

NJEA UniServ Regional offices

Region 1 -

Cape May & Cumberland

1318 South Main Road, Unit 2B
856-696-2670 FAX 856-794-8328

Region 2 - Gloucester & Salem

6 North Broad Street, Suite 325
Woodbury, NJ 08096-4635
856-628-8650 FAX 856-628-8656

Region 3 - Camden-East

1020 Laurel Oak Road, Suite 101
Voorhees, NJ 08043-3518
856-782-1225 FAX 856-627-6024

Region 4 - Camden-West

One Port Center
2 Riverside Drive, Suite 503
Camden, NJ 08103-1003
856-964-2800 FAX 856-964-2888

Region 5 - Burlington

509 South Lenola Road, Building #4
Moorestown, NJ 08057-1556
856-234-2485 FAX 856-234-0024

Region 6 - Atlantic

Township Office Center
314 Chris Gaupp Drive, Suite 103
Galloway Twp., NJ 08205-4464
609-652- 9200 FAX 609-652-8653

Region 7 - Ocean

Bayview Office Park
1433 Hooper Avenue, Suite 225
Toms River, NJ 08753-2220
732-349-0280 FAX 732-505-1939

Region 8 - Mercer

The Atrium
133 Franklin Corner Road
Lawrenceville, NJ 08648-2531
609-896-3422 FAX 609-895-0238

Region 9 - Monmouth

121 Route 36 West, Suite 325
West Long Branch, NJ 07764-1436
732-403-8000 FAX 732-403-8008

Region 11 - Middlesex-North

Durham Center
1 Ethel Road, Suite 107A
Edison, NJ 08817-2838
732-287-4700 FAX 732-287-9055

Region 12 - Middlesex -South

104 Interchange Plaza, Suite. 103
Monroe Township, NJ 08831-2038
609-860-0771 FAX 609-860-0935

Region 13 -

Hunterdon & Somerset

Macedo Business Park
27 Minneakoning Road, Bldg. 1
Flemington, NJ 08822-5726
908-782-2168 FAX 908-782-2329

Region 15 - Union

312 North Avenue East, Suites 2 & 3
Cranford, NJ 07016-2464
908-709-9440 FAX 908-709-9456

Region 17 - Morris

601 Jefferson Road, Suite 105
Parsippany, NJ 07054-3790
973-515-0101 FAX 973-515-9333

Region 19 - Hudson-North

6600 Boulevard East
West New York, NJ 07093-4218
201-861-1266 FAX 201-868-5920

Region 20 - Hudson-South

1600 John F. Kennedy Blvd., Suite B
Jersey City, NJ 07305-1702
201-653-6634 FAX 201-653-0922

Region 21 - Essex

76 South Orange Avenue, Suite 302
South Orange, NJ 07079-1727
973-762-6866 FAX 973-762-9750

Region 23 - Bergen East

110 Kinderkamack Road, Suite 2B
Emerson, NJ 07630-1828
201-265-6200 FAX 201-265-1335

Region 25 - Bergen-West

Heights Plaza
777 Terrace Avenue, First Floor
Hasbrouck Heights, NJ 07604-3110
201-292-8093 FAX 201-292-8098

Region 27 - Passaic

Preakness Valley Office Park
504 Valley Road, Suite 150
Wayne, NJ 07470-3534
973-694-0154 FAX 973-694-1338

Region 28 - Sussex & Warren

23 Route 206
Stanhope, NJ 07874-3264
973-347-5717 FAX 973-347-2268

Region 29 - Higher Ed

Golden Crest Corporate Center
2279 State Highway 33, Suite 508
Hamilton Square, NJ 08690-1759
609-689-9580 FAX 609-689-9585

UniServ Director

Zella Felzenberg

609-599-4561, ext. 2231

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Jim Loper

856-234-0522

Assistant Director-Central Regions 8-15 & 21

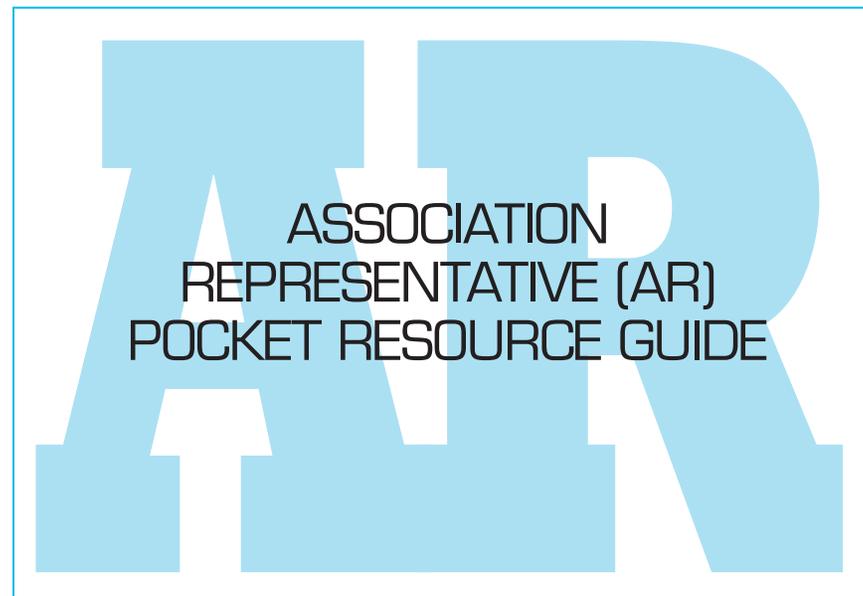
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732-287-6899

Assistant Director-North Regions 17-20 & 23-28

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973-347-0911



NEW JERSEY EDUCATION ASSOCIATION
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TABLE OF CONTENTS

Purpose of this AR Pocket Resource Guide	3
What is an AR?	3
NJEA UniServ Division	4
Protecting Members' Rights	4
Association Representative	6
Common Concerns	7
Contract Enforcer	9
Tenure, Sick Leave, and Duty-Free Lunch Periods	12
Steps in Problem Solving	15
Finding Volunteers and Getting Them to Work!	16
Try a 10-Minute meeting with the members you represent	17
Planning the 10-Minute Meeting	18
AR Communication Patterns	20
Emergency First Aid for the AR	21
A Member's Legal Rights to Representation-Weingarten Rights	22
Self-Incrimination	23
Confidentiality	23
Issue Gathering File	25
When Members Ask	27
Answering the Hard Questions	29
Tips for Association Representatives	30
AR Activity Timeline	31
AR Self-Evaluation	32
Glossary of Terms	33
Index	39

INDEX

A Member's Legal Right to Representation – Weingarten Rights	22
Answering the Hard Questions	29
AR Activity Timeline	31
AR Communication Patterns	20
AR Self-Evaluation	32
Association Representative	
Structure & Authority	6
Your Role	6
Your Functions & Responsibilities	6
Confidentiality	23
Contract Enforcer	9
Grievance Procedure	10
School Law – Nontenured Teaching Staff	11
Tenure, Sick Leave, and Duty-Free Lunch Periods	12
Emergency First Aid for the AR	21
Finding Volunteers and Getting Them to Work!	16
Glossary of Terms	33
Issue Gathering File	25
NJEA UniServ Division	4
Planning the 10-minute meeting	18
Protecting Members' Rights	4
Purpose of this AR Pocket Resource Guide	3
Self-Incrimination	23
Steps in Problem Solving	15
Tips for Association Representatives	30
Try a 10-minute meeting with the members you represent	17
When Members Ask	
What does the association do for me?	27
NJEA also advocates for you in many ways	28
What do I get for my dues dollars?	28

Name/Position	
Address	
School Phone	Home Phone
Cell Phone	Email

Name/Position	
Address	
School Phone	Home Phone
Cell Phone	Email

Name/Position	
Address	
School Phone	Home Phone
Cell Phone	Email

Name/Position	
Address	
School Phone	Home Phone
Cell Phone	Email

Name/Position	
Address	
School Phone	Home Phone
Cell Phone	Email

Purpose of this AR* Pocket Resource Guide

This NJEA publication is designed to be a convenient reference and resource tool to assist you in your many roles as an association representative. Remember to always keep it handy. Members will rely on you for immediate assistance or direction, and you want to be prepared.

Additional NJEA training opportunities and materials are available by having your local president contact the NJEA UniServ regional office.

To maximize your role as an AR, please make sure your personal information is updated on the MARS membership system, available at njea.org.

What is an AR?

- The AR is a listener who tunes the association into the sounds from the membership ranks.
- The AR is a weather vane seeking out member moods, anxieties, and enthusiasms.
- The AR is a motivator who reminds members, "We did it 'Now watch how much more we can do!'"
- The AR provides a soapbox from which members can sound off.
- The AR is a siren sounding the call for membership action.
- The AR is a pied piper unifying the ranks around the leadership.
- The AR is an itch raising questions, stirring up members, sometimes disturbing them, and then waking them up.
- The AR and the principal work cooperatively and maintain a respectful day-to-day relationship to benefit members as a problem solver.
- Most of all, the AR is a friend. Whatever is important to the member is important to the AR.

REMEMBER

You are the face and voice
of the members you represent.

** Building Directors, Building Reps, Building Delegates, Senior or Lead Rep, Agent, Wing Reps, or any other title as designated by your local association.*

NJEA UniServ Division

UniServ – The NJEA-NEA UniServ network provides extensive field services to members, as well as local and county affiliates throughout the state.

Operating on a coordinated, statewide basis, the 22 regional field offices provide door-step services to the members through the UniServ field representatives and office staff. The UniServ headquarters staff coordinates the network and provides statewide assistance on member recruitment, training, and organizing programs throughout the state.

NJEA-NEA UniServ field representatives train local leaders and assist local and county affiliates in the areas of:

- Coordination of state-national resources, including advocacy and leadership training, membership recruitment, professional development, instructional improvement, and human relations for the local association
- Negotiation services
- Contract administration/grievance adjudication
- Member consultation and individual service
- Public relations and publicity at the local level
- Legislative/political activity through local action
- Local organization business management and membership promotion
- Leadership development skills

Call Your UniServ Regional Office First (*see back cover*)

Protecting Members’ Rights

One of an AR’s prime objectives is to protect his/her members’ employment and civil rights. NJEA believes school employees should be free from arbitrary and capricious decisions by employers. When such decisions occur, association representatives should have the resources to defend their members through the proper administrative or legal channels.

Accordingly, NJEA provides the following services in protecting its members’ rights:

Contract Enforcement - Grievance Processing – NJEA assists its locals with an up-to-date approach to protect negotiated contracts through a grievance procedure which generally ends in binding arbitration.

Name/Position _____

Address _____

School Phone _____ Home Phone _____

Cell Phone _____ Email _____

Name/Position _____

Address _____

School Phone _____ Home Phone _____

Cell Phone _____ Email _____

Name/Position _____

Address _____

School Phone _____ Home Phone _____

Cell Phone _____ Email _____

Name/Position _____

Address _____

School Phone _____ Home Phone _____

Cell Phone _____ Email _____

Name/Position _____

Address _____

School Phone _____ Home Phone _____

Cell Phone _____ Email _____

New Jersey Education Association

180 West State Street, P.O. Box 1211, Trenton, NJ 08607-1211

Phone: 609-599-4561

Fax: 609-392-6321

Website: njea.org

UniServ Regional Office/Rep

Address

Phone

Fax

Email Address

County Association President

Address

School Phone

Home Phone

Cell Phone

Email

Local Association President

Address

School Phone

Home Phone

Cell Phone

Email

Grievance Chair

Address

School Phone

Home Phone

Cell Phone

Email

Membership Chair

Address

School Phone

Home Phone

Cell Phone

Email

Legal Protection – In cooperation with NEA, NJEA provides members with free legal protection in employment-related cases, provided an NJEA-network attorney’s services are used. NJEA pays all approved legal costs in such employment-related cases.

Personal Liability – No school employee in New Jersey needs to worry about personal liability claims as a result of job performance. An NJEA-sponsored law; “holds harmless” all school employees and requires school boards to carry sufficient insurance to maintain this protection.

Tenure/Due Process – NJEA is firmly committed to the concept of due process for school employees and, therefore, monitors and challenges all attempts to weaken the tenure law.

Minority Rights – NJEA provides local associations with assistance in developing minority involvement programs and assists members in their efforts to fight discrimination in their employment.

Evaluation – NJEA assists local associations and members in understanding the requirements of employee evaluation regulations.

Special Initiatives – InvESTing in a New Jersey starts with you. Members of your community, particularly parents, want what’s best for their children’s schools. They are our natural allies on educational issues. Using the NJEA’s Pride in Public Education campaign, you can help build a positive image for your association in your community.

Public Employer-Employee Relations Act

This act provides school employees with fundamental rights:

- The right to form, join, and assist any employee organization (or to refrain from such activity).
- The right to be represented by an employee organization for negotiations with the employer.
- The right of the majority representative to act for and to negotiate agreements covering all employees in the unit. The majority representative also assumes responsibility for representing the interests of all such employees without discrimination and without regard to employee organization membership.

N.J.S.A 34-13A requires school boards to:

- Recognize and negotiate in good faith with the employee organizations on terms and conditions of employment.
- Enter into written agreements with such employee organizations.
- Negotiate written policies setting forth grievance procedures which may provide for binding arbitration as the terminal step.

Association Representative

Structure & Authority

Each local association should have an AR structure. ARs should be members of the representative council or representative assembly which is usually the policy-making body for the local association. The local association's constitution outlines the procedures for that group. With few exceptions, each worksite should have at least one AR for every 10 to 15 members. In large worksites, one AR should serve as senior or chief AR. Members of the rep council or assembly should meet regularly with the administration to establish a working relationship.

Your Role

- **Advocate and Problem-Solver**
- **Communicator and Spokesperson**
- **Organizer**
- **Contract Enforcer**
- **Advisor**
- **Promoter**

Your Function & Responsibilities

- **As Advocate and Problem-Solver** – You help members stand together for a strong, unified profession, and identify problems and resolve minor difficulties before they become major association concerns.
- **As a Communicator and Spokesperson*** – You convey members' ideas directly to officers or to the association council and vice versa.
- **As an Organizer** – You understand and promote services and functions of local, county, state, and national associations.
- **As a Contract Enforcer** – You become familiar with the current negotiated agreement and promptly address any violations of the contract.
- **As an Advisor** – You distribute information about association programs and services to members.
- **As a Promoter** – You recruit and retain members and encourage member involvement.

**NOTE: The best kind of communication is face-to-face. Association use of school district interoffice mail or email is HIGHLY DISCOURAGED and may be prohibited. Even if these forms of communication are permitted by your collective bargaining agreement/contract, be cautious of such use. If you are using a private domain site or networking sites to communicate with members, please remember to use appropriate security settings.*

School Professional Development Plan – Shall include a description of school-level and team-based learning in the school and will be based on identified school goals, and student and teacher needs. The approved school-level plans will become part of the district professional development plan reviewed by the county professional development board and the local board of education.

School Employees Health Benefits Plan (formerly the State Health Benefits Plan) – Provides health insurance coverage to qualified school employees, retirees, and their dependents. While this plan is universal for retirees, local employers must adopt the plan as their health coverage in order for public school employees to participate in the plan.

Teachers' Pension Annuity Fund (TPAF) – The retirement pension and benefit systems for certificated staff.

UniServ - The NJEA-NEA UniServ network provides extensive field services to members as well as local and county affiliates throughout the state.

Weingarten Rights – A 1975 Supreme Court decision regarding the legal right to union representation in matters affecting employment status.

Local Professional Development Committee (LPDC) – A committee consisting of an administrative designee and at least three teachers who will be elected through the majority representative whose charge it is to develop certificated staff professional development training.

Membership Accounts Receivable and Special Mail (MARS) – NJEA member database and system of member information.

Observation – A visitation to an assigned work station/site by a certified supervisor for the purpose of formally collecting data on the performance of a teaching staff member’s assigned duties and responsibilities.

Past Practice – A reasonable, uniform understanding response to a recurring situation over a substantial period wherein labor and management mutually accept the procedure or workplace custom.

Public Employee-Employer Relations Commission (PERC) – NJSA 34-13A: This commission shall make policy and establish rules and regulations concerning public employee-employer relations as related to dispute settlement, grievance procedures well as related matters to collective bargaining and enforcement of statutory provisions concerning representative elections.

Public Employees’ Retirement System (PERS) – The retirement pension and benefit systems for educational support professionals.

PRIDE – Since 1994, NJEA has conducted Pride in Public Education, a statewide campaign that shares the successes of public education with all New Jerseyans to build strong community support for and involvement in our public schools. Funding is available to local associations to promote and advance this campaign in their local communities.

Rebuttal – A written response to any written review of an employee’s performance which may affect their employment status.

Reduction in Force (RIF) – A layoff, elimination, or abolishment of position resulting from a shortage of funds or work. Employees may be dismissed or transferred from their tenured position and suffer loss of tangible employment benefit.

Regional Office – NJEA UniServ regional offices throughout the state that service members as well as local and county affiliates.

Common Concerns

As an association representative, your members will look to you for assistance and direction.

Answers to most questions will come from three sources: the local association contract, the board of education policy book, and the UniServ regional office. Always have a copy of your local contract readily available, know where to find a copy of the board of education policy book in your building, and have the UniServ regional office phone number committed to memory. (Generally the BOE policy book will be located in the library or with the secretary to the principal.)

Among the most common issues that will be brought to your attention are:

Child Abuse: In the event a member has been accused of abusing a student, have the member contact the UniServ regional office immediately. Direct the member NOT to speak with anyone, including the local president, principal, or anyone else. Members should NOT sign any documents or write any statements. In the event a member believes he/she has witnessed a case of child abuse, have the member contact the UniServ regional office for direction on how best to address the concern.

Employee Assistance Program (EAP): In the event your district does not have an Employee Assistance Program, you can refer your members to a free and confidential 24-hour hotline, 1-866-AID-NJEA (1-866-243-6532).

Evaluation: Consult your collective bargaining agreement, as well as board policy to determine district practice. Remember, the member can respond to any evaluation with an addendum. If the concern is about timelines or other procedures, consult the grievance procedure outlined in the contract. NOTE: Consult your contract to determine the difference between an evaluation, an observation, and an Annual Performance Review (APR).

Grievance Timelines: Consult your collective bargaining agreement to ensure the timeliness of filing and the process for adjudication. Remember, you will often be called upon to attempt to resolve problems at the lowest possible level. Failure to follow necessary timelines as indicated in your collective bargaining agreement can result in the grievance being immediately denied.

Harassment: Have the member provide a written statement outlining the concern and instruct the member to contact the local president prior to contacting the UniServ regional office.

Health and Safety Issues: Consult both your collective bargaining agreement and the board policy to determine if there is a policy, procedure, or committee to whom all such information and concerns should be reported. Alert your local president to the situation so that UniServ can be made aware of a situation that may require additional assistance.

Leaves of Absence: Consult your contract to determine number of days and any restrictions applied. In addition, check the board policy on matters not specifically noted. Contact the local president to determine if there are any past practices or precedents that might impact on a member's specific concern. In some cases, there will be specific questions related to a pregnancy-related disability/childrearing or family leave which are best handled by your UniServ field representative. Instruct the member to contact the local president with his/her concern prior to calling the UniServ regional office.

Member Complaint: Determine if the member's concern is a violation of the collective bargaining agreement or board policy. If so, have the member complete a written statement and contact the local president. (Remember, you will often be called upon to seek a resolution at the lowest possible level.) If the issue is time sensitive, call the UniServ regional office for direction.

Reprimand: Consult your contract to determine if there is language to provide protection or upon which to file a grievance. Consult grievance procedures, notify the local president, and refer the member to the UniServ regional office.

Retirement: NJEA provides information and consultation for members who are contemplating retirement. As the AR, refer members to the UniServ regional office to determine the next retirement workshop and/or to arrange an appointment for a retirement consultation. Please note that certificated staff are enrolled in the Teachers' Pension Annuity Fund (TPAF) and educational support professionals (ESP) are enrolled in the Public Employees' Retirement System (PERS).

Violence/Vandalism: Consult board policy on procedures to address such issues. If the member has been attacked, contact the local president and the UniServ regional office for direction.

Workplace Injuries: Every district has specific rules regarding the reporting of injuries and the process to secure medical attention. Be sure to consult the district policy when giving advice. Failure to properly follow those policies can create further hardship for your members.

A GOOD RULE OF THUMB: If you can't find an answer in the contract or the board policy, you should contact the local president or grievance chair to determine if there is a past practice. Additional information can be found at njea.org.

You are not expected to know all and be all!

Glossary of Terms

Advocate - One who supports, defends, maintains, or promotes a cause.

Annual Performance Review (APR) - A written appraisal of a certificated staff or ESP member's performance prepared by an appropriately certified supervisor.

Board Policy Manual - The documented procedures by which local school districts operate. This must be available to employees and the general public upon request.

Collective Bargaining Agreement/Collective Negotiation Agreement/Contract - A negotiated written contract entered into by labor and management which includes wages, hours, and regulates the terms and conditions of employment.

Educational Support Professionals (ESP) - Noncertificated school employees which include: secretaries/clerks, paraprofessionals, custodians, maintenance workers, cafeteria employees, bus drivers, security, and crossing guards, etc.

Employment Contract - A written agreement between a board of education and an employee which includes wages, hours, and work year.

Evaluation - A written appraisal by a properly certified administrator or supervisor who visits the work station/site for the purposes of observing the employee.

Get out the Vote (GOTV) - An activity local associations engage in to support pro-education local, state, and national candidates, legislation, and budget passage.

Grievance - A claim by an employee or the association based upon the interpretation, application, or violation of policies, agreements, and administrative decisions affecting an employee, group of employees, and/or the association.

Harassment - A person complaining of harassment or a hostile work environment must prove that the offending conduct would not have occurred but for the employee's protected status, i.e. race, age, gender, sexual orientation, religion, etc., and was severe or pervasive enough to make a reasonable person believe that the conditions of employment have been altered and that the working environment is hostile or abusive.

Institutional Abuse Investigation Unit (IAIU) Formerly: Division of Youth and Family Services (DYFS) - New Jersey's child protection and child welfare agency which ensures the safety, permanency and well-being of children and supports families. IAIU is responsible for investigating allegations of child abuse and neglect.

AR Self-Evaluation

	ALL of the time	MOST of the time	NONE of the time
Do you establish relationships on a face-to-face basis?			
Do you know your members and do your members know you?			
Are you approachable?			
Can members ask you questions?			
Do you know the contract well enough to assist your members?			
Do you listen effectively without jumping to conclusions?			
Do you know what questions to ask?			
Do you have a “sense” of things not being right?			
Can you identify a legitimate issue as opposed to a gripe?			
Can you separate an issue from the personality?			
Do you keep members’ issues or concerns confidential?			
Do you have a professional relationship with the supervisors/ administrators?			
Can you determine whether you need to use a collaborative or adversarial approach to seek successful resolutions?			
Can you predict a vote on a given issue in your building?			
Do you stay in close contact with your local president, advising them of on-going issues or problems?			
Can you “keep your cool?”			
Do you advocate for all members?			

Contract Enforcer

The AR as Contract Enforcer: While all local association members should be involved in contract enforcement, it is a special responsibility of the association representative, along with the other officers of the association who have a special responsibility.

ARs Promote Contract Enforcement: Initiate checks on the contract’s enforcement. As a vital association leader, the AR is best able to detect small problems at early stages. Many problems with contract enforcement can be remedied by prompt, informal action at the building or department level. An alert AR can prevent small violations from becoming a crisis by using his/her own initiative.

The AR must enforce the contract.

- Make contract enforcement a regular agenda item at AR meetings.
- Explain the new contract to members.
- Remind members of appropriate grievance machinery to protect the rights of bargaining unit members.

Grievance Authority – The contract embodies terms and conditions of employment, and benefits and rights to protect members individually and the association collectively. It is an agreement between the board and the association concerning the rights and obligations of each party within the boundaries established by law.

The law which gives public employees the right to negotiate is the **N.J. Employer-Employee Relations Act, (N.J.S.A. 34:13A-1 to N.J.S.A. 34:13A-29** as amended through July 10, 2003). It provides:

A majority representative of public employees in an appropriate unit shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership. Proposed new rules or modification of existing rules governing working conditions shall be negotiated with the majority representative before they are established. In addition, the majority representative and designated representatives of the public employer shall meet at reasonable times and negotiate in good faith with respect to grievances, disciplinary disputes, and other terms and conditions of employment. Nothing herein shall be construed as permitting negotiation of standards or criteria for employee performance.

It is clear that an employee organization may grieve on behalf of itself as well as individual members. The N.J. Supreme Court in *Red Bank Reg. Ed. Assn. v. Red Bank Reg. H.S. Bd. of Ed.*, 78 N.J. 122 (1978), ruled that a majority representative has the right to process a grievance on behalf of an individual and that an employer may not insist that an employee pursue his grievance personally when the majority representative wished to present and process that grievance.

In the case of *Saginario v. Attorney General* 87 N.J. 480 (1981), the court held that an individual employee who may be adversely affected by the outcome of a grievance is entitled to be heard at some point during the grievance processing. The individual employee may be represented by his/her association, or if the employee's position is in conflict with the association's, him/herself or by a personal representative.

Duty of Fair Representation – PERC has cited as its standard for the Duty of Fair Representation the U.S. Supreme Court's decision of *Vaca v. Sipes*, 386 US 171 (1967). In this landmark case the court said:

“A breach of this statutory duty of fair representation occurs only when a union's conduct toward a member of this collective bargaining unit is arbitrary, discriminatory or in bad faith.”

In subsequent cases, the federal courts and the National Labor Relations Board, to which PERC looks for guidance, have probed the vigor with which an association has investigated all aspects of a grievance, the communications between the union and affected members, the absence of procedures for handling grievances, and negligence in meeting timelines.

Grievance Procedure – The actual procedure in any contract is constructed of three major parts:

- (1) The definition of what is grievable.
- (2) The procedural steps to be followed in pursuing the grievance.
- (3) The terminal step of the procedure.

The grievance definition must be in accordance with **N.J.S.A. 34:13A-1 et seq.** The most common definition is as follows:

A grievance is a claim by an employee or the association based upon the interpretation, application, or violation of policies, agreements, and administrative decisions affecting an employee, group of employees, and/or the association.

Work - Then Grieve – Management has the right to establish rules appropriate for the efficient operation of the schools provided that such rules conform to law and the board association contract. Generally speaking, the employee who is ordered to do something which, in the employee's opinion, violates the contract should tell the administration that the contract is being violated and that the requested action shall not have to be done. If just telling the administration that the order violates the contract doesn't resolve the dispute, the employee should carry out the administrator's directive, tell the administrator that a grievance will be filed, and then take the steps necessary to file a grievance.

Conformity to the work-then-grieve principle can at times work a hardship on the employee which must be corrected later by an appropriate award from an arbitrator or avoided in advance by an appropriate strategy in anticipation of the administrator's directive.

AR Activity Timeline

Throughout the Year	Summer JUL & AUG	Fall SEPT, OCT, NOV, DEC	Winter JAN, FEB, MAR	Spring APR, MAY, JUN
<ul style="list-style-type: none"> • Attend all local association meetings and activities. • Get the names of new members and use a buddy system to contact, support, and recruit them. • Distribute membership and promotional materials. • Keep members aware of various NJEA/county & local training opportunities. • Assist in recruiting new or increased PAC contributions. • Explore NJEA at njea.org. 	<ul style="list-style-type: none"> • Promote and attend NJEA Summer Leadership Conference. • Prepare for new members. • Review collective bargaining agreement, constitution and bylaws, and board policy. • Create school-year calendar of association activities. • Take the AR self-evaluation. 	<ul style="list-style-type: none"> • Educate and recruit new members. • Distribute NEA/NJEA member benefits materials. • Participate in GOTV for state and national elections. • Promote and attend NJEA Convention. • Celebrate American Education Week. • Celebrate National ESP Day (Wednesday of the week of American Education Week). 	<ul style="list-style-type: none"> • Promote and attend NJEA Winter Leadership Conferences. • Promote Read Across America. • Prepare for school board and budget elections. • Assist in nominations & elections for local associations. • Prepare for evaluation rebuttal writing. 	<ul style="list-style-type: none"> • Participate in school board and budget elections. • Prepare for member's evaluation support. • Prepare for nonrenewals and RIFs. • Take the AR self-evaluation also mentioned in July & August. • Celebrate members and honor retirees.

Need information on special projects, initiatives, or events? Looking for guidance with a special project?

Go to **njea.org** for the latest information and more in-depth direction on everything from how to complete a Pride proposal to addressing issues related to health and safety.

Check out the quick clicks to learn more about upcoming NJEA events, Pride, Read Across America, member benefits, and much more!

Get more in-depth information about health and safety, political action, and professional development by clicking to the various NJEA division links.

njea.org - there to help and guide you!

Tips for Association Representatives

- Know where to find and familiarize yourself with your association information and documents, i.e. your collective bargaining agreement, constitution and bylaws, membership applications, or any other documents most commonly used by your local association, and have a copy of them handy.
- Know where to find and familiarize yourself with your district board policy manual.
- Know how to contact the other association leaders, especially the president and grievance chairperson.
- Schedule and attend all AR meetings, as well as any other relevant association meetings.
- Don't do for members what they can do for themselves.
- Use a personal approach when interacting with each person you represent.
- When soliciting help with association projects, ask members personally. Make the jobs as nonthreatening as possible, stress the importance of the work, identify the time commitment, set high standards, and reward and publicly recognize good work. (*See: Finding volunteers and getting them to work*)
- Listen to questions objectively and advise members accurately. Don't be afraid to say, "I don't know the answer to that question, but I will find out and get back to you."

Always follow through.

- Constantly remind members of their individual rights (see Weingarten Rights) which allows employees the right to demand union representation at an investigatory interview.
- Enforce the contract! If you know that there is a violation, you must act on it!
- Advise members to write everything down; including time, date, location, names of involved persons, witnesses, actual words spoken, and any other pertinent facts for clarity and their own personal record. Keep in mind any contractual timelines.
- Make sure that you understand what your members are trying to achieve by coming to you.
- **Always keep discussions confidential.**
- Do not send sensitive or confidential information through district email.
- While supporting and promoting the members' interests, you must determine whether you need to use a collaborative or adversarial approach to achieve successful resolution.
- Be constantly optimistic about what the association can accomplish and be enthusiastic about the importance of your work.

The major exception to the principle is when the directive is for the employee to do something which is obviously injurious to health or physical safety.

N.J. School Law – (N.J.S.A.)

18A:27-3.1 Non-Tenured Teaching Staff; observation and evaluation conference; purpose – Every board of education in this State shall cause each non-tenured teaching staff member employed by it to be observed and evaluated in the performance of his or her duties at least three times during each school year but not less than once during each semester. Said evaluations are to take place before April 30 each year. The evaluation may cover that period between April 30 of one year and April 30 of the succeeding year excepting in the case of the first year of employment where the three evaluations must have been completed prior to April 30. The number of required observations and evaluations may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year. Each evaluation shall be followed by a conference between that teaching staff member and his or her superior or superiors. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for their correction, and improve professional competence.

18A:27-10 Non-Tenured Teaching Staff Member; offer of employment for next succeeding year or notice of termination before May 15 – On or before May 15 in each year, every board of education in this state shall give to each non-tenured teaching staff member continuously employed by it from the preceding Sept. 30 either;

- (a) A written offer of a contract for employment for the next succeeding year providing for at least the same terms/conditions of employment but with such increases in salary as may be required by law, policies, or board of education, or
- (b) A written notice that such employment will not be offered.

Tenure, Sick Leave, and Duty-Free Lunch Periods

18A:17-2 Tenure of secretaries, school business administrators, assistant secretaries, business managers, and secretarial and clerical employees

- a. Any secretary, assistant secretary, school business administrator or business manager of a board of education of any school district who has or shall have devoted his full time to the duties of his office and has or shall have served therein for three consecutive calendar years, and
- b. Any person holding any secretarial or clerical position or employment under a board of education of any school district or under any officer thereof, after
 1. The expiration of a period of employment of three consecutive calendar years in the district or such shorter period as may be fixed by the board or officer employing him, or
 2. Employment for three consecutive academic years, together with employment at the beginning of the next succeeding academic year, an academic year being the period between the time when school opens in the district after the general summer vacation and the beginning of the next succeeding summer vacation, and
- c. Any person who has acquired, or shall hereafter acquire, tenure in any secretarial or clerical office, position or employment under the board of education of a school district and has been appointed district clerk or secretary, or shall hereafter be appointed secretary of said district, as such secretary shall hold his office, position of employment under tenure during good behavior and efficiency and shall not be dismissed or suspended or reduced in compensation, except for neglect, misbehavior or other offense and only in the manner prescribed by subarticle B of article 2 of chapter 6 of this title.

18A:28-5 Tenure of teaching staff members – The services of all teaching staff members employed in the positions of teacher, principal, other than administrative principal, assistant principal, vice principal, assistant superintendent, and all school nurses including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services, school athletic trainer and such other employees as are in positions which require them to hold appropriate certificates issued by the board of examiners, serving in any school district or under any board of education, excepting those who are not the holders of proper certificates in full force and effect and school business administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 or chapter 6 of this Title, after employment in such district or such board for:

Answering the Hard Questions

How will I afford it?

Your membership starts as soon as you enroll. Fortunately, through automatic payroll deduction, just a portion of your dues is deducted each month. This way you have the entire year to pay.

However, your membership benefits such as free legal protection, discount consumer services, conference offerings, and negotiations service begin immediately at the time of enrollment.

As a new member, will I have a voice in the Association?

Our association is proud of its democratic principles. Every member has an equal voice and a vote every time your association takes action. You also have direct representation to the NJEA Delegate Assembly (DA), executive committee, and NEA representative assembly (RA) through the representatives you elect to office. New Jersey also has 11 representatives to NEA's board of directors.

Why are dues so expensive?

Dues are actually comparable to membership in many professional associations. However, in addition to the professional development opportunities, you also have a strong organization striving to improve your working conditions, salaries, and health benefits.

What if I don't agree with a lot of things that the Association does?

That's okay. If you think about it, we seldom agree with every activity of both the Senate and House of Representatives. And we would never consider giving up our voting rights. As a member, your voting power would give you a chance to make changes.

Finally, consider some arguments for the chronic "nonjoiner"...

Every employee not joining gives the school board some hope that some unit members aren't behind the negotiating team. That can hurt everyone. It can mean the difference between an agreement reached reasonably and a possible impasse or strike while the board tests the unity of the staff.

The same result can happen on a state level when your state association lobbies for school funding, better facilities, and improved professional development opportunities.

In short, we're all in this together and the decision of one person to stay out of the organization has an impact on every school, every employee, and every child.

NJEA also advocates for you in many ways.

- NJEA provides a multitude of professional development opportunities such as the NJEA Convention.
- NJEA lobbyists pursue legislation that protects members and public schools.
- NJEA publications provide up-to-date information on issues affecting members and their professional careers.
- NJEA promotes public education through a number of initiatives and activities such as Pride in Public Education, Families and School Together, and InvEST in a New Jersey.
- NJEA field staff bring negotiations expertise to a local's doorstep.
- NJEA-NEA's Attorney Referral Program provides personal legal services for NJEA active and retired members throughout the state of New Jersey and across the country.

These are only a few of the services brought to you from NJEA headquarters and 22 UniServ regional offices located throughout the state.

What do I get for my dues dollars?

Your dues dollars generate big dividends. Did you know that because of NJEA's hard work on your behalf when you retire with 25 years or more of service, you earn premium-free lifetime health benefits?

Over a period of 25 years, a member's dues is recouped in less than one year of free family coverage under the School Employees Health Benefits Plan after retirement. A single-coverage member can recoup his/her dues money in just two years. Lifetime health coverage is just one benefit of your NJEA membership.

- (a) Three consecutive calendar years, or any shorter period which may be fixed by the employing board for such purpose; or
- (b) Three consecutive academic years, together with employment at the beginning of the next succeeding academic year; or
- (c) The equivalent of more than three academic years within a period of any four consecutive academic years.

18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system - No one shall be dismissed/reduced in compensation,

(a) if he is or shall be under tenure of office, position or employment during good behavior and efficiency in the public school system of the state, or

(b) if he is or shall be under tenure of office, position or employment during good behavior and efficiency as a supervisor, teacher or in any other teaching capacity in the Marie H. Katzenbach school for the deaf, or in any other educational institution conducted under the supervision of the commissioner;

except for inefficiency, incapacity, unbecoming conduct, or other just cause, and then only after a hearing held pursuant to this subarticle, by the commissioner, or a person appointed by him to act in his behalf, after a written charge or charges of the cause or causes of complaint, shall have been preferred against such person, signed by the person or persons making the same, who may or may not be a member or members of a board of education, and filed and proceeded upon as in this subarticle provided.

Nothing in this section shall prevent the reduction of the number of any such persons holding such offices, positions, or employments under the conditions and with the effect provided by law.

18A:30-2 Sick leave allowable - All persons holding any office, position, or employment in all local school districts, regional school districts, or county vocational schools of the state who are steadily employed by the board of education or who are protected by tenure in their office, position, or employment under the provisions of this or any other law, except persons in the classified service of the civil service under Title 11, Civil Service, of the Revised Statutes, shall be allowed sick leave with full pay for a minimum of 10 school days in any school year.

18A:30-4 Physician's certificate required for sick leave - In case of sick leave claimed, a board of education may require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave.

18A:30-1 Definition of sick leave - Sick leave is hereby defined to mean the absence from his or her post of duty, of any person because of personal disability due to illness or injury, or because he or she has been excluded from school by the district's medical authorities on account of a contagious disease or of being quarantined for such a disease in his or her immediate household.

Pregnancy-related disability/childrearing - In accordance with the aforementioned 18A:30, leaves of absence as result of pregnancy related disability/childrearing, there are two components:

1. A disability period during which an employee is disabled by pregnancy and child-birth. Generally the disability phase is thirty (30) calendar days before the due date and thirty (30) calendar days after birth date.
2. A child rearing period during which the employee is on leave to take care of the newborn child. The duration of that leave is determined by board policy and in accordance with the Family Medical Leave Act.

These two components are treated differently under the law and are subject to local board policy and interpretation of the collective bargaining agreement.

N.J. Administrative Code

N.J.A.C. 6A:32-4.2b Duty-free lunch periods for teachers - Any full-time teacher employed in both a morning and an afternoon session for at least four clock hours shall be entitled to a duty-free lunch period during the hours normally used for lunch periods in the school. The duty-free lunch period shall not be less than 30 minutes except in a school where the lunch period for students is less than 30 minutes. In such cases, the duty-free lunch period shall not be less than the lunch period time allowed to students.

When Members Ask...

What does the association do for me?

- Protects you from improper and illegal dismissal or suspension (call your UniServ regional office right away).
- Negotiates your contract - improves it and fights off attempts to weaken it.
- Represents you in the Legislature and with the various commissions and agencies that affect your work life.
- Protects tenure and seniority for members.
- Continues to strengthen and protect member's benefits and post-retirement benefits.
- Provides full-time professional staff to assist your association with professional needs.
- Coordinates an image-building campaign to promote public education through a variety of media.
- Utilizes the Pride in Public Education program to improve and enhance the image of school employees and local associations within the community.
- Wages an annual battle to ensure adequate school funding for school districts and colleges which directly benefits your contract.
- Helps you enforce your contract.
- Provides staff and legal assistance as appropriate.
- Analyzes your district's budget to find funds that otherwise would be hidden from the negotiators of your contract.
- Provides low-cost member-only insurance plans.
- Trains your local leaders in techniques to bargain your contract and protect it from abuse. Advises you on safeguarding your job, working conditions, and retirement income.
- Maintains discount programs to enable members to stretch their consumer dollars.

If an issue may result in a possible grievance:

C. State the issue:

D. Relief sought:

(If more space is needed for Sections B/C/D, attach an additional sheet.)

E. Result(s) or resolution:

Steps in Problem Solving

1. Defining the problem

- a. Obtaining clarity and understanding
- b. Being as specific as possible
- c. Reaching agreement that the problem being defined is really the problem

2. Gathering information

- a. Providing incidents or bases exemplifying the problem
- b. Discussing issues and concerns that are related to the problem

3. Diagnosing and analyzing causes

- a. Stating goal or objective for change
- b. Identifying strategies for modification

4. Proposing solutions

- a. Brainstorming or
- b. Making a list of as many alternative solutions as possible

5. Discussing solutions

- a. Evaluating the merits of each alternative solution
- b. Ranking alternative solutions from best to poorest

6. Deciding on a solution or a series of solutions

- a. Choosing a solution that seems feasible, i.e. has potential for success
- b. Choosing a solution that can actually be implemented

7. Planning action steps

- a. Listing detailed steps for implementing solution(s)
- b. Planning specific steps that individuals can take

8. *Evaluating way of working with one another during the problem-solving process

- a. Expressing feelings and opinions about the way individuals are working (or will work) together
- b. Planning ways that can improve working relationships

**Although Steps 1-7 are sequential, Step 8 should be implemented concurrently throughout the process.*

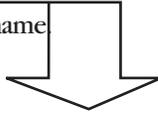
The members should view the AR as problem solvers not troublemaker.

Members need to have confidence that their ARs will be working on their behalf, that they will have a relationship with the administration, which can result in resolution to their concerns. Being a good advocate means being able to facilitate resolutions while speaking on behalf of the members.

Finding Volunteers and Getting Them to Work!

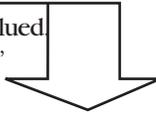
Personalize

- Approach members face-to-face; address them by their first name
- “Could you please help me with an association project?”



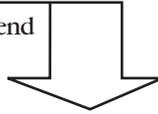
Stress Importance

- Make the members feel their participation is important and valued
- “We really need a couple of good people like you to help us.”



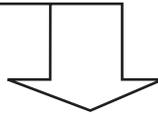
Set Time Limits

- Give a definite timeframe when the project will begin and end or the number of days necessary to complete the project.
- “It will only take one month!”



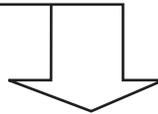
Be Enthusiastic

- Stress importance; have a defined task.
- “Your participation is greatly appreciated. The association values your input.”



Show Appreciation

- Thank them and promise to get back by a specific date.
- “Thank you so much. I’ll be in touch by next week with more details. Thanks again!”



Issue Gathering File (for AR use)

Issue #:

Worksite:

Building	Assignment	Name of Member	Date	Filed

A. Date of occurrence:

B. Issue:

B1. Information provided:

B2. Source of information:

What to do if a member is accused of or a witness to Child Abuse

Investigation at the building level or through the Institutional Abuse Investigations Unit (IAIU) formerly Division of Youth and Family Services requires that the AR advise members to:

1. **Not discuss the matter with anyone but an attorney.**
2. **Remain silent.**
3. **Request assistance from the UniServ regional office.**
4. **Never sign what someone else writes up about the incident.**
5. **Do not provide a written statement without attorney advice.**
6. **Do not meet with IAIU without consulting the UniServ regional office and without an attorney.**

If a member is accused of child abuse, contact the NJEA UniServ regional office IMMEDIATELY!

18A:6-1 Corporal Punishment of Pupils - No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary:

1. to quell a disturbance, threatening physical injury to others;
2. to obtain possession of weapons or dangerous objects upon the person or within the control of a pupil;
3. for the purposes of self-defense; and
4. for the protection of persons/property;

Try a 10-minute meeting with the members you represent

ARs who hold regular building meetings — especially in difficult times — have the best shot at strengthening membership rapport.

Ask members their opinions on association matters. Create an atmosphere where members feel that their opinions count in the decision-making process. Have a tear off for members to write their thoughts in advance of the meeting. This permits them to “let off steam” and provides the AR with suggestions that can be shared with attribution.

Additionally, it provides the association representative with an opportunity to speak to a member about an individual concern or suggestion.

Make association meetings snappy, businesslike, and use a clock.

Sample Announcement

10-minute Association Meeting , Wednesday, November 2
(10 minutes. Don't believe it? Then bring along your stop watch.)

We're negotiating this year - and it will be YOUR contract.

The Association is determined to keep YOU informed.

Association leaders need YOUR ideas. Remember - only 10 minutes!

We begin at _____ sharp.
(time)

We meet at _____.
(place)

We wind up at _____ sharp.
(time)

Honest, it really is a 10-minute meeting. If you're a doubter, come and time us!

Sample Agenda

Association Meeting - Nov. 2, Forbes Junior High

A. What was discussed at most recent rep council or executive committee?
(two minutes)

B. We need your opinions on _____.
Your views will be presented at the next rep council meeting. (four minutes)

C. Latest developments on the problem of _____. (three minutes)

D. An association victory you should be proud of. (one minute)

Time's up! - We told you we could do it in 10 minutes!
Don't forget to leave your questions and suggestions at the door.

Planning the 10-minute meeting

Time	Agenda Category	Topic
Two minutes: (min. 1-2)	A. Current Issues Update	Brief review of major topics discussed at last month's rep council meeting.
Four minutes: (min. 3-6)	B. Our Hot Issue	Here is a current issue. We need your ideas before we go to the next rep council meeting.
Three minutes: (min. 7-9)	C. What's on Your Mind?	A review of a current issue that concerns members in this building.
One minute: (min. 10)	D. A Success or Problem Story	We're having some success in this area, or we're optimistic in this area, thanks to YOUR efforts. Keep up the good work. OR We are having a problem in this area. We need your help in dealing with this.

Self-Incrimination

Members have the constitutional right not to self-incriminate in accordance with *Banca v. Phillipsburg*, Superior Court of N.J., Appellate Division, 1981:

- A public employee has the constitutional right not to incriminate himself/herself by the fifth and fourteenth amendments of the Constitution of the United States.
- When a public employee makes a self-incriminating statement in response to a threat of termination, that statement must be regarded as coerced and therefore violates the employee's constitutional privilege not to incriminate him/herself.
- During an official investigation, a public school employee is not subject to disciplinary action for refusing to make a statement unless he/she has been given protection through immunity barring the use of any self-incriminating statement in subsequent criminal proceedings.

Confidentiality

Effective ARs defend, they don't judge. They establish a level of comfort in which their members feel confident in sharing important information. In order for an AR to most effectively do their job, members must believe that they can speak to the AR in confidence.

The only exception to is when an AR is faced with an Institutional Abuse Investigation, disciplinary matters such as drug testing, or criminal investigation of a member. In those situations the AR should direct members to the UniServ office to secure attorney services. Conversations between an attorney and an association member **are privileged**. Conversations related to those special situations between ARs and members are not privileged and can result in the AR being subject to subpoena/ compulsory disclosure.

A Member's Legal Right to Representation – Weingarten Rights

The Weingarten Case – An employee's right to representation was formally recognized by the U.S. Supreme Court in 1975 in a case called *NLRB v. Weingarten*.

Where the right to representation comes from: The National Labor Relations Act (Section 7) says that employees have the right to engage in “concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Included within this is the right to have union representation at an investigatory interview.

What the right means to the member: If an employee is called in for an investigating interview or discussion or conversation with management and the employee reasonably believes that what is said at the interview may result in discipline, then the employee has the right to demand union representation at the interview.

What if the member request is denied? The member should attend the meeting, take notes, and decline to verbally participate until such time that he/she can have such representation. The member should then contact his/her AR who will then contact the local president to call UniServ.

The role of an AR – The presence of an association representative can be crucial, and both the member and the AR should be aware of their rights.

1. The employee does not have the right to a representative of his/her choice. The choice of a representative may be based on availability.
2. The employee and the AR have the right to know the subject matter of the interview.
3. The AR must be allowed to take the employee aside for a private pre-interview conference before questioning begins.
4. The AR must be allowed to speak during the interview.
5. The AR can request that the supervisor clarify a question so that the employee can understand what is being asked.
6. Before questions have been asked, the AR can give advice on how to answer.
7. When the questioning ends, the AR can provide additional information to the supervisor.
8. If Weingarten rules are complied with, and possible criminal charges may follow, the AR has the right to tell employees not to answer questions.

Local associations need to educate members about their Weingarten rights. The presence of an AR can be crucial. It can save employees from making foolish statements that may lead to discipline or discharge.

Rationale

We're keeping members informed. We are trying to reduce the back-room attitude so often prevalent during negotiations. Keeping members informed is not a matter of how much they are told. Rather, it's a matter of feeling that leaders are working to inform them. Personal contact prevents rumors from hurting staff morale or association credibility.

This reinforces in members' minds that their opinions are actively sought and presented at the rep council meeting.

This may be the most important issue to come up at rep council meeting. Members need to feel that the association is conscious of their needs. Often just talking about a problem gives considerable relief.

Praise, encourage, and nourish the members. Develop a spirit of optimism. An all-is-lost attitude culminates in “I give up.” Low morale kills support for association goals, especially during a prolonged impasse or crisis. Personal contact builds confidence. Level with your members. Obtain their creative ideas in approaching the problem. Ask them to think of solutions between now and the next 10-minute meeting.

**“Time's up!” We told you we could do it in 10 minutes!
Don't forget to leave your questions and suggestions at the door.”**

AR Communication Patterns

The AR who converses with members or with the administrator in the office will find it a good idea to practice avoidance of nonproductive speech habits, and to cultivate the use of productive verbal patterns. Practice!

Avoid These Patterns	Because...
Please, may I	Sounds like a toad, sounds like a slave.
Yes, sir; No, sir...but...	“But” is a no-no; it throws in a negative.
We already informed you about that last month	Untrained administrators scold; ARs don’t. Instead, they deal positively with the issue at hand.
Let me tell you why you’re wrong	Sounds condescending.
Are we allowed to...?	Ouch!
Thank you for taking time to speak with me (to an administrator)	Puppy dog stuff. The administrator should be thanking the AR, not the other way around.
I...	“I” infects with the ego-plague.
Dr. Johnson...	You have a first name, doesn’t the administrator?
Cultivate These Patterns...	Because...
Paraphrasing puts emphasis on member’s concern, not that of the AR	Reinforces notion of success from unity.
What you seem to believe is that...	Everyone’s most important topic is his or her “self.”
What you seem to be saying, John, is that...	Paraphrase with the use of the name.
Will you explain a little further about...?	A request for clarification shows you are interested.
You’re certainly right about that, Ed!	Ed’s opinion is worthy, therefore Ed is worthy.
You raise a good point!	We recognize you. We’re listening.
How frustrated you must feel!	Empathy, shared emotional response to a problem.
Thanks for your help, Jan.	Personalized expression of appreciation.
You did a great job, Sue.	Praise, recognition as a person.
We did it!	We...we...we...

Emergency First Aid for the AR

Handling an Incident

The first stage of an incident is often filled with drama which hinders clear thinking. Therefore, **it is vital that members be warned against taking precipitous and potentially unwise action.**

In the first few minutes or hours following an incident that poses a threatening outcome for a member, the AR should be prepared to do the following:

Warn Members

- **NOT** to make spontaneous responses to charges brought against them.
- **NOT** to appear at any accusatory hearing (including a meeting with an administrator) unless accompanied by association representatives.
- **NOT** to attempt to defend themselves alone.
- **NOT** to accept “an opportunity to resign.”
- **NOT** to agree to any proposals, whether orally or in writing.
- **NOT** to submit any written statement to administrators or school directors.
- **NOT** to refuse to carry out an order of an administrator even though doing so would violate the contract (if the order places the employee at a health risk or other danger, then contact your president to contact the UniServ field representative).

Advise Affected Members

- **TO** immediately write down everything that happened — a narrative including time, date, location, names of involved persons, witnesses, and actual words spoken.
- **TO** get advice early from association representatives — not to “wait and see what happens.”
- **TO** keep copies of all correspondence and papers related to the situation.

MANY A CAREER HAS BEEN SAVED AS THE RESULT OF A DILIGENT REPRESENTATIVE PAYING EARLY HEED TO ONE OF THESE CAUTIONS. WHEN IN DOUBT, CONTACT YOUR UNISERV OFFICE!