?

⚡ Art. 3:1-1 - A “grievance” is a claim by an employee or the Association based upon the interpretation, application, or violation of this Agreement, policies or administrative decisions affecting the terms and conditions of employment of an employee or a group of employees.



GRIEVANCE PROCEDURE

- ⚠ Speak to employees – gather facts, documents, etc.
- ⚠ Confirm any conversation or follow-up in writing (email or text)
- ⚠ Level I – verbal discussion with administrator
- ⚠ If grievance is not resolved, file a written grievance
- ⚠ 35 days to file a grievance from the date of the occurrence



WRITING A GRIEVANCE

 Include pertinent information: who, what, when and where.

“Hagar the Horrible, principal of School 75 scheduled a faculty meeting on Friday, February 7, 2021.”

NOT

“In February, the principal scheduled a faculty meeting in violation of the contract.”



WRITING A GRIEVANCE

 Use concise language:

“On January 20, 2015, Tina Teacher was issued a written reprimand without just cause.”

OR

“On October 1, 2014 Donnie Datacoach was not provided with tuition reimbursement for the pre-approved summer 2014 WPU course “Geometry.”

NOT

“The most heinous of injuries occurred when on January 20, 2015, Ina Innocent received a written reprimand for allegedly cursing at a child. The principal has not submitted any proof and did not speak to the grievant to hear her side of the story.”



WRITING A GRIEVANCE

- ⚠ Grievances should be written in broad general terms.
- ⚠ Sometimes, you may not know all the facts such as the number of people involved or the number of violations that occurred at the time the grievance was filed.
- ⚠ This is especially important if the grievance is ongoing or a continuing violation.
- ⚠ If written broadly, the Association will have the opportunity to provide specifics at a later date.



WRITING A GRIEVANCE

“On June 10, 2015, third grade teachers at School #4 were denied a preparation period”

OR

“Beginning on September 10, 2005 and continuing until present, third grade teachers at School #4 were denied a preparation period every A and E day.”

NOT

“On September 11, 2015, Jane Doe was denied a preparation period.”



WRITING A GRIEVANCE

⚠️ You must reference provisions of the contract that were violated. Be specific, but always include the tag line “and any other relevant provisions of the collective bargaining agreement” to cover any unanticipated violations.

“On April 10, 2014, Jane Doe was issued a reprimand without just cause in violation of Article 3, 4:3 and any other relevant provisions of the collective negotiations agreement.”

NOT

“On April 15, 2014, John Doe was denied tuition reimbursement in violation of the collective negotiations agreement.”



WRITING A GRIEVANCE

- ⚠ Always include a remedy.
- ⚠ If you are claiming that the contract is violated, you must ask for remedy to try and fix the situation:
 - The remedy should be tailored to fit the violation
 - The remedy is limited by the language of the contract
 - Always add the tag line “and any other relief to make the grievant whole for her losses” in cases of unanticipated damages that are not apparent at the time the grievance is filed.



WRITING A GRIEVANCE

“On February 4, 2013, John Doe was issued a written reprimand without just cause in violation of Article 4:3 and any other relevant provisions of the collective bargaining agreement. As a remedy, the grievant requests that the written reprimand be expunged from her personnel file and any other relief to make him whole for his loss.”

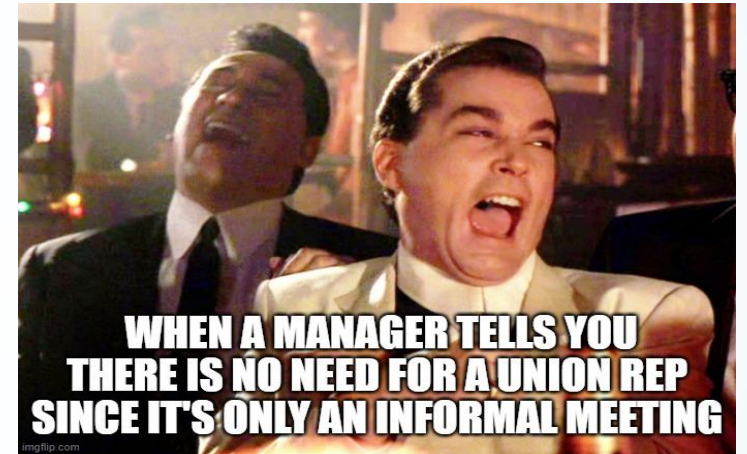
NOT

“ . . . As a remedy the grievant requests that her administrator issues a public apology and be disciplined for her improper conduct.”



WEINGARTEN RIGHTS

- ⚠ Employee has a right to a union representative if he/she attends meeting with supervisor:
 - Disciplinary
 - Investigatory
 - Could affect employment
- ⚠ This *must* be invoked by employee
- ⚠ Employee chooses representative (subject to availability)
- ⚠ Employee should remain silent until a representative is provided



WEINGARTEN RIGHTS

If this meeting could in any way, lead to my being disciplined or terminated, or affect my personal working conditions, I request that my Association representative be present at the meeting. Without representation, I choose not to answer any question. These are my rights under the law.



EMPLOYEE MEETING – YOUR ROLE

- ⚠️ Get the background information from the administrator
- ⚠️ Conduct pre-meeting with employee
- ⚠️ Be a witness – take notes
- ⚠️ More importantly: Be an advocate – *be an active participant in the meeting!*
- ⚠️ Employee should remain silent until a representative is provided
- ⚠️ **This is the best opportunity to squelch or minimize any potential employee discipline**



INSTITUTIONAL ABUSE INVESTIGATION UNIT (IAIU)

- ⚠ DO NOT represent employees in any meeting with IAIU or law enforcement.
- ⚠ NJEA provides attorneys to employees
- ⚠ Advice to members: *SHUT UP!!!!*
 - No privileged communications between you and employee.
 - Members should only speak to IAIU after having first spoken to an attorney.
- ⚠ Inform members of their right to remain silent and to counsel
- ⚠ Call NJEA immediately to request an attorney – (973) 694-0154



COMMUNICATIONS

🔊 Relay messages from PEA leadership 

🔊 Communicate members concerns to PEA 

🔊 Art. 7:1-5.3 – monthly meetings

🔊 10-minute meetings

🔊 Face-to-face conversations

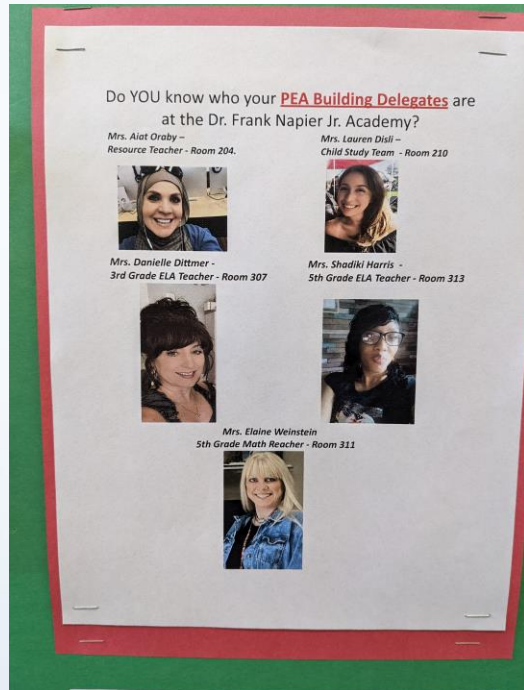
🔊 Bulletin boards

🔊 Text apps (remind, etc.) & phone trees

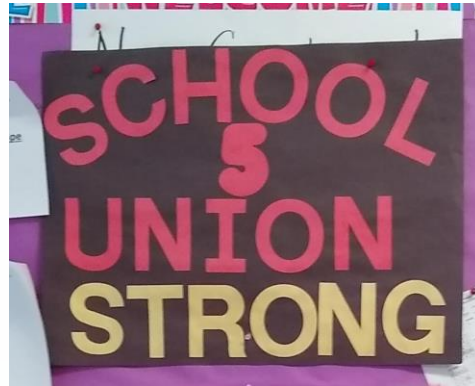


BULLETIN BOARDS

Identify delegates



Show union spirit



Communicate information



10 MINUTE MEETINGS

- ⚡ **2 minutes** -Brief overview of major topics discussed at last month's DA meeting.
- ⚡ **4 minutes** - Present and explore a new issue. We need your input before we go to the next PEA meeting.
- ⚡ **3 minutes** - Review a current issue or problem. It could be a building issue or a District-wide item.
- ⚡ **1 minute** - End on a positive note. Outline how member involvement has influenced the union's action or a decision by the District. Or simply congratulate a member on a recent achievement.



MEMBERSHIP RECRUITER

- ⚡ You are the first point of contact between PEA and potential members
- ⚡ Have membership applications or QR code available:



<https://apps.njea.org/MemberServices/Join/MembershipApplication>



RESOURCES

- ⚠ Employer-Employee Relations Act - <https://www.state.nj.us/perc/documents/Chapter%2013A.pdf?ver=20220404>
- ⚠ PEA Website (grievance forms, contracts, etc.) – www.patersonnea.org
- ⚠ NJEA AR Handbook - <https://www.njea.org/documents/download-info/ar-handbook/>

