

## July

### Contract Article 13 D 1-4

July's tip of the month is about adjunct duty (duty outside of the duty day). As school starts, some site administration will ask for their teacher to sign up for different things that will happen during the school year at each site. Did you know that you don't have to sign up for anything extra, unless you want to? Article 13 in our contract says that High school teachers are required to attend Back to School Night and Graduation and PS-6/PS-8 teachers are required to attend Back to School Night and one Family Event (track meet, Science Night, any event where the school is hosting and families are present). Additionally, all teachers must attend 5 mandatory staff meetings, that have to be calendared at the beginning of the year. I am not discouraging anyone from participating, as I was one of those teachers who did, but I know how as teachers we are overwhelmed and often guilty in to doing more. As the school year begins and we are asked to sign up for things, remember it is at your own will and you can say no. I have attached the specific part in article for you to read. May the contract be with you!

## August

August's Tip of the Month focuses on compensation. Did you know that if you do not work at least 75% (138/184 days) of the school year, you will not move down a step, in years, on the AVUSD pay scale? Contract Article 19.B.5, states that if you miss more than 46 days (this includes: illness, vacations, PNS, disability, workman's comp, maternity, etc.), you will not earn a year's service credit on your next contract. [ $184 \times 0.75$  is 138.  $184-138=46$ ] FMLA acts and disability allow you to take a certain amount of time off, which is your right, being aware of the loss is the key. Not receiving credit for a year's service can be harmful to your retirement and overall career long salary. If you wanted to buy a year's back in terms of retirement it would cost upwards of \$20,000 (cash up front) and if you do not move down a step one year, it is a possible total loss of hundreds of thousands of dollars (each year's loss x the number of years until retirement, not including raises) in the end. Attached is the article in full. As always, education and awareness are key. Remember our contract is WORTH the paper it is written on!

## September

September's tip includes an attachment from CTA, entitled Teachers' Rights Mini-Guide. Although this guide is older, the information is still valid today.

The most important "right" listed is often forgotten. The teacher's suspension right, CA Ed. Code, 48910.

(a) A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. If practicable, a school counselor or a school psychologist may attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

(b) A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.

(c) A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the designee of the principal for consideration of a suspension from the school.

For example: A teacher may suspend a student for up to two class periods if they notify the parent and document it. (If they act up in science, they will be suspended for science for up to two days.)

Sometimes just having them out of the class for a period, works wonders. Teachers do not have to arrange for the child(ren), notify the admin that the student(s) has been suspended and notified the parent or guardian; Admin will then find a place to put that child for the class period.

October

This month I want to talk about the difference between a grievance and a complaint. A grievance can only be filed when a specific article in the contract has been violated by any district employee. AVUTA has a committee dedicated to grievances and a chair Wendy Kelly (wendykelly.avuta@gmail.com). She will answer any questions regarding grievances you may have. However, she can't file a grievance about a complaint, which is a (non-contract) wrongdoing by any district employee. That is something you, as an AVUSD employee, have to do with the Human Resources Department. One employee grievance, I have heard more often lately is about SAFETY. You have the right to feel safe in your work environment. If you do not, you need to notify your site admin immediately and tell them "YOU FEEL UNSAFE", the reason why, and a resolution. Recently, I have had a lot of reports about getting hit, bit, or threatened by a student. That is a safety issue and you need to do the following 1) report to your admin 2) report to workman's comp (even if there is no visible injury that way a log can be kept) 3) Write up an incident report and if you feel unsafe, state it! 4) Email me (avuta.pres@gmail.com) about the incident and steps you have taken. You may also call the police, however once you do, it is considered to be out of the district's hands and the police will be handling it from there. AVUTA is here to help through any incident you may have, however you have to inform us and follow our directions. I have attached all of the articles for you to review (grievance, complaints, and safety).

### November

Did you know that the contract states that each principal has the ability to give any teacher a stipend for any amount (Article 20 F)? For example, if your principal asks you to head up or be on the PBIS/Leadership Committee, you as a teacher have the right to say you want to get paid for it. You and the principal have the ability to negotiate the time and the stipend until each is satisfied. In addition, the principal and/or teacher has the right to say no. The gist of this tip is that you do not have to do everything for free. As previously stated, each school has a discretionary fund to fund needs. We as TEACHERS need to VALUE our time and ask for compensation.

### December

This month tip of the month is about meeting with an admin. AVUTA and AVUSD would prefer if you had an AVUTA Rep or me in a meeting with

administration. The reason being is that if it becomes disciplinary you have a second person in there to listen to the accusations, stop you from incriminating yourself if necessary, and represent you during the process which includes the right to assist and advise members (in private or directly in the meeting). When an admin requests a meeting with you, the first thing you should ask is if it is for disciplinary action. If they say no or it becomes uncomfortable at any time in the meeting, YOU have the right to stop the meeting and request union representation.

We have provided all members with an AVUTA and CTA card with this phrase. If you lost yours or need a new one, contact your site reps. If they cannot help you, please email Terri Rey at [avuta.2ndvp@gmail.com](mailto:avuta.2ndvp@gmail.com). The rules you should know when invoking the rights are as follows:

#### RULE 1

The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

#### RULE 2

After the employee makes the request, the employer must choose from among three

options. The employer must:

Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee; or

Deny the request and end the interview immediately; or

Give the employee a choice of (1) having the interview without representation or (2)

ending the interview.

#### RULE 3

If the supervisor denies the request for union representation and continues to ask questions, he or she commits an unfair labor practice and the employee has the right to refuse to answer. The supervisor cannot discipline the employee for such a refusal.

As always, our member's rights come before anything.

#### January

Commenting in Aeries. It is extremely important to comment any interventions, discipline, and parent communication in Aeries. This will help you when trying to advance in the discipline process for your problem students. Interventions can range from moving seats, sending out to a neighboring classroom, detention, suspension, and parent

contact. The reason this is important is so that admin can not send them back if sent to the office or say classroom interventions are not being completed. In order to make sure I was doing this when I was teaching I would put a sticky on my computer screen with student's names on it and I would not leave for the day until I documented in those student's Aeries accounts about the incidents of the day and what I did in regards to intervene regarding their behavior. I would also use the following website to come up with interventions ([www.pbisworld.com](http://www.pbisworld.com)) if I needed some help. The way you comment in Aeries is by looking up the student's name, clicking on student data, then guidance, then discipline. Once there, click on the add comment button and proceed to add comments and click on the code in which it belongs. Make sure you save the comment before exiting. Once you are commenting on a regular basis, admin can look in their Aeries account instead of asking you what has been done.

## February

Student discipline and sending the disruptive/defiant kids out of YOUR class and to the office. I know that disruptive or defiant kids often cause you not to be able to teach in your classroom. I have mentioned this issue to the district admin and school board members. Last night, at the board meeting, the board, the public, and I were assured by Pat Shelby and Pat Schlosser that students who were being sent to the office for disrupting the class or being defiant will not be sent back to that particular class during that period (unless you specify differently) in which they were sent out. For elementary grades who don't have periods, this means that subject or block of time. Please make sure to document the discipline in Aeries and follow your site's referral/office slip process. If a student DOES get sent back during the same period, I need you to email me IMMEDIATELY, and I will bring it to the board and admin's attention. You also need to call the admin who dealt with the student and remind them of this commitment by the AVUSD board and upper admin. I know it is scary, but if we don't speak up, this problem won't get fixed, and we will continue losing teaching time to the disrupters, which makes the other students suffer academically. PBIS and Major/Minor incidents by site were mentioned. This is something you should have completed as a site during your first year of PBIS. The principals will be asked to share their site's major/minor incidents this week (if you don't get them, ASK!), please keep these incidents in mind when sending them to the office and if you don't

agree with some, inform your PBIS team and see if it can be brought up again during one of your site meetings to edit.

### March

According to article 15.1.a in our current contract, each full-time employee is given eleven days of leave per year. They can use or save up and use for retirement purposes. Out of those 11 days; 7 can be used for Personal Necessity Days. However, out of those 7 days only 4 can be considered Urgent Personal Affairs days (UPA). The difference between PNS days and UPA days; PNS have to be approved, UPA days do not. There is one situation in which UPA days can be questioned or where Human Resources (HR) can require corroborating documentation. For instance, if a certificated employee puts a UPA day in Aesop in advance; whether it is days, weeks, or even months. HR can argue that it was not URGENT and that it could have been requested. Therefore, if you are using UPA days do not put it into Aesop in advance. Attached are the PNS forms that every certificated employee use.

### April

Have you ever read Article 15 Leaves? It deals with things such as Illness, Personal Necessity, Sabbatical, Pregnancy, Maternity, Pregnancy Disability, Bereavement, Workman's Comp, Leave with pay, and Jury Duty. I always have questions regarding leave, especially the ones mentioned below. Therefore, I will summarize and give tips I've learned throughout my years as a member and AVUTA rep.

Illness: You get 11 days of leave annually all of which you could use for sick days.

Tip # 1: If you run out of sick days you will get paid differential pay (your pay less sub pay and fees associated with them).

Tip #2: You have to produce a doctor's note if you miss "5 consecutive days" or the district "has evidence to support a pattern of abuse of illness leave."

Tip #3: Do not put in illness leave until the night before or day of absence. Otherwise, the district can question your illness and require a note if an illness is placed in the Aesop system days or week before you are "ill."

Personal Necessity Leave (PNS): You are limited to 7 days out of the 11 you get each year for PNS.

Tip #1: It must be approved unless it is considered "urgent personal affairs that cannot be taken care of outside of school."

Tip #2: The Urgent Personal Affairs choice is limited to 4 per year and should not be put into Aesop prior to the night before, or day of absence; otherwise it is not considered urgent and must be approved.

Tip #2: PNS can't be used for political action, vacation, social activities, or extension of a school holiday, recess, or vacation.

Tip #3: PNS can't be taken prior to or following a holiday or vacation unless advance permission is received by the administration.

Tip #4: PNS can be approved for an extension of bereavement, as a victim, in an accident, illness or a member or family member, health appt for member or family member, a reason that is approved by administration in advance, and urgent personal affairs.

Bereavement: You are entitled 5 days of paid bereavement each year (these days are separate from you 11 days mentioned above).

Tip #1: Bereavement leaves only counts if the death is an immediate family member of the teacher. The people that fall into that criteria are a husband, wife, father, father in law, step-father, mother, mother in law, stepmother, brother, brother in law, sister, sister in law, son, son in law, stepson, daughter, daughter in law, step-daughter, grandmother, grandfather, grandchildren, or any other person living in the teacher's house.

Jury Duty: You have full release with pay for jury duty. This means you can be at jury duty for an unlimited amount of time and still get full pay.

Tip #1: Always get the stamped paper from the courthouse for proof that you were at jury duty

Tip #2: If you get any pay except for travel or subsistence expenses, it must be given you the payroll department.

I hope all of this helps you understand the leave and all of its criteria.

Please make sure you follow the rules. Otherwise, you can be questioned and or docked pay in cases of proven abuse.