

THE ADVOCATE

PENGUIN PRIDE! ★



SDEA PRIDE!

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THE ADVOCATE

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cover photo courtesy of Lindsay Burningham/ above photo by Kate Nagy

Above: Community members turned out at Marston Middle School (above) and across the District for Read Across America on March 2 (see story, page 6).

Cover: Teachers at Ellen Browning Scripps Elementary have union (and penguin!) pride. Staff members wore red shirts on the Feb. 13 bargaining day in support of our bargaining team and the work they are doing to get our contract.

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SDEA Mission Statement 2008-2009

The members of SDEA are dedicated to providing a quality public education. As a professional union advocating the interests of certificated staff, students and the community, SDEA/CTA/NEA will implement its membership commitment through involvement in politics, building coalitions, negotiations and grievance advocacy and educational programs.

Words from the Editor

District decrees: It's health care vs. athletics

One of the earliest acts taken by the Congress of the fledgling United States was the enactment of the Land Ordinance of 1785. It was this piece of legislation that laid the groundwork for mandatory public education — an institution hailed by our founding fathers as crucial to the health and well being of the nation. History has borne out the belief of America's architects that public education is fundamental to a functioning democracy. Ronald Reagan is a product of America's public school system. So is Hillary Clinton. So is Martin Luther King, Jr. So are a litany of scientists, artists, humanitarians and scholars. So are many of us.

Here's the dirty little secret about public education: despite improbable odds, we do a pretty amazing job. And here's the even dirtier secret: "we" means "teachers."

Let us state this plainly. Teachers are not just the backbone of public education. We are the lungs, the guts, the voice. We are the heart. Anyone who tells you otherwise is simply lying.

It is through this lens that we must view the press release coming out of our "pro-teacher school board" on Tuesday, March 10. In light of an anticipated possible \$100 million decrease in state funding, the District has proposed, among other cuts, to decimate teachers' health care and make sweeping, across-the-board class size increases. The Board has proposed forcing all teachers to switch to Kaiser, tripling co-pays, and sardining even more children into already packed classrooms.

All of this is despite the fact that SDEA has just successfully negotiated an early retirement package with the District that will save them millions of dollars. The savings from the SERP alone will more than cover the District's proposed cuts to health care, which total roughly \$7 million. To put it plainly, the District is using the today's budget crisis to rob teachers of quality health care tomorrow, and tomorrow, and tomorrow. Because

make no mistake, SDEA. If we make concessions on healthcare "for the duration," we will never get that coverage back.

Adding insult to egregious injury, the Board acknowledges that some of their proposed cuts must be negotiated with SDEA and CSEA — but then concludes their press release with the following statement:

"The Board also identified another \$34 million in reductions that would be used if employee associations did not agree to the above cuts. Those cuts include: closing schools; eliminating the outdoor programs at Mt. Palomar, Old Town and Balboa Park; and eliminating athletics for grades 9-12."

In other words, if teachers insist that the District's budget woes can be solved through means other than slashing health benefits, we can anticipate talking heads such as Terry Grier solemnly bemoaning the fact that the mean old teachers' union would rather hoard their wealth (despite our wages being embarrassingly below the county median) than let children play soccer.

We began with a history lesson. Let us conclude with another. After the bombing of Pearl Harbor, Japanese Admiral Isoroku Yamamoto is credited with having said the following: "I fear all we have done is to awaken a sleeping giant and fill him with a terrible resolve."

We are the sleeping giant. And we have two options. We can either continue to slumber as the District uses a temporary crisis to wrench permanent concessions from the people who nurture the Martin Luther Kings of the world. Or we can show the District what happens when you awaken the giant.

These are not just words, SDEA: *Together, we are stronger.*



Erin Clark
Editor-in-Chief

SDEA President Camille Zombro Site Visit Log

Working directly with SDEA members and sites is the most important work of SDEA leadership. Each month we will include a list of the schools visited by SDEA President Camille Zombro. **To schedule a site visit, email Camille at zombro_c@sdea.net.**

February		March
2 Sessions El.	17 San Diego HS-LEADS	19 Montgomery MS
3 Silver gate El.	17 Chollas-Mead El. (with Shelia Jackson)	20 Chavez El.
3 Chollas Med El.	18 Franklin El.	20 Tubman Village
4 Lindberg-Schweitzer 4 Marshall El.	18 Kimbrough El.	23 Farb MS
6 Tubman Village Charter	19 Lindbergh-Schweitzer El. (with John Lee Evans)	23 Chavez El.
10 Sessions El.	19 Miramar Ranch	25 Psychologists
12 Dingeman El.	19 Zamorano El.	26 Golden Hill El.
13 Mann MS		27 Tubman Village (at SDEA)
		3 North Park El.
		4 Farb MS
		6 Sequoia El.
		9 Torrey Pines El.
		10 Curie El. and Farb MS
		11 Zamorano El. (with Shelia Jackson)
		11 Penn El.
		12 Visiting Teachers

Bargaining Update

Celebration and consternation

Early Retirement Settlement Reached

On March 3, SDEA and the District reached agreement on the terms of a Supplemental Early Retirement Plan (SERP). Details of the plan such as eligibility requirements, benefit amounts, and deadlines are posted on the SDEA website. Members who are considering taking the SERP are being strongly advised to make an immediate appointment with a CalSTRS or CalPERS counselor and/or their own private financial advisor to determine if the SERP is right for them.

Terry Grier's Bargaining Agenda: Pitting the Public against Educators

The District's bargaining position on the SERP was not unlike their negotiations posture during the past seven months. As noted repeatedly here in the *Advocate* and in *SDEA Bargaining Updates*, the District has yet to come to the bargaining table prepared to discuss anything beyond

their own narrow economic issues and priorities. Consistent with this approach, District negotiator Mark Bresee refused for over a month to consider any proposals addressing issues other than the SERP or the District's ever-changing estimates of its budget situation.

The District has hinted more and more that it will be demanding new concessions regarding our wages, benefits, transfer rights, class size protections and evaluation procedures. To that end, Terry Grier has continued to disrespect SDEA and its members by taking his concession agenda to the public by way of his "Budget Options Survey" that seeks input from students, parents and the general public.

Among the budget-savings "options" suggested in this survey are employee health benefits give-backs, salary rollbacks, unpaid "furlough" weeks, and across-the-board increases to class sizes. While Grier

clearly understands that these issues must be bargained with SDEA members, he continues to believe that scare tactics and driving a wedge between educators and the public is the best way to further his own political agenda.

SDEA's Next Steps

The SDEA bargaining team expects to return to the table in the next month to again try and move the District toward addressing our members' concerns, such as workload, special education issues and class size. While the SDEA bargaining team will do everything they can at the table to move negotiations forward, nothing less than the united membership of our union will be necessary to turn back Grier's plan to extract every concession possible from San Diego educators. When your Association Representative asks you in the next few weeks to work to support our bargaining efforts, say: **Yes we can! Yes we will!**

Letter to the Editor: Reduce class size

Dear Editor—

The nation, the state, the city and the school board all have one thing in common at this moment: no money. In these moments of financial crisis the unpopular road to take is to cut, cut, cut. The financial conservatives hold the line on no new taxes and in truth not many people step up to the plate and say "raise my taxes." But also, in truth that is exactly what the voters did in the last election. Every school bond in the state of California passed. Every community in California that had a school bond on the ballot said "raise my taxes." What they were saying was do not take away our children's future, do not take away our communities future, do not take away our nation's future.

A majority of the voters stood up for children. The polls show that the "No Child Left Behind" program, as defined under former President Bush, is not working in the eyes and minds of most citizens. The anti education contingency read this as: "get rid of class size reduction." The

unsupported claim is that no study shows a positive benefit of reducing class size. Educators respond saying that it is not logical for class size reduction not to work.

What is needed is a real study of class size reduction. I urge the California Teachers Association and the National Education Association, in collaboration with a major university, to conduct just such a study. I urge the delegates from SDEA to the CTA State Council and the delegates to the NEA-RA to call for these two giants to take the lead in conducting an extensive and detailed study of the value of "class size reduction." Former President Wayne Johnson very often proudly spoke of the positive accomplishments of public education and his audiences loved his remarks as demonstrated by the standing ovations. Now is the time to give our current presidents of SDEA, CTA and NEA some ammunition to carry to the podium.

—Tim Jenkins

SDEA-Retired Representative to SDEA Council



What: 5th Annual San Diego Race for Autism — 5K Run/Walk and 1-Mile Family Fun Walk

When: Saturday, March 28, 7 a.m. to 11 a.m.

Where: Balboa Park — Corner of 6th and Laurel at the West Gates

Cost: \$15 children, \$25 adults, higher fees after March 21

Contact: (858) 679-8800
Info@RaceforAutism.org
www.RaceforAutism.org

Grievance Victories

In the trenches: Montgomery triumphs

SDEA members at Montgomery Middle School have a long history of taking on the issues that matter most to them and to their students. This year Montgomery began implementing their Program Improvement Plan, required under NCLB. The plan included more meetings, a new schedule, new supports and many other changes and challenges.

As staff settled into the school year, it was clear that they needed to address a number of issues. They got to work in the way they know best: they organized. Below is a summary of the how SDEA members worked together to take on some of the same issues being raised at sites across SDUSD — and they succeeded!

Here is their story.

by RAY RUFFIN

Montgomery Middle School Association Representative

In order to address issues at our site, the Montgomery staff held a union meeting to discuss our concerns. We started out with a list of problems that needed to be addressed during the 08-09 school term. The staff prioritized each issue to decide which order they would be addressed.

There were two issues that needed immediate attention, so a committee was formed to address them. The issues were an increase in the number of "Professional Learning Community (PLC)" meetings during block planning periods and the content of "advisory" sections. Teachers were required to plan for advisory sections, which increased the number of classes they had to prepare for, and violated the intent of advisory sections.

Citing the Memorandum of Understanding (MOU) regarding the definition of a "Reasonable Number of Meetings," the committee met with the principal at level one of the grievance procedure. Unfortunately, no compromise could be reached, so we proceeded to a level two meeting with the principal, and ultimately a level three hearing with the District's Labor Relations Director.

At issue was the fact that the principal



photo by Camille Zombro

Montgomery Middle School Association Representative Ray Ruffin facilitates a union meeting to address site concerns. Montgomery's teachers successfully won a grievance regarding the number of meetings required at their sites, as well as the requirement to write curriculum for an extra advisory period.

was requiring staff to attend two PLC meetings each month during planning periods. Coupled with the increase in planning from the advisory sections, teachers were being stretched thin.

At the level three hearing, an argument was presented to show that the principal was requiring an unreasonable number of PLC meetings during the instructional day (Contract Article 8, Section 8.7.2) and that if teachers have to do any kind of planning for advisory it then becomes a preparation (Article 8, Section 8.10).

At the level three hearing, we were able to force the grievance back to the site (level two), meaning the principal had to resolve the issue with the staff. We redirected our efforts toward reaching a resolution in writing (principal and SDEA AR signatures). The resolution was to allow only one PLC meeting per month vs. two; to remove the requirement to teach a curriculum in advisory. We reserved the right to go directly to a level three hearing if the principal violates any part of the grievance!



On March 2, members of SDEA and SDEA-R were joined by parents and other community members in honoring Read Across America. Sponsored by SDEA, CTA and NEA, this national event emphasizes the importance of reading. Library Media Teacher Kate Nagy hosted a Read Across America event at Marston Middle School, featured in these photos.



photos by Kate Nagy

Top: Parent Leslie Rivera Mason reads to Thao Huynh's 6th graders. **Above:** Heaven Johnson, Mesa College Student Ambassador, reads with Jennifer Huerta's 6th graders. **Upper right:** Kiwanis member Alan Peck reads with Joseph Vu (left) and Rafael Zeferino in Brent Vaught's Culture of Honor advisory. **Bottom right:** 6th Grader Christina Griswold shows Read Across America spirit in the library!

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ACROSS



The personal is political

In January the School Board approved the Project Stabilization Agreement (PSA), and has since met with hostile and even untruthful criticism and anti-union rhetoric. Despite this onslaught of propaganda, on Feb. 18, 2009 the SDEA Representative Council voted unanimously to support the PSA for construction work to be completed under Proposition S, showing solidarity with workers county-wide.

Site leaders expressed broad support because they value timely completion of projects and a strong, safe work environment for Prop. S construction workers — whose work environment will soon be our own schools. The PSA will also bring career-oriented

apprenticeship programs, and workers will enjoy union-standard benefits regardless of their employer. When SDEA said “yes!” to the PSA, we said yes to good jobs, safe construction, and career paths for San Diego workers.

But for many of us, the PSA is more personal. We have friends, neighbors and even family members who suffer under working conditions that are not subject to union protections. There are many stories out there, and Benchley-Weinberger's SDEA Association Rep. Michele Janette took the time and the courage to tell her story about why protections like the PSA are critical to the workforce, and to her own family.



photo courtesy of Marc Capitelli

SDEA AR Michele Janette's poignant story, below, illustrates the importance of union protections.

David's Story

by MICHELE JANETTE
Benchley-Weinber Elementary Association Representative

When my husband, David Rodriguez, moved back to San Diego from the Bay Area to help take care of his sick mother, he had a union job with benefits. He was told there would be a job for him in San Diego but that job never materialized. A man with heart trouble in his late fifties, he ended up using emergency rooms for health care and relied upon temporary agencies to make his rent until he could find a permanent job. He wound up at a place in Clairemont.

These were the “best” jobs he got. He showed up each morning before daylight to get the best jobs. He worked painting condos connected to redevelopment at Petco Park. Here he was forced to carry heavy buckets of paint up ten or eleven flights of stairs. The workers were not allowed to take the elevators lest they offend the million-dollar clientele. Neither were they allowed to use the water or bathrooms in the condos they were painting, a problem for David who had to take Lazic along with multiple other

medications.

He pulled EDCO dumpsters for the drivers, working in August heat until he collapsed and was hospitalized.

He ground propane tanks to be painted. For this he had to crawl underneath the tanks and remain in the most awkward positions for the longest of time so that each night he was in excruciating pain and could not sleep or even lie down. We thought it was some strange disease but it turned out it was totally work related. When the job ended, so did the pain.

His experiences in “America's Finest City” made the 1800s of Dickensonian London appear tame. I was faced with nightly tales of Dante's Inferno and this was all endured for barely over minimum wage. Every time David would get close to working long enough in one job to get out of the temporary pay category, he would be shifted to a new job and have to start from scratch again. This from a company who was sending sales representatives across San Diego's downtown to try and convince them to let Command provide the labor pool for their jobs.

I was outraged and could not believe that conditions could be so bad. I wanted to go public but David was fearful for his job.

David died this past Superbowl Sunday. Now that he is dead, I feel that I can finally speak out. I wish that I had spoken out sooner. Do not listen to people who try to tell you that union jobs are too expensive or are taking jobs away from poor workers. What will help poor workers is for there to be more jobs that are better jobs. The conditions in the non-union jobs are much worse than people realize. For teachers, these are our sons, our daughters, our husband, and our wives. These are our sisters and brothers, literally and metaphorically. They all deserve to work in good conditions with good pay and have more to their lives than to just survive.

Michele Janette is the SDEA Association Representative at Benchley-Weinberger Elementary. She is a committed and outspoken advocate for public education and labor. Michele was featured in the recent article on www.voiceofsandiego.org, which highlighted the multiple layers of assessments in SDUSD.



photo courtesy of Camille Zombro

Trustee Site Visits

Richard Barrera
Perkins Elementary

John Evans
Lindbergh-Schweitzer Elementary
Toler Elementary

Sheila Jackson
Chollas-Mead Elementary
Zamorano Elementary

Next Visit
Your site here?

Making our voices **central**

Last fall's victory in the School Board election brought immediate change for the 190+ educators whose layoffs were recalled at the new Board's first meeting. Since then, budget discussions have dominated the Board's agenda, but SDEA members see little evidence of a meaningful commitment to reaching agreement on a new contract. In fact, the School Board's bargaining priorities have never been clearly articulated at the bargaining table. But the District's media messages and the recent budget survey they posted online reveal a clear bargaining agenda: take-backs.

It is important to remember that bargaining is a negotiation between two sets of priorities, where SDEA members are considered equal under the law. The other set of priorities is determined by the SDUSD Board of Education. But with over eight months of negotiations and little to show for all our work, we are left wondering if anyone over there is listening...

In visits to several schools this year, SDEA members took the time to plan and to articulate their bargaining priorities to the key decision-makers with whom we bargain: our School Board. SDEA members at Perkins Elementary (Barrera), Chollas-Mead Elementary (Jackson), Zamorano Elementary (Jackson), Toler Elementary (Evans), and Lindbergh-Schweitzer Elementary (Evans) met with their Trustees to tell their stories

and to demand a fair contract.

In pre-meetings, members met to plan and discuss their top bargaining priorities. Common themes included workload, the impact of changes to Special Education, class size, adequate support services, salaries and benefits. Members told impassioned stories of losing weeks of instruction to tests, increasing safety issues, stretching our lower salaries to cover for spouses and families who have lost income, and the tragedy of class sizes and inadequate support staff that keep us from reaching our neediest students.

While all our top bargaining priorities were clearly articulated in these meetings, have not yet seen a significant change in the District's behavior. We still have too many tests, not enough time, no clarity on financial issues, and no indication that bargaining is the District's priority.

While these meetings with Trustees were an important first step, it is clear that electing better Board Members is not enough. Talking with them and demonstrating the reality behind our bargaining priorities is not enough.

As our bargaining campaign continues, it will take the collective action and the collective will of all of SDEA to make sure that our issues, and our students are the School Board's top priority!

- Clockwise from upper left:**
- 1. AR Roberta Sanchez (center) facilitated Lindbergh-Schweitzer's meeting with Trustee John Lee Evans.**
 - 2. Staff members discussed critical issues, including the impact of changes to special ed. programs.**
 - 3. Teachers made the case for SDEA's workload issues: too much testing, not enough planning and teaching!**
 - 4. Members impressed upon Trustee Shelia Jackson the importance of weighing the District's new ideas against classroom realities.**
 - 5. Teachers took time from a busy day to articulate concerns about workload, program changes and class size.**
 - 6. Chollas-Mead teachers show how "Together We Are Stronger!"**



Know your health care rights

You know your basic rights as a citizen... but what about your rights as a health care consumer? Being a smart health care consumer means asking questions, making informed health care decisions, and knowing your rights as a patient. When you are well informed, you will be in a better position to evaluate your care, your health care bills and when it is appropriate to file an appeal or complaint. Your health care rights are set forth by both federal and state laws. The patient's rights laws protecting Californians are among the strongest in the country. Here is a review of those rights:

Information Disclosure — The right to receive accurate and easily understood information about your health plan, health care professionals, and health care facilities. If you speak another language, have a physical or mental disability, or just do not understand something, assistance will be provided so you can make informed health care decisions.

Choice of Providers and Plans — The right to a choice of health care providers that is sufficient to provide you with access to appropriate high-quality health care.

Access to Emergency Services — If you have severe pain, an injury, or sudden illness that convinces you that your health is in serious jeopardy, you have the right to receive screening and stabilization emergency services whenever and wherever needed, without prior authorization or financial penalty.

Participation in Treatment Decisions — The right to know all your treatment options and to participate in decisions about your care. Parents, guardians, family members, or other individuals that you designate can represent you if you cannot make your own decisions.

Respect and Nondiscrimination — The right to considerate, respectful, and nondiscriminatory care from your doctors, health plan representatives, and other health care providers.

Confidentiality of Health Information — The right to talk in confidence with health care providers and to have your health care information protected. You also have the right to review and copy your own medical record and request that your physician amend your record if it is not accurate, relevant, or complete.

Complaints and Appeals — You have the right to a fair, fast, and objective review of any complaint you have against your health plan, doctors, hospitals or other health care personnel. This includes complaints about waiting times, operating hours, the conduct of health care personnel, and the adequacy of health care facilities. You also have the right to have denials of treatment by your health plan or physician's group reviewed by an external, independent medical review organization. You have the right to sue your health plan in some circumstances — for instance, when a health plan interferes with the quality of care you receive, and you are injured by the delay or refusal of the health plan to provide the care.

Pre-existing conditions — The right to receive coverage for pre-existing conditions in most cases within 12 months (or, in some instances, six months) of enrolling in a health care plan. If you are enrolling in an individual plan, you have the right not to be denied coverage if you have had 18 months of continuous coverage previously and meet certain other requirements. You have

the right to be credited for time enrolled in a previous plan against any preexisting condition waiting period.

The VEBA Advocacy Programs Can Help

Even if you know your rights, the health care system can be difficult to navigate, especially if you or a loved one is sick or seriously injured. As a member of VEBA, which manages health care benefits for your district or association, you have access to the VEBA Advocacy Programs, which can help you:

- Get the most knowledge from a Summary Plan Description (SPD)
- Make sense of a health plan Explanation of Benefits (EOB) to ensure the coverage was correctly applied
- Build an effective complaint regarding a health care provider
- Fight a denied health care service
- Submit an effective appeal regarding your benefits
- Gather and protect health information
- Understand privacy rights
- Become aware of resources.

To contact the VEBA Advocacy Programs, call 619.278.0021, Monday through Friday, 7:00 a.m. – 5:00 p.m., except major holidays.



By George McGregor
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May special election looming

The passing of the California budget in February set up the need for a May 19 special election. The five ballot measures must pass in order for the budget package to hold together.

■ **Proposition 1A Budget Stabilization Fund** — This proposition would provide a long-term reform to our broken budget system by stabilizing future state spending and creating an enhanced rainy day reserve fund. It protects funding for education, public safety and health care.

■ **Proposition 1B Maintenance Factor Restoration** — Upon voter approval, beginning in 2012, \$9.3 billion will be allocated to school districts. This would be the repayment of money that is owed to education.

■ **Proposition 1C Lottery** — Upon voter approval, lottery proceeds would no longer go to education. However, education would continue to receive the same amount of money from the general fund.

■ **Proposition 1D First 5 Initiative** — This proposition asks

voters to redirect \$608 million in First Five money for early development to other children's programs.

■ **Proposition 1E Mental Health Initiative** — this proposition asks voters to temporarily shift \$227 million from the state mental health fund to pay for a low-income child development program

If Prop 1A does not pass, the revenue package is in effect for two years only. There would be a loss of approximately \$40 billion for not having revenues in place for an additional two years. The total loss of revenues to Proposition 98 would be approximately \$15 billion.

Detailed information will be distributed to all members prior to the election and will be on the CTA website at www.cta.org.

Jim Groth may be contacted via email at jgroth@cta.org.



Jim Groth
CTA Director, District P

NEA initiating crucial conversations

President Dennis Van Roekel has already met with our new President in a meeting with labor leaders at the White House. President Obama does not see unions as the problem with the economy. President Van Roekel has also met with Arne Duncan, the Secretary of Education, and he will continue to meet monthly with the Secretary to help form the policy on education. He is also working on pursuing healthcare reform conversations and continuing conversations with business and labor in order to advance public education.

SCHIP, the State Children's Health Insurance Program was finally passed and the Lilly Ledbetter Law was passed. Both bills have been signed by President Obama. The NEA, AFT and AFL-CIO Presidents were all in the oval office for the signing of these

bills.

My lobbying efforts were with congressional aides this time as the House was in recess and the democrats were at a retreat. The Republicans used the time to get to their home districts. I did spend 40 minutes in Congressman Duncan Hunter's office. It was the first time I could get an appointment and this is significant as the Congressman's committee assignments include education and labor.

Elizabeth Ahlgren may be contacted via email at elizahlgren@yahoo.com.



Elizabeth Ahlgren
NEA Director, District 10

Personal and professional life-altering journeys

I would like to take a moment of personal privilege via this column to let you know that after one year, four months and one day, my husband, Paul, and I have finally moved into our rebuilt house after our home was destroyed in the 2007 San Diego fire. The journey has been long and challenging and it is my sincere hope none of you have to ever take that journey. However, I would just like again to suggest to everyone to take pictures, videotape and/or make a list of your possessions/house appraisal and put a copy in a safe location, like a safety deposit box. Do not wait. Do it now! Also, re-evaluate your homeowner's insurance to be sure you are adequately covered. Do not depend on your agent to contact you to suggest an update.

Upcoming Events: Now on to retiree issues. I want to remind you that the next SDEA-R general membership meeting will be at the 94th Aero Squadron. We are having a speaker on fraud as well as a silent auction to raise funds for our project to give a new teacher/SDEA member a gift card to a teacher store. If you have

an item you would like to donate, contact me at 858-485-9888 or drop the item off at the SDEA office with Larry Moreno. Be sure to sign up for the luncheon ASAP (see insert).

Thinking about Retirement: In addition, as it now appears that the golden handshake (or SRP) will indeed become a reality this year, SDEA-R looks forward to welcoming an influx of pre-retirees. Please join us at the June 1, 2009 joint SDEA-R/SDEA Pre-Retiree/Retiree Reception from 4 to 6 p.m. as they begin their journeys into retirement.

A Big Thank You: Retired teachers/educators continue to impact the students and the community with their wealth of experience. Thanks to those who volunteered to read for Read Across America.



Norma Heeter
SDEA-R President

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Contact Nena Najera at the SDEA office for an application (619) 283-4411 or download a copy from the SDEA website. www.sdea.net

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— Next session starts March 30 —

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Regarding EFCA

News from the Labor Movement:

What is the Employee Free Choice Act?

Background

The Employee Free Choice Act is bipartisan legislation introduced by Sens. Edward Kennedy (D-Mass.) and Reps. George Miller (D-CA) and Peter King (R-N.Y.). It passed the U. S. House of Representatives, 241-185, on March 1, 2007, and gained majority support in the U.S. Senate on June 26, 2007, but was blocked by a Republican filibuster.

The best opportunity for working men and women to get ahead economically is by uniting with coworkers to bargain with their employers for better wages and benefits. These are tough economic times – soaring gas and food prices, home foreclosures, unaffordable health care, and shattered retirement security. Wages for working men and women have stagnated while pay and bonuses for CEOs have sky-rocketed.

The Employee Free Choice Act is the most important legislative proposal in seventy years because it will remove unfair barriers to union representation and collective bargaining so that workers can get their fair share and improve jobs and benefits for everyone. It will help workers achieve the American Dream by giving them the freedom to choose a union and bargain collectively. It will mean that the economy can work for everyone again.

Current federal labor law – the National Labor Relations Act – has become a barrier to workers' rights. Companies intimidate, harass, coerce and even fire people who try to organize unions. Workers are fired in a quarter of private-sector union organizing campaigns and most workers who try to form unions are subjected to repeated, coercive one-on-one anti-union meetings with their supervisors. Even after workers successfully form unions, 44 percent of the time they can't get a first contract. This is an urgent crisis for workers, blocking their free will and their ability to bargain for a better future.

Provisions

The Employee Free Choice Act remedies these problems in three specific ways:

1. Removes Current Barriers that Prevent Workers from Forming Unions to Bargain Collectively

Requires that when a majority of employees has signed authorizations designating the union as its bargaining representative, the union will be certified by the National Labor Relations Board (NLRB). Requires the Board to develop model authorization language and procedures for establishing the validity of signed authorizations. Changes the current corporate-dominated representation process that encourages companies to coerce and intimidate workers who seek to form a union and pressure them to influence their choice.

2. Guarantees Workers a Contract When They Form a New Union.

Provides that when an employer and newly formed union are unable to bargain a first contract within 90 days, either party can request mediation by the Federal Mediation and Conciliation Service (FMCS). If no agreement has been reached after 30 days of mediation, the dispute is referred to binding arbitration. All time limits can be extended by mutual agreement. This change eliminates current incentives for employers to delay and stall negotiations and will dramatically reduce the delay, frustration and animosity generated by the company-dominated system.

3. Strengthens Penalties against Companies which Break the Law During Organizing Campaigns and First Contract Negotiations.

Company violations have become epidemic in large part because remedies for corporate misconduct, such as illegal firings of union supporters, are so weak that companies treat them as a cost of doing business and a cheap way to scare workers away from their union support. New, tougher remedies will provide more protection for workers' rights.

a. Civil Penalties: Up to \$20,000 per violation against companies found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract negotiations.

b. Treble Back Pay: Increases to three times back pay the amount a company is required to pay when an employee is discharged or discriminated against during an organizing campaign or first contract negotiations.

c. Mandatory Applications for Injunctive Remedies: Requires the NLRB to seek a federal court injunction when there is reasonable cause to believe a company has discharged or discriminated against employees, threatened to do so, or engaged in conduct that significantly interferes with employee rights during an organizing campaign or first contract negotiations. Equalizes remedies by making mandatory injunctive remedies against companies the same as the currently required injunctive remedies against unions.



<http://www.aflcio.org/joinaunion/voiceatwork/efca/whatis.cfm>

Evaluation

Know Your Rights!

by Morgan Thornberry

Who can evaluate me?

Usually your principal/site supervisor is your evaluator. Sometimes the principal/site supervisor might choose to designate someone else to play to role of an evaluator. The designee must be credentialed supervisory personnel.

Can another unit member evaluate me?

The answer is NO. The contract is clear in stating that no unit member shall evaluate another unit member.

Can another unit member observe me?

If the purpose of the evaluation is to simply help a teacher with techniques and/or give pointers, an observation is permissible. The information gathered from the observation cannot be relayed to the administration. This should be an understanding prior to any observation. Such observations should be mutually agreed to and NOT unilaterally directed by administration.

Can I have a representative present at meetings that discuss my evaluation?

A union member has what is called the Weingarten Right to union representation at any meeting that the union member reasonably believes may result in disciplinary action. The scope of a union member's Weingarten Rights extends to evaluation progress check meetings and other meeting tied to an evaluation.

What are the deadlines that my principal has to meet?

The principal must meet certain deadlines. Below you will find some important deadlines that the principal must meet before putting a unit member on a remediation plan. Please note these deadlines are specific to the 2008-2009 school year.

Step	Traditional	Year Round
Last Day Progress Check/ Remediation Plan For Prob 2 (50 work days before summary evaluation report)	November 18, 2008	November 3, 2008
Last Day Progress Check/ Remediation Plan For Prob 1 & Permanent (50 work days before summary evaluation report)	February 11, 2009	February 3, 2009
Summary Evaluation Draft For Prob 2 Discussion, meeting, then final copy (3 rd Friday of February) Due no later than	February 20, 2009	
Summary Evaluation Draft For Prob 1, Permanent, Leave Replacement, Restricted Discussion, meeting, then final copy (Last work day in April for traditional) Due no later than	April 30, 2009	May 14, 2009
Evaluation Due to Employee Not later than 30 calendar days prior to the last day of school	May 15, 2009	June 19, 2009

DEFINITION:
"Unit Member"
Any certificated employee of the District that is a member of SDEA or is eligible to be a member of SDEA.

SAN DIEGO EDUCATION ASSOCIATION

www.sdea.net



Let's get active!



photo by Kate Nagy

Left: Atticus Redman, age 2, reads with his mom, Katie Redman, to Tricia Otterman's Math Advisory class. Keep sending in your wonderful photos, Advocate readers!



Keep sharing your thoughts!

Until we have a contract, we will be wearing our red SDEA shirts to show that together we *are* stronger. Send in your red shirt photos to be featured in The Advocate! Please include contact information.

Keep sending in letters! We are still collecting members' thoughts on the School Board. In honor of the upcoming evaluation deadlines, the Advocate will be "Stalling" the school board. Help us out! Do they earn an "effective" rating?

Advocate questions, comments and submissions may be directed to advocate@sdea.net.

<http://www.sdea.net>

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