

**OEA P-49
OAKLAND EDUCATION ASSOCIATION
PROPOSAL TO
OAKLAND UNIFIED SCHOOL DISTRICT
May 14, 2018**

Article 7 - EMPLOYEE RIGHTS

7.1 General

7.1.1 A unit member shall be entitled to have present an Association representative when being formally reprimanded (a formal reprimand may be reduced to writing). The Employer shall employ a progressive discipline approach where appropriate. When request for such representation is made, the formal reprimand shall not be discussed until the unit member has the opportunity to have an Association representative present.

7.1.2 A unit member shall also be entitled to have present at meetings an Association Representative when the unit member has specific reason based on prior communications to believe that the meeting is intended for verbal reprimand. When in the opinion of the site administrator disciplinary action may occur, the site administrator will inform the unit member of his/her right to have a representative present. Where the member during the course of the conference has a reasonable belief that discipline may arise from the discussion, he/she may request to have an Association Representative present and the request will be accommodated if the administrator agrees that discipline may arise from the discussions.

7.1.3 A unit member shall not be subjected to discipline, reprimand, reduction in status or demotion without reasonable and just cause.

7.1.3.1 For purposes of this agreement, "reasonable and just cause" is understood to have the meaning stated in Appendix 7.

7.1.3.2 In administering disciplinary action, the District shall follow progressive discipline as stated in Appendix 7.

7.1.3.3 In the event that the District issues a statutory notice of unprofessional conduct, and does not give notice of intent to suspend or dismiss the unit member upon expiration of the forty five (45) day period, the notice will be regarded as a letter of reprimand and subject to the just cause and progressive discipline procedures in 7.1.3.1 and 7.1.3.2 above.

7.1.4 Any such discipline, reprimand, reduction in status or compensation shall be subject to the professional grievance procedures hereinafter set forth. All information relating to the above actions will be made available to the unit member upon request.

Such information will be made available to the Association representative if the unit member requests the release of such information in writing.

7.1.5 Each unit member is guaranteed his/her right to professional representation through the Association.

~~7.1.6 Extra duty compensation assignments such as Yearbook supervision are considered term (year-to-year) assignments. The parties acknowledge that coaching assignments represent unique considerations and will be specifically discussed in Article 21 -- Special Services and Specialized Assignments. Incorporated in 24.5.1.~~

7.1.6 Unit members shall be provided with complete class sets of all textbooks and other required instructional materials no later than the fifteenth (15th) day of the first semester and the tenth (10th) day of the second semester.

7.2 Faculty Council

7.2.1 Faculty Council Purpose

A Faculty Council (FC or Council) shall be established in each school of the District to facilitate communication between the faculty and the school site administration. The FC shall be the site faculty decision-making team. Purposes of the FC are:

7.2.1.1 To provide a means for the faculty to make suggestions and recommendations for improvements related to the operation of the school, to both the Principal/Site Leader and the school site leadership groups and to discuss any items of common concern.

7.2.1.2 To provide an opportunity for the school site leadership groups and Principal/Site Leader to present concerns in order to receive reactions and recommendations from the faculty.

7.2.1.3 To discuss site-based reform proposals proposed by school site leadership groups, administration or bargaining unit member(s) regarding the delivery of instruction. To bring a proposal which would significantly impact the content and delivery of instruction before the entire faculty for thorough discussion and approval.

7.2.2 Faculty Council Function

It shall be the function of the FC to meet at least monthly in order to identify and discuss any and all problems and issues of common concern related to the program at the school. The FC will also make recommendations on site-based reforms regarding the delivery of instruction. The specific function of the Council shall be to advise and recommend. Additional functions and responsibilities included but are not limited to:

7.2.2.1 Elect a FC chairperson.

7.2.2.2 Hold regularly scheduled meetings.

7.2.2.3 Recommend placement of the staff development days or the equivalent number of hours and the professional development activities for the days when dates are not determined by the Association and/or the Employer (Article 10 - Hours of Work).

7.2.2.4 Conduct secret ballot elections when appropriate.

7.2.2.5 Appoint or elect a FC representative to the Site-Based Decision Making Team (SBDMT) when appropriate.

7.2.2.6 Forward appropriate waiver requests to the Superintendent.

7.2.2.7 Forward appropriate waiver requests to the Association.

7.2.2.8 Accept the FC agenda items from unit members, which concern instructional issues.

7.2.2.9 Work closely with the Principals/Site Leaders to explore options for reducing or eliminating the need for roving teachers.

7.2.2.10 Recommend procedures to ensure staff presence for school site continuity during lunch periods.

7.2.2.11 Recommend suggested means to reduce paperwork required of unit members.

7.2.2.12 Review any changes in teacher assignments in the final master program.

7.2.2.13 Participate in room assignment decisions.

7.2.2.14 Make recommendations, along with the site administrator, to the Employer who shall work to ensure that unit members will not be required to work under unsafe or hazardous conditions or to perform tasks, which endanger their health, safety, or well being.

7.2.2.15 Make recommendations about campus security to the Employer in order to provide a secure campus learning environment at each school site.

7.2.2.16 Participate when practicable with the Superintendent in decisions to close a school when reasonable assurance of safety to students and unit members do not exist. This may occur in conditions of civil disorder or student unrest.

7.2.2.17 Meet with the site administrator for the purpose of pre-planning and review of the school's after-school athletic or other events for which there may be a question of student or staff safety. Should the site administrator and FC not be in agreement on a safety-related topic, the FC may appeal the administrator's decision to the District Events Safety Council.

7.2.2.18 Develop and implement necessary security provisions for night functions that are approved school activities.

7.2.2.19 Meet with the site administrator in Early Childhood Education Centers for the purpose of pre-planning and review of the center's after-hours events for questions of student or staff safety.

7.2.2.20 Work with the site administrator to resolve issues regarding workspace and equipment of unit members.

7.2.3 Faculty Council Election

7.2.3.1 During the **first twenty (20) days** ~~month of September~~ of each school year, an Association Representative shall arrange for a secret ballot election of members to serve on the FC.

7.2.3.2 The Council shall consist of a minimum of three (3) unit members and maximum of fifteen (15) unit members with not more than one member from a grade level in elementary schools and not more than one member from a department in secondary schools. Any OEA bargaining unit member employed full-time at the school site shall be eligible for election to the Council.

7.2.3.3 Any part-time OEA bargaining unit member assigned more than one-half time to a particular school shall also be eligible for election to the FC.

7.2.3.4 All Council members shall be nominated and elected by secret ballot at large.

7.2.3.5 Each nominee, regardless of the number of unit members from each grade level (elementary) and each department (secondary), will have his/her name listed on the ballot under the grade level or department or school site determination. The ballot will instruct the faculty to vote for one from each grade level or department.

7.2.3.6 Members shall be elected at-large at adult schools and Early Childhood

Education Centers.

7.2.4 The members of the Faculty Council shall elect a chairperson and other officials. Among other duties, the chairperson shall set the agenda and present it to the Principal/Site Leader prior to the meeting. The Council shall hold regularly scheduled monthly meetings. Additional meetings may be scheduled as mutually agreed to by the Council chairperson and the Principal/Site Leader. During the regularly scheduled monthly meetings, the Principal/Site Leader or the Council chairperson may invite other school staff members to participate in the Council discussions. The Principal/Site Leader may place matters on the agenda.

7.2.5 Minutes of the concerns discussed and decisions made by the FC shall be taken at each meeting. When the FC meeting with the Principal/Site Leader is concluded, the unofficial minutes shall be reviewed for accuracy by the Principal/Site Leader and the faculty council chairperson. A copy of the official minutes shall be distributed to:

7.2.5.1 Each Faculty Member

7.2.5.2 Principal/Site Leader

7.2.5.3 Area or Associate Superintendent

7.2.5.4 Director of Labor Relations

7.2.5.5 Association.

Responsibilities for reproducing and distributing the minutes rest with the Principal/Site Leader and the FC chairperson.

7.2.6 Disputes involving the interpretation and/or application of this provision shall be resolved in the following manner:

7.2.6.1 The Chairperson of the FC shall advise the site manager, Labor Relations and the Association in writing, of the nature of the dispute and of the resolution sought by the members of the council.

7.2.6.2 If the site manager is unable to resolve the dispute within ten (10) working days, the matter shall be referred to the Association/Employer Resolution Committee (RC), consisting of: Six (6) members

Three (3) members appointed by each of the respective parties.

7.2.6.3 The members of the RC shall be:

The FC Chair or an Association Site Representative;

The Site Manager or designee;

An Employer Representative;

The Association President or designee;

Member of the Superintendent's Executive Staff;

Another Association Member or Staff assigned by the Association.

7.2.6.4 The RC shall engage in an open and frank discussion concerning the dispute.

The RC shall submit a recommendation to resolve the dispute. This resolution shall be determined by consensus decision-making and sent to the faculty for implementation within ten (10) working days.

7.2.6.5 If the dispute is a violation of this contract, the matter shall be handled in accordance with Article 14 - Grievance Policy.

