

FACULTY AND DISTRICT: FOSTERING POSITIVE RELATIONSHIPS

Spring 2017 Flex

WHAT IS A CONTRACT AND WHY DO WE HAVE ONE?

Collective Bargaining agreement:

- Under EERA (Educational Employment Relations Act), community colleges have the right to unionize and enter into a contract (aka collective bargaining agreement or CBA).
- Representation by union is limited to workplace conditions including compensation, safety, layoffs, grievances, etc.

Why do we need to follow it?

- Fairness and equity

RELATIONSHIP BUILDING

First step is having a conversation with dean or department chair.

- The contract is complicated, so ask COCFA/AFT

TIMELINESS IS IMPORTANT

- Don't wait or sit on issue
- Time restraints on bringing grievances and complaints, and this is when problems become harder to solve.

DOCUMENT

If you have a meeting, document conversation and resolution in email and send right away.

- As per our conversation...
 - Briefly summarize the conversation
 - State the resolutions and any actions that were agreed upon
- Archive email or print out and save
- Send to or cc COCFA/AFT if a representative has helped you.

EMAIL EXAMPLE: PROBLEM WITH SCHEDULE

Dean Smith:

As per our conversation on December 8, 2016 we discussed my teaching load. For the past several semesters I have taught 18 TLUs, but for the upcoming spring 2017 semester I was only scheduled for 15 TLUs. After our conversation, you agreed to schedule me for one more class (Art 115, section 55562) for a total of 18 TLUs.

Thank you,

Bob

UNION REPRESENTATION

A member of COCFA or AFT can attend a meeting:

If you are concerned about disciplinary action you should have union representation at the meeting.

If you feel that a meeting is turning disciplinary then you should stop the meeting and request a union representative be present.

This is guaranteed by **LAW** - United States Supreme Court case: *NLRB v. Weingarten* from 1975.

GRIEVANCE VS. COMPLAINT PROCESS

Grievances - An employee or COCFA allege that he/she/it has been adversely affected by an alleged misinterpretation, misapplication or violation of a specific section of the contract or CBA.

5 step process - informal to advisory arbitration

<<<AFT has own grievance process. The above is COCFA.>>

Complaints - A process to resolve workplace complaints (i.e. Problems). Applies to ALL employees.

4 step process - informal to appeal

COCFA GRIEVANCES

Time limit

Within twenty (20) days of the occurrence of the contract violation or twenty (20) [**contract**] days from when the violation should have reasonably known.

20 days!

If the process isn't started within those 20 days, the District can win the grievance due to untimeliness.

COMPLAINTS

Time limits

Informal - as soon as it is known, the employee should raise the issue with the supervisor.

Formal - within 30 working days of the occurrence upon which the complaint is based.

Good news/silver lining - typically issues that give rise to a complaint are ongoing and repetitive, so if the deadline is missed, it is likely that the behavior will occur again.