

October 2003

By Ben Visnick – First Vice President



**Meeting: Representative Council
September 8, 2003, and October 6, 2003
Bret Harte Middle School**

Payment for Staff Development Days

Mary Hill – Toler Heights Elementary

Question: When will teachers and other certificated staff be paid for the August 27th staff development day?

Answer: Compensation for the voluntary staff development days on August 27, October 14, and October 15 will be paid once the number of days worked by K-12 teachers is established. Then, checks will be cut for all contracted unit members who worked in any or all of the three (3) days. Realistically, we expect to be paid before the winter break.

Class Size Rule

Mary Hill – Toler Heights Elementary

Question: Does a 3-4 combination class fall under the 20:1 class size rule?

Answer: Yes. It is the OEA position that O.U.S.D. loses money whenever it allocates more than 20 students in any K-3 class (including 3-4 combinations). Please fill out the OEA Class Size Report Form and give it to your OEA Representative. Your Rep also has a weekly class size update form which is designed to initiate a grievance under Article XV with your site administrator.

Teacher Attendance

Ileana de La Torre – Roosevelt Middle School

Question: We have heard from our principal that Randolph Ward wants principals to post teacher attendance records visibly in the main office in order to exercise pressure on teachers to attend daily. Is this legal? moral? Can the union do anything to prevent this practice?

Answer: It is a violation of Article XIII, Section 11, to publicly criticize employees. The contract states, "Criticisms shall be conducted in private conference." Don't let your principal intimidate your staff. Castlemont teachers recently removed their attendance records as shown on a local television station. Show the contract to your administrator and explain the consequences of such unprofessional behavior.

Safe Classrooms for All Teachers

Susan Canzoneri – Allendale Elementary

Statement and Question: What rights does a General Ed Kindergarten teacher have when the Special Ed Full-Inclusion Kindergarten teacher goes out on extended family leave? Several of the full-inclusion children are extremely disruptive with screaming, yelling, biting and running away. Without a proper adult to student ratio what and how much can be expected of a general ed teacher?

Answer: The full inclusion teacher must have a qualified substitute to comply with the program. Request, in writing, a proper substitute for this class with a copy to OEA. The OEA has just negotiated new and improved safety language for the 2003-04 school year. For example, new Article XVII contains the following requirements for both general education and special education students. Document all disruptive and/or dangerous acts whether committed by 5 year olds or 15 year olds!

“Article 17.0 – Safety and Security Conditions: 17.1 The District and the Association are jointly committed to provide for the safety and security of all staff. Bargaining unit members shall not be required to work under unsafe or hazardous conditions or environments, or to perform tasks that endanger their health, safety, or well being. **17.3 Safety-Disruptive Actions by Students** - Unit members may send to the appropriate administrator those students whose actions are disruptive to his/her classroom instructional program. Should the student refuse to comply, the administrator shall be so notified and appropriate action shall be taken to remove the student from the immediate environment. In response to student behavior under this section, unit members retain the right to exercise a two-day student suspension under Education Code Section 48910. Prior to the student being returned to the unit member’s class, the administrator shall communicate with (provide feedback to) the unit member to discuss the student’s conduct. **17.4 (New Section) Safety-Assault, Attack or Threat Against a Unit Member by Students – 17.4.1** The unit member shall report the incident immediately to the administrator in charge or designee, who shall immediately report the incident to the police and/or notify the student’s parent, guardian or other responsible adult immediately. In addition, the unit member retains the right to notify the police directly. **17.4.2** The unit member shall prepare a written statement concerning the incident and present it to the site administrator who will then add his/her remarks, if any, to the statement, and then forward it immediately to the Oakland Police Department. **17.4.3** A unit member who is the victim of an assault, attack or threat, verbal or physical, and who so requests, shall be immediately granted the remainder of the day of the assault, attack or threat released from duty. These release days shall not be charged against any of the unit member’s accrued or accumulated leaves specified in Article 11-Leaves. **17.4.4** Students involved in a physical assault, attack or verbal threat, against a unit member, shall not be returned to the unit member’s class(es) until a meeting between the unit member and an administrator is held, and the consequences to the student(s) for the misconduct has been determined. When a student is referred to the District’s Disciplinary Hearing Process (DHP) the student shall not be returned to the classes of the bargaining unit member from which the student was removed until the DHP is completed. **17.4.5** If it is finally determined that a student is the perpetrator of an assault, attack or threat, verbal or physical, against a unit member, that student shall not be returned to the unit member’s class(es) or caseload for the remainder of the instructional year.”

Shortage of Substitutes

Ileana de laTorre – Roosevelt Middle School

Question: Administrators have told us they will not be able to get subs in many cases, but use teachers' conference periods to cover for absent teachers.

Answer: There is no reason to worry. It is the classroom teacher who requests a substitute (879-8731), not the administration. The only exception is for in-service where the District is providing the substitute. Explain to your principal that daily conference period usage (\$31.77 x 5) costs the District more than securing a per diem substitute (\$111.05)!

Excessive Paperwork

Steve Neat – Kaiser

Question: Every single union member at my site is very concerned about excessive paperwork. Much of this paperwork regarding goals, standards, objectives, attendance, etc., is redundant. It also does nothing to help the education of our students. It seems to be more regarding teacher accountability than student achievement and enrichment. Is not this in violation of the clause in our contract that prohibits excessive paperwork (Article 10.6.4)?

Answer: Yes, it is. Please forward any and all redundant paperwork required to the OEA Center for grievance action. We will be awarding a prize to the principal who is the most redundant killer of trees!

Prep

Steve Neat – Kaiser

Question: Every single union member at my site is concerned about our lack of PREP. We only have one a week and a regular prep teacher has not been provided. Did we take our 4% cut for nothing? We need to demand qualified, permanent prep teachers.

Answer: Every elementary school OEA member who is not receiving their two (2) hours of weekly prep should document on a weekly basis the violation on the proper form (your site principal has it and so does the OEA Center). This includes when you do not receive staffed or un-staffed prep. When we all collectively file for payment, it will convince the District that it costs them less to hire qualified specialty teachers than to pay classroom teachers their **full hourly per diem**. Also let your PTA know that students are losing out when specialty classes are not provided.

Many Reps

Question: Can you explain again how the five (5) hour Extra Duty section of the Contract works?

Answer: “There is a five (5) hour limit per month on extra duty assignments without pay” (Article X). However, two (2) of these hours are already designated for monthly parent-student teacher contact (Article X, Section 10.2.8). Therefore, for all intents and purposes, teachers can only be assigned extra duty without pay by principals for three (3) hours per month.

Furthermore, there is a total three (3) hour limit on faculty, department, and circuit/grade level meetings. Since our monthly faculty meeting is limited to 75 minutes in length (Article X, Section 4.4), the remaining meetings per month cannot exceed a total of 105 minutes.

Any time mandated by administrators beyond these limits must be compensated at the extra duty rate of \$21.77 per hour.

K-12 Monthly Limits Beyond Work Day

<u>*5 Hours Extra Duty per Month</u>	<u>*3 Hours Meeting Limit per Month</u>
2 hours designated for teacher/parent/student contact to reduce truancy. 3 hours available for other duties such as conferences, clubs and other student activities.	1 ¼ hours (75 minutes) designated for monthly faculty meetings. 1 ¾ hours (105 minutes) for other faculty, department, or circuit/grade level meetings, as well as in-services.

*Do not allow principals to mix the above categories. Wednesday minimum day in-services/meetings before the end of the school day are not extra duty.