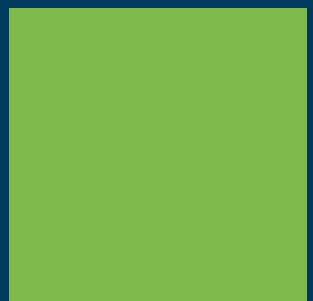
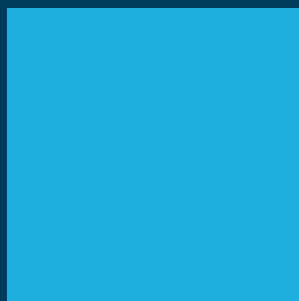
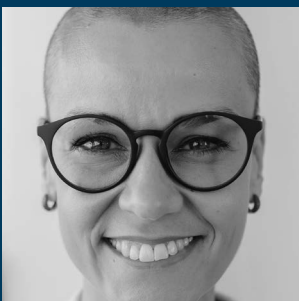




OHIO EDUCATION ASSOCIATION

# Public Education **MATTERS**

the heart of it all



Ohio Education Association Local

2024-2025

# President's Handbook



# Welcome!

Dear Colleague,

You have accepted a very important role in our union through your willingness to serve as a local association president. OEA's strength depends on the strengths of its locals, and our locals are strong only when we have strong leaders like you. Our members depend on us to listen to them, advocate for their needs, and organize them in ways that will build their collective strength. Thank you so much for agreeing to take on this important role.

Please know that while your responsibilities as a local president are significant, you're not alone in this work. Yours is one of about 750 local affiliates in the OEA family, and that means that there are more than 750 others (counting co-presidents) who know what it's like to be in your shoes and are here to support you in your efforts. We have a tremendous team of OEA staff members, including your own Labor Relations Consultant and Associate Staff member, are committed to your success. Please draw on the resources of your fellow presidents, our OEA staff, and, most importantly, your fellow members within your local, as you fulfill your role. Also know that the other OEA officers and I, as well as your colleagues on OEA's Board of Directors and your district leaders, are willing to support you in any way we can.

I'm excited to share this Local President's Handbook with you as another resource that you can draw upon throughout the year. It contains key information on a variety of topics and is organized in a way that should allow you to access what you need, when you need it.

Whether this is your first year as local president or you have been in this role for a long time, I wish you the very best. Thank you for all you do for our members, our union, and the students we serve!

In solidarity,

A handwritten signature in black ink that reads "Scott". The signature is stylized with a large, sweeping 'S' and a cursive 't'.

Scott DiMauro  
OEA President  
614-227-3177  
dimauros@ohea.org

# Preface

Being a local union leader is so much more than simply filing a grievance, and no matter what task you are undertaking, you should have these questions foremost in your mind: “How can we make our local stronger?” and “What can we do to build a more powerful local?” When you are conducting a local meeting, reaching out and communicating with members, finding ways for members to participate in their union, laying out a newsletter, putting together a communications strategy or conducting a membership drive or a voter registration campaign — always ask yourself, “How can we use this opportunity to make our local a louder voice, a stronger vehicle to improve the lives of members?”

The purpose of this resource is to guide local presidents. It is a practical guide that contains tips and “food for thought” on how to meet your important responsibilities. *We strongly encourage local presidents to regularly consult with their labor relations consultant (LRC) regarding the challenges they face, and to be informed of available OEA/NEA resources.* Your LRC can also connect you with the specialized OEA consultants from OEA headquarters who provide valuable resources to you regarding educational policy, legislation, politics, school board races, levy guidance and resources, and support in collective bargaining and school finance.

This guide is not intended to be a one size fits all model for locals. Rather, local Presidents should often look to their own governing documents, (constitution and bylaws) as well as their local collective bargaining agreement when dealing with issues pertaining to their locals.

# Role of the Local President

The president plays an important role in the effectiveness of the local association. Local presidents should be willing to give time and effort to their duties, have an interest in advancing public education, and possess a cooperative spirit when working with members, management, other stakeholders, and the public. The president should lead and coordinate activities of the association but should not attempt to do all the work.

The Association president serves as the primary spokesperson for the membership. When acting in this capacity, the local president is on equal footing with the superintendent and Board of Education.

Under Ohio law, the president has the right to express openly and honestly the position of the Association, without fear of reprisals. The law protects the president from unlawful discharge due to Association activity.

The president speaks for the local on matters ranging from finance, discipline, bargaining and contract enforcement. Most importantly, by building and maintaining relationships, the president can help the local become powerful as an advocate for members, students and public education.

In carrying out this work, you will draw on a variety of strategies to be effective. Each of those is laid out in more detail throughout the Handbook.

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This is a publication of the Ohio Education Association  
Membership Year: 2024-2025  
Publication Date: June 2024 (rev 6/2024)

All forms provided as examples within this publication are for illustration purposes only and may not reflect the most current version. Current versions are available by contacting the Ohio Education Association Membership Department at [membership@ohea.org](mailto:membership@ohea.org) or 1-844-632-4636.

## Section 1: Accessing Support and Providing Strategic Leadership

- Become familiar with how your local fits into the structure of the Association (district, state, national) and how to access resources and support in your work with members.
- Ensure the local is represented at OEA UniServ Leadership Council meetings.
- Utilize the support of the OEA Labor Relations Consultant in organizing your local for growth and strength. Exchange contact information and identify the best way to communicate. i.e., text, email, etc.
- Provide a structure for understanding and responding to member concerns.
- Work with your Labor Relations Consultant to conduct a Local Self-Assessment and create a Local Development Plan.
- Guide local leadership in making decisions related to your local's direction, policies and programs.
- Become familiar with your local's Constitution and Bylaws.
- Review your Constitution and Bylaws every five (5) years for compliance with OEA and NEA affiliation requirements and submit it to **CandB@oheaorg**.

# Planning Ahead: Key Dates for Local Presidents

## August

- Request new hire information from district office
- Write a president's welcome letter for members returning back to school
- Plan for the OEA Fund Drive
- Check with your local treasurer to ensure all membership enrollment materials have been received
- Notify OEA field office to report any local officer or leader changes (now or anytime there are changes)
- Conduct Back-to-School Activities, including ensuring an Association presence at New Employee Orientations and other Membership Recruitment events
- Review and Development of Local Development Plan

## September

- Update email and other contact lists, including Worksite Representatives
- Develop a list of all potential members. Include contact information and worksites
- Conduct fundraising drive for the OEA Fund (unless your local has already had a drive in the spring or earlier in the fall)
- Attend Bargaining Boot Camps (numerous locations in various OEA regions throughout the fall)
- Send Election Notice to All Members

30 Completed Dues Transmittal Agreement must be signed and mailed to OEA  
(check with your local treasurer on this)

## October

- 10 Deadline for Conducting Local Election for Delegates to the OEA Representative Assembly
- 15 Deadline for Receipt of Local Delegate Election Results by OEA
- 15 Corrections to Continuous Membership Roster, enrollment and renewal forms due to OEA

## November

- Local School Board Elections (odd years)
- Fall District Representative Assemblies (dates and locations vary)

## December

1st Saturday OEA Fall Representative Assembly

## January

- OEA Affiliate Grant Applications due (watch for details on specific deadlines each year)
  - OEA Awards and Scholarships nominations due
- 15 Deadline for submitting tax filing to IRS (Form 990/990 EZ or 990 N e-postcard) for locals with 9/1 to 8/31 fiscal year (Check with your treasurer on this, and be sure verification is sent to OEA as well)
- 31 Deadline for Submitting Declaration of Candidacy Forms for State At-Large Delegates to the NEA Representative Assembly
- 31 Fiscal Fitness Award application due to OEA Secretary-Treasurer's office

## February

- Begin preparation for a Membership Early Enrollment Campaign if necessary
- OEA Advocacy and Organizing Institute, Columbus (typically late January or early February)

## March

- Conduct Election for Local Delegates and, when necessary, State At-Large Delegates to the NEA Representative Assembly
- NEA Leadership Summit (locations vary) – look for details on scholarship opportunities

## April

- Begin preparations for Back-to-School membership campaigns
- Spring District Representative Assemblies (dates and locations vary)
- 10 Deadline for Submission of Election Results for NEA Local Delegates

## May

- OEA Spring Representative Assembly, Columbus (typically 2nd Friday and Saturday)

## June

- Update rosters of members and non-members, including those who have resigned or retired
- OEA Summer Leadership Academy (typically mid-month)
- Local Presidents' Training (watch for announcements on dates and locations)
- Start looking for Membership materials for the upcoming school year and planning for Back-to-School Membership Recruitment and Engagement activities

## July

- Hold membership/back-to-school organizing training with local leaders
- NEA Representative Assembly (traditionally first week of July, over the Independence Day holiday) —Location Varies
- OEA Minority Leadership Training, Columbus (watch announcements for details)
- Planning for Membership
- Encourage Local Treasurers to attend Treasurers Training Workshop

## Ongoing

- Conduct local Executive Board/Building Rep Meetings (monthly, or as stipulated in your Constitution and Bylaws)
- Attend or delegate other members to attend School Board Meetings (often twice per month)
- Attend or delegate other members to attend OEA UniServ Leadership Council Meetings (typically four times per year)
- Participate in Professional Development and Leadership Training Opportunities hosted by OEA and OEA Districts
- Update names and contact information of all bargaining unit members and non-members.

# OEA Strategic Priorities, Mission, Vision and Core Values

## Strategic Priorities

1. Build OEA and locals' capacity to be more relevant to members
2. Educate and organize members to build support for quality public education
3. Build OEA as a member resource for professional issues
4. Educate and organize OEA and its members to advocate for racial, social, and economic justice

## OEA Mission

The OEA will lead the way for continuous improvement of public education while advocating for members and the learners they serve.

## OEA Vision

The Ohio Education Association is the hallmark for excellence in education.

## OEA Core Values

These principles guide our work and define our mission.

### We believe in:

#### **Democracy.**

The foundation of a strong democracy is high quality public education, which is essential for an educated citizenry.

#### **Collective Action.**

When we unite as one voice, we are strong advocates for learners and our profession.

#### **Fairness.**

A high quality education, accessible to all, promotes a fair and just society.

#### **Inclusion.**

We respect and embrace the diversity of all communities.

#### **Integrity.**

By holding ourselves to the highest standards, we promote good citizenship and maintain the public trust.

#### **Professionalism.**

Professional judgment and expertise of educators are critical to student success. Educators deserve the status, compensation and respect due all professionals.

# Contacts and Additional Resources

Use this resource as a guide to contact the right department with your questions.

## OEA Membership

Want to Email us?	<a href="mailto:membership@ohea.org">membership@ohea.org</a>
Want to call us?	Call InfOEA at 1-844-632-4636.
Looking for treasurer training workshops which are held June to August?	Access the following link on the OEA Website: <b><a href="https://www.ohea.org/resources/affiliate-resources/treasurer-workshops/">https://www.ohea.org/resources/affiliate-resources/treasurer-workshops/</a></b>
Want to schedule individual treasurer training?	Contact OEA Secretary/Treasurer at 1-800-282-1500 ext. 3199 or 614-227-3199.
Questions about lost membership cards; changes in address, phone numbers and email addresses; change in employment status, additional membership forms?  Where can I mail dues payments, Membership Update Forms and membership enrollment materials?	Contact InfOEA at <b>1-844-632-4636</b>  OEA Membership Department 225 E. Broad St. P. O. Box 2550 Columbus, OH 43216
Need to update member contact and certification information?	Visit <b><a href="http://www.ohea.org">www.ohea.org</a></b> and login. Select “Member Center” then “Member update form”, or email <a href="mailto:membership@ohea.org">membership@ohea.org</a>

## OEA Computer Services Department

Experiencing problems signing on to the OEA website ( <a href="http://www.ohea.org">www.ohea.org</a> – Member Login)?	Contact <a href="mailto:webmaster@ohea.org">webmaster@ohea.org</a> or 1-800-282-1500 X 3000
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## OEA Accounting Department

How do I obtain EIN (Employer Identification Number)?	IRS (Internal Revenue Service): 1-631-447-8960, <a href="http://www.irs.gov">www.irs.gov</a> or OEA: 1-800-282-1500 Extension 3017
Where do I obtain tax forms and file the annual 990 N e-postcard?	
Where do I obtain association checking account signature changes?	Contact your bank at _____ (Insert your bank's number here.)

## OEA Fund for Children and Public Education

*Where do I get information regarding reimbursement of PAC (Political Action Committee) Funds?*

*Government Relations Department  
govtsrv@ohea.org*

## NEA Member Benefits

*Want to learn more about the wide range of products and services exclusively for members and their families including life, disability, long term care, and property and casualty insurance; credit and loan programs; mortgages; savings and investment programs; discount programs; and professional resources including the NEA Academy?*

*Call 800-637-4636.*

*Visit [www.neamb.com](http://www.neamb.com)*

*Local contact:   Guy Kendall-Freas*

*Affiliate Relations Specialist  
OH/KY/WV Regional Office  
117 Monterey Dr.  
Mansfield, OH 44907*

*Toll free - 888-749-7380  
[Gkendall-freas@neamb.com](mailto:Gkendall-freas@neamb.com)*

*Add how to submit Constitution and Bylaws for Review.  
[CandB@ohea.org](mailto:CandB@ohea.org) or  
Attn: Legal Department,  
225 E. Broad Street,  
Columbus, OH 43215*

# NEA's Vision, Mission, and Values

*Adopted at the 2006 NEA Representative Assembly*

## **The National Education Association**

We, the members of the National Education Association of the United States, are the voice of education professionals. Our work is fundamental to the nation, and we accept the profound trust placed in us.

### **Our Vision**

Our vision is a great public school for every student.

### **Our Mission**

Our mission is to advocate for education professionals and to unite our members and the nation to fulfill the promise of public education to prepare every student to succeed in a diverse and interdependent world.

### **Our Core Values**

These principles guide our work and define our mission:

1. **Equal Opportunity.** We believe public education is the gateway to opportunity. All students have the human and civil right to a quality public education that develops their potential, independence, and character.
2. **A Just Society.** We believe public education is vital to building respect for the worth, dignity, and equality of every individual in our diverse society.
3. **Democracy.** We believe public education is the cornerstone of our republic. Public education provides individuals with the skills to be involved, informed, and engaged in our representative democracy.
4. **Professionalism.** We believe that the expertise and judgment of education professionals are critical to student success. We maintain the highest professional standards, and we expect the status, compensation, and respect due all professionals.
5. **Partnership.** We believe partnerships with parents, families, communities, and other stakeholders are essential to quality public education and student success.
6. **Collective Action.** We believe individuals are strengthened when they work together for the common good. As education professionals, we improve both our professional status and the quality of public education when we unite and advocate collectively.

NEA also believes every student in America, regardless of family income or place of residence, deserves a quality education. In pursuing its mission, NEA has determined that we will focus the energy and resources of our 3.2 million members on improving the quality of teaching, increasing student achievement and making schools safer, better places to learn.

# 2022-2023 NEA Strategic Framework

*Our mission is to advocate for education professionals and to unite our members and the nation to fulfill the promise of public education to prepare every student to succeed in a diverse and interdependent world.*

## Goal

To achieve our mission, we, the NEA, will grow and strengthen our Association to promote quality education by:

- **advancing opportunities** that will amplify the voices of all educators; identify, organize, and engage new and early career educators; support our members' professional growth; and promote racial justice for our students, our communities, and our nation;
- **securing a pro-public education environment** for students, educators, and families; and
- **building the capacity of the local, state, and national union** to ensure the success of public education



## Strategic Objectives

To grow and strengthen our union, we will organize our members around issues that impact teaching and learning and the lives of our students. In partnership with our affiliates, NEA will:

**Increase Educator Voice, Influence, and Professional Authority:** Develop and sustain effective structures, processes, and leaders to increase educator influence in decision-making at worksite, district, state, and national levels.

**BC Member/Lead: James Frazier/Donna Harris-Aikens**

**Recruit and Engage New and Early Career Educators:** Identify, recruit, support, and engage new educators in our Association, and connect them with opportunities for professional learning, leadership, and advocacy.

**BC Member/Lead: Brenda Robinson/Jim Testerman**

**Support Professional Excellence:** Build a system of Association-convened, educator-led professional learning and supports for all educators across their career continua to ensure student success.

**BC Member/Lead: Amber Gould/Andy Coons**

**Advance Racial Justice in Education:** Support members in advancing racial justice in education and improving conditions for students, families, and communities through, awareness, capacity-building, partnership, and individual and collective action.

**BC Member/Lead: Gina Harris/Rocio Inclan**

**Secure a Pro-Public Education Environment:** Use all available means, including organizing, legal, legislative, electoral, and collective action, to secure the environment necessary to protect the rights of students and educators, and the future of public education.

**BC Member/Lead: Shannon McCann/Mary Kusler**

**Enhance Organizational Capacity:** Develop and leverage the collective organizational capacity across our Association that is necessary to advance the mission of the NEA and its affiliates, with particular focus on organizing, leadership development, fiscal health, technology, and internal and external partnerships.

**BC Member/Lead: Denise Specht/Ramona Oliver**

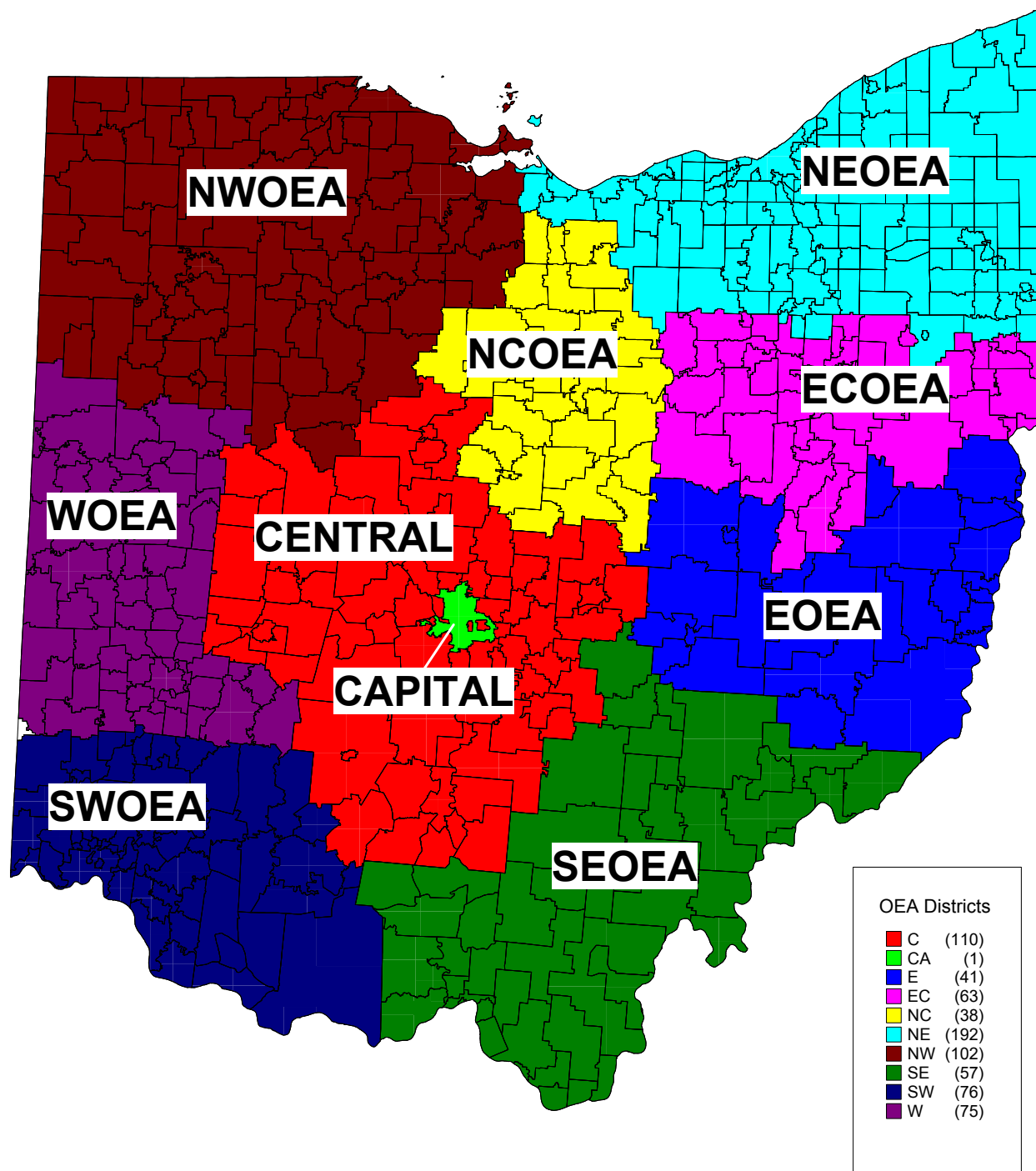
## Enterprise Operations

Ongoing functions across the enterprise that support the strategic objectives, build lasting strength, and sustain the organizational infrastructure.

**BC Member/Lead: Amber Gould/John Wright**



# OEA Districts



# OEA District Association Information

OEA's network of 10 district associations assures that Association decisions are made by representatives from all parts of the state. About two-thirds of the OEA Board of Directors is elected from units within the district associations. The number of units each district has depends on its total number of members. Each district association also has a representative on each OEA committee.

The districts serve as a liaison to the local associations from the OEA, providing professional development opportunities, legislative updates and networking for members.

Each district sends its three officers to the District Leaders Council (DLC) to represent their respective district and share information to and from the OEA. The DLC sponsors the District Leaders Hospitality Night for the delegates to the OEA Representative Assembly (RA), OEA's Got Talent Contest held during The OEA Summer Academy, and a Stay-to-the-End drawing at the NEA-RA.

*A map of the OEA Districts is on Page 15.*

## **Capital District inc.**

929 East Broad St.  
Columbus, OH 43205-1101  
614-253-4731  
[www.ceaohio.org/capital-district](http://www.ceaohio.org/capital-district)

## **Central OEA/NEA**

2760 Airport Dr. Suite 120B  
Columbus, OH 43219  
614-269-7255  
[www.centraloeanea.org](http://www.centraloeanea.org) and  
[www.jointhefuture.org](http://www.jointhefuture.org)

## **East Central Ohio Education Association (ECOEA)**

129 Easton St. NE, Suite 103  
Canton, OH 44721  
330-499-8587  
[www.ecoea.ohea.us](http://www.ecoea.ohea.us)

## **Eastern Ohio Education Association (EOEA)**

[www.eastern.ohea.us](http://www.eastern.ohea.us)

## **North Central Ohio Education Association (NCEOEA)**

[www.ncoea.ohea.us](http://www.ncoea.ohea.us)

## **North Eastern Ohio Education Association (NEOEA)**

6001 Landerhaven Dr., Suite D  
Mayfield Heights, OH 44124-4190  
216-518-0200  
[www.neoea.org](http://www.neoea.org)

## **Northwestern Ohio**

### **Education Association (NWOEA)**

101 W. Sandusky, Suite 302  
Findlay, OH 45840-3267  
419-424-1708  
[www.nwoea.ohea.us](http://www.nwoea.ohea.us)

## **Southeastern Ohio**

### **Education Association (SEOEA)**

[www.seoea.ohea.us](http://www.seoea.ohea.us)

## **Southwestern Ohio**

### **Education Association (SWOEA)**

270 Northland Blvd., Suite 224  
Cincinnati, OH 45246-3775  
513-771-3319 or 800-346-2175  
[www.swoea.com](http://www.swoea.com)

## **Western Ohio Education Association (WOEA)**

308 James E. Bohanan Memorial  
Drive, Vandalia, Ohio 45377  
937-387-9960  
[www.woea.org](http://www.woea.org)

# OEA Board Policy on Local Affiliates

*One of the most valuable resources you have as a local president is the support of your Labor Relations Consultant (LRC) and your UniServ Leadership Council. Every OEA local is assigned to a Council, which includes all the local affiliates supported by a given LRC. Below are the key components of OEA policy on those Councils, the support you are entitled to receive, the process for raising any service complaints, and the negotiated job description of the LRC.*

## OEA Board Policy Section 1200.001 – UNISERV LEADERSHIP COUNCILS

To ensure alignment with the Board of Directors' priorities, UniServ Leadership Councils (ULCs) are created and intended to support the UniServ Program as well as support the overall success of OEA and strategic priorities which may evolve over time. UniServ Leadership Councils are a means to increase the ability of locals to engage with each other to build greater capacity for success while allowing flexibility to address locals' diverse needs. It is essential to continue collaboration between governance, local leaders and OEA staff and engage UniServ Leadership Councils to promote alignment with OEA's and NEA's strategic direction.

1. Purpose of the UniServ Leadership Councils is to ensure effective:
  - a. Member engagement, organizing, recruitment and retention of members;
  - b. Regular communication between OEA and assigned local affiliates;
  - c. Opportunities for networking and collaboration among and between leaders of local affiliates;
  - d. Coordination of activities and programs within UniServ Leadership Councils and other association entities.
2. Structure of the UniServ Leadership Councils
  - a. UniServ Leadership Councils shall be formed annually by September 30th of each year. Councils may be organized individually or as joint Councils that include more than one (1) UniServ Leadership Council.
  - b. UniServ Leadership Councils shall be configured in a way that provides a community of interest to the greatest extent possible and may include one (1) or more locals.
  - c. The OEA Executive Director, or designee, shall configure the UniServ Leadership Council assignments.
3. Governance and Representation
  - a. Each UniServ Leadership Council shall maintain a constitution and bylaws and establish an appropriate governance structure.
  - b. All UniServ Leadership Council Chairpersons must be active OEA members in good standing.
  - c. If a UniServ Leadership Council's constitution and bylaws do not address the formula for determining representation on that Council, then representation shall be as follows:
    - i. Each affiliate assigned to that UniServ Leadership Council shall be entitled to one (1) representative who carries one (1) vote.
    - ii. One (1) additional representative and vote if membership is between 101–300.
    - iii. One (1) additional representative and vote for each additional 200 members beyond the 300 or majority fraction thereof.
4. Responsibilities
  - a. UniServ Leadership Councils shall:
    - i. Meet a minimum of four (4) times per year to determine the unique needs of each Council and develop appropriate programming to meet those needs.
    - ii. Review, assess and revise effectiveness of programming to meet the needs and interests of the UniServ Leadership Council's local affiliates.
    - iii. Participate in giving input to the greatest degree possible on the Council's unique needs in determining the recommendation to employ a UniServ Labor Relations Consultant for an existing vacancy which may include the opportunity to interview one or more potential candidates.
    - iv. Provide input and feedback on existing UniServ Labor Relations Consultants as appropriate and participate in the process for resolution if an issue is identified.

5. OEA Support for UniServ Leadership Councils
  - a. OEA shall provide financial and logistical support for Council meetings and programs as appropriate.
  - b. OEA shall annually provide a copy of the UniServ Leadership Council Policy and the UniServ Labor Relations Consultant job description to Council members.
  - c. UniServ Leadership Councils are functions of governance and shall establish appropriate programming, agendas and activities with the support of the assigned UniServ Labor Relations Consultant and other appropriate OEA staff.

(En: 10-21-17)

## **1200.002–Responsibilities & Support of Local Affiliates**

OEA is committed to supporting its local affiliates through programs and opportunities in alignment with OEA's mission, vision, core values and strategic priorities and grounded in the following principles:

1. Collaborative leadership between governance, local leaders and OEA staff
2. Continuous assessment and adjustment of programs in response to local affiliates' diverse needs
3. Creating empowerment opportunities for members to build strong local affiliates, increase engagement and build capacity at all levels

OEA shall support local affiliate leaders in assessing and building local capacity to achieve desired results through the assigned UniServ Labor Relations Consultant and other appropriate OEA staff.

Each local affiliate is responsible for making final decisions related to its direction, policies and programs in consideration of the mission, vision, core values and strategic priorities of OEA. Each local affiliate shares responsibility in providing input and feedback on existing UniServ Labor Relations Consultants as appropriate and participating in the process for resolution if a service complaint is identified.

(En: 10-21-17)

## **1200.003–Resolving Service Complaints Regarding Support of Local Affiliates Policy**

If a local affiliate or an individual member has a service complaint regarding an individual professional staff employee, the member shall contact the employee's immediate supervisor and follow the process outlined in the OEA/PSU Master Contract.

Unresolved service complaints related to the OEA Responsibilities & Support of Local Affiliates Board Policy may be brought before the Business/Support/Administration Committee of the Board of Directors for review and possible recommended action.

Unresolved service complaints to be reviewed by the Business/Support/Administration Committee of the Board of Directors shall be submitted to the committee chairperson in writing.

Final interpretation of OEA Board Policy as related to Responsibilities & Support of Local Affiliates shall be made by the Board of Directors once a recommendation has been received from the Business/Support/Administration Committee of the Board of Directors.

(En: 10-21-17)

## **Labor Relations Consultant Job Description (from Section 8.03 of the Master Contract between the Ohio Education Association and the Professional Staff Union)**

### **I. Title: UniServ Labor Relations Consultant**

#### **1. Function**

Assists the United Education Profession in the achievement of its goals through membership recruitment, promotion, and engagement and support to local associations and members in areas including, but not limited to, organizing, collective bargaining, member rights advocacy, local development and training, professional efficacy, and political advocacy.

#### **2. Responsibilities**

- a. Plans, assists, and/or serves as a consultant to the local association in the collective bargaining process
- b. Assists members and locals in member rights advocacy
- c. Advises leaders in dealing with local operations and assists in local association program development
- d. Assists in the development and dissemination of general communications and may serve as public spokesperson as assigned
- e. Assists local associations in developing effective internal and external public relations programs
- f. Uses OEA/NEA resource personnel and participates in providing programs and support to local associations and members through learning and engagement opportunities such as workshops and trainings
- g. Assists locals with political advocacy at the local, state and national levels
- h. Provides assistance in crisis situations as assigned
- i. Assists existing, new and potential locals in internal and external organizing activities. Collaborates with UniServ Organizers as required
- j. Assists members and locals with professional issues advocacy
- k. Plans, develops, and provides training for leaders and members
- l. Serves in field operations as assigned
- m. Serves as a liaison/advisor and subject matter expert as assigned
- n. Attends major conferences, workshops, etc. in areas of assignment and disseminates relevant information obtained at said approved professional training
- o. Performs other duties as assigned by the immediate supervisor within the job description

#### **3. Authority and Relationships**

Is responsible to the immediate supervisor; recommends policy and procedure changes to and through the immediate supervisor; determines priorities except as established by the OEA.

# Ohio Education Association Service Regions



# Local Association Structure

## Association Leaders

*Suggested Leaders and Responsibilities/Duties (also refer to your Association Constitution and Bylaws)*

### Vice President

- Be prepared to act as president should the need arise
- Act as the President's designee when needed
- Prepare a schedule for attendance at school board meetings
- Become knowledgeable about the contract
- Chair the Constitution and Bylaws Committee
- Assist in recruiting, training, and orienting building representatives and other relevant Association Leaders
- Attend appropriate training conferences/meetings

### Secretary

- Assist the President in preparing agendas for meetings
- Distribute and/or post notices of meetings
- Keep a permanent record of Minutes from meetings and of any Association correspondence
- Maintain the local's archives regarding Constitution and Bylaws, past and present officers, committee structures, etc.
- Attend appropriate training conferences/meetings

### Membership Chair

- Establish a system and program for welcoming and recruiting new hires to the district
- Ensure that each new hire receives information about the Association, and is personally asked to become a member
- Work with the appropriate administrator in the school district (i.e. Human Resources Director, Treasurer) to receive notice of new hires throughout the year and ensure a system that those new hires are informed about the Association
- Order membership materials from OEA and ensure membership materials are distributed to the members
- Maintain accurate membership rosters for the Association and report any additions, deletions, and changes to the OEA Membership Department on a regular basis
- Contact non-members annually to recruit them as members
- Attend appropriate training conferences/meetings

### Local Treasurer

- Receive, protect and disburse all funds of the Association and keep an accurate account of same
- Assist in preparing a budget for the local and serve as financial advisor to the local
- Prepare and submit monthly and annual reports to the Association
- Verify accuracy of payroll deduction of dues with the Association membership chairperson
- Forward payment of dues to the OEA Membership Department
- Have financial records audited each year
- Attend the OEA Treasurer's Workshop and other appropriate training conferences/meetings

### Communications Chair

- Publish an Association newsletter or establish a social media presence for the Association and members
- Prepare a local Association membership directory and telephone tree
- Establish contact with local media outlets
- Assist in the preparation of recognitions for colleagues and members of the public (if determined as an activity of the Association)
- Attend appropriate training conferences/meetings

**Government Relations and Political Action Chair**

- Implement and coordinate lobbying efforts (letter writing, phone calls, personal meetings with legislators, participation in OEA Lobby Days)
- Campaign for candidates who are friends of education
- Promote involvement in screening of political candidates and actively seek members for legislative screening committees
- Inform membership of the actions of the Legislature
- Attend OEA Lobby Day activities at the State Capitol
- Organize an annual OEA Fund Drive
- Assist in identifying candidates for Board of Education elections and Association efforts to elect pro-teacher Board of Education members
- Attend appropriate training conferences/meetings

**Grievance Chair**

- Process formal grievances with the assistance of your Labor Relations Consultant
- Keep members informed of their rights and responsibilities in accordance with the contract, current statutes, and Professional Code of Conduct
- Police the contract through familiarization with current language and note where problems occur and where new or revised language may be needed. Work closely with Association negotiations team.
- Be involved in negotiation planning sessions and report suggested contract language revisions based on grievance issues
- Serve as a representative with members at grievance meetings as needed
- Attend appropriate training conferences/meetings

**Building/Worksite Representative**

- Conduct building meetings
- Keep members informed of activities, events, problems, and Association accomplishments
- Assist in recruiting new members to the local and assist new members in becoming familiar with the District and Association
- Promote 100% membership in the building
- Assist the membership chairperson in maintaining an accurate membership roster by verifying correct names, addresses, and phone numbers of members in the building
- Serve as a main source of communication to the members in the building or department
- Ensure that appropriate Association material is displayed in the building
- Develop a personal contact system for the building and serve as the initiator of any Association messages to be communicated to members in the building
- Distribute Association communications in the building
- Advise the Association President of membership concerns in the building
- Assist members in receiving help they may need regarding member rights, membership concerns, etc.
- Help identify potential Association leaders and volunteers
- Attend appropriate training conferences/meetings

**Community Outreach Chair**

- Develop a plan and establish community activities for the Association
- Recruit volunteers to assist with community activities
- Increase Association visibility and awareness in the community
- Establish appropriate communication with media outlets regarding Association community activities
- Attend appropriate training conferences

# Local Assessments

The landscape of public education is in a constant state of change. What worked well or made sense a year ago might not work or make sense right now or a year from now. Only by reflecting, learning and building upon what we learn can we ensure that our Unions remain relevant, visible and powerful.

Presidents should work with LRCs to assess their Local's capacity using the OEA Local Assessment Tool. A copy of this tool is available through the LRC. This assessment will help each local to evaluate progress and inform Local Development Plans for the following school year and begin working on the Back-to-School plan for the next year. The Assessment update helps the local evaluate their capacity on eight power indicators. These indicators include, Advocacy, Contract Negotiations, Member Organizing, Community Organizing, Communication, Political Action/Lobbying, Leadership Development and Governance/Finances.

To access The Local Assessment Tool on the Internet, copy and paste this link into your Internet browser:  
**<http://surveys.ohea.org/index.php/655421>**

Other areas for yearly discussion and/or reflections include the following:

- Does our local have a complete, active executive board and worksite representative and distributed leadership structure?
- Are our worksite leaders trained to have relationship-building conversations to identify new member leaders and discern needs and values?
- What information discerned from members could inform planning other engagement or support opportunities going forward?
- What, if anything, should we do differently during the Back-to-School period?
- What training or support do we need from OEA to be prepared to build on the progress we made this past year?
- How will the discoveries made through the Local Assessment process and the data collected throughout the year impact our Local Development Plan for next year? What additional data do we need to collect next year?

# The Local Development Plan

The Local Development Plan is the roadmap to achieving local goals. (See Appendix for Local Development Plan Form) Planning the details for your local is time well spent, as are frequent references back during the year to ensure that goals are on track, that deadlines are being met, responsibilities fulfilled, and benchmarks are being measured. The year-round approach to membership has four primary areas of focus in order to have time to evaluate, reflect, and make mid-year updates that reflect the needs of each local.

The first step in developing a plan is distinguishing between a strategy and a tactic. The Local Development Plan should include both and must distinguish one from the other. In short, strategies (the Why) are long-term plans for achieving goals. Tactics are the short-term means by which to implement these strategies (the How).

Tactics typically have a start and end date, action items to help achieve the tactic, and costs assigned to each. Knowing and anticipating costs is essential in order to seek funding sources to support plans through completion. Also, be sure to assign responsibility for each tactic and plan out your schedule with the school calendar in mind. Who can be responsible for activities during Back-to-School, fall recruitment drives, sports seasons, exams, and holiday and semester breaks? Know the internal capacity to maximize participation and attention.

Finally, what does success look like? How will you know when you have achieved your goals? Establish benchmarks for what you would like to achieve along the way to help determine the effectiveness of the plan. Debrief after each focus area to evaluate, measure achievements, and recalibrate the year-round plan.

Reach out to your Labor Relations Consultant to get more support on the development of your plan.

<b>What (The Goal)</b>	Specific change you want to happen
<b>Why (The Strategy)</b>	Theory of Change which is the narrative story that drives the plan. It's a general but well-reasoned articulation of the plan to win. Questions to consider when developing this theory include: <ul style="list-style-type: none"><li>• Who are our people?</li><li>• What is our purpose?</li><li>• Where is our power?</li></ul>
<b>How (The Tactics)</b>	Strategic actions that make concrete and measurable progress towards the goal, change, or win you are seeking. Each tactic should result in more: <ul style="list-style-type: none"><li>• People engaged</li><li>• Commitment to the purpose</li><li>• Leaders taking responsibility for supporting others to achieve purpose around a shared vision.</li></ul>
<b>Data (The Result)</b>	How will you use data to inform your goals and measure the success of your tactics?

# Your Local Constitution and Bylaws – Maintaining Compliance with OEA Affiliation Requirements

OEA Bylaw 9-2 sets forth standards for affiliations of Departments, Districts and Local Associations. This Bylaw lays out what is necessary for you to ensure your local is compliant with OEA's requirements for affiliation. Bylaw 9-2 reads as follows:

## **9-2. Standards for Affiliations of Departments, Districts, and Local Associations.**

An affiliate shall:

- a. Require membership, if eligible, in the local, district, state and national associations provided that if the local association elects by secret ballot to exclude Education Support Professionals from membership, that the affiliated local composed exclusively of Education Support Professionals shall require membership, if eligible, in a local association for Education Support Professionals and the district, state and national associations.
- b. Have a Constitution consistent with the Constitution of OEA.
- c. Adopt a policy that recognizes the preeminence of the Code of Ethics of the Education Profession, if appropriate.
- d. Apply the one-member, one-vote principle for representation on its governing bodies and the affiliate shall provide for ethnic minority representation at least proportionate to its ethnic-minority membership.
- e. Provide for proportional representation between its classroom teacher members and its education support professional members where a multi-jurisdictional affiliate exists.
- f. Require periodic elections of officers by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in elections, as set forth in the OEA Elections Manual.
- g. Conduct all ratifications of collective bargaining agreements in accordance with the guidelines for ratification of collective bargaining agreements and fact finder reports as set forth in the OEA Elections Manual.
- h. Preserve all ballots, marked, unmarked and voided, and all other records pertaining to elections of OEA officers, OEA and NEA delegates and alternates for one year from the election, and make such ballots and other records available to OEA officers and/or designee(s) for inspection and examination.
- i. Have the same membership year as that of OEA.
- j. Have a dues structure to fund adequately a quality program.
- k. Provide for regular meetings.
- l. Provide for effective member communication.
- m. Provide for effective committee structure to achieve the goals of the organization. Such structure will include an election committee.
- n. Be reviewed by the Board of Directors every five (5) years to determine compliance with the above minimum standards.
- o. In the case of a local affiliate, the local must have or be actively seeking the status of exclusive bargaining representative of the members of the local.

It is important that you work with your local officers, executive board, and Labor Relations Consultant to review your local Constitution and Bylaws (C&B) at least once every five years to ensure it is up to date and in compliance with these affiliation standards. The process of reviewing your C&B can be a powerful opportunity for member engagement as well. When you consider issues such as term lengths and limits, committee structures, meeting requirements, election procedures and contract ratification procedures, you and your members should consider what structure will provide you with the greatest opportunity to grow and strengthen your local union.

A complete copy of OEA's Model Constitution and Bylaws as well as the form that OEA Membership Department utilizes to evaluate the compliance of local Constitutions and Bylaws with affiliation standards may be found in the Appendix.

## Section 2: Recruiting, Retaining and Engaging Members

- Establish a committee to develop and implement year-round strategies to recruit, retain and engage members and identify new leaders in the association.
- Ensure that accurate, up-to-date membership rosters and member contact information are submitted to OEA's Membership Department in accordance with deadlines.
- Have conversations with members and potential members and utilize contact cards to identify their values and interests.
- Hold new member meetings and events early in the school year.
- Encourage early career educators and education support professionals to become involved in Ohio's New Educators (O.N.E.) and consider supporting the creating of an early career educator group within your local.
- Conduct one-to-one conversations to identify potential leaders and support them by providing opportunities for involvement in the association.
- Appoint members to appropriate leadership positions, including association and district committees as required by the local Constitution and Bylaws and/or collective bargaining agreement.

# Year-Round Membership Strategies

The kind of Union power that we are trying to build — power that can bring about meaningful, positive change in the lives of members, students, and communities — isn't a static thing. It's constantly changing, as is the landscape on which Union power resides.

It takes consistent work to build and maintain this power; if we do nothing, it begins to deteriorate almost immediately in important ways that can sometimes be hard to notice. Keeping membership growing and engaged is the most important way to build and maintain power.

Helping members climb a “ladder of engagement” ensures that your local is constantly growing and building its strength. There is ALWAYS an opportunity to help members climb one rung higher on the ladder.

In this “ladder of engagement”, non-members become members; inactive members get involved, become informed, and active members; active members become leaders and activists who help advance the work and goals of their Union; and leaders and activists reach out and give a boost to non-members and inactive members who have not yet stepped onto the first rung.

The work is constant and ongoing, which is why membership should be a year-round strategy.

It is essential that our Unions maintain a strong heartbeat and grow strength and power to lead positive change. If we take a break from this work, our strength and power — our Union heartbeat — begins to fade.

And if all members reach the top of the ladder, we just add more rungs and keep climbing.

To further develop our collective power, we must foster in our members a bias for action. We can no longer invite members to abdicate their personal power and agency to “the Union.” Rather, member leaders exist to remind members of their own individual power and agency and invite them into relationships and actions with others in ways that build collective power, foster actions and achieve success.

Keeping membership growing and engaged is the most important way to build and maintain the power we need to improve the lives of all members. Through this commitment, we will:

1. Use aspirational demands for our members and students to create proactive opportunities to lead positive change and demonstrate value to members;
2. Position your local as an indispensable partner in the success of a member's career;
3. Create multiple pathways into leadership and build strong structures in each building;
4. Support the professional practice of members;
5. Build a sense of community, belonging and purpose through involvement with your local.

Everything is organizing! Any situation going on in your local is an opportunity. Incorporate the work you are doing into your Local Development Plan and then leverage these opportunities to recruit, retain and engage members and identify new leaders.

Work with your LRC for strategies on New Employee Orientations (NEO), Back-to-School engagement, Distributed Leadership, Issue and Contract Campaign organizing and other tactics to engage members.

# Top 10 Reasons to Belong to OEA

## Support and Relationships • Influence and Power • Protection and Advocacy

- 1 A VOICE AT THE TABLE**

There's power in numbers. Belonging to your OEA and your local Association gives you greater influence over the decisions that affect your students, your classroom, and your career. Whether you advocate for changes at your worksite, speak at school board meetings, advocate for increased school funding at the state and local level, or lobby your state legislators and city/county board members, we will support you.
- 2 INCREASED PAY AND BENEFITS**

As part of your Association, you can advocate for professional pay, health care, and retirement security so a career in education is a viable profession.
- 3 IMPROVED PROFESSIONAL PRACTICE**

Your Local helps you advocate for access to high-quality professional development and increased collaboration time so you can improve your practice. Your Association (and that means you and your co-workers!) can work with the administration to develop mentoring and other support from more experienced colleagues.
- 4 NATION-WIDE COMMUNITY OF EDUCATORS**

When you are a member of your local Association, you are also a member of your OEA and the National Education Association (NEA). Your Association is your way to connect with likeminded colleagues across the district, state, and nation who are working to better students' lives.
- 5 IMPROVED WORKING AND STUDENT LEARNING CONDITIONS AT YOUR WORKSITE**

Your Association empowers educators to advocate for smaller class sizes, less standardized testing, input into curriculum, and safe buildings, just to name a few. These working conditions mean a better learning environment for your students.
- 6 POSITIVE CHANGE IN YOUR WORKSITE**

Your Association can work with the administration as a partner and collaborate with parents and community organizations to resolve issues in your school. As an educator who works with the students, you can work with the administration to solve problems together.
- 7 ENHANCED RIGHTS**

A collective bargaining agreement is an enforceable legal document that protects your rights. It contains a formal procedure for advancing grievances with support of an expert (Labor Relations Consultant). Your Association will be there to offer guidance, advice, and, if necessary, legal representation.
- 8 COMMITMENT TO SOCIAL JUSTICE**

As a member of your Association, you join forces with fellow educators to make a difference in the social justice issues that matter most to you. Your Association can provide training to members to develop new strategies to work to achieve equity in your schools.
- 9 LIABILITY PROTECTION**

Because the liability potential can be so serious for individuals employed by schools and other educational units, your OEA provides all eligible members with professional liability insurance through The Educators Employment Liability (EEL) Program.
- 10 MEMBER BENEFITS**

Improve your buying power and save money with NEA's Member Benefits program that offers extensive member-only benefits and discounts.

# OEA's Career Continuum

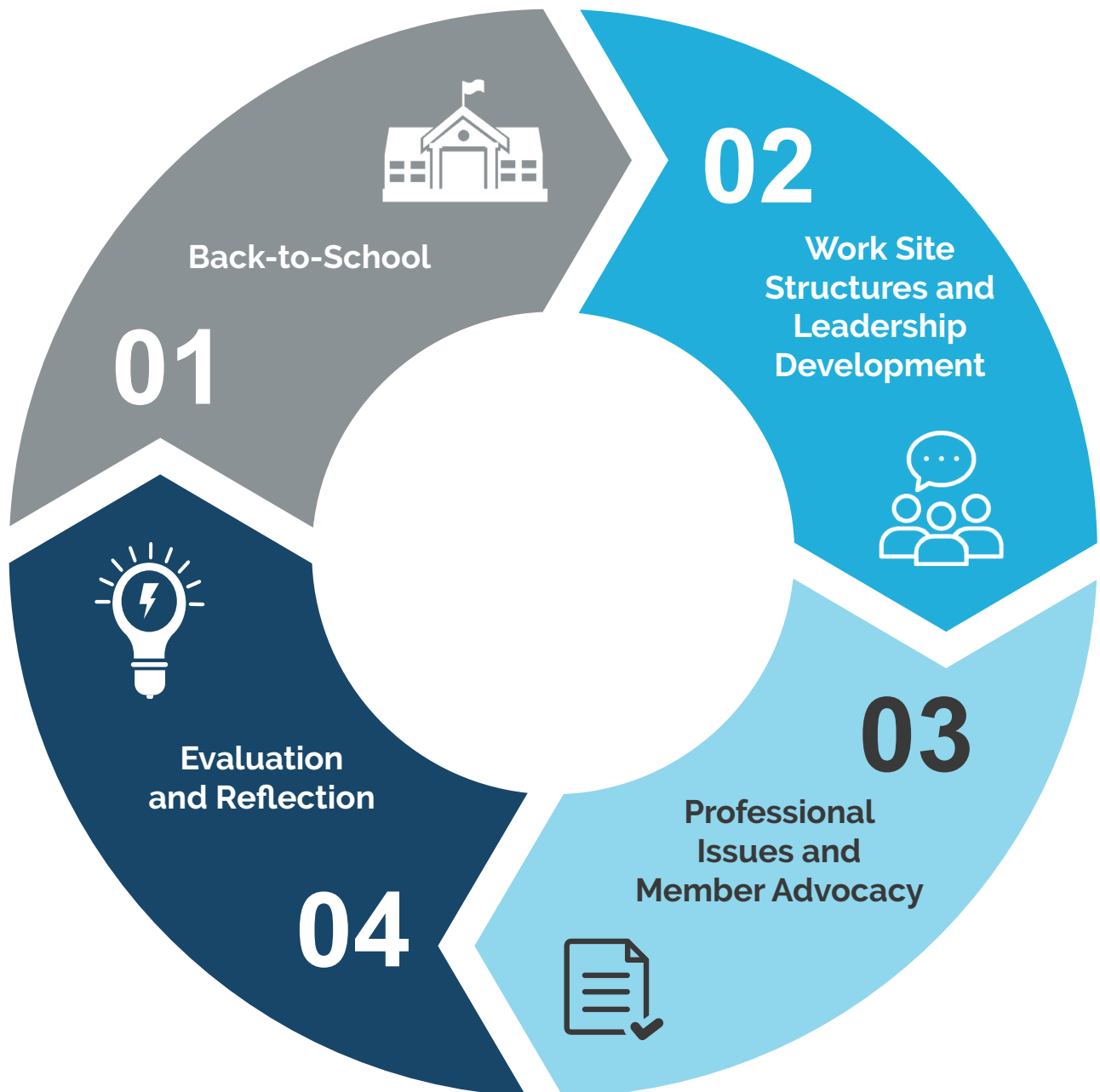
This membership strategy focuses on organizing and building membership across the Career Continuum. The OEA Career Continuum is as follows:



# OEA Year-Round Membership Strategy

We're with you! A strong, united OEA allows public school employees to have a collective voice to work together on the issues that matter most. When we stand together, we're more effective advocates to ensure our students have great public schools. Work with your LRC for strategies on Back-to-School engagement, Work Site Structures and Leadership Development, Professional Issues and Member Advocacy, Evaluation and Reflection, organizing, and other tactics to engage members.

Membership is the cornerstone of a strong Union and maintaining membership is constant and ongoing. OEA's Membership Strategy is structured to reflect the membership cycle below:



# What is the New Ed Campaign?

*The New Educator Engagement, Recruitment, and Supports Campaign “New Ed” is a critical part of the OEA’s year-round membership strategy.*

*In a world of changing Union membership, OEA and our locals can continue to build power by scaling up new member recruitment. Through intentional engagement with the next generation of new educators and Association leaders, we aim to further a culture of relational organizing, destroy the myth that our Union’s best days lay in the past, and build lifelong loyalty through face-to-face contact, direct digital communications, and professional supports.*

## Engaging New Educators at the Work Site:

1. New Educator Orientations: Gaining access and maximizing recruitment at New Employee Orientations (NEO) through one-to-one conversations.
2. Data-Digital Engagement: Collecting data on organizing conversations to build a customized email campaign which increases member retention by 2% on average. The key is to collect Year Round Organizing Form on all new to the profession educators. This form can also be used for all members. Copies of the forms can be requested at [strategy@ohea.org](mailto:strategy@ohea.org), downloaded at [www.ohea.org/supports](http://www.ohea.org/supports) or an online version can be found at <https://www.ohea.org/one>.
3. Work Site Membership Engagement: Ensuring Worksite Representatives engage and recruit all potential members within the first year. A key component is to collect contact information and other data on all potential members at each work site.
4. Data-Driven Decision Making: Customizing your local’s work by addressing the needs of new and newly hired educators based upon the results of the new educator conversations and data collected on the Year Round Organizing Form.

## Building and Maintaining Connections

1. Commit your local to the campaign!
2. Lead from the top with support. Locals with supportive presidents are more likely to have higher levels of one-to-one conversations and recruitment levels.
3. Talk to new educators at New Employee Orientations and at your local’s new educator event. Make sure you are covering these NEOs and that your Worksite Representatives are trained in making the invitation to membership.
4. Connect new educators with the Ohio’s New Educators (ONE) [www.ohea.org/one](http://www.ohea.org/one).
5. Contact OEA at [organizing@ohea.org](mailto:organizing@ohea.org) for additional assistance.

## Sample NEO Presentation (Year Round Organizing Form Talking Points)

*The (local) is excited to be here to meet each of you as you begin your journey as an educator in our School District!*

- *Describe your local (who you are, who you represent, recent victories, etc.) to NEO attendees. Using the results of the BRAG sheet can be helpful.*

*Today we want to learn about your interests and concerns – and importantly how we can best support you as an educator – whether you are new to the profession or new to our district.*

*It’s important for us to communicate to all of you the following:*

1. *You are never on your own. As a member, you have access to high-quality professional development and education experts to help when you need it most.*
2. *Your voice will be heard. Through (name of local), educators offer expertise and knowledge when policy decisions are made. Together, our voices give us power.*

3. *You can grow in your profession. You can access people and resources and make connections at your school, in your state, and throughout the nation among OEA's members.*
4. *You have friends in powerful places. When it comes to bargaining, negotiating, and advocating for our students, we have a seat at the table, and we support each other.*
5. *As a member you are part of the OEA family that works to give students the education they deserve. When you join our local and the OEA you are part of a family filled with some of the brightest, most dedicated, passionate, energetic, and optimistic people you will ever meet.*

*We have staff and member leaders (have these individuals raise their hands) present today to speak to each of you. Your interests, your concerns, your needs – that's what we're here today to discuss, and to identify where we can respond to these issues.*

*To aid you in capturing this information so that we can support you, please complete the interest card. You'll see that the interest card/form asks about your professional interests including classroom conditions, social justice, parental and community engagement, and education policy – there's also space for you to add other interests, in case we missed one.*

*We also want you to know what support tools you'd like us to provide – whether it's student debt workshops, professional development trainings, or opportunities to tackle social and economic justice issues in our classrooms and communities. Filling out this interest form allows us to best support you!*

*We are stronger together – when we work together to support one another and our students. We look forward to speaking with each of you today, listening to each of you today, and learning from each of you today about what you need and want, and what motivated you to enter the education profession.*

*Thank you!*

## **Simplified Back-To-School Process and Checklist**

It is vital that we deepen partnerships for successful Back-to-School campaigns so that we recruit, engage, and support new educators as they make the decision to belong to and become part of the FUTURE of our Union. The first impression of your Union is a lasting impression.

### **Preparation for Back-to-School**

- ☐ Membership materials have been prepared and a distribution plan is in place;
- ☐ Request a list of new hires from the district before the start of the school year;
- ☐ Determine and list all members and potential members at each work site;
- ☐ Plan the strategy and tactics for New Employee Orientation (NEO);
- ☐ Order membership organizing materials from OEA (Membership Training Template, New Teacher Guide, New ESP Guide, Worksite Leader Guide, flyers, promotional materials, etc.). Materials can be ordered at <https://ohea.org/supports>
- ☐ Review OEA's ideas for 12-month membership engagement. Request OEA's Membership Engagement Calendar. <https://ohea.org/supports>

### **Starting Strong During Back-to-School**

- ☐ Secure speaking spot in the New Employee Orientation (many new hires will not understand who you are). Make a concerted effort to design “an invitation to membership” and INVITE new hires to BELONG to their career/field/job category/profession.
  - Have a current member do a testimonial (story of self).
  - Have 1-to-5 ratio of new hires to member leaders in the orientation room picking up membership forms from new hires.
  - Make belonging fun with a raffle and/or activity.

### **Train and Empower your Worksite Representatives**

- ❑ Schedule a before school Worksite Representative training on 1-to-1 conversations, asking and answering tough membership questions, and have worksite representatives map their building (see Section 5: Power Mapping starting on page 73) to better track membership invitations;
- ❑ First week of school — Send a welcome letter from the local Association (See sample letter on Page 35 for new employees)
- ❑ New hire contacts have been delegated to individuals in each work site. Consider implementing a “First Friend, Best Friend” Union buddy system:
  - Worksite Representatives map the building. Determine who is best positioned to be the Union buddy for the new hire (request OEA’s “First Friend, Best Friend” flyer for suggestions);
  - Prep the 1-to-1 conversation process;
  - Distribute other helpful local information for new hires (top contract provisions, work site specific information, Worksite Representative contact information, administrative contacts, etc.).

### **Building Loyalty**

- ❑ Check-in on the relationship building;
  - President/designee calls Worksite Representative to see how contacts are going;
  - Troubleshoot any concerns;
  - President/designee visits work sites where there are no representatives to help with making contacts or determining a Union buddy for the new hire;
  - President/designee designs a Union orientation for new hires;
  - Follow-through on the initial invitation to membership from orientation.
- ❑ Get all new members registered for an upcoming event (i.e., Fall Conference, an Ohio’s New Educators (ONE) event, local development training, etc.);
- ❑ Get all new hires to fill out the Change to Year Round Organizing Form. An online version of the card can be found at <https://www.ohea.org/one>
- ❑ One month in, request a refreshed list of new hires to be sure you get any the district missed;
- ❑ Check in on new hires monthly (both members and potential members);
  - Make sure all hires have safety information and a copy of the contract;
  - What can you do for specials? Counselors, Nurses, Speech/Language, Techs, etc. (Coordinate help from neighboring districts for newbies).
- ❑ Hand-deliver a copy of the first newsletter from your local or district to new hires.

*Success at Back-to-School time means that every educator starts the year off with a powerful sense that their Union is their best resource for ensuring their professional success, throughout the year and through their entire career.*

*This should be demonstrated not just by what members GET, but what members can BECOME, ACHIEVE, and IMPACT through Union membership.*

# Sample Letter for New Employees

*Note: Significant editing must be done to make this letter personalized for your local. REMOVE heading and anything in parentheses below. Type a letter on your official association letterhead. Handwrite notes on your own cards. Make sure spelling and grammar are perfect.*

September 1, XXXX

Dear \_\_\_\_\_:

On behalf of the members of the (Insert Local Name here), we want to share an opportunity of the Early Enrollment Program with you.

The Early Enrollment Program offers a no cost membership between April 1 and August 31 to potential members with no-cost access in the NEA Educators Employment Liability Program, UniServ support and select NEA Member Benefits Programs. You are eligible if you are a first-time active member, sign up and pledge to pay dues beginning September 1, XXXX.

Successfully last spring employees took advantage of this exciting opportunity so we wanted to make it available to everyone.

(Insert Local Name here) is an affiliate of the Ohio Education Association (OEA) and the National Education Association (NEA). We have represented classified/education support staff (ESP) in the district as: aides, custodians, food service, secretaries, and transportation. More importantly, however, we are a professional family working to enhance our great schools for students and the employees that tirelessly support education every day. Our members' working conditions are one in the same as our students' learning conditions.

Membership growth is a continuum that we need to improve so we can ALL enjoy the rewards of an improved workplace experience.

I would be happy to meet with you and answer any questions you may have I can be reached at XXX-XXX-XXXX at home or email (Insert email address here). I look forward to speaking and meeting with you.

Sincerely,

(Insert Name of President)

# Membership Processing

## Membership Codes

Many of the forms and documents you will be utilizing require the use of Membership Type Codes. Please be sure to familiarize yourself with these identifiers.

The following levels of membership are available to the members of a bargaining unit. The codes are used for reporting/billing and classifying the different membership types.

### **Active Educator Full-Time (AC-1-100)**

- Classroom teachers, professors, school nurses, pupil personnel workers that work more than half-time.

### **Active Educator Half-Time (AC-1-50)**

- Classroom teachers, professors, school nurses, pupil personnel workers that work half-time or less.
- Active educators on official leave of absence for one-half or more of the school year, and who are not paid full-time salaries. (February 1 is the date used to determine half-year leave status.)
- Substitute employees.
- Educators in reduction in force (layoff) status for one-half or more of the school year and with statutory or contractual recall or rehire rights.

### **Active Educator Quarter-Time (AC-1-25)**

- Classroom teachers, professors, school nurses, pupil personnel workers that work quarter-time or less.

### **Active Education Support Professional Full-Time (AC-2-100)**

- Paraeducators such as educational aides, secretaries, custodians, food service personnel, bus drivers, etc. that work more than half-time.

### **Active Education Support Professional Half-Time (AC-2-50)**

- Paraeducators such as educational aides, secretaries, custodians, food service personnel, bus drivers, etc. that work half-time or less.
- Active education support professionals on official leave of absence of one-half or more of the school year and who are not paid full-time salaries. This could include those active members who are classified by the employer as full-time employees but whose actual work hours are routinely less than full-time hours determined by the local association.
- Education support professionals in reduction in force (layoff) status for one-half or more of the school year and with statutory or contractual recall or rehire rights.

### **Active Education Support Professional Quarter-Time (AC-2-25)**

- Paraeducators such as educational aides, secretaries, custodians, food service personnel, bus drivers, etc. that work quarter-time or less.

## Forms and Documents

This section will review forms and documents utilized throughout the membership year to communicate membership information between your local association and the OEA Membership Department. A brief explanation and example of each form along with some guidelines for each have been provided. Please refer to the OEA Treasurer's Handbook for more details.

## **Enrollment Form:**

### Join Now Information

OEA offers convenient online enrollment for new enrollments and annual renewals. The on-line module is extremely easy to use and requires only a few “clicks” to complete the enrollment process. “Join Now” can be accessed via the OEA website at: [www.ohea.org/why\\_belong](http://www.ohea.org/why_belong) or via QR code.

Once on the “Why Belong” web page the new member will select “Join Now” and will immediately begin the enrollment process. Upon completion of their enrollment, the new member will be provided a confirmation reflecting the information they submitted along with their new member ID number. This confirmation will be sent directly to the member via their email address and a copy will be sent to the OEA Membership Department.

An electronic roster of all online enrollments will be sent directly to the appropriate Local Treasurer’s email of record as new members join.

All new enrollees must agree to continuous membership and must pay their dues obligation via the payroll deduction payment method. A cash paying member or those wishing to utilize the eDues payment method will still need to complete a paper enrollment form.

The Enrollment Form is an alternative way to enroll new members in your local bargaining unit.

You will be sent a limited supply of Enrollment Forms prior to the start of the membership year pre-printed with your local information including the unified dues amount for that particular membership year. Once these are completed, they should be returned to OEA in the envelope provided.

### *Who fills out an enrollment form?*

- New members in your local bargaining unit who do not wish to enroll online.

### *Who should not complete an enrollment form?*

- Individuals already on the Continuous Membership Roster, unless they are changing pay method.

### *Enrollment Form Guidelines:*

- Confirm the dues amount on the pre-printed enrollment form.
- All enrollment forms need a method of payment indicated (continuing payroll deduction, payroll deduction, cash or check). All checks should be made payable to the local association. Deposit any cash or check payments to the local’s bank account and send one check to OEA.
- Make sure the member has signed and dated the form in all appropriate places. (2 signatures required)
- At the beginning of the year a limited supply of new Enrollment Forms will be mailed to the Treasurer of record. Additional Enrollment Forms may be requested from the Membership Department. These additional Enrollment Forms will be sent in an electronic format.
- Return the top copy of the enrollment form to OEA as instructed in the packet.

# Example Enrollment Form (front)

**OHIO EDUCATION ASSOCIATION**  
225 East Broad Street • Columbus, Ohio 43216  
Phone: (614) 228-4526 or 1-844-632-4636  
Email: [membership@ohea.org](mailto:membership@ohea.org)  
Enroll online at: [www.ohea.org/why\\_belong](http://www.ohea.org/why_belong)



## PERSONAL INFORMATION

LAST 4 DIGITS: \_\_\_\_\_ SOC. SEC. NO. \_\_\_\_\_  
FIRST - MIDDLE INITIAL - LAST (JR, SR, ETC.) \_\_\_\_\_  
☐ CHECK BOX IF YOU ARE EMPLOYED ☐ CHECK BOX IF YOU ARE EMPLOYED  
HALF TIME OR LESS QUARTER TIME OR LESS  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
NON-WORK E-MAIL ADDRESS - THIS EMAIL ADDRESS IS USED FOR ALL MEMBERSHIP CORRESPONDENCE  
\* \_\_\_\_\_  
PRIMARY CONTACT NUMBER: \_\_\_\_\_ CELL PHONE NUMBER: \_\_\_\_\_

\* By providing my cell phone number, I understand that the National Education Association and its affiliates including, OEA, the Local Association, NEA Member Benefits, and NEA 360 may use automated calling techniques and/or text message me on my cellular phone on a periodic basis. The NEA, OEA, NEA360, NEA Member Benefits or my Local Association will never charge for text message alerts. Carrier message and data rates may apply to such alerts.

\* ETHNICITY CODES  
☐ Native American/Alaska Native  
☐ African-American/Black  
☐ Hispanic  
☐ White (not Hispanic origin)  
☐ Asian  
☐ Native Hawaiian/Pacific Islander  
☐ Multi-Ethnic  
☐ Other  
☐ Unknown  
01  
03  
04  
05  
06  
07  
08  
09  
UK  
\* GENDER  
☐ Female  
☐ Male  
☐ Transgender Female  
☐ Transgender Male  
☐ Gender Expansive/Non-Conforming  
☐ Not listed  
F  
M  
TF  
TM  
GE  
UK  
DATE OF BIRTH: \_\_\_\_\_  
MO. \_\_\_\_\_ DAY \_\_\_\_\_ YR. \_\_\_\_\_

\* Ethnic minority and Gender information is optional and failure to provide it will in no way affect your membership status, rights or benefits in NEA, OEA or any of their affiliates. This information will be kept confidential.

## SEE CODES ON BACK OF FORM

POSITION: \_\_\_\_\_ PRIMARY SUBJECT TAUGHT: \_\_\_\_\_ MASTER TEACHER: \_\_\_\_\_ NBCT: \_\_\_\_\_  
YES NO YES NO YES NO YES NO  
FIRST TIME MEMBER: \_\_\_\_\_  
YES NO

Dues payments are not deductible as charitable contributions for federal income tax purposes. Dues payments (or a portion) may be deductible as a miscellaneous itemized deduction. Lobby expenses paid or incurred as part of membership dues cannot be deducted from your income taxes. The amount of the OEA membership dues attributable to lobby expenses and actual deductible dues dollars will be reported annually online and in the February issue of Ohio Schools Magazine for all levels of membership.

COLLECTOR'S SIGNATURE: \_\_\_\_\_ / \_\_\_\_\_ DATE: \_\_\_\_\_

## Great Public Schools for Every Student! Membership Enrollment Form 2023 - 2024

LOCAL NAME / USER LOCAL ID: \_\_\_\_\_

WORK LOCATION NAME / USER WORK LOCATION ID: \_\_\_\_\_

ASSOCIATION	UNIFIED CODE	ANNUAL DUES
Unified Education Profession Dues (Local, Uniserv, District, OEA and NEA)		
Do you wish to be a member of another affiliated or associated organization?		
If so, indicate below the organization code(s) and annual dues amount (see back of form)		
Organization Code:	Fund ID:	
Organization Code:	Fund ID:	
Organization Code:	Fund ID:	
TOTAL ANNUAL DUES		

I understand that this agreement is voluntary and is not a condition of employment and that I have the legal right to refuse to sign this agreement without suffering any reprisal.

**MEMBERSHIP ENROLLMENT AND COMMITMENT (Signature Required)**  
YES, I wish to become a member of the Local Association, Ohio Education Association, District and the National Education Association. I hereby request and voluntarily accept membership in these associations and agree to abide by the Constitution and Bylaws of all four associations.

X UNIFIED MEMBER'S SIGNATURE (REQUIRED OF ALL MEMBERS) \_\_\_\_\_ / \_\_\_\_\_ DATE: \_\_\_\_\_

## DUES DEDUCTION AUTHORIZATION (Signature Required)

YES, I hereby authorize by method of payment below the payment of the total annual dues, fees and assessments of the organizations indicated herein in consideration for the services the union provides. I understand that those annual amounts are subject to periodic change by the governing bodies of the associations. If payment is by payroll deduction I also authorize and direct my employer to deduct said amounts from my earnings, consistent with the method of payment authorized (Annual or Continuing) and local policy. By choosing continuing payroll deduction I authorize the continuous deduction of said amounts from year to year hereafter without further authorization by me in the amounts to be certified to my employer from time to time. In the event my employment is voluntarily or involuntarily terminated, or I take an unpaid leave of absence, I agree the unpaid balance of the annual dues obligation not deducted during the year will be due the organizations. The payment of the membership dues obligation is accepted unless I revoke this authorization in a written revocation signed by me and delivered to OEA via U.S. Mail or email at the address listed on this form to be received during the period of August 1 and August 31 of the membership year immediately preceding the membership year in which the authorization is to be canceled. In the event I wish to revoke my authorization of membership outside of the period stated above, I agree to pay the OEA as collection agent for the dues amount indicated herein by continuing payroll deduction or other arrangement. The remainder of the dues amount for the membership year regardless of my membership status.

## METHOD OF PAYMENT (CHECK ONE BELOW)

- ☐ AUTHORIZED BY CONTINUING PAYROLL DEDUCTION  
☐ AUTHORIZED BY STANDARD ANNUAL PAYROLL DEDUCTION  
☐ CASH OR CHECK (CHECK # \_\_\_\_\_)

X SIGNATURE REQUIRED: \_\_\_\_\_ / \_\_\_\_\_ DATE: \_\_\_\_\_

# Example Enrollment Form (back)

The following information is represented in the form of codes. Please select the appropriate code and write it in the space provided on the front of this form.

POSITIONS		UNIFIED CODES	
<b>PK-12</b>	<b>HIGHER EDUCATION</b>	Active Educator FT	AC-1-100
Adult Educator	ADMIN	Active ESP FT	AC-2-100
Classroom Teacher	*Administrator		
Coach (Activity/Sport)	ACAD		
Counselor	Assistant Professor		
Health/Student Services	Associate Professor		
Instructional Specialist/Tutor	COUN		
Librarian/Media Specialist	INSTR		
Nurse	Lecturer		
Nontraditional Teacher	LECT		
Occupational Therapist	PROF		
Physical Therapist	PROF		
Psychologist	ROTC		
Reading Specialist	Other		
ROTC	*Directly hires, evaluates, transfers, disciplines or dismisses.		
SDSP			
Speech/Hearing			
Other			

EDUCATIONAL SUPPORT (ESP)		UNIFIED CODES	
Bldg/Gndz Maint/Repairs	BTMD		
Bus/Truck/Van Driver	TSOT		
Computer/Technician Services	CUST		
Custodian	FSOT		
Food Service	HLTH		
Health/Student Services	LIAS		
Library Assistant/Technician	MECH		
Mechanic/Repairer	PRNT		
Printing Services	SEST		
Secretarial	SSOT		
Security	SEDA		
Special Education Assistant	TIPA		
Teacher Aide/Paraprofessor	OTHR		
Other			

EDUCATIONAL SUPPORT (ESP)		UNIFIED CODES	
Not Applicable			

PRIMARY SUBJECT TAUGHT		UNIFIED CODES	
<b>PK-12</b>	<b>HIGHER EDUCATION</b>		
Adult Education	AGRI		
Arts & Natl Resources	ARCH		
Arts	ARTS		
Basic Education	BSRE		
Business Education	BUSN		
Career and Technical Education	COMA		
Civics/Govt/Poli Sci	CISC		
Computer & Info Science	EDUC		
Early Childhood	ENGR		
Elementary Curriculum	ENLL		
English as a Second Lang	ENLL		
English/Language Arts	FLLI		
Family and Consumer Science	GEOG		
Foreign Language	HIST		
Geography	HOME		
Health	INAR		
History	JOUR		
Marketing	MARK		
Middle School Curriculum	MATH		
Mathematics	MEDS		
Music	POLS		
Physical Education	PSYC		
Psychology	ROTC		
Reading	PHSC		
Science	SSOS		
Social Studies	SSOS		
Special Education	SDSD		
Hearing Impaired	VOCT		
Visually Impaired	NONE		
Vocational & Technical Education	Other		
No Subject Taught			
Other			

EDUCATIONAL SUPPORT (ESP)		UNIFIED CODES	
Not Applicable			

AFFILIATED DEPARTMENTS ANNUAL DUES (Requires OEA membership if eligible)		Code	Fund ID	Dues
Ohio Assn. of Education Support Professionals	OASNP	F24	\$50.00	
Ohio Assn. of Special Needs Professionals	OASNP	F01	\$10.00	
<b>ASSOCIATE ORGANIZATIONS ANNUAL DUES</b>				
Ohio Art Education Association	OAEA	F02	\$50.00	
Ohio School Counselors Association	OSCA	F04	\$60.00	
Ohio Council Tchrs. of English Lang. Arts	OCTELA	F06	\$40.00	
Ohio Assn. Hlth., Phys. Ed., Rec. & Dance	OAHPERD	F07	\$50.00	
Ohio Tech. & Eng. Ed. Assn. K-12 STEM	OTEEA	F08	\$35.00	
Ohio Council of Teachers of Mathematics	OCTM	F09	\$25.00	
Doris L Allen Minority Caucus	DLAMC	F10	\$15.00	
Ohio Foreign Language Assn.	OFLA	F11	\$55.00	
Science Education Council of Ohio	SECO	F13	\$30.00	
Ohio Council for the Social Studies	OCCS	F14	\$30.00	
OEA Women's Caucus	OEAWC	F16	\$15.00	
Ohio Middle Level Association	OMLA	F23	\$30.00	
OEA Gay Lesbian Bisexual & Transgender Caucus	GLBTC	F25	\$10.00	
Ohio Association for Supervision and Curriculum Development	OASCD	F26	\$30.00	
Ohio Educational Library Media Association	OELMA	F27	\$65.00	
OEA Hispanic Caucus	OEAHSC	F29	\$10.00	

# NEA Member Benefits

## Programs and Services Information On-Demand

NEA Member Benefits lets you be in charge with Information On-Demand. Simply send a text to **73915** with the keyword for the information you want. Fast, simple, and you're in charge.

- To learn about NEA Savings, Investment, Student Loans, Home Loans, Credit Cards and other Financial Services – Use Keyword **FINANCE**
- To learn about NEA Auto & Home Insurance, Life Insurance, Pet Insurance, Dental & Vision Insurance and other Insurance Plans – Use Keyword **INSURANCE**
- To learn more about NEA Click and Save, AT&T Savings, The GE Appliance Store and other discounts exclusively for NEA members and their families – Use Keyword **DISCOUNTS**
- To learn about NEA Vacations, NEA Adventures Group Tours, and other vacation travel opportunities – Use Keyword **TRAVEL**
- To learn more about ways you may get more for your money – Use keyword **MONEY**
- To learn more about managing your student loan debt – Use keyword **STUDENTLOAN**
- For car buying tips and advice – Use keyword **CAR**
- To learn more about ways to manage your consumer debt – Use keyword **DEBT**
- To learn more about buying and maintaining your home – Use keyword **HOME**
- To learn more about protecting those you love – Use keyword **PROTECT**
- To learn more about planning for retirement – Use keyword **INVEST**
- To learn more about traveling on a budget – Use keyword **ESCAPE**

These presentations are available at no cost to members or locals and with no minimum number of members required to schedule a presentation. It is requested that if a presentation is scheduled that it not be canceled due to lower than desired interest. NEA Member Benefits believes that the benefit of making even one member feel important is better than the risk of a member feeling they weren't important enough to hold the presentation.

The consumer education and product solutions that NEA Member Benefits makes available are guided by real conversations we have with members – conversations that take place through in-person and telephone contacts, local solution seminars and workshops, member surveys, focus groups, and our Member Advisory Panel. Additionally, more detailed information can be found on our redesigned website **www.neamb.com**. And of course, you can always speak to one of our Member Services representatives live at 800-637-4636 Monday through Friday from 8:00 a.m. until 8:00 p.m. or Saturdays from 9:00 a.m. until 1:00 p.m. Eastern.

# One-to-Ones

*Effective organizing means building relationships, one at a time and over time, through structured one-to-one conversations. Organizing conversations are the most effective way to gather information, identify employees' concerns and issues, share factual information, move members to action and ultimately effect positive change and grow membership.*

## Purpose of the One-to-One Organizing Conversation

- Develop a positive, trusting relationship with the other person
- Listen
  - To identify concerns and issues
  - Identify leaders and personal relationships at workplace and in the community
- Assess employee's orientation to union's activities and gauge interest
- Move into action

## How to Have a One-to-One Organizing Conversation

### Introduction

Who you (organizer) are and why the conversation is important.

### Ask Questions /Listen

What does the individual or group of individuals do at work, what is it like to work there, what is good about the job and what is not good? A good organizer uses the 70/30 or 80/20 rule of listening to talking.

### Agitate

Why are things the way they are, and who makes these decisions? How would things be better if you had a voice in making these decisions? What would it mean to you if we solved this problem? How might we solve it?

### Educate

Give factual information to employees on issues, actions and other pertinent information.

### Inoculate

Provide clear expectations for likely outcomes and messages that will come from the opposition. Provide factual and evidence-based refutations.

### Call to Action (The Ask):

Move the employee to action:

- Enroll as a member
- Recruit membership
- Schedule appointments for organizers to talk with other co-workers
- Attend a meeting or Association activity
- Sign a petition or wear a button
- Sit on Association or external committees
- Serve as Association/ Building Rep. (or other formal or informal position)
- Work with your LRC for developing calls to action.
- Engage in political campaign
- ??? The possibilities are limitless...

### Discover Connections

Who else should I be talking to? Who do you know that has some good ideas on this issue? Who has been supporting you through this? Whom do you count on for good advice? Can you help me connect with them?

## **What is a One-to-One meeting?**

- A 30 to 45 minute meeting of face-to-face conversation with one person.
- Getting to know the other person and being known.
- An inquiry into what matters to a person and why.
- An opportunity to know the private motivations each person has for doing public action such as congregational volunteerism or social justice work.
- A search for leaders and participants with the talent, motivation, initiative, energy, or anger to change a situation. A way to identify issues that need to be addressed and are not on the current action plan.

## **What is not a One-to-One meeting for relational organizing purposes?**

- An interview of non-stop questions or survey.
- Going through the whole life story or resume of an individual.
- A recruitment device that fits someone into a set agenda or committee.
- An intellectual conversation about policy or strategy on issues in the organization, neighborhood, or city.
- Search for personal friendship or a social encounter.

## **What do you need to do One-to-One meetings?**

- A firm decision that you will make the time to engage in this important leadership task. You must invest time and energy for this to succeed.
- A clear context for your introduction on the phone and in person, and a reason for doing this that you can explain to others simply.
- Regular phone call time set aside to ask for and schedule meetings.
- Patience and persistence to work with people's availability and possible resistance.
- Curiosity about other people and an ability to listen.
- Willingness to practice this skill over and over again, in multiple settings.

## **How do you do a One-to-One meeting?**

- Have a clear introduction and ending; the middle is improvisation that is particular to the person with whom you are talking.
- Talk more deeply about a few things instead of covering 20 topics.
- Ask "why?" much more often than "what?"
- Ask the person to tell stories and personal history, talk about important incidents, time periods, or mentors – not just recite facts and dates.
- Offer back conversation and dialogue; it's not just for the purpose of the other person answering your questions.
- Close by asking the person who else they think you should be meeting with, and what questions they have for you.

## **How do you use One-to-One meetings?**

When you decide to do a One-to-One meeting campaign, it is important to establish a context: Are you the only one doing meetings, and for what reason (e.g., staff person, local president, committee chair, task force leader, leading on developing a new project)? Is a team going to agree to do them with a particular list (e.g., new members, veteran members, non-members, potential leaders, AR's, elementary teachers, etc.)? Is staff preparing to do them with a certain constituency (e.g., new members, officers, executive board, PE teachers, etc.)?

Keep track of each meeting by making notes on each individual, deciding ahead of time what kinds of things you want to remember. Just write down important items, not everything you heard. However, don't ever take notes while you are having the meeting itself; this makes you a surveyor or interviewer, which is not the right purpose or tone for the conversation.

Create a process for evaluating what you learn once you have a significant number accumulated. This may be your individual work or involve a meeting with the team that is working on the campaign. It's important to go into the meetings with an open mind. You can test for certain interests or issues, but if you have one specific purpose in mind (need to recruit teachers, for example) you won't be finding out what you need to know. Your goal is to ask questions important to each of you, not a session where you work to get the person to do something.

After you have met your goal for a certain number of meetings, either individually or as part of a team, evaluate what you learned. This may lead to various choices:

- Additional One-to-One meetings with new people,
- Some kind of different group action,
- Second meetings with especially interesting or strong leaders,
- A new project or event,
- Revising how you have been operating based on what you heard,
- Asking people to take some sort of new initiative based on what you discovered about them.

The entire process is improvised and created out of what you actually hear and how you decide to respond. You can't plan this response until you have a number of individual meetings.

### **What are the benefits of building a relational culture of organizing?**

- Leaders who come to know each other beyond a task-oriented agenda and can do new things in new ways.
- New people who can be engaged around their own interests, not an existing plan.
- The capability to do a new project or campaign based on people's real energy and motivation, not an annual or monthly repetition of activity.
- A network of people who know and trust each other, able to take action in a variety of ways over time.
- A stronger, more dynamic, more creative organizational life.

## **One-to-One Conversation Review**

A One-to-One conversation is conducted with purpose and intention:

- Make personal contact to develop an ongoing relationship.
- Be natural, be yourself. Convey a friendly, helpful attitude.
- Have a positive opening. Praise the work she/he does as an educator or educational support professional.
- Be in full attention and actively listen.
- Ask open-ended questions, without interrogating or intimidating.
- Get the person to share her/his story. Focus first on learning from them.
- Be willing to share your story. Highlight the things that connect you.
- Identify the person's passion and what motivates her/him.
- Give her/ him the opportunity to share workplace or career concerns and issues.
- Ask how the Association can support her/him in the work they do.
- Educate and Agitate without arguing. Be kind and emphatic even when faced with criticism or excuses.
- Reflect on how the person might get involved in the Association. Assess if this person could have a leadership role in the Association.

# The 5 Steps of a One-to-One Organizing Conversation

**1**

## **Introduction**

- Clear
- Concise
- Concrete

**2**

## **Listen/Agitate**

- Ask open-ended questions
- Don't make assumptions
- What motivates them?

**3**

## **Educate**

- Make the connection between a strong active union and their concerns
- Give a vision and hope

**4**

## **Inoculate**

- Prepare them for negativity they are likely to get from coworkers and/or managers
- Dig deeper: Do you see any other way to change the situation?

**5**

## **Move to Action**

- Make the ask: Be specific
- If they object, return to Step 2 and their concerns and make the connections.
- Don't Beg
- Three Strikes Rule

# One-to-One Reflection

Use the One-to-One Reflection Form as a place to write notes after meeting with someone. This will help you remember key details and stories that were shared in the visit.

Person Visited \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

Local Association \_\_\_\_\_

## Questions for Reflection:

### Relationship:

- What do we have in common? \_\_\_\_\_
- What might be the basis of a relationship \_\_\_\_\_
  - Important things I learned about this person: \_\_\_\_\_
  - Talents, background, and/or gifts this person has to offer: \_\_\_\_\_
  - What are this person's areas of passion, vocation or self-interest? \_\_\_\_\_

### Passions, Vocations, or Self-Interest:

- What does this person care most about? Why? \_\_\_\_\_
- What do they get excited talking about? \_\_\_\_\_
- How do they spend their time? \_\_\_\_\_
- What talents and abilities does this person have? \_\_\_\_\_
- How and where are they using them? What relationships does this person have? \_\_\_\_\_
- What specific concerns or ideas does this person have? Why? \_\_\_\_\_
- What is this person's story? \_\_\_\_\_

### Self Evaluation:

- What did I do well?
- What can I do differently next time?
- Did I establish a relationship?
- Did I listen for the stories behind people's facts and opinions?
- How courageous was I? Did I probe?
- What was the riskiest question I asked?
- Were there "leads" I need to follow-up?



## Section 3: Holding Elections

- Hold annual election of officers, building/faculty/association representatives, and other committee members or chairpersons, as required by your local's Constitution and Bylaws and in accordance with OEA elections procedures. Report election results to your Labor Relations Consultant as soon as possible.
- Hold an annual election for delegates to OEA & OEA District Representative Assemblies by October 10 and report results to OEA no later than October 15.
- Hold annual elections for local and at-large delegates to the NEA Representative Assembly.

# Election Overview

## Ensuring Your Voice

*As a local leader, you have an opportunity to ensure your members' voices are represented as critical decisions are made regarding the governance of their union.*

### **OEA Representative Assembly (RA)**

According to the OEA Constitution (Article IV, Section 3) the Representative Assembly is the “supreme governing body of the Association.” Delegates to the Representative Assembly elect OEA officers and other statewide leaders, vote on changes to the Constitution and Bylaws, establish the OEA budget, determine OEA's legislative policies, identify OEA's core beliefs through the adoption of Resolutions, and act on business items that affect the priorities, policies and practices of our union.

The Representative Assembly meets twice per year. The fall RA is traditionally held the first Saturday in December, and the spring RA is held over two days (Friday-Saturday) in early- to mid-May.

Each local association is entitled to at least one delegate to the Representative Assembly and receives additional delegate positions based on a formula of one delegate per 50 members or major fraction thereof. In order to ensure that your members are represented at the Representative Assembly, you must conduct an election. Details on deadlines and election procedures follow in this section.

### **NEA Representative Assembly (RA)**

Likewise, the NEA Representative Assembly is the highest governing body of our national union. Delegates to the Representative Assembly elect NEA officers and other national leaders, vote on changes to the Constitution and Bylaws, establish the NEA budget, determine NEA's legislative policies, identify NEA's core beliefs through the adoption of Resolutions, and act on business items that affect the priorities, policies and practices of our union. (Endorsement of candidates for President of the United States also are decided by the NEA RA.)

The Representative Assembly meets once per year, in conjunction with its annual meeting, typically during the first week of July. Locations vary from year to year. (Recent NEA Representative Assemblies have been held in Houston, Minneapolis, Boston, Washington DC, and Denver.) Ohio is represented by 250-350 delegates at each RA.

Members have two primary options for running for and being elected as delegates to the NEA Representative Assembly. The first is by serving as a state delegate. State delegates are elected by OEA electoral units through elections held in the spring and are funded to attend the Representative Assembly by OEA. Local delegates are elected within each local association, with locals receiving one delegate for every 150 members or major fraction thereof. (Locals with 75 or fewer members may “cluster” with other locals to elect delegates in a similar fashion.) Local delegates are typically funded to attend the Representative Assembly by the local association. Local election results are due by April 10.

### **Your District Representative Assembly (RA)**

Each of OEA's ten districts also holds at least one Representative Assembly per year. Most districts hold an RA in the fall, sometime during the month of November, and all districts hold one in the spring, sometime in the weeks leading up to the OEA RA. Delegates to district RAs elect district leaders and unit representatives to the OEA Board of Directors, vote on endorsements for statewide candidates, adopt district budgets and dues rates, and conduct other business related to the policies and priorities of the districts.

All members elected as delegates to the OEA Representative Assembly are automatically elected as delegates to their respective District RAs. Some districts allow for additional members to serve as district-only delegates. Contact your district office for further details.

Watch your mail and/or email. You will receive notice regarding specific dates and responsibilities at the beginning of each year.

# OEA and NEA Election Deadlines

<b>October 10:</b>	OEA Bylaw 4-9d requires that all local associations must complete election of Local Association Delegates to OEA Representative Assemblies by October 10. OEA local delegate allocation is based upon an allocation of one delegate per fifty members (1/50) or major fraction thereof.
<b>October 15:</b>	Deadline for receipt of official election report form listing names of all local association delegates and alternates to the OEA Representative Assemblies.
<p><b>OEA Bylaw 4-9d states in part, “no later than October 15 of each year, the president of each affiliated local association shall certify to the OEA Secretary-Treasurer, on a form provided, the eligibility of each delegate and alternate.”</b></p> <p><i>(OEA At-Large Delegate elections for the OEA Representative Assemblies will be held in electoral units where the total number of delegates allocated in the entire electoral unit is less than the number of delegates required in the electoral unit to provide for proportionate representation. You will be notified if this affects you.)</i></p>	
<b>On or about November 1:</b>	Bylaw 2-5d requires that, “Thirty (30) days prior to the December OEA Representative Assembly adjustments directly proportionate to the dues transmitted shall be made in the number of delegates to the Representative Assembly for failure to meet the provisions of contracted transmittal schedules.” (Following your dues transmittal agreement will ensure this isn’t a problem for you.)
<b>Mid-January through Mid-February (specific dates announced each year):</b>	<b>OEA Unit Board of Directors Candidate and Statewide Candidate Filing Deadlines:</b> Candidates for OEA Unit Board of Directors seats must file a Declaration of Candidacy form with the office of the OEA Secretary-Treasurer, at least seventy-five (75) days prior to the date of the District Representative Assembly in the electoral unit in which election will be held. Declaration of Candidacy forms for statewide offices (President, Vice President, Secretary-Treasurer, NEA Directors, OEA Board of Directors At-Large) are due seventy-five (75) days prior to the date of the spring OEA Representative Assembly.
<b>January 31:</b>	Deadline for receipt of Declaration of Candidacy forms for NEA RA State At-Large delegates. Forms are to be submitted to the attention of the OEA Secretary-Treasurer.
<b>Mid- to Late-February:</b>	OEA Bylaw 5-2a requires that nominations for all OEA Statewide Offices shall be made by official Declaration form submitted to the office of the OEA Secretary-Treasurer at least seventy-five (75) days prior to the election.
<b>March 15:</b>	NEA Bylaw 2-9b requires that, “A local shall transmit to a state affiliate and the state affiliate shall transmit to the Association at least forty percent (40%) of the Association dues receivable for the year by March 15, unless the dues transmittal agreement schedule stipulates otherwise.” (If you are following your dues transmittal agreement, this won’t be a problem.)

**Mid- to Late March:** All marked and unmarked ballots for election of State Electoral Unit At-Large Delegates to the NEA Representative Assembly must be returned to OEA, along with the final tally sheets on or about March 15. Local association presidents will be notified of the exact deadline date, which will depend upon the ballot mailing date.

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**Mid-March:** Deadline for conducting local delegate elections to the NEA Representative Assembly.

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**April 10:** Deadline for submitting election report forms for local delegate elections to the NEA Representative Assembly.

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**NOTE:** The Landrum Griffin Act requires that OEA and NEA delegates and alternates be elected by secret ballot and that all ballots are retained by the local association for one year.

**ALL CANDIDATES WHOSE NAMES APPEAR ON A BALLOT FOR OEA, NEA OR DISTRICT DELEGATE SEATS MUST BE MEMBERS OF THE LOCAL ASSOCIATION AND, WHERE ELIGIBLE, THE DISTRICT ASSOCIATION, OEA AND NEA. THIS REQUIREMENT ALSO APPLIES TO OEA LIFE MEMBERS REGARDLESS OF YEAR OF ENROLLMENT.**

# 10 Steps to Conduct an Election

## 1 Establish an Election Committee

- Check your local Constitution and Bylaws to see what it says regarding an Election Committee. (Following the requirements of the OEA Elections Manual is a requirement for local constitutions and bylaws to be in compliance with affiliation standards.)
- Purpose is to protect the integrity of an election or vote and ensure that an election is conducted in accordance with the local, state, and national association constitutions.
- Usually 3-5 members.
- Ordinarily appointed by the local association president with the approval of the local association executive board.
- Any candidate running for office cannot be on the Election Committee including the local president, vice president, etc.

### There are nine basic duties of the Election Committee

1. To make sure that each nominee has been offered the opportunity to decline the nomination.
2. To hear and decide any challenge which may be made concerning the eligibility of any nominee.
3. To make sure that proper notice of the election is given.
4. To prepare or supervise the preparation of the ballots.
5. To supervise the issuance and return of the ballots.
6. To count the ballots and certify the results of the election.
7. To hear and decide any protests which may be filed concerning the conduct of the election.
8. To make a report to the membership concerning the results of the election and, subject to membership acceptance, the decisions made on any protests.
9. To maintain order and decorum during the ballot counting process.

## 2 Identify What Offices Are Up for Election

- President, Co-Presidents, Vice President, Treasurer, Secretary, Building Reps, etc.
- OEA RA Delegates, NEA RA Delegates

## 3 Verify Terms of Office

- Check your local Constitution and Bylaws to see what it says regarding terms of office, co-presidents, or any other co-officer position.
- Filling a vacancy?
- Special Election?

## 4 Determine Who Is Eligible to Run

- Check your local Constitution and Bylaws to see who is eligible to run.
- Non-members are **NOT** eligible to hold office or vote!

## 5 Establish When/Where to Have the Election

- Check your local Constitution and Bylaws to see if it states when/where to conduct your elections.
  - Election by mailing?
  - Election in each building?
  - Election at general membership meeting?

# 6

## Notice of Nominations

- Check your local Constitution and Bylaws to see what it says regarding Notice of Nominations.
- Every member must have reasonable opportunity to nominate for or seek office.
- Must indicate what offices need to be filled.
- Spell out the process by which nominations can be made.
  - General membership Meeting
  - Form-Declaration of Candidacy Form
- Notice of Nominations can be made by:
  - Posting on bulletin board
  - Individual Mailing
  - Newsletter
  - Combined with Notice of Election

# 7

## Notice of Election

Members must be notified in a manner reasonably calculated to reach all members in sufficient time to execute their voice.

- Notice of Elections must include:
  - Time
  - Date
  - Location
  - The offices to be voted on
  - If possible the list of candidates running for offices
- Notice can be made by:
  - Posting
  - School Mail—NOT email
  - Newsletter/Letter
- OEA and NEA Representative Assembly Delegates:
  - Landrum-Griffin Act Requirements
  - Notice of Election must be mailed to each member at the member’s last known home address at least fifteen (15) days before the election.

# 8

## Preparations of Ballots

- Check your local Constitution and Bylaws regarding ballots.
- Make sure instructions are clear and simple.
- Ballot should include:
  - Official Ballot
  - Position of Office(s)
  - Language “Vote for One (1)” or “Vote for no more than three (3)”
  - “By virtue of office” language if applicable (C&B)
  - Listing of Candidates – spelled correctly
  - Terms of Office (optional)
  - Write-In Vote line if applicable (C&B)

See sample ballot at right.

<b>OFFICIAL BALLOT</b>	
Local Education Association	
Local Delegates to	
OEA Representative Assembly	
2014-2015	
<b>Vote for no more than two (2) delegates</b>	
in addition to Local President and Vice President (serve as automatic delegates by virtue of their offices) for a total of four (4) local delegates.	
*	George Parker
*	Jean Massey
	Robert Jordan
	Richard Harris
	(write-in candidate)
	(write-in candidate)
<small>*Automatic delegate by virtue of office in accordance with local constitution/bylaws, Art. 3, Sec. 2.</small>	

## 9 The Election

- Members must be afforded a reasonable opportunity to vote
- Secret Ballot
  - Voting can be done in booths or at isolated tables.
  - After the ballot is marked, the ballot should be deposited by the voter directly into a ballot box or other container where it is mixed with other ballots and the voter's right to secrecy is preserved.
- On-site elections are preferred.
- It is advisable to set up specific hours for voting.
- Members should identify themselves and sign for his/her ballot.
- Where local associations have members working more than one shift, the voting hours must be of sufficient time to allow members on all shifts a reasonable opportunity to vote. Where local associations have more than one voting location, great care must be taken to preserve the integrity of the election. This includes the following precautions:
  - Each member should be notified of his/her voting location.
  - Each voting location must, at all times, be attended by the election committee member or other member designated by the election committee.
  - The attending election committee member or designee must keep a written list of which members have voted. List of members for that location that can be checked off after each member votes.
  - Each voting location should have a ballot box prepared by the election committee. Ballot boxes should never be unattended.
  - At the conclusion of voting, the ballot box should be sealed. Normally, if the box is cardboard, the box is taped and then the names of the election committee member or designee, and any observer is signed across the tape.
  - After the ballot box is sealed, the box should be immediately transported to the place where the ballots are to be counted. Election observers are entitled to keep the ballot box in sight at all times during transportation.
- Many local associations prefer to distribute ballots to eligible voters either personally or through the school mail on election day. This is permissible so long as a double-envelope ballot system is used and the ballot, once complete is cast in the ballot box only by the voter at the designated time for voting.
- Two types of voting problems **not** permitted.
  - First, there can be **no proxy voting**. Every member has only one vote and no member can authorize another to cast his or her ballot.
  - Second, at times a local association may want to make it easy to vote by having a member or building representative collect marked ballots at a work site for later deposit in the ballot box. This is not permitted because it destroys the secrecy of the ballot. **The voter must place his or her ballot directly into the ballot box. It cannot be handed to another person for later delivery.**
- **Using internet services to conduct elections can be problematic and may result in an election challenge. The principles of a secret-ballot and one-member one-vote, rights to observers, and preservation of records are the basis of any free and fair election and most online options do not comply with those principals. For instance, using Google forms will collect IP addresses from those that vote and, thus, does not constitute a secret ballot.**

The US Department of Labor provides guidance on how an online remote election may comply with the Landrum-Griffin Act here:

[https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip\\_RemoteElecVote.htm](https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip_RemoteElecVote.htm) “

- Mail ballot elections may be necessary.
- The mail ballot cannot be made available to only those members who are not able to vote in an on-site election. Balloting by mail must be done by all members or by none.
- Absentee ballots are permitted but discouraged. May be allowed but must be set forth in the local association's constitution and bylaws.

## 10 Counting the Votes

- Count the vote when the intention of the voter can be ascertained.
- Count the vote using tools which ensure an accurate count.
- Preserve all records of the election and ballots for a period of one year.
- In counting votes, it is best to have two committee members examine the actual ballots, with one of the two calling off the names of those who received votes on a particular ballot.
- Two other committee members should keep separate records using a tally sheet.
- Questions are frequently raised as the ballots are being counted concerning the validity of particular ballots. The following rules apply:
  - Such deviations from the instructions on the ballot as making a check mark instead of an “X” does not void the ballot. If the intent of the voter is clear, count the vote.
  - If the voter has signed their name to the ballot, void the entire ballot.
  - If a ballot is partly spoiled, the entire ballot is not voided. For example, if the voter voted for two candidates for president, the ballot is void for that office. But if the same voter voted for only one candidate for secretary-treasurer, the vote for that office should be counted.
- Keep a record of the number of totally void or totally blank ballots.
- Determination of the election shall be based on the number of valid ballots cast.
- The final election results should be placed in written form and signed by the members of the election committee.
- All ballots and records of the election must be kept for a period of one year.
- The OEA should be promptly notified in writing of the election results.
- A copy of a sample ballot should be included for elections concerning OEA and NEA Representative Assembly delegates and alternates.

## Election Protests

- Protests are disputes which may arise concerning the conduct of an election.
- An election should only be overturned when a proven election irregularity is such that it would affect the outcome of the election.
- It is recommended that local associations establish local procedures to hear and resolve such protests.
- A ten-day time limit is considered reasonable.
- Such procedures should also establish the body that hears the protest.
- Only irregularities which affect the outcome of an election are grounds for voiding the election results and holding a second election.
- **Protests not resolved at the local association level may be appealed to the OEA Secretary Treasurer and the matter will be investigated in accordance with Board of Directors Policy 1200.040**

# Online Election Information

Elections can be tricky, here is some helpful information:

Members must be afforded a reasonable opportunity to vote.

The two safeguards for fair and democratic elections are:

- That the election is conducted by **secret ballot**, and
- That all local association members be afforded a **reasonable opportunity to vote**.

## Voting methods: in order of preference

1. In-Person Election – Always the best choice when available
2. Mailed Ballot Election- The second-best option
3. Online election – Can be used, but is not preferable, especially for OEA RA and NEA RA delegates

Information regarding Online or Electronic voting from the **OEA Elections Manual- located in the Appendix**

The conduct of elections for local, OEA, and NEA offices must comply with the following principles of a fair election:

- The integrity of a secret ballot
- One-member one-vote
- The right of any candidate to have an observer at the polls and at the counting of the ballots
- Preservation of all election records including ballots for one year

Adherence to these principles while conducting online elections can present challenges. Two significant challenges are the tension between maintaining the secrecy of the ballot while ensuring that each eligible member's vote is accurately cast, and ensuring observability for a voting technology that does not necessarily generate "ballots" that can be observed at the "polls" and at their "counting," as the LMRDA provides. Because the technology in this field is evolving, it is difficult to identify definitive solutions that are most likely to permit voting that is in conformance with the proper conduct of a fair election.

### 1. Guidance for preserving ballot secrecy:

The requirement of a secret ballot in union officer elections is to be interpreted strictly. Ballot secrecy requires that no person, including an independent third party, have access to information allowing such person to learn how a particular member cast his or her vote at any time. Moreover, a member's vote must remain secret after the ballot is cast. It should be noted that online survey services such as Jot Form, Google Forms, and SurveyMonkey each collect data such as email and IP addresses that can be connected to the content of a member's vote. For that reason, those services are not appropriate for a secret ballot election.

One way to help to ensure that ballot secrecy is maintained in an electronic voting system is to avoid creating a connection between a voter's identity and the vote cast, i.e., voters' names would never be entered into the system as part of the voting credentials (the term "credentials" in this guidance includes the multiple codes used for various purposes in electronic voting systems, including access codes, log-in codes, confirmation codes, etc.). In this way a voter's identity could never be linked to his or her vote using information in the system. This can be accomplished by determining voter eligibility prior to mailing the voting credentials and by randomly assigning the credentials to each eligible voter. Once this initial eligibility determination is made and the credentials mailed (or emailed), there can be no mechanism to void or prevent the casting of ballots by any members who were determined to be eligible. Such a system, however, can present logistical challenges. For example, a local may need to provide replacement credentials to members who have not received or have lost their voting credentials or issue such credentials to newly eligible members. If duplicate credentials or other processes are used to resolve these logistical challenges, all material must be secured when not in use and observers must be given the opportunity to observe the processes employed when using the materials.

Online voting systems should employ proper safeguards to prevent a voter from being able to provide visual proof of the content of his/her vote in order to prevent secrecy violations in the form of coercion or vote buying/selling. For example, the system must not display the voter credential and the content of the vote in such a way that it permits the voter to capture and share the image, nor should lists matching voter credentials and the content of the vote be publicly available.

To the extent that technology is developed for public elections that allows for the inclusion of voter-identifying information in a manner that protects vote secrecy, that technology may also be appropriate for use in union elections.

## **2. Guidance for preserving observer rights:**

To conduct a fair election, adequate safeguards to ensure a fair election must be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.” This requirement provides for the essential monitoring that votes were cast by eligible union members and that those votes were accurately tallied. In the context of electronic voting systems, in which the “polls” and “tally” are not visible, assuring the integrity of such systems presents challenges.

Procedures in the context of electronic voting, which permit observation and protect the security of the vote from its casting to its counting, must include:

- The opportunity to view the list of members and make eligibility challenges prior to the distribution of voter credentials.
- The opportunity to observe the preparation and distribution of voting credentials to be used by members. Observers must be allowed to view the process, but must not be allowed to see the specific voting credentials that are sent to individual members, which must be kept secret
- The opportunity to observe any later distribution of credentials to members who did not receive or who lost credentials. Again, observers must be allowed to view the process, but must not be allowed to see what specific voting credentials are sent to individual members, which must be kept secret.
- The use of technology that protects the integrity of the vote from the point when it is cast by the voter through the voting process, such as client-side encryption technology, that runs on the voter’s computer or in conjunction with any computer-telephone integration, rather than on the election server.
- The opportunity to observe any steps necessary for the counting of the votes, and any other steps necessary to audit that process.
- The use of technology that provides a secure method of independent vote verification that allows the voter or an observer to confirm that the vote was recorded and counted accurately. Safeguards should be employed, however, to prevent such features from presenting secrecy lapses and opportunities for voter coercion. Safeguards that could preserve this aspect of observability without compromising vote secrecy may include:
  - o Allowing each member to view a printed ballot version of his or her electronic vote, which contains a credential known only to the voter and which is stored in a supervised, secure, observable location. These printed ballots could also be tallied in a supervised, secure, observable location to verify the accuracy of the electronic vote count.
  - o Allowing each member to confirm the accuracy or integrity of his or her vote by inspecting a non-public list of the electronic votes alongside the credential known only to the voter, stored in a supervised, secure, observable location.
  - o Allowing each member to confirm the accuracy or integrity of his or her vote by inspecting a posted list that pairs representations of votes (e.g., as hashes or codes that would allow a voter to know that the vote has not been changed but would not reveal the vote choice itself) alongside voter credentials, or representations of voter credentials.
- The electronic voting system should contain mechanisms by which observers can verify, prior to an election, that the system is working properly.

The electronic voting system should include hash chains on the activity logs and the ballot box. The electronic voting system should be audited by an authorized independent party periodically. For any electronic voting system, there should be a document or documents that specify the security policy for all systems that will come into contact with the voter or vote information. Further, every role and its corresponding access should be clearly specified, using mathematical descriptions where applicable. The security policy should also include a risk assessment, threat analysis, and modifications made to mitigate such risks/threats.

### **3. Guidance for preserving records:**

The electronic votes and any paper versions of the electronic votes, and all other paper and electronic records pertaining to the election, including eligibility lists, the voting credentials, the log files, the time stamped software code used to run the electronic voting system, and the ballot tally results must be preserved for one year.

### **4. Guidance for preserving right to vote:**

An alternative voting method must be provided, upon request, to any member who does not have access to the electronic voting system. Remote voting must be implemented in a manner that does not create barriers for individuals with accessibility needs. When selecting an online voting vendor, those members responsible for conducting the local election should inquire about how the vendor provides for a secret ballot, election observers, preservation of records, and accessibility as described above.

The source for this guidance is from the US Department of Labor Office of Labor-Management Standards (OLMS) Compliance Tip – “Electing Union Officers Using Remote Electronic Voting Systems” at

**[https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip\\_RemoteElecVote.htm](https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip_RemoteElecVote.htm)**

**Questions about election/election procedures can be directed to:**

**William Baird, OEA Elections and Conference Coordinator: [bairdw@ohea.org](mailto:bairdw@ohea.org)**



## Section 4: Running Effective Meetings

- Hold regular meetings of membership, site representatives and leadership bodies as required by the local Constitution and Bylaws.
- Utilize principles of parliamentary procedure to help ensure meetings are inclusive, engaging, and efficient.

# Best Practices for Meetings

- 1. Make your meetings meaningful.** Have them regularly and avoid cancelling them. Have an agenda, and get minutes out in a timely manner. Publish the dates, times and places to all members - with adequate notice. Vary the times and places to accommodate members. Consider door prizes and or food as incentives. Help members feel it is worth their time to attend.
  - 2. Executive Committee or Board meet one week prior to the general meeting.** They should set the agenda, address issues, plan the meeting, and gather reports.
  - 3. Presidents are really moderators.** They are non-partisan in the chair, as the President, seeing that members are treated equally, regardless of which side of the questions they debate. They are like an umpire or referee. The president never makes a motion while in the chair, nor do they debate a motion without first having called the vice-president or other person to preside in their place. In such an event, they usually do not resume the chair until the vote has been announced.
  - 4. Keep meetings moving.** Use a format similar to the ten-minute meeting format. Your LRC can provide this and other helpful tips to save time for you.
  - 5. Prevent general hubbub.** Prompt action on the agenda will help keep interest. Avoid holding private conversations with members; side conversations between the chairperson and individual members can disrupt a meeting.
  - 6. Sum up what a speaker has said,** especially if they could not be heard clearly or if they did not express themselves well.
  - 7. Parliamentary procedure** is to be used to facilitate local meetings, not to stifle them. When in doubt as to proper procedure, common sense on the part of the president should be used to clear up problems and continue business. Below are some basics:
    - a. Motion should be made in a proper form before discussion. EX: "I move that ..."
    - b. A motion must also receive a second before discussion begins (Motions made on behalf of a committee do not need a second.)
    - c. The maker of the motion should speak to the motion.
    - d. Facilitate discussion of the motion.
    - e. Call the question and vote.
- Follow Robert's Rules of Order Newly Revised <https://robertsrules.org/>**
- 8. The president should not permit one or two constant talkers to dominate** the meeting. Time is limited; everyone should receive equal opportunity to speak. The chairperson should not recognize the same person twice until all others who wish to speak have had an opportunity.
  - 9. Include special outside speakers and programs.** Possible topics—retirement issues, grievance issues, contract maintenance issues, member ethics, timely topics, entertainment, social media Do's and Don'ts, and member benefits. (utilize NEA Member Benefits [www.neamb.com](http://www.neamb.com)).

# Best Practices for Virtual Meetings

When you cannot meet in person with members, you can still continue to do the work of your local. Using virtual resources like Zoom, GoToMeeting, WebEx, Skype, FaceTime, and Facebook Messenger, you can continue to conduct general membership meetings, meet with members, hold executive team meetings, and hold general local committee meetings (e.g., negotiations committee, communications committee, etc.). Additionally, many virtual platforms now offer free accounts to users. Your local should consider usage needs to determine if it is necessary to invest in a subscription to a virtual platform or utilize any available free accounts.

Here are some suggestions to conduct productive and effective virtual meetings:

## 1. Organize the Meeting Well

Good organization is key to running effective virtual meetings. Here is a short list of instructions to get you started:

- **Send out a timely invite**

Send out a calendar invite well in advance of the meeting and make sure that everyone confirms whether they are attending or not. This will help everyone to plan ahead and organize their week accordingly. Advance registration is an excellent tool to use for attendance confirmation and to ascertain how many will be attending.

- **Send out a meeting reminder**

If members are working remotely, this means you are going to be disconnected from your membership and team for most of the working day. This is why a smart notification system can be of enormous help. Consider sending participants a reminder notification at least 15 minutes before the meeting. It is also helpful to send out a reminder with the link to the meeting 24 hours before or the day of the meeting.

- **Send out meeting materials ahead of time**

Email the meeting agenda and related materials to participants ahead of time. This way, if technical problems prevent some participants from seeing the materials you show using screen-sharing, or if participants can only join by phone, the participants have the materials in advance.

- **Structure your meeting**

Instead of letting participants interject whenever they like, structure the meeting clearly. This way everyone will know where exactly their question or comment belongs. Be sure to utilize the chat room features or hand raising features for participation. Consider creating a speaker's list.

- **Limit meeting time**

Be mindful of the length of the meeting for virtual meetings. If possible, virtual meetings should be no longer than an hour.

## 2. Focus on What's Important

Every meeting should have a clear objective and established agenda. Remember that you are taking up everyone's valuable time. Asking participants to stay and listen to minor issues that don't affect them is not an efficient way to run a meeting.

## 3. Establish Next Steps

Particularly for Virtual Executive Committee Meetings and/or other virtual Association Committee meetings, make sure that all action points are written down, deadlines agreed upon and tasks distributed amongst team members. Always reserve 5-10 minutes for wrapping-up and work distribution. Determine if and when a follow-up meeting should be planned. Following the meeting, the President or another key person should email the attendees with a summary of the results of the meeting and any assignments or commitments that resulted from the meeting.

**4. Mute your phone or computer audio when not talking.**

When you are not muted, be aware of noises that may be heard by participants – avoid rustling papers, tapping pens, or making other noises. If you are the host, ask at the beginning that participants mute their microphones whenever they are not talking.

**5. Key Tips for Zoom Meetings ([www.zoom.us](http://www.zoom.us))**

Zoom is one of the most popular platforms for virtual meetings. Some key tips for Zoom meetings are as follows:

- Prior to hosting your first Zoom meeting, watch some of Zoom's video tutorials to get an idea of the platform, the layout, and its functions.
- Use Zoom's waiting room feature. When you enable the waiting room for a Zoom meeting, each user who connects is put in a que that the meeting host has to approve them from. If you don't recognize someone in the waiting room, don't let them in.
- Mute audio for meeting attendees. This can be toggled off in the meeting creation menu. Members can then unmute themselves during the meeting when they need to speak during the meeting.
- Require advanced registration.
- Inform participants that the Zoom meeting may be accessed by computer or cell phone.
- Join the meeting a few minutes before its official start and use the time to check technical functions
- Turn off screen sharing. "Zoom bombers" need to be able to visually take over a meeting to be effective and preventing anyone from sharing their screen aside from the meeting host stops them from being able to go on the attack. This option can be toggled off once the meeting has started.

**6. Key Tips for GoToMeetings ([www.gotomeeting.com](http://www.gotomeeting.com))**

- It is not necessary to download any programs to use this software
- Set up your meeting so that it is open 15 minutes before it starts for smaller meetings. This will allow everyone to get comfortable with the various functions.
- Mute all other participants or ask participants to mute their own microphones. This will prevent disruptive background noise during the meetings.

# Sample Guide for Planning Effective Meetings and Agenda

Every meeting should be controlled by an Order of Business. It may be whatever the Union itself determines or whatever the properly authorized officers may designate. Normally, it should include:

## **Name of Organization**

## **Date**

## **Location**

## **Time**

## **Agenda**

**Call to Order** – by the president or chair

## **Reading and Approval of the Minutes**

- can be presented orally or in written form
- are there any corrections to the minutes?
- corrections, when proposed, are usually handled by unanimous consent
- no motion is needed for approval

## **Adoption of Agenda**

## **Reports of Officers Reports**

- can be oral or written
- no motion is needed to adopt treasurer's report unless it is audited
- no motion is needed to adopt committee reports unless recommendations for action are made

## **Reports of Committees**

**Old Business** – unfinished business from last meeting is brought forward for action.

- motion is required to adopt

**New Business** – any items not previously up for action

## **Announcements or “For the Good of the Order”**

- oral or written

## **Adjournment**

**Agenda items may be added where necessary.**

**NOTE:** *An agenda listing committee reports, pending and special-order business should be compiled before the meeting and publicized widely, if possible.*

# Parliamentary Motions Guide

## Based on Robert's Rules of Order Newly Revised (11th Edition)

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
Close meeting	I move to <b>adjourn</b>	No	Yes	No	No	Majority
Take break	I move to <b>recess</b> for	No	Yes	No	Yes	Majority
Register complaint	I rise to a <b>question of privilege</b>	Yes	No	No	No	None
Make follow agenda	I call for the <b>orders of the day</b>	Yes	No	No	No	None
Lay aside temporarily	I move to <b>lay</b> the question <b>on the table</b>	No	Yes	No	No	Majority
Close debate	I move the <b>previous question</b>	No	Yes	No	No	2/3
<b>Limit or extend debate</b>	I move that debate be limited to ...	No	Yes	No	Yes	2/3
<b>Postpone to a certain time</b>	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
<b>Refer</b> to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
Modify wording of motion	I move to <b>amend</b> the motion by ...	No	Yes	Yes	Yes	Majority
Kill main motion	I move that the motion be <b>postponed indefinitely</b>	No	Yes	Yes	No	Majority
Bring business before assembly (a <b>main motion</b> )	I move that [or “to”] ...	No	Yes	Yes	Yes	Majority
Enforce rules	<b>Point of order</b>	Yes	No	No	No	None
Submit matter to assembly	I <b>appeal</b> from the decision of the chair	Yes	Yes	Varies	No	Majority
Suspend rules	I move to <b>suspend the rules</b> which ...	No	Yes	No	No	2/3

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
Avoid main motion altogether	I <b>object to the consideration</b> of the question	Yes	No	No	No	2/3
Divide motion	I move to <b>divide the question</b>	No	Yes	No	Yes	Majority
Demand rising vote	I call for a <b>division</b>	Yes	No	No	No	None
Parliamentary law question	<b>Parliamentary inquiry</b>	Yes (if urgent)	No	No	No	None
Request information	<b>Request for information</b>	Yes (if urgent)	No	No	No	None

### Motions That Bring a Question Again Before the Assembly

*No order of precedence. Introduce only when nothing else pending.*

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
Take matter from table	I move to <b>take from the table ...</b>	No	Yes	No	No	Majority
Cancel or change previous action	I move to <b>rescind/ amend something previously adopted...</b>	No	Yes	Yes	Yes	2/3 or maj. w/ notice
Reconsider motion	I move to <b>reconsider the vote ...</b>	No	Yes	Varies	No	Majority

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## Section 5: Engaging Members in Political Action and Community Collaboration

Connect legislation, school board activities and the impacts on the members day-to-day and the classroom.

Identify what matters most to members and engage in political activities that further the interests of the Local.

Allow members' voices to be heard by educating about and encouraging participation in the endorsement process of the pro-public education candidates.

Lead members in engaging their local, state, and federal elected officials on issues important to public education.

Create momentum and engagement around our issues and the power of members to enact change when conducting fundraising drives for the OEA Fund.

Shape the outcomes of levy campaigns and local school board elections by leveraging members' collective power.

# Why Political Action?

Nearly every aspect of the school day is in part shaped by decisions made by elected officials, it is imperative that we have a strong voice in deciding who is making those decisions.

By becoming active in the political arena—by working to influence decisions makers, through lobbying, recommending, campaigning, donating to pro-education candidates—you can help yourself, your colleagues and your students realize that better tomorrow.

Public employees have a personal stake in the outcome of decisions made by public officials. Your salaries, your retirement protection, even the hours you work are determined by people who are either elected or appointed officials.

Political activity guarantees us a seat at the policy-making table. Political involvement separates the players from the non-players.

# What is the OEA Fund?

**The Ohio Education Association has established a political action committee, so that educators can legally donate voluntary contributions to candidates and candidate campaigns.** Money contributed to OEA Fund is used to support pro-public education candidates for statewide offices such as Governor, State Auditor, Secretary of State, and Supreme Court Justice, and for State Senators and State Representatives.

Twenty percent of the money donated to OEA Fund is deducted and forwarded to the National Education Association. The NEA Fund uses that money to assist pro-public education candidates for Congress and for the United States Senate as well as for the Presidency of the United States.

Contributions are purely voluntary and are not dues dollars. Members are free to refuse to contribute without it affecting their membership status in any way.

**If your Local Education Association currently has or creates a local Political Action Committee (PAC), you may request that a portion of the money sent to OEA/NEA Fund be returned to your local PAC** for use in supporting endorsed candidates for your local Board of Education. This is accomplished by submitting a written request for rebate to the OEA Government Relations Department on a form found in UniServ offices. A local receiving a portion of money sent to OEA/NEA Fund is prohibited from using such funds to support a candidate, issue, or position that conflicts with the position of OEA or NEA.

OEA Fund is a major factor in securing the benefits that Ohio's educators have gained over many years. OEA Fund provides OEA members with clout—both at the state and national levels. The collection of OEA Fund money should be a normal part of the duties of the local education association.

We can only have success with the OEA Fund with your help. **It is critical that you facilitate an OEA Fund drive at least once per year in your local and that you ensure that every member is personally asked to contribute.** The OEA Fund fundraising materials are distributed to all locals prior to the beginning of each school year.

**Please contact your Labor Relations Consultant or the OEA Organizing and Member Engagement Department (614-228-4526) for support in developing and implementing the OEA Fund fundraising drive for your local.**

# OEA Screening and Endorsement Process for Candidates to Public Office

Our members and the learners they serve are best represented when politicians know, understand and act upon the issues that affect public education. Screening and endorsing candidates is our way to find out their views on critical education issues, develop relationships, and hold politicians accountable for their actions.

## How does the OEA screening process work?

Candidate screenings are conducted by OEA members and OEA members make endorsement decisions—not staff or OEA officers. Our screenings are non-partisan and candidates of both parties are invited to participate.

There are four components utilized to evaluate candidates for endorsements:

1. Their positions on key-education issues, as explained in an interview
2. Their responses to the screening questionnaire
3. The voting record of current office holders on key-education issues
4. The candidate's viability in the race.

A candidate must participate in our screening process in order to be endorsed. The screening and endorsement process varies depending on the office being sought:

Ohio House and Senate Candidates: Candidates for the Ohio General Assembly (the Ohio House of Representatives and the State Senate) are screened by local OEA Fund screening committees. The screening committees are comprised of a District Screening Council (DSC) and members representing local associations. The DSC is comprised of five members appointed by the OEA District. Each local association within the House or Senate District being screened is invited to send one member to serve on the screening committee as well.

Statewide Candidates: Candidates for statewide office (Governor, US Senate, Secretary of State, Auditor, Treasurer, Attorney General and Ohio Supreme Court) are screened by the OEA Fund State Council. Any recommendations for endorsement made by the State Council, must be voted on by the OEA Fund Convention. This process, including the makeup of the State Council and delegates to the Convention are outlined in the OEA Fund Constitution and Bylaws.

Congressional Candidates: Candidates for Congress are screened by Congressional Contact Teams (CCT). The OEA President appoints five CCT members who reside in a given Congressional district. The team utilizes the screening questionnaire and report card developed by NEA. NEA also has a “friendly incumbent” endorsement process where incumbent officeholders with favorable voting records may be endorsed without conducting a screening.

State Board of Education: The process for screening and endorsing candidates for the State Board of Education is established by the OEA Fund State Council.

School Boards and Other Local Races: Local Associations or districts are encouraged to screen and endorse for other local offices that may affect public education in their community. One such example is local school board races.

## **What is your responsibility as a local president related to OEA's screening and endorsement process?**

As local president, you are responsible for participating in House District and Senate District screenings in your area during legislative election years or designating another member to attend. If you cannot participate, select an alternate to serve in your place. Notify OEA Government Relations office by January 15<sup>th</sup> of each year and include your alternates contact information.

Unless a screening is planned prior to a primary election, invitations to participate in screenings are typically issued in late spring or early summer of even-numbered years. Be sure to watch for and respond to invitations to participate in screenings in your assigned House and Senate Districts in a timely manner.

Also note that a screening may not be held if a previously endorsed office holder with a positive voting record is designated as a "friendly incumbent."

Please contact your Labor Relations Consultant or the OEA Government Relations Department with any questions.

## **Engaging in Local Levies and Bond Issues**

Few issues affect OEA members and the students we serve more than local levies and bond issues. Local property taxes provide more funding for public school districts than any other revenue source, and due to constitutional limitations on how districts can raise funds, you may find yourself in the middle of a levy campaign more frequently than you'd care to. As much as you may wish to avoid getting involved in these kinds of activities, the stakes are often too high for your local to stay on the sidelines. The difference between passing and failing a levy may affect your members' jobs, the curriculum offerings provided to your students, or the size of your classes.

The good news is you have numerous resources at your disposal if and when your local chooses to engage in a levy campaign. UniServ Political Advocacy Consultants in OEA's Organizing and Member Engagement Department are available to provide access to voter data and advice on campaign strategy when needed. Please contact your Labor Relations Consultant or the Organizing and Member Engagement Department for more information.

Some OEA Districts provide grants to give locals with acute needs related to levy campaigns financial assistance. Contact your district office for more details.

OEA also partners with Support Ohio Schools, which provides low-cost levy consulting services to local campaign committees when all key stakeholders (school board, administration, and unions) are included at the planning table.

# OEA Local School Board Campaign Support

Local school board campaigns are one of the most important ways a local can engage in the political process in order to effect change. The Ohio Education Association is working with local associations to elect more friends to district school boards. With the right school board in place, associations can more effectively advocate for better working conditions for our members and better learning conditions for our students. By participating in local school board campaigns, local associations will be in a better position to affect change, negotiate good collective bargaining agreements, strengthen ties to the community, engage existing members, and recruit new members.

OEA can provide an array of resources including trainings for candidates and the development of plans to attract community allies. After initial first-step meetings with locals and LRCs to discuss the scope of political activities, plans will be developed to assist in candidate recruitment, where needed, and information will be provided about establishing a local PAC, where desired, and the rules surrounding campaign finance. OEA will also assist locals in the development of member-led campaign teams and guide these teams through public endorsement or other types of direct candidate support.

OEA can provide the following direct support:

- Assistance in building political action teams
- Assistance in determining the level of political activity that would best meet local interests
- Collecting and providing data (and analysis) to inform campaign strategies
- Identifying, recruiting, and training potential candidates
- Establishing or better utilizing a local Political Action Committee (PAC)
- Facilitating the screening and endorsement process of local candidates
- Producing materials in support of pro-public education candidates
- Providing guidance in the development and execution of communications plans
- Helping to build and strengthen a member-driven campaign

## Campaign Timeline

Spring:	Candidate Recruitment and endorsement
Summer:	Candidate Training (offered by OEA) Assistance with endorsement screenings, PACs, communication plans, etc. Candidate Filing Deadline: early August
Fall:	Member push, supporter data analysis, and GOTV

## Contact

If your Local is interested in collaborating on local school board campaign support, or you feel your district would benefit greatly from electing new school board members, contact OEA Political Advocacy Consultant Zach Roberts at [robertsz@ohea.org](mailto:robertsz@ohea.org) or Dominic Mendiola at [mendiolad@ohea.org](mailto:mendiolad@ohea.org) to discuss next steps.

# Power Mapping

## Power Mapping Your Way to Success

“Power mapping” is a visual exercise that helps you to identify the levers and relationships you can take advantage of to gain access to and influence over your target.

Power mapping will help you decide:

- the best possible target (i.e., who can make the change you are seeking);
- what and who might persuade them to say “yes” to your request; and
- the pathways or relationships that can get you access to, or put pressure on, the target.

Power mapping can ensure effective alliances, targeted actions, political relevance, and legitimacy. And it can help you see where your technical expertise best fits into existing public efforts and discussions.

***To be as strategic as possible with your limited resources when deciding what actions to do, take a moment to better understand who can say “yes!” to what needs to change—and what makes them tick.***

### Step 1: Problem location

You can map around an issue or person or institution you think can solve a problem.

### Step 2: Map major institutions

Identify key decision-makers, institutions or associations that are related to that problem.

### Step 3: Map individuals associated with the institutions

Put the names of 2-3 individuals who are associated with each of those institutions in the second ring (moving out concentrically) around the problem. These can be people you know or don’t know.

### Step 4: Map all other associations with these individuals

Think about people you know connected to these key individuals. The purpose of this is to help identify easier ways to access the individuals or institutions that could help solve the problem, by tapping into existing relationships between people. At this step, you can note any relationships that members in the group have with the people listed and any information you have about them. Be creative in thinking about how you may be connected to the people brainstormed.

Also, look over the list of areas to consider while power mapping. This information should go in the third ring around the problem.

### Step 5: Determine relational power lines

The next step is to step back and conceptually review the networks that the group has mapped out. You can do this by drawing lines connecting people and institutions that have relations to each other. Some people will have many connections while others may not have any.

There could be many lines. In practice, depending on the scale or newness of the “problem”, it may be harder to identify institutions, people, and relationships that connect them. This step helps the group to identify what may be called the “nodes of power” within a given network.

## **Step 6: Target priority relationships**

The next step is to analyze some of the relationships and connections and make some decisions. One way to do this is to circle the few people that have the most relational power lines drawn to them. Involving these people through your group's current relationships may be deemed a priority.

In the example above, the group might say, If no one in the group seems to be directly connected to a key target, you can go another step deeper and directly create another power map around each of these people.

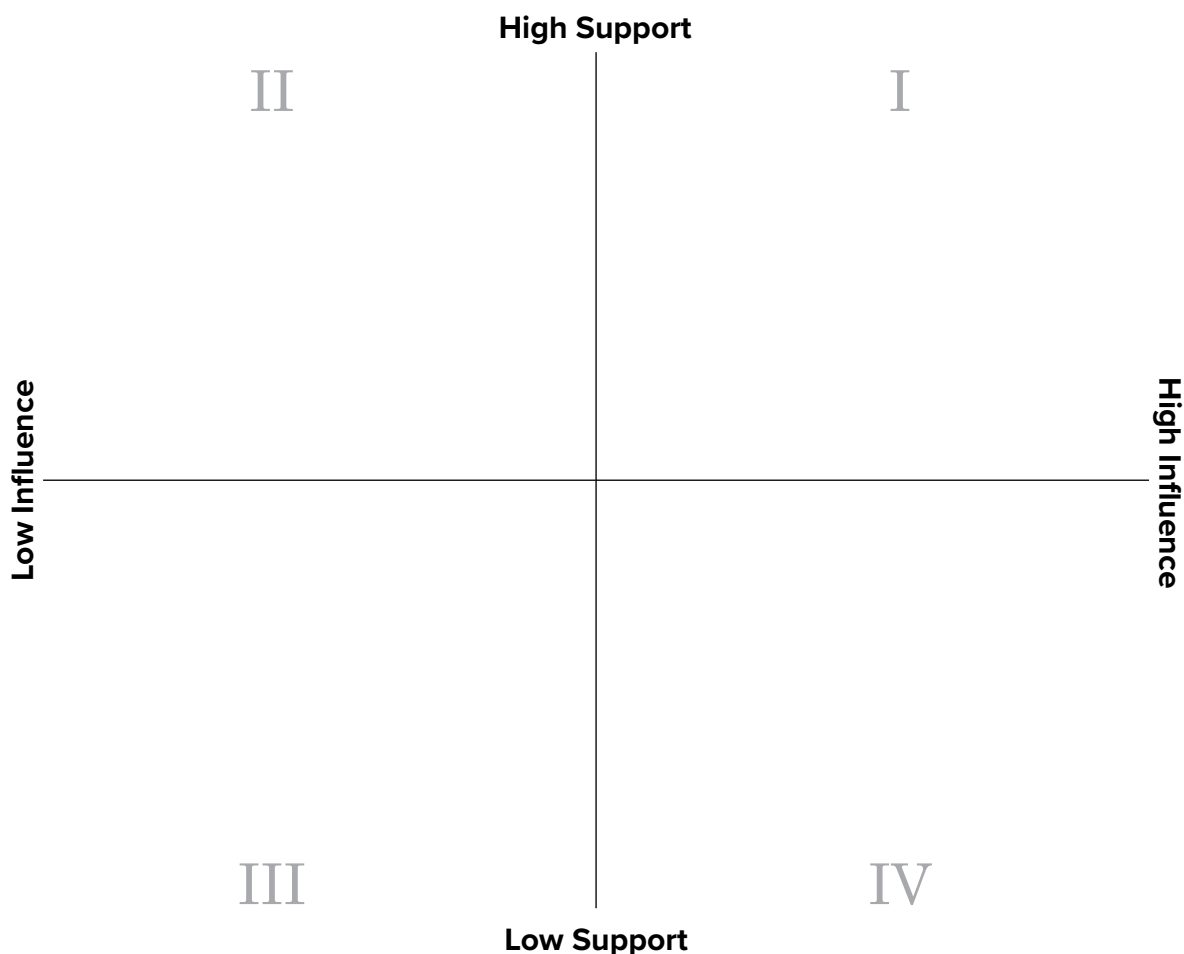
Another thing to consider should be a person or institution in the map that doesn't necessarily have many different relational lines running to him/her/it but nonetheless has a few critical ones and seems to hold a lot of influence. If you can identify a priority person/institution for which there isn't a clear relationship, the takeaway may be to go and do some homework about this person/institution.

## **Step 7: Make a plan**

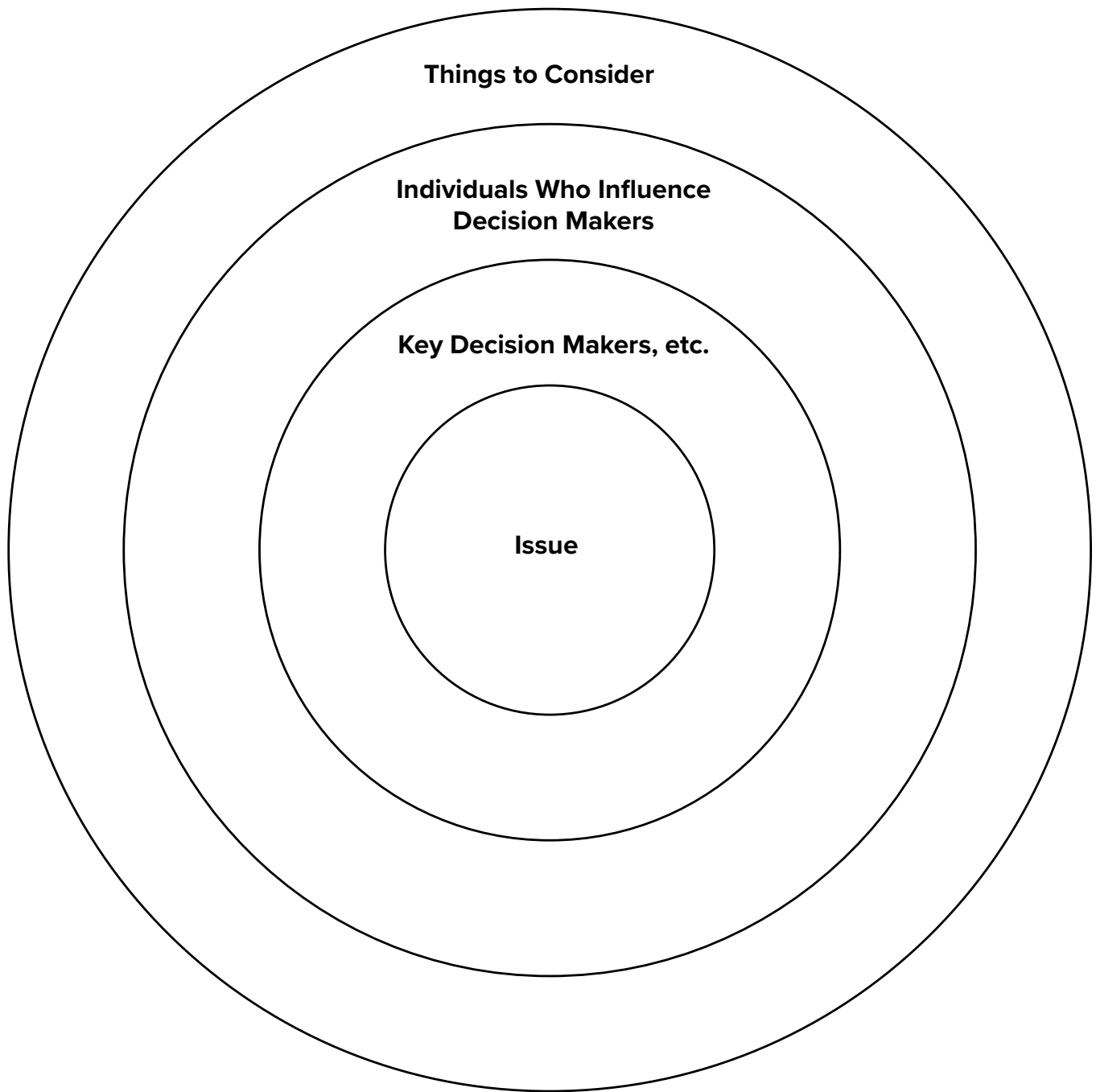
The next step is to create some action steps for what to do next. These can be fairly straightforward. Determine the best approaches to accessing these individuals and institutions through relationships and who will be responsible for what by when.

## Power Mapping Your Community

As a team, create one large chart like the one below:

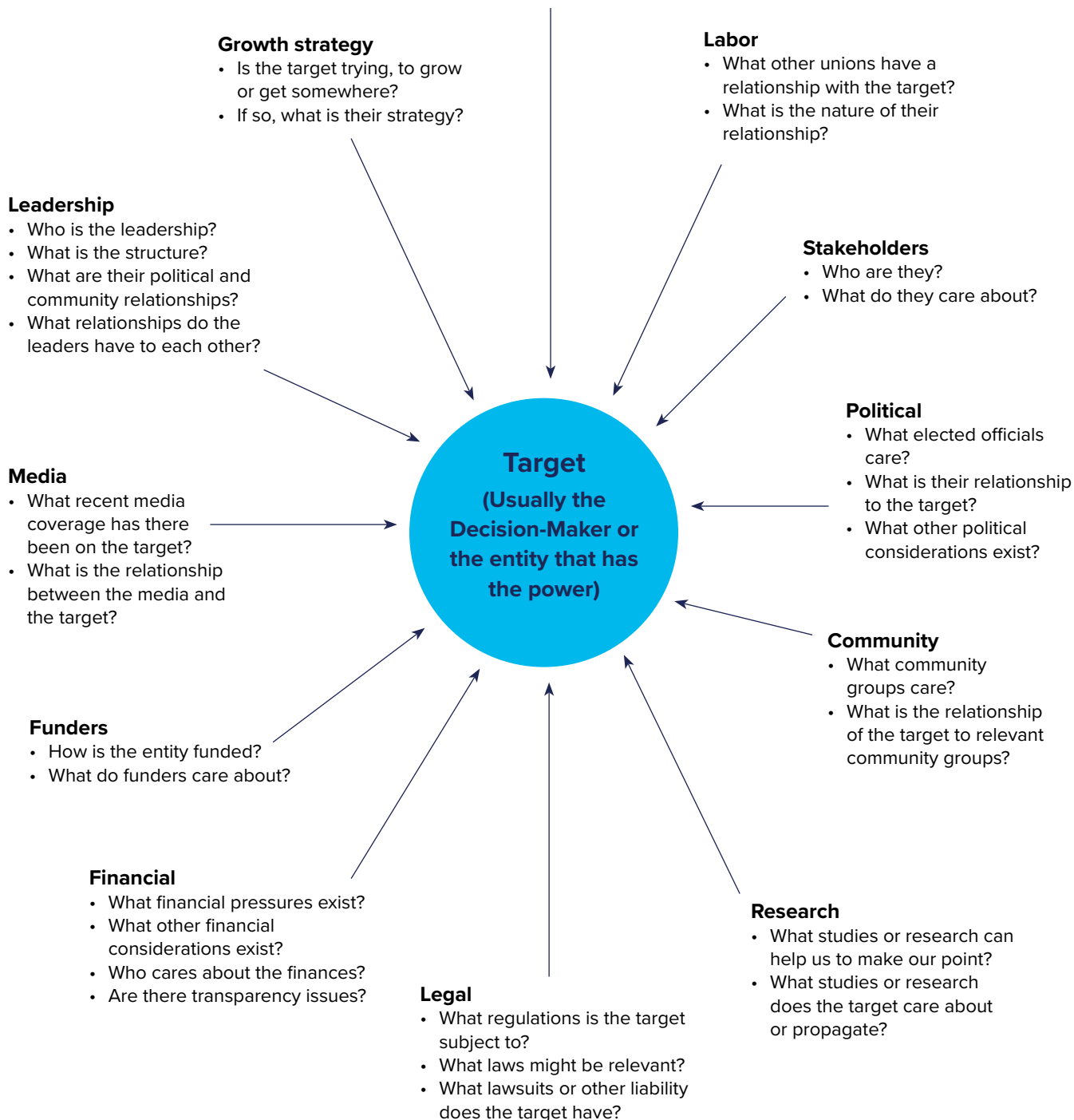


1. As a team, take a few minutes to choose an **ISSUE** that is important to your membership and to your association.
2. Once the issue is identified, think and discuss as a group where the post-it notes belong. How do you define “high” and “low” influence? How do you define “high” and “low” support? How can this process be data driven?
3. Once the chart paper is full of post-it notes, have a strategic dialogue about each quadrant and how to develop a plan for engaging each organization, based upon their placement. This plan may include how to move them forward to achieve your agenda, or a “battle plan” if they oppose your agenda.
4. Caution: Do not disregard quadrant IV “out of hand” as they could be powerful allies or enemies.
5. Add additional meaning and information to your map. Use colors, shapes, and various connection notations so that your map tells the story of the community and your collective relationships in it.
6. Discuss the reciprocity/mutuality of the relationships you have with your potential partner groups. What have you done for them lately? How might you show greater support for their cause/ interests?
7. Are there groups that need to be on your map that aren’t? Who do you know that could help you engage or connect with those missing groups?



# Power Analysis for Organizing Campaigns

## Who is the target accountable to?



# Working with Key External Stakeholders

What groups in your community are interested in ensuring a great public school for every child?

Identify (1) the external stakeholders who might be interested in collaborating with you and (2) some specifics steps they could take to support your local.

<p>Parent organizations</p> <p>1) <b><u>(Example) - OEA or your District</u></b></p> <p>2)</p> <p>3)</p>	<p>Civic and community service organizations</p> <p>1) <b><u>(Example) - The United Way</u></b></p> <p>2)</p> <p>3)</p>
<p>Business groups</p> <p>1) <b><u>(Example) - The Rotary Club</u></b></p> <p>2)</p> <p>3)</p>	<p>Civil rights organizations</p> <p>1)</p> <p>2)</p> <p>3)</p>
<p>Child advocacy groups</p> <p>1) <b><u>PTOs/PTAs</u></b></p> <p>2)</p> <p>3)</p>	<p>Churches and religious organizations</p> <p>1)</p> <p>2)</p> <p>3)</p>
<p>Other education organizations</p> <p>1)</p> <p>2)</p> <p>3)</p>	<p>Labor Unions</p> <p>1)</p> <p>2)</p> <p>3)</p>
<p>Other</p> <p>1)</p> <p>2)</p> <p>3)</p>	

# 5 Steps for Launching Your Community Outreach and Engagement Program



Strong partnerships between educators and parents and the community are among the greatest needs in public education today. Affiliates across the country are turning this obstacle into an opportunity to improve student outcomes. Thanks to outreach and engagement of educators, parents, and the community, they've dismantled toxic testing, reduced class size and invested in—rather than close—struggling schools. In the process, they're discovering a new path toward Association leadership and activism and securing important wins for students, educators and the greater common good.

## Follow these five steps to build partnerships with the community:

### 1. LINK ENGAGEMENT GOALS TO AFFILIATE GOALS.

Consider your organizational goals. Increasing membership. Getting ESSA right in your district. Fighting privatization. Have conversations with key people within the Association—UniServ, ARs, the Board—about how those goals could benefit from the Association having ongoing mutually supportive relationships with other groups and individuals in the community.

The bottom line: community outreach and engagement is not a separate body of work, but a smart strategy that should be integrated into all we do!

### 2. GET MEMBERS INVOLVED.

Members aren't just educators. They're coaches and customers. Parishioners and party activists. Neighbors and volunteers. When it comes to building your outreach and engagement program that makes them a great place to start. Don't forget our ESPs tend to live where they work and retired members possess gifts of experience and time—assets to be leveraged. From surveys on where they live, play, and pray to establishing a "Community Connections" committee, an outreach and engagement program builds bridges to two key constituencies: the community and members! Use this as an engagement tool that meets an important need of members, while also allowing them to get connected and stay connected to their Association.

### 3. MAP YOUR COMMUNITY.

To engage the community you must understand the community. Who are the organizations touching the concerns of students, educators and public schools? What agencies and groups are respected for doing good work? Go beyond the usual suspects to influencers like entertainment, businesses and media figures that enjoy grassroots respect and loyalty. How are your leaders, members and staff connected? Lastly, make sure your community engagement looks like your community. Diversity across geographic, racial, ethnic, and socio-economic lines is essential.

### 4. KNOW YOUR REPUTATION.

Two prevailing narratives: the union as the obstacle or the union as the opportunist equals long-standing skepticism. Whether a result of reformers' dirty tactics or because the Association hasn't been visible since the last funding fight, an honest assessment about how others in the community see us is first step toward building trust. Just as your community is not monolithic, your reputation probably won't be either. As a reflective exercise, knowing our strengths, weaknesses, opportunities, and threats can be instructive on who to outreach—and how to engage and even navigate challenges.

### 5. REACH OUT. ENGAGE. CONNECT.

Look to the current priorities and upcoming events of community groups for ways to kick start engagement. Schedule coffee and LISTEN to ideas on how the Association could partner. Get on e-mail lists and use social media to like, follow and show support. Offer space and other resources of the Association. Invite the community in by adding parent, community and even student elements to Association events. But make it FUN, sitting through a long policy meeting is not the way to build a relationship.

For more information, contact CAPE Senior Policy Specialist Stacey Grissom at [sgrissom@nea.org](mailto:sgrissom@nea.org).

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## **Section 6: Communicating Effectively with Members, Stakeholders and the Public**

- Communicate regularly with membership through a variety of means, such as non-work email, social media, text messaging, bulletin boards, and/or association newsletters.
- Utilize effective student-centered messaging to communicate association interests with the media and members of the public.

# Developing Your Message

*Developing messages and talking points that resonate with your audiences is vital to building support for your Local and its aims. The messages must frame your issues in ways that are easy for members and the public to understand. They should also focus on how your proposed solutions benefit students first and foremost, as well as educators and the rest of the community.*

## What is an effective message?

- The one, two or three ways we want to talk about an issue.
- It reflects our values and our priorities.
- It makes a point and is true and believable.
- Resonates with the target audience.

Determining your audience is one of the most important steps to successfully delivering your message.

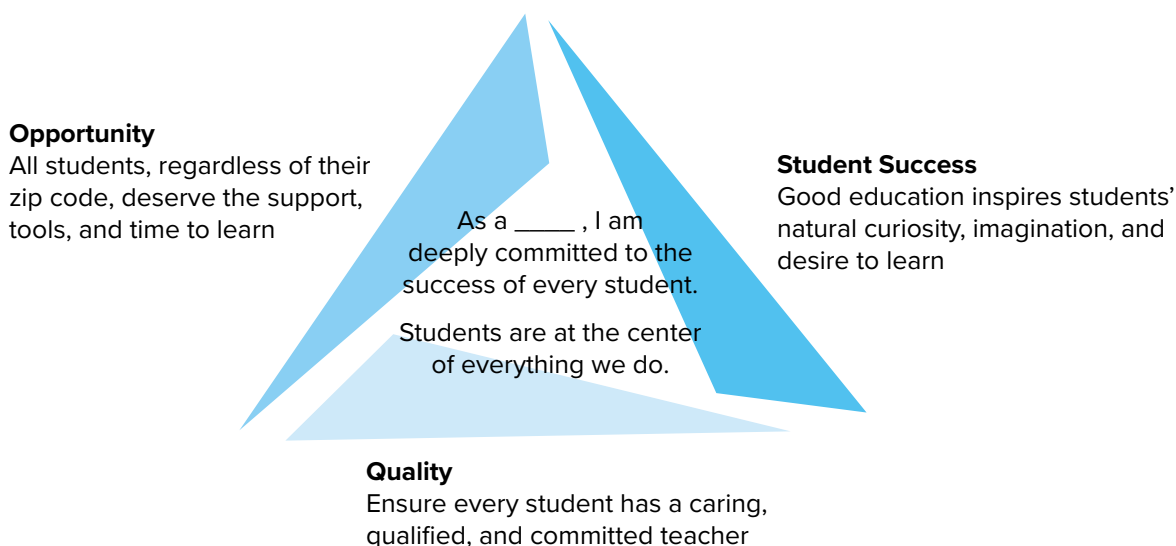
- Who are you trying to persuade?
- External Audience = parents, elected officials, policymakers, news media, business and community leaders, ordinary citizens/taxpayers, senior citizens w/o kids.
- Internal Audience = members, teachers, ESPs, prospective members, association leadership, allies, and friends.

The question isn't so much about what you want to say to them...rather, ask what do you want them to do? What do you want them to believe?

## Message Strategy

Jotting down a message triangle can be an effective tool to help guide your thoughts about how to best message around your issues and to serve as a reference point to ensure whatever you're saying about your issues supports the priority values and core message that you've crafted.

The current NEA message triangle is summed up with three broad categories that reflect priority values for the organization and its members: Opportunity, Student Success, and Quality. At its heart is a core message that can be repeated throughout the organization with a student-centered focus that can and should guide all messaging around our issues. We double down on the student-centered commitment AND address very real issues you're facing in our schools, and as professionals.



# Digital 101: Tips for Using Social and Electronic Media in Member Communications

## Introduction to Digital

With the advent of digital and social media, we now have more direct lines of access to our members, and vice versa. Digital platforms are an important tool in our communication toolbox — a tool to be used in concert with offline organizing. Our union's future will always depend on the personal connections our leadership and staff have to their educators, union members, and their community. With digital integrated into your communications strategy, you can develop deeper relationships, identify new supporters and prospective members, and scale your mobilization efforts where you may otherwise not have a physical presence.

## Start with Storytelling

Your digital program should be a storytelling program, full of content that serves a purpose. Compelling stories should be used to form a relationship with your audience and educate them about your key issues. In order to create a clear narrative, think about organizing your content into themes, like human interest stories, education content around key issues, or policy content around legislative moments. Tap into your audience's emotions. Good storytelling is all about creating an emotional response from your audience. Emotion — more than reason — drives action. The best digital content:

- Tells a story
- Is visually interesting
- Is tailored for each platform
- Is consumable and shareable
- Communicates a theory of change that motivates people to take action

## Digital Goal-Setting

Any digital plan should have a clear goal or intended outcome in mind. Before you write an email, set an ad budget, or name a campaign, answer these five questions:

1. Who do you want to reach?
2. What story do you want to tell them?
3. What do you need them to do?
4. What content do you have or need to create?
5. When do you need to see results by?

## Digital Best Practices

**1. Be conversational.** The tone coming from your website, email, and social channels should align with the way our association speaks about students and public education. You are the face and voice of your affiliate, so when writing for different channels, consider the spirit of your members, students, and community and ensure your posts are personable, entertaining, or relatable.

**2. Communicate regularly.** Long periods of inaction undermine the strength and power of the digital communications infrastructure you're building to be able to reach key stakeholders when it is most important. If you need ideas for content, consider trying posts to current events. Is there a new school board budget coming up for a vote? News about how recent efforts have reduced the time students spend on testing versus learning? Stay on top of education-related news at the local, state, and national level. Make sure your digital community is the first to know about relevant issues through your channels.

**3. Consider your objective.** Before sharing a post or sending an email, consider what point you are trying to make, what value you are providing, and what action you want your online community to take.

**4. Show, then tell.** The importance of visual media on social channels is undeniable. Visual media will catch readers' eyes, making it more likely for them to take a moment to read your post. Once they have stopped scrolling to see your post, make sure your content can keep their attention. Be concise; boil down your key points to fit within individual posts, rather than asking people to click to read more.

**5. Invite participation and action.** User-generated content — photos or text posted by users on social media sites — can play a big role in successful social media channels. Encouraging user-generated content tells your audience that you are interested in hearing their voices. Prompt participation by asking for personal stories or reactions to your content. Also consider using the questionnaire and polling functions to further interact and engage with the audience you are trying to reach.

## A Closer Look at Facebook

*Facebook is a very effective tool to share your Local's messaging and establish a sense of two-way communication with all relevant stakeholders. Your Local should create a private, members-only group to create a sense of community among educators and reinforce the kinds of messaging you would include in a traditional association newsletter. It should also create a public page to communicate regularly with the community and gain support for your association and its causes. You should never post anything on Facebook (in the private group or on the public page) that you would not want the public to know about.*

- **Make it digestible.** Content like lists, short captions, and photos are more likely to grab a followers' attention. Dense text can often be overlooked. Vary your content types; include a mix of images, articles, actions, graphics, and discussion prompts. Because of Facebook's algorithm, always add content directly to the Facebook (e.g., upload a video vs. posting a link to YouTube) to maximize potential reach. If posting a link to an external site, you can summarize the content in your post to help explain the story and what you are linking to.
- **Create a dialogue.** Facebook creates an ecosystem for conversation. Monitor the comments for violations of established community standards (and make sure your community standards are a pinned post, so every user knows the rules) but, generally speaking, a free exchange of ideas and engagement is to be encouraged.
- **Learn about your audience.** Using Facebook's Insights feature, you can figure out which posts received the most clicks, likes, comments, shares, and overall engagement. Insights will also tell you the demographic breakdown of your followers, the times your followers are most often online, and other data that can help you tailor your content and posting schedule. Replicate and test successful content types, times of day for posting, and more.
- **Balance quality and quantity.** Find a good average number of posts per week to keep your content spread out without leaving large gaps in your feed. You should aim for a balance of original content and content shared from others and news sites. If something noteworthy occurs, posting more than once a day is fine. Facebook uses an algorithm to determine which posts are seen and when. To make sure your posts are getting in front of your audience, maintain a consistent schedule. Posting too frequently within a short amount of time will cause your posts to compete for attention with one another.

## A Closer Look at Twitter

*Twitter is a peer-to-peer broadcasting platform, where like-minded organizations, journalists, and enthusiasts are looking to connect with each other and have conversations around key topics. Use Twitter to increase visibility for your mission.*

- **Connect on a professional level.** Share knowledge unique to you – break news around your association's efforts and share your point of view on relevant current events. Use the platform to connect with journalists and network with others who are contributing to public education conversation, either locally or at the state or national level. Be on the lookout when another account mentions or identifies you in their content.

- **Use hashtags to your advantage.** Hashtags classify and connect related social posts on certain topics. Use hashtags to start a conversation, respond to participants or join a conversation. For example, #PublicEdVotes and #PublicEducationMatters are central to increasing visibility for our causes and helping like-minded people find your tweets and your account. Don't go overboard, though. While tweets with hashtags receive more engagement than tweets without hashtags, engagement drops when two or more hashtags are added to a tweet. Twitter limits post length with shorter tweets being preferred by the algorithm – typically between 140-280 characters, and don't forget to include hashtags in your character count.
- **Vary your posting times.** Tweet when your audience is likely to be checking their Twitter streams. Try commuting hours, during lunch hours, and even on the weekend. When to tweet which content will depend on who you are trying to reach. Journalists and political staffers are on Twitter during work hours, while members are more likely to check Twitter outside of school hours. Tweet at different hours of the day (and night) to learn when your audience is most receptive. Tweets get buried in users' streams fairly quickly, so aim to post consistently to keep your channel active.

## A Closer Look at Instagram

*Instagram is a mobile-based, visual-first platform used to share images, videos, and stories with a community of followers. Instagram rewards engaging and interesting photos and videos above all else. Because it's hard to drive action off of Instagram, use this channel to build a closer relationship with your supporters by sharing visuals that show the people behind the union — the names, faces, and stories of members, supporters, communities, and students, and the actions they are taking.*

- **Use hashtags to increase visibility.** Hashtags help classify and collect content on like topics. They also provide an opportunity to reach supporters who are not following your feed. You can create new hashtags for specific campaigns or use hashtags to take part in existing conversations. Using hashtags provide an opportunity for people who are interested in these topics discover your content and your account. It is recommended to use up to 10 hashtags, the more specific the better.
- **Focus on the image.** More than any other social platform, Instagram is all about visual media. It does not have to be a professional-level image to perform well. Your content should be authentic. Aim to capture the emotion of a moment, story of a person, or feeling of an event. Captions should complement an image and help explain a story. Whenever possible, keep copy short to avoid having a reader click to read a longer caption.
- **Tell a story.** Instagram's Stories feature allows you to post photos and videos that disappear after 24 hours. Users view Stories posts in a sequence, making it a great place to weave together pieces of content to create a compelling narrative. Instagram Stories can be used to cover a live event, like a rally or meeting, or to dive into a topic that might be too complex for a single Instagram post. Mix up using photos and videos to keep your story compelling. Layer copy, hashtags, and location tags on top of photos to help explain your story.

## A Closer Look at Pinterest

*Pinterest is a social media platform that allows users to bookmark and share content in the same way you might add magazine clippings to a pin board. While Pinterest is less widely used than other social channels, it's a very popular channel with teachers, who use the channel to find and save valuable classroom resources. Pinterest is primarily used to find and share creative ideas and is an ideal space for our members and potential members to connect with the union as a valuable resource in the profession; it is usually not an ideal space for explicitly political content.*

- **Set up unique boards.** Pinterest allows you to organize content into different category "boards". These boards allow you to cluster like content together. Boards can be created for different topics, like Classroom Behavior Tips or topics that your affiliate might be focused on, like Justice and Equality in the Classroom. Create a set of boards that work for the content you will be sharing. Write keyword rich descriptions to help people find your content.

- **Curate your content.** Once you have boards created, add content — or pins — to your boards. You can do this by searching Pinterest for content related to your topic and saving those pins to your own board. While searching for relevant content, you can also find other users to follow. Their content will populate in your home feed. You can also add content from around the internet directly to your own Pinterest boards. Add a “pin it” button to your web browser. This button will allow you to save content from other websites directly to Pinterest.

## A Closer Look at Email

*Email is one of the most effective channels for communicating directly with members to keep them informed about what is happening in your Local and to provide them with details about upcoming opportunities to engage, like attending rallies or gathering petition signatures. Because of the ability to reach and educate supporters, email should be an integral part of any digital campaign.*

- **Focus on the basics.** One of the most important factors of email is driving someone to open an email. When creating an email program, focus on compelling subject lines — something intriguing that will get supporters to open. You should also pay attention to the email sender name. Is there a leader in your affiliate who people know well? Use their name to help increase open rates.
- **Keep it friendly.** Keep it brief. When writing emails, avoid language that is overly formal or stuffy. Email, just like other digital channels, is casual in nature. Your email tone should match that style, while remaining professional. Be concise; use only the amount of space needed to make your point. People have short attention spans, so make sure you hit your key points early on.
- **Make your ask.** Make your asks bold and prominent. Bold and underline links so they stand out in the email copy. Don't bury your ask — make sure it's prominently placed in your emails so readers don't have to search for what you want them to do. Don't just ask once; make your ask twice (or three times!) in each email.
- **Explain your theory of change.** A theory of change is an explanation of how you will turn the resources you have into the power you need to change what you want. Readers want to know how and why the action you are asking them to take will create change, and how what you are asking them to do is credibly going to help reach a goal. Make sure to articulate your theory of change. This doesn't have to be in the format of an if/then statement, but make your ask clear and believable.

Measuring the success of your digital program is a fundamental part to running a smart and effective program. By measuring your success, you can see what works well, and adjust what does not. Reviewing measurement data will also allow you to determine how to best spend your time in future campaigns.

In reviewing metrics, it's important to focus on the right data — data that maps back to specific objectives and key performance indicators (KPIs). When looking at data, avoid vanity metrics — those data points that look good on the surface, but don't tell you about how people are engaging with your content. Vanity metrics include things like total list size or impressions. Instead, focus on the metrics that tell the real story. These include:

- Audience Growth: How many people you reach.
- Engagement: How your content activates and inspires users.
- Amplification: How well your content is being promoted and shared.
- Conversion: How effective your content is at getting people to take action.

**Audience Growth:** As you execute your digital program, it's important to grow your audience. The bigger your audience, the more potential there is of people seeing your content, engaging with your content, or taking action off of your content. These are numbers that should be monitored for growth over time. Key metrics to look at include:

- Facebook: Followers
- Twitter: Followers
- Instagram: Followers
- Pinterest: Reach
- Email: List growth

**Engagement:** Engagement rates are the best way to measure the overall quality and effectiveness of your social content. They look at how people are liking, commenting, or sharing your content. Engagement numbers can be calculated on a per-post basis, or in aggregate over a period of time for each channel. Engagement metrics to look at include:

- Facebook: Engagement rate
- Twitter: Engagement rate
- Instagram: Engagement rate
- Email: Click-through rate

**Amplification:** Amplification metrics give you an understanding of the reach and awareness of your content. People who are deeply engaged with your content are more likely to share or repost your content, helping to grow your audience over time. The metrics to look at include:

- Facebook: Shares
- Twitter: Retweet rate
- Pinterest: Repins

**Conversion:** Any time the goal of your content is to drive people off of a social platform to take an action, the key measure of success is conversion rate. Whether driving email signups, phone calls, or petition signatures, measure success by looking at how well you're able to convert people to take your action.

- For email, conversion rate can be calculated by measuring the number of people who complete a desired action, and dividing this by EITHER the the total number of recipients or the total number of unique clicks. Conversion is calculated differently depending on the platform you're using for your mass mailer.
- You can also use Google Analytics to measure website conversions. By setting up Goals in Google Analytics, you can measure how well your site fulfills your target objectives. A goal represents a completed activity, called a conversion. An example of a goal is submitting contact information on a form. Having properly configured goals allows Google Analytics to report on critical information, such as the number of conversions and the conversion rate for your site.

# Tips for Creating an Association Newsletter

*An informed membership is a unified membership, and newsletters are one way to deliver relevant, trustworthy content that keeps members informed about their union!*

The following are nine best practices for developing an association newsletter:

**1. Name your newsletter.** Having a name will help readers feel like they are a part of a community. Naming the newsletter also increases the appeal and makes it more sharable. In fact, a name that rolls off the tongue or is catchy is more fun to share and easier to remember. Here are some helpful strategies for finding the right name for your newsletter:

- Rhyme – Simple rhyme schemes can be catchy and memorable. Choose a root word to build off of that ties into your association. Online tools like Rhymezone.com come in handy if you go this route.
- Alliteration – Using words that begin with the same letter or sound has been shown to focus a reader's attention on specific sections of text and generate a natural rhythm. Specific sounds may also suggest various undertones. *Example: Anytown Education Association Monthly Membership Memo*
- Puns – A pun uses a word or phrase's double meaning to its advantage. These are particularly popular as they're often humorous and clever. *Example: First Class News*
- Places – Treat your newsletter like a place that people stop in on from time to time, like a "corner" or "hub." This helps create an atmosphere for the reader. *Example: WAEA – Your Association Station for News.*  
*The following words can be used to personalize and creatively name your local's newsletter: Update, Pulse, Scoop, Buzz, Report, Insights, Forecast, Edge, Bulletin, and Roundup.*

**2. Create a slogan or tag line that members will connect with.** *Example: Impact. Inspire. Inform.*

**3. Include the Association's logo and its vision statement.** A vision statement sets forth the association's current and future objectives and is intended to guide the association to make decisions that align with its philosophy and goals. *Example: The Anytown Education Association works to ensure teacher welfare and professional growth while advocating the best educational programs for our students.*

**4. Maintain a consistent color scheme.** Any eye-catching color scheme will work, but do keep it consistent, and unique. Be careful not to adopt your school's colors, as that can confuse the identity of the newsletter and its content. Members should understand that the information being provided is a service of their union. If you need help selecting a favorable color scheme, consult the color wheel for inspiration. A color wheel is an abstract illustrative organization of color hues around a circle that shows the relationships between primary colors, secondary colors, and tertiary colors.

**5. Be sure to date the publication.**

**6. Remember that non-members will inevitably see the newsletter.** Therefore, always include the following phrase "Intended for Anytown Education Association Use Only" on the newsletter.

**7. Prominently display contact information** for local leaders and/or instructions for who to contact if a member has a question about the newsletter content. The newsletter should also publicize the local's webpage and social media handles (Twitter, Instagram, etc.), as well as how to sign up for Remind or a closed Facebook Group (if applicable).

**8. Keep content fun, relevant, and/or inspirational.** While it can be challenging to come up with innovative things to write about, the following are suggestions for articles:

- Dates/times/locations for upcoming meetings or association activities;
- Ways for members to become involved;
- Letter from the president about an ongoing issue of concern;
- Member spotlight including a biography and photo;
- Grievance or bargaining updates;
- Meeting minutes (building rep, district leadership team, labor-management committee, etc.);
- Legislative updates, which can be found here: <https://www.ohea.org/get-involved/legislative-watch/>;
- Reminders, such as deadlines for submitting contractual forms or paperwork (tuition reimbursement, letters of intent, etc.); and
- Inspirational quotes or images.

Brag about your union and all the great things its members are doing! Did the association sponsor a youth soccer team? Do your members volunteer at the local food pantry? If so, highlight these achievements in your newsletter! Just be sure to include who, what, where, when, why, and how for each of your articles.

**9. Last but not least, a picture is worth a thousand words,** so definitely include pictures of members engaged in association activities! Images grab attention and may lead to more members reading the article. Given that people often skim articles, a picture may also be the best way to convey your message quickly. Just be sure to get permission to use someone's photo before publishing, and always use good judgment. Pictures from the 11th hour of a holiday party aren't always a good idea (see #6 above).

In conclusion, don't be afraid to let your creative juices flow! Be cognizant of your audience and look for creative newsletter topics that will appeal to them and their interests. Using the suggestions provided and your own expertise about the association's goals will take you in the right direction!

# Sending Out Press Releases

*While press releases are frequently used during crises and strikes, they are also an important tool that can be used at all times to inform the public, via the local media, about issues and events that are happening in your Local. In some cases, press releases are used to raise awareness about the good work your members are doing, to uplift their standing in your community and uplift the value placed on educators in general. More often, they are used to call attention to ongoing issues to encourage members of the public to put pressure on the administration and the Board of Education to act. As with any public-facing communication, student-centered messaging is key.*

## **Best practices:**

- Keep it short. Press releases should be no longer than one page.
- Use inverted pyramid style. Assume most people will only read the headline and the first paragraph, so make sure if they do, they are able to get what they need out of your message. The most important, newsworthy information goes in the first paragraph; supporting points and quotes go in the middle; and the least important information goes at the end.
- Be timely. Don't wait several days to send out an update on a development in your local or an event that just occurred. The story will already be too dated. And, if inviting coverage of something in your local, make sure you give reporters lead time. Typically, you should send out a media advisory one week before the event and a reminder on the morning of the event you'd like them to cover.
- Include the critical components. All press releases should include a headline, the date of the release, and contact information for whomever will be acting as spokesperson and fielding media requests. They should also include an "About Us" section at the end, including social media info when possible, so reporters have context about who you are and where they can follow you for further information.
- Scheduling matters. Press releases tend to get the most media traction when sent around 9 a.m. on a weekday, as many newsrooms are beginning their first editorial meetings of the day. Press releases sent on Fridays and weekends tend to get lost in the shuffle.

Sample press release sharing positive news about your local (adapted from a CEA press statement):

FOR IMMEDIATE RELEASE

Contact: \_\_INSERT PRESIDENT’S NAME HERE\_\_

\_\_ASSOCIATION NAME\_\_ President

Cell: (xxx) xxx-xxxx | localassociationpresident@email.com

Veteran Columbus Teacher Regina Fuentes to Represent Columbus Education Association, Ohio Education Association at White House Forum

COLUMBUS, Ohio – September 6, 2022 – The Columbus Education Association announced today that member Regina Fuentes has been selected to represent CEA, as well as the Union’s state affiliate the Ohio Education Association, at the Communities in Action: Building a Better Ohio forum to be held at the White House in Washington, D.C. on Wednesday, September 7.

The forum will feature local elected officials and community leaders working on behalf of their communities to create opportunities and improve people’s everyday lives. Fuentes is a 24-year Columbus City Schools veteran who currently teaches English at Eastmoor Academy. She also volunteers as CEA spokesperson, recently serving as the Union’s voice on local and national media during the historic three-day CEA strike in August.

“One huge victory secured by our strike was a guarantee that every classroom, gym, auditorium, and cafeteria in our District will have functional air conditioning and heating for our nearly 50,000 students,” said Fuentes. “Most of the funding for these projects will come from the American Rescue Plan, so I’m excited to go to Washington, D.C. and share how we fought to put this critical legislation into action in our community- and won!”

Attendees will include Labor Secretary Marty Walsh, White House Director of Public Engagement Keisha Lance Bottoms, American Rescue Plan Coordinator Gene Sperling, and other Ohio community and labor leaders. A livestream from the White House event will be available with registration at: [https://pitc.zoomgov.com/webinar/register/WN\\_EUsk\\_SrmSk-Xj0PaRqGfqw](https://pitc.zoomgov.com/webinar/register/WN_EUsk_SrmSk-Xj0PaRqGfqw).

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The Columbus Education Association is the union representing nearly 4,500 teachers, librarians, nurses, counselors, psychologists, and other education professionals in Columbus City Schools. Like and follow CEA on Facebook at <https://www.facebook.com/ColumbusEA> for the latest information.

# Letters to the Editor

*Letters to the Editor can be written by both your organization's leadership and your membership. They can help communicate the position of educators on issues in your community directly to the engaged citizens of the communities they serve. Keep track of local news, editorials, and letters that touch on the issues that matter to your members, and work with your members and fellow leaders to write and submit your own Letters to the Editor in response, as appropriate.*

## **Letters to the Editor help:**

- Enhance the Association's visibility on the editorial pages of your local newspapers and across the state.
- Respond to false attacks on public education, your organization/union, teachers and school employees.
- Raise and support positive education issues and information in your local newspaper and across the region.

## **When writing a Letter to the Editor:**

- Know the Rules. Each newspaper has its own rules for letters it will publish. Check the "Letters to the Editor" section where the requirements will be explained. If a newspaper requires exclusivity for a Letter to the Editor, use your talking points to draft a different version for other papers.
- Stick to one or two good points. Anything more gives short shrift to your arguments.
- Be brief. Sometimes the best letters to the editor are only one paragraph, and always almost exclusively fewer than 250 words.
- Use simple words in declarative sentences.
- Use personal experience and anecdotes. Stress real issues that affect your students.
- Try to "connect" with the readers. Help them understand that you are on their side and working in the best interest of your students and the community. Student-centered messaging is key.
- Be positive, constructive, and aspirational. An upbeat tone is more persuasive than one that scolds, blames, or complains.
- Try to incorporate these secrets to published letters: humor, solid logic, a picturesque outlook or unique approach to an issue.
- Write as tightly and clearly as possible. The editor may edit your letter for readability, clarity, or just plain lack of space.
- Add a call to action: "Call your lawmaker," "Talk to your child's teacher," etc.
- Be neat. Check spelling, grammar—carefully. Write on a computer. Handwritten letters are a thing of the past.
- Just do it. Many perfectly good letters to the editor never get written because writers wait for a "pearl of wisdom" or the "perfect turn of phrase" or because they think what they have to say isn't "profound." Don't wait for lightning to strike. Just tell your story as simply, warmly, and briefly as possible. You'll be surprised how eloquent you'll be.

# Talking with the Media

The media can be a powerful ally to help you effectively reach target audiences with your student-centered message. To maximize your relationship and reach, it is important to remember reporters are under constant deadline pressure and usually can't wait very long to get your side of the story. As president, you are often your Local's official media spokesperson outside of a bargaining crisis campaign. If a reporter reaches out to you, be prompt in your response, even if it's just to say you've received their request and are working on it.

Avoid saying "No comment." If you can't or shouldn't provide comment on a particular story, give a reason, if possible (i.e., 'The Association was not part of the decision-making process and therefore we can't weigh in on the situation') or refer them to OEA's Media Relations Consultant.

OEA Media Relations Consultant Katie Olmsted is a resource to help you prep for interviews and develop messaging to respond to media inquiries. Contact her at [olmstedk@ohea.org](mailto:olmstedk@ohea.org) for assistance or to schedule a virtual training.



## **Section 7: Connecting with Training Opportunities to Support Leadership Development and Professional Needs of Members**

- Work with your Labor Relations Consultant (LRC) to identify training opportunities offered by OEA, OEA districts and NEA, and involve members from your local in those trainings.
- Work with members and utilize support of your OEA, OEA districts and NEA, to offer leadership and professional development training opportunities within your local.

# OEA-Provided Training Opportunities

## Labor Relations Consultants (LRC)

Your relationship with your Labor Relations Consultant (LRC) is an integral part of your success as a Local President. Your LRC can provide support and training while developing a unique relationship with you and your leadership teams. Your LRC will help you to foster an environment in your association that will engage members and empower local presidents to become even more effective. Below are some examples of training opportunities that can be provided by your Labor Relations Consultant.

1. Building/Worksite Representatives Training
2. Executive Board Training
3. Bargaining Team Training
4. Organizing for Power
5. Community Organizing
6. School Board Elections and Political Advocacy
7. Effective Leadership Strategies
8. Building Mapping
9. Dealing with Difficult People
10. Identifying Emerging Leaders
11. Professional Development
12. Internal and External Communications
13. Building Strong Union Communities through Social Activity
14. How to Deal with Conflict Between Members
15. Contract Enforcement/Grievance Processing
16. Any training identified through discussion with your LRC

\*If you are interested in any training opportunity listed within this Section, contact your LRC and they can assist in arranging the training opportunities that meet the needs of your local.

## Education Policy Research and Member Advocacy Department (EPRMA)

*To schedule a training in your local, please contact your LRC. The list below is current as of July 1, 2023. These and others not listed can be access by your LRC.*

# Professional Learning Opportunities

Updated: April 2024 – Organizing & Member Engagement



OHIO EDUCATION ASSOCIATION

ORGANIZING &  
MEMBER ENGAGEMENT

Training Topic and Approximate Length of Training (1 hr. unless otherwise noted.)	Training Appropriate for the following venues				Strategic Priorities Met by Training				OME Topic Leader
	OEA Staff	Leadership Councils	Local Training	District Conference	1: Local Capacity	2: Educate & Organize	3: Professional Issues	4: Equity	
Beginners Talk Strategy: Professionals Talk Logistics (time dependent if developing LDP)		●	●	●	●	●			Alison Hoffa
Break it Down Now: OEA 411 and the unlimited value of membership	●	●	●	●	●	●			Rachel Grabowski Alison Hoffa
Build and Sustain Successful Labor-Management Collaboration (2 hours)		●	●	●	●	●			Alison Hoffa
Building Highly Effective Teams (min. 2 hours)	●	●	●	●	●	●			Rachel Grabowski Alison Hoffa
Building Organizing Committees (90 min.)	●	●	●	●	●	●	●		Makia Burns Matt Ides Rachel Grabowski Alison Hoffa Taraja Shephard Allen
Building Out a Comprehensive Communication Infrastructure	●	●	●	●	●	●			Matt Ides Alison Hoffa
Candidate Recruitment at the Local Level	●	●	●	●	●	●			Dominic Mendiola Zach Roberts
Coalition Building 101	●	●	●	●	●	●		●	Makia Burns Matt Ides Alison Hoffa
Community Power Mapping (90 min.)	●	●	●	●	●	●		●	Makia Burns Matt Ides Rachel Grabowski
Conversations that Matter - One on Ones	●	●	●	●	●	●	●		Makia Burns Matt Ides Rachel Grabowski Alison Hoffa Dominic Mendiola Taraja Shephard Allen
Cultural Competency and Equity Literacy		●	●	●			●	●	Makia Burns
Developing Local Association Political Campaigns (for levies/school board elections)	●	●	●	●	●	●			Dominic Mendiola Zach Roberts

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Distributive Leadership Training (90 min.)		●	●	●	●	●			Makia Burns Matt Ides Rachel Grabowski Alison Hoffa
Embracing Servant leadership	●	●	●	●	●	●	●	●	Rachel Grabowski
Exploring Daring Leadership		●	●	●	●	●	●		Makia Burns
Grant Writing: Tips and Tricks (90 min)		●	●	●	●	●		●	Alison Hoffa
How to make the ASK?: Real organizing data behind successful member recruitment and re-engagement (90 min)		●	●	●	●	●			Alison Hoffa Taraja Shephard Allen
Increasing Member Engagement in Your Local		●	●	●	●	●			Alison Hoffa Rachel Grabowski
Issue Organizing (2 hr min)			●	●	●	●	●	●	Alison Hoffa Rachel Grabowski Taraja Shephard Allen
Listening Tours 101		●	●	●	●	●	●	●	Makia Burns Matt Ides Rachel Grabowski Alison Hoffa Taraja Shephard Allen
Local Assessment Tool (90 min.)	●	●	●	●	●	●	●		Makia Burns Matt Ides Alison Hoffa Taraja Shephard Allen
Local Goal Setting (90 min.)		●	●	●	●	●	●		Makia Burns Matt Ides Rachel Grabowski Alison Hoffa Taraja Shephard Allen
Maximizing Members Strengths & Skills		●	●	●	●	●	●		Matt Ides Rachel Grabowski Alison Hoffa Taraja Shephard Allen

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Member Burnout		●	●	●	●		●	●	Makia Burns Matt Ides Alison Hoffa Taraja Shephard Allen
OEA for Aspiring Educators: The Future of Education is YOU!		●	●	●	●	●	●		Rachel Grabowski
OEA Fund Recruitment and Fund Drives	●	●	●	●	●	●			Dominic Mendiola Zach Roberts
Power Mapping (time dependent if mapping an individual local)	●	●	●	●	●	●			Makia Burns Matt Ides Rachel Grabowski Alison Hoffa
President' Training (3 hour minimum)		●	●	●	●	●	●	●	Alison Hoffa
Recognizing Secondary Trauma in Yourself and Others		●	●	●			●	●	Makia Burns Taraja Shephard Allen
Relational Organizing (90 min.)		●	●	●	●	●		●	Makia Burns Alison Hoffa Rachel Grabowski Matt Ides
Restorative Practices Basics		●	●	●			●	●	Makia Burns Taraja Shephard Allen
School Board Levies (Combined with Levy Planning)	●	●	●	●	●	●			Dominic Mendiola Zach Roberts
Strike and Crisis Support (90 min.)	●	●	●	●	●	●	●	●	Makia Burns Matt Ides Rachel Grabowski Alison Hoffa
Technology for Organizing	●	●	●	●	●	●			Matt Ides Alison Hoffa
The Art of Listening to Create Change	●	●	●	●			●	●	Makia Burns
Trauma Informed Practices		●	●	●			●	●	Makia Burns Taraja Shephard Allen
True Colors in Education (half or full day sessions)	●	●	●	●	●	●	●	●	Rachel Grabowski Alison Hoffa Taraja Shephard Allen

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Training Topic and Approximate Length of Training (1 hr. unless otherwise noted.)	Training Appropriate for the following venues				Strategic Priorities Met by Training				OME Topic Leader
	OEA Staff	Leadership Councils	Local Training	District Conference	1: Local Capacity	2: Educate & Organize	3: Professional Issues	4: Equity	
True Colors: Strengthening Local leadership (full-day or multi-day formats)	●	●	●	●	●	●	●		Rachel Grabowski Alison Hoffa Taraja Shephard Allen
World Café			●	●	●	●	●		Rachel Grabowski Alison Hoffa Taraja Shephard Allen

LRCs can contact the identified staff person(s) or email [organizing@ohea.org](mailto:organizing@ohea.org) to schedule an OME Professional Learning Opportunity for members.

## Membership Consultants:

Alison Hoffa – [hoffaa@ohea.org](mailto:hoffaa@ohea.org); 614-227-0046 ext. 3151

Taraja Shephard Allen – [shephardallent@ohea.org](mailto:shephardallent@ohea.org); 614-227-0046 ext. 3079

## Organizers:

Makia Burns – [burnsm@ohea.org](mailto:burnsm@ohea.org); 614-227-0046 ext. 3055

Rachel Grabowski – [grabowskir@ohea.org](mailto:grabowskir@ohea.org); 614-227-0046 ext. 3028

Matt Ides – [idesm@ohea.org](mailto:idesm@ohea.org); 614-227-0046 ext. 3138

## Political Advocacy Consultants

Zach Roberts – [robertsz@ohea.org](mailto:robertsz@ohea.org); 614-227-0046 ext. 3058

Dominic Mendiola – [mendiolad@ohea.org](mailto:mendiolad@ohea.org); 614-330-0554

# Professional Learning Opportunities

Updated: August 2023–EPRMA Department



OHIO EDUCATION ASSOCIATION

EDUCATION POLICY RESEARCH &  
MEMBER ADVOCACY DEPARTMENT

Training Topic and Approximate Length of Training (1 hr. unless otherwise noted.)	Training Appropriate for the following venues				Strategic Priorities Met by Training				EPRMA Topic Lead
	OEA Staff	Leadership Councils	Local Training	District Conference	1: Local Capacity	2: Educate & Organize	3: Professional Issues	4: Equity	
Associations Vision Program (2 hours)	●	●	●	●	●	●			Eric Watson- Urban
Closing Achievement Gaps	●	●	●	●	●	●	●	●	Demetrice Davis
Collective Bargaining: Strategies, Crisis	●	●	●	●	●	●			Eric Watson- Urban
College Credit Plus	●	●	●	●	●		●		Daria DeNoia
Community Learning Centers	●	●	●	●		●		●	Demetrice Davis
Constructing Quality Professional Development and Improvement Plans		●	●	●	●				Ellen Adornetto
Contract and Arbitration Database	●				●				Kelli Shealy, Eric Watson- Urban
Contract Language Development and Enforcement	●	●	●	●	●	●	●		Eric Watson- Urban
Cultural Competency and Equity Literacy (Strategies for Restorative Practices)	●	●	●	●	●	●	●	●	Daria DeNoia
English Language Learners Law: Needs and Supporting EL Educators			●	●	●	●	●	●	Ellen Adornetto
Every Student Succeeds Act: ESSA Overview (2 hours) Organizing to Lead on ESSA (full Day)	●	●	●	●	●	●	●	●	Ellen Adornetto, Demetrice Davis, Daria DeNoia (topic focused)
Family and Community Engagement		●	●	●		●		●	Demetrice Davis
Financial Analysis – K-12, DD, Higher Ed, and Career Tech	●	●		●	●				Dennis Dugan Rebecah Jones
Grievance Processing	●	●	●	●	●				Eric Watson- Urban
Group Facilitation Skills	●	●	●	●		●			Demetrice Davis
Health Insurance (1-3 hours)	●	●		●	●				Eric Watson- Urban Rebecah Jones
How healthy is your health insurance? Health insurance plan review			●		●				Eric Watson- Urban
Identifying and Using High Quality Student Data within OTES 2.0	●	●	●	●	●	●	●		Ellen Adornetto

# Professional Learning Opportunities

Updated: August 2023–EPRMA Department



OHIO EDUCATION ASSOCIATION

EDUCATION POLICY RESEARCH &  
MEMBER ADVOCACY DEPARTMENT

Training Topic and Approximate Length of Training (1 hr. unless otherwise noted.)	Training Appropriate for the following venues				Strategic Priorities Met by Training				EPRMA Topic Lead
	OEA Staff	Leadership Councils	Local Training	District Conference	1: Local Capacity	2: Educate & Organize	3: Professional Issues	4: Equity	
Mandatory Reporting Requirements	●	●	●	●	●				Ellen Adornetto
Ohio Assessment for Educators (OAEs) and EdTPA			●	●	●	●	●		Ellen Adornetto
Ohio's Professional Development Standards	●	●	●	●	●	●	●		Ellen Adornetto
Organizational Development and Systems Change	●	●	●	●	●				Demetrice Davis
OTES 2.0 – Utilizing Evidence Based Instructional Practice as Evidence of Alignment to Standards	●	●	●	●	●	●	●		Ellen Adornetto
Professional Code of Conduct and Educator License	●	●	●	●	●	●	●		Ellen Adornetto
Resident Educator: Overview What is the Ohio RE Program?	●	●	●	●	●	●	●		Daria DeNoia
Resident Educator: RE1, RE2 (2 hours) Getting Started in Your Residency			●	●	●	●	●		Daria DeNoia
Resident Educator: Thinking and Writing for RESA (2 hours)			●	●	●	●	●		Daria DeNoia
Salary Simulations	●				●				Dennis Dugan Rebecah Jones Kelli Shealy
School Accountability	●	●	●	●	●	●	●		Demetrice Davis
School Finance / General Fund Analysis (1-2 hours)	●	●		●	●				Dennis Dugan Rebecah Jones
School Improvement: Accountability, Report Cards, and Ohio Improvement Process (OIPs)	●	●	●	●	●	●	●	●	Demetrice Davis
Special Education Restraint, Seclusion and PBIS (2 hours) Dealing with Difficult Behaviors (2 hours) Workload Guidance Training Professional Issues Organizing: Special Ed			●	●	●		●	●	Daria DeNoia
Student Centered Advocacy Language	●	●	●	●	●	●	●	●	Eric Watson- Urban
Virtual Training Facilitation	●	●	●	●			●		Demetrice Davis

LRCs can contact the identified staff person(s) or email [eprma@ohea.org](mailto:eprma@ohea.org) to schedule an EPRMA Professional Learning Opportunity for members.

# Professional Learning Opportunities

Updated: May, 2023 – Communications Department

Training Topic and Approximate Length of Training (1 hr. unless otherwise noted.)	Training Appropriate for the following venues				Strategic Priorities Met by Training				Comms Topic Leader
	OEA Staff	Leadership Councils	Local Training	District Conference	1: Local Capacity	2: Educate & Organize	3: Professional Issues	4: Equity	
Branding Your Local/Selling Solidarity 1 – 1.5 hours.	●	●	●	●	●	●			Katie Olmsted
Crisis Communications & Spokesperson Training 1 – 1.5 hours	●		●		●				Katie Olmsted
Letters to the Editor Best Practices 30 minutes	●	●	●	●		●	●	●	Katie Olmsted
Managing Your Local Website 1 – 1.5 hours		●	●	●		●	●		Joel Kohler
Member Messenger Basics 1 – 1.5 hours	●	●	●	●		●	●	●	Katie Olmsted
Messaging and Media Basics for Local Leaders 1 – 1.5 hours	●	●	●	●	●	●	●	●	Katie Olmsted
Messaging Around Our Issues	●	●	●	●	●	●	●	●	Katie Olmsted
Social Media Best Practices	●	●	●	●	●	●	●	●	Joel Kohler
Social Media for Locals in Crisis	●	●	●	●	●	●	●	●	Joel Kohler

LRCs can contact the identified staff person(s) or email [communic@ohea.org](mailto:communic@ohea.org) to schedule a Communications Professional Learning Opportunity for members.

## Communications Specialist:

Joel Kohler – [kohlerj@ohea.org](mailto:kohlerj@ohea.org); 614-227-3170

## Media Relations Consultant

Katie Olmsted – [olmstedk@ohea.org](mailto:olmstedk@ohea.org); 614-227-3170

# OEA District Training Opportunities

Each of OEA's ten (10) District Affiliates provides a variety of training opportunities for its members and local leaders. All districts provide annual workshops for local treasurers during the summer along with a number of other offerings that should be of interest to you, your fellow officers, your building representatives, and your members.

Recent examples of district-sponsored programs include but are not limited to the following:

- Diversity and Cultural Competency Training
- Training for Building Representatives
- Workshops on Ohio's Teacher Evaluation System
- Value of Membership
- Political Action Training
- "Presidents Plus One (or Two)" Workshops on Miscellaneous Topics
- Minority Leadership Training
- Supporting Students with Special Needs
- Planning for Retirement
- Engaging Early Career Educators
- Strategies for Effective Use of Social Media
- Utilizing NEA Member Benefits to Strengthen Your Local
- Constitution & Bylaws Workshop

Watch for announcements of specific training opportunities in your District throughout the year. For more information, log on to your District's website or contact your District office. (See Section 1 for contact information and a District map.)

# NEA Racial Justice Resource Guide



**edjustice**  
www.neaedjustice.org

## Race

- **Let's Talk! Discussing Race, Racism and Other Difficult Topics With Students.** Teaching Tolerance. <http://www.tolerance.org/lets-talk>
- **Race—The Power of Illusion. California Newsreel.** Featured on the Public Broadcasting Services, this is a 3-part documentary on race in society, science and history. A companion online includes background information, readings and other resources. [http://www.pbs.org/race/000\\_General/000\\_00-Home.htm](http://www.pbs.org/race/000_General/000_00-Home.htm)
- **Race May be a Social Construct, But Racism is Very Real.** Zola Ray, For Harriet. Blog. <http://www.forharriet.com/2016/02/race-may-be-social-construct-but-racism.html?m=1-axzz4BDyIBKaA>

## Racism

- **A History of Racial Injustice. Equal Justice Initiative.** This interactive timeline from 1610 to 2010 includes photos, videos and descriptions of various historical events related to racism and the struggle for racial justice. <http://racialinjustice.eji.org/timeline/>
- **How Americans Build Wealth in 10 Charts (And What Race Has to Do With It).** Tracy Loeffelholz Dunn, Yes! Magazine, Sep 1, 2016. <http://www.yesmagazine.org/new-economy/how-americans-build-wealth-in-10-charts-20160901>
- **The Civil Rights Problems in U.S. Schools: 10 New Numbers.** National Public Radio, June 7, 2016. Recent statistics on education inequities. <http://www.npr.org/sections/ed/2016/06/07/480957031/the-civil-rights-problem-in-u-s-schools-10-new-numbers>

## Implicit Bias

- **Project Implicit. Take the Implicit Association Test (IAT),** which measures attitudes and beliefs which people may be unwilling or unable to report. There are about a dozen online tests you can take on race, gender, sexuality, disability, age and other characteristics. <https://implicit.harvard.edu/implicit/education.html>
- **Racial Disproportionality in School Discipline: Implicit Bias is Heavily Implicated.** Thomas Rudd, Kirwan Institute for the Study of Race and Ethnicity, Ohio State University. <http://kirwaninstitute.osu.edu/racial-disproportionality-in-school-discipline-implicit-bias-is-heavily-implicated/>
- **Test Yourself for Hidden Bias.** Teaching Tolerance. <http://www.tolerance.org/Hidden-bias>

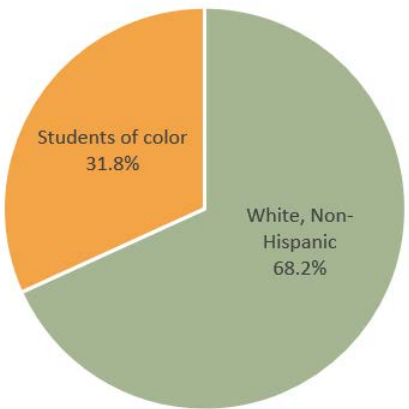
## Racial Justice

- **Racial Equity Tools Glossary. MP Associates and Center for Assessment and Policy Development.** This is a 9-page guide full of helpful definitions, from "Ally" to "White Supremacy." [http://www.racialequitytools.org/images/uploads/RET\\_Glossary9I3L.pdf](http://www.racialequitytools.org/images/uploads/RET_Glossary9I3L.pdf)
- **RacialEquityTools.org.** This website has hundreds of resources on race, including fundamentals, planning, action, evaluation and curricula. <https://www.racialequitytools.org/home>

The Ohio Education Association is dedicated to increasing social, racial, and economic justice for all members of our associations' communities. Recognizing the important role educators can play in addressing racial and economic inequities, the OEA Board of Directors adopted a fourth strategic priority which commits to "educate and organize OEA and its members to advocate for racial, social, and economic justice."

Part of the effort to address racial and economic inequities includes recognizing that Ohio's educators do not reflect the diversity of the students that they instruct. Ohio's students are increasingly diverse (68% white, 2019-2020), but our educator workforce remains mostly white (94% white, 2019-2020.) Research (Villegas & Irvine, 2010) demonstrates there are academic and social-emotional benefits for students of color when they are instructed by teachers of color. The benefits for students of color - test score gains, graduation rate increases, decreases in chronic absences, lower discipline incidents – are critical elements toward increasing educational outcomes for students and eliminating the disparities that exist for students of color.

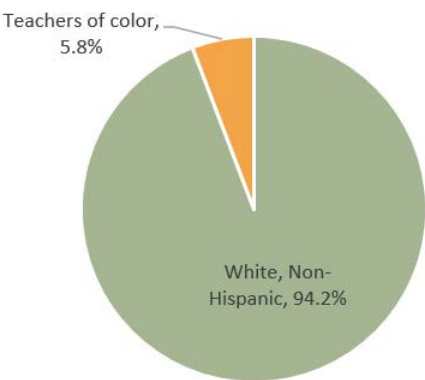
Ohio's Students, 2019 - 2020



Research has established the importance of diversity and equity in improving students' academic and behavioral outcomes. Issues of race, social, and economic justice and equity are important to our members, particularly to our members who are new to the education profession. Mobilizing these members in discussions and actions focused on racial, social, and economic justice in their communities is a way to start dismantling systems that have marginalized certain student communities.

As OEA members work to make public education more just and equitable, they need strategies and tools to ensure that every student feels safe at school. The resources below are meant to provide members with information on how to understand and teach about the differences we face in our classrooms and buildings every day. Whether about race, religion, language, immigration status, culture, sexual orientation, gender identity, class, or disability, or a combination of these, we know that our students deserve to be honored and respected for who they are.

Ohio's Teachers, 2019 - 2020



# NEA Resources and Training

## 10 Ways NEA Supports Members

<http://www.nea.org/home/10-ways-nea-supports-members.html>

Become part of a 3.1 million member organization working on behalf of our nation's students and educators. A voice at the table – There's power in numbers. Joining the association gives you greater influence over the decisions that affect your classroom and career.

## Ten Living Wage Communications Tips

<http://www.nea.org/home/16931.htm>

It's All About ESPs Telling Their Own Stories To win a living wage for education support professionals (ESPs), you've got to "win the hearts and minds" of the community they serve.

## Professional Development Webinar Training Archives

<http://www.nea.org/home/70358.htm>

Did you miss one of our live webinar sessions? View our past webinars here! \*Note: Due to current technology limitations, participation in webinar trainings can only be verified during live sessions.

## Professional Development for Educational Support Professionals

<http://www.nea.org/home/30998.htm>

NEA believes that professional development should be required throughout the career of education support professionals.

## Leadership Development Resources

<http://www.nea.org/home/67780.htm>

The NEA Leadership Competencies Modules articulate the specific skills and knowledge that contribute to effective leadership at every level. These modules use real stories from NEA leaders to illustrate each of the competencies. The competencies themselves were developed by NEA Leaders, for NEA Leaders.

## NEA Community Advocacy and Partnership Engagement (CAPE)

<http://www.nea.org/home/MinorityCommunityOrganizingandPartnerships.html>

Resources for engaging in community advocacy and partnerships in your area over critical issues for educators and students.

## Principles for a Successful Salary Campaign

<http://www.nea.org/home/13487.htm>

There is no single way to run a campaign for professional pay. However, NEA offers the following advice based on our affiliates' successes: Build broad unity within the affiliate for a salary campaign to ensure that members, UniServ staff, and elected leaders support it.

## **NEA Partnership Funding**

<http://www.nea.org/grants/58935.htm>

Grant Opportunities for NEA Members. Learn about resources available for the following needs: Legislative Crisis Ballot Measure, Organizing, Read Across America Event Grant, Local President Release Time Program (LP RTP), Center for Great Public Schools, State & Local Project Grants, Great Public Schools Fund (GPS Fund) etc.

## **National Council of Urban Education Associations**

<http://www.nea.org/home/66472.htm>

The National Council of Urban Education Associations (NCUEA) is an advocacy organization of local affiliates of the National Education Association (NEA is dedicated to strengthening member advocacy and making the NEA more responsive).

*The following trainings may require state president recommendation in order to be a participant.*

## **HCR: Professional Development**

<http://www.nea.org/home/64761.htm>

HCR: Professional Development NEA Human and Civil Rights understands that education advocacy and social justice advocacy go hand in hand. In our work to achieve equal opportunity and social justice for all students and school staff, we provide student-centered, research-based, and educator-driven training.

## **NEA ESP Leaders for Tomorrow Overview and Guidelines**

<http://www.nea.org/home/37956.htm>

For the last 11 years, the NEA ESP Leaders for Tomorrow (LFT) program has supported the development of nearly 200 ESP leaders in 45 states across the country. The LFT program has been instrumental in helping ESP members acquire skills.

## **Building Educator Led Community Schools**

<http://www.nea.org/grants/71247.htm>

Milwaukee Teachers' Education Association (MTEA) is the largest teachers union local in the state of Wisconsin. Currently, MTEA's Center for Teaching, Learning and Public Education leads the work around Community Schools and is proud to host the Community Schools Institute. This Institute is a three and a half day training that will provide participants with an opportunity to engage in an interactive adult learning environment focused on developing campaigns to grow and sustain high quality community schools and developing the organizing and social justice frames to build membership and union strength.

## **Minority Leadership and Women's Leadership Training Conferences**

<http://www.nea.org/home/64769.htm>

Check this link for upcoming dates for East and West Conferences. Preparing early career educators and emerging leaders to be powerful advocates for their students, their profession, and their Association.

# Commonly Requested NEA Member Benefits Presentations

*All presentations can be modified to meet the specific needs/concerns of a local, district, region or service council. The approximate time given can also be modified to some degree by adjusting the content and/or detail. If a local would like information on a topic not listed, NEA Member Benefits likely has the ability to put most any requested presentation together.*

## **CONTACT:**

Guy Kendall-Freas, Affiliate Relations Specialist  
NEA Member Benefits  
Ohio/Kentucky/West Virginia Regional Office  
1217 Monterey Dr.  
Mansfield, OH 44907  
1-888-749-7380 (office)  
419-610-3211 (cell)  
gkendall-freas@neamb.com

## **The Three R's of Membership: Recruit, Retain, Reclaim (approx. 2 hrs.)**

A broad based training focusing on various strategies to recruit, reclaim, and retain members using a year round membership campaign. Where multiple locals are involved and as time permits, there is an activity in which participants begin to design a campaign.

## **Reaching Higher Up The Tree: Membership after the low hanging fruit has been picked (approx. 60 – 90 minutes)**

This session takes a closer look at some past strategies used in membership promotion, explores compelling reasons to join the Association and examines the changing needs of members in the 21st Century. Participants will be able to integrate new (and some old) concepts into local membership campaigns.

## **NEA M Bingo! (approx. 30 minutes – very flexible)**

A simple NEA MB overview designed for Uniserv Councils or local association meetings where there is likely to be little knowledge of NEA MB programs and services, presented in a BINGO format so everyone's a winner. A nice introductory piece!

## **NEA Retired Membership: What's in it for me? (approx. 45 – 60 minutes)**

Designed to promote membership in NEA-R (retired or pre-retired), this session shares the value of continuing membership and focuses on NEA Member Benefits, Liability, Representation on legislative issues, and more.

## **When Can I Afford to Retire... or will I Just Die at My Desk? (approx. 60 minutes)**

Designed generally for members with 15 or more years of service, this presentation increases members' awareness their retirement system, their pension payout options, health care costs and more. Participants will be able to determine if they are on the right track in their retirement preparations and, if not, what are their options, including sheltering severance pay and purchasable service credit options.

## **WEP, GPO and Other Issues Which May Effect Your Retirement (approx. 60 minutes.)**

This presentation helps members understand the impact of the Windfall Elimination Provision, Government Pension Offset, IRS regulations for 403(b) plans and more.

## **20 Financial Mistakes You Can't Afford to Make (approx. 60 minutes, alternate versions for various timeframes)**

This presentation helps members understand many financial mistakes commonly made by Americans in areas including home financing, life insurance selection, retirement savings, high-debt interest, taxes, auto purchasing, and many more.

## **Liar, Liar, Pants on Fire (approx. 60 - 90 minutes)**

Identity Theft, Credit Fraud, and Consumer Scams are increasingly common events. In fact one in four people in the U.S. will fall victim. If it happens to you, what are the first things you would do? If you don't know, you need to attend this session. Tips on protecting yourself against identity theft and fraud as well as steps to take to minimize damage if you should become a victim.

## **Achieving the American Dream: First Time Homebuyers Workshop (approx. 60 - 90 minutes)**

Designed for first-time homebuyers but also helpful for those who haven't been in the mortgage market for a while, this workshop guides folks through the process of selecting a prospective home, the mortgage process (application, documentation, underwriting, filings, closing), and provides strategies for folks who may be having a tough time with qualifying or saving a down payment.

## **What Do We Do With Mama? (approx. 60 - 90 minutes)**

Long-term care is something that most folks will need at some point in their life. In fact, you are 4 times more likely to become disabled before the age of 45 than to die; and one in five Americans over age 50 is at risk of needing long-term care (LTC) in the next 12 months. But paying for that care can be financially devastating. This presentation helps members understand the value of LTC insurance which may cover the costs of nursing home care, home health care, assisted living facilities, adult day care, respite care, and/or hospice. Designed not only for member's own considerations, but for their parents, in-laws, grandparents, siblings, and other family members.

## **What I Want My Loved Ones To Know: A practical look at life and family preparedness (approx. 60 minutes)**

This presentation is designed to help members think about matters which will be important to them and their loved ones in the event of an accident, illness, or death. Discussion includes the importance of having a will; a durable power of attorney for health care; the kinds of medical treatment you may or may not want; life, disability, and long-term care insurance; making sure your loved ones know where to find your important papers; and much more.

## **Extra Credit – All you need to know about your credit file (approx. 45 – 60 minutes)**

What goes into your credit file and how it is used are just some of the questions answered in this workshop, designed for members of all ages. Some of the mystery around the contents, the use of your file, the process for correcting errors, and ways to re-establishing good credit are explored.

## **Shopping with NEA Member Benefits (approx. 30 – 45 minutes)**

A live shopping trip to the NEA's virtual mall NEA Click and Save and the more than 700 merchants which provide exclusive savings to NEA members. Most commonly done in November and December around a holiday shopping theme, but members can save lots of money shopping any time of the year.

### **Erasing Student Loans and Debt: Student loan repayment, cancellation, forgiveness, and management options (approx. 60 – 90 minutes)**

Now that national student loan debt exceeds credit card debt in America, the burden of such debt for young educators can be near overwhelming. This session focuses on how the problem developed, its impact, new repayment and forgiveness options, strategies to manage debt and missteps members will want to avoid.

### **Who's Got Time For a Breakdown? Strategies to reduce stress in the lives of education employees (approx. 60 – 90 minutes)**

Education employees are more likely to leave the profession within the first five years than they are to earn continuing contract status/tenure. The top reasons they cite are STRESS, STRESS, and STRESS! This session explores the causes of stress in the lives of education employees and offers some strategies to reduce it.

### **Transitioning From Student to Teacher (60 – 90 minutes)**

This presentation was created for student members, but could be used with early career teachers, too. While college prepares students to teach, experience—and the Association—prepare them to survive. In this session, members will participate in a structured conversation to better understand the role of the Association in bargaining and non-bargaining states; features in a collectively bargained agreement; gripes, grievances, and strikes; components of compensation including salary schedule structures (and why merit pay won't work), employee contributions for insurance and retirement, graduate tuition assistance, hours and days of work; and more! With this understanding, surviving the transition from student to teacher becomes easier.

### **The National Education Association: Our Proud History and Legacy (approx. 60 minutes)**

The story of the NEA, from its inception in 1852 and through some of the major events that shaped the Association into what it is today. It is a rich history every member will be proud of.



## Section 8: Advocating for Members and Protecting Their Rights

- Represent the association in meetings with district administrators and maintain open lines of communication between members and the administration.
- Foster relationships with the Board of Education by attending or delegating other members to attend Board meetings and sharing relevant information with the membership.
- Act as an advocate (or appoint a designee) for bargaining unit members who need support.
- Link members with appropriate supports provided by NEA, OEA, or the OEA district as needed.
- Coordinate with the OEA Labor Relations Consultant on member representation needs.
- Familiarize yourself with OEA's Legal Services Program in order to provide needed protection and advocacy for members, and work with your Labor Relations Consultant to access legal support when needed.
- Connect interested members with OEA's Attorney Referral Program for personal legal services.

# Duty of Fair Representation

## What is Duty of Fair Representation?

Duty of fair representation is the legal duty of a union to equally, and in good faith, represent every employee in a bargaining unit, regardless of whether the employee is a union member or not. This legal duty arises out of the exclusive representative status unions hold under the National Labor Relations Act. A breach of the statutory duty of fair representation occurs only when a union's conduct toward a member of the collective bargaining unit is arbitrary, discriminatory, or in bad faith.

The duty of fair representation requires that a union represent all workers equally and without prejudice. A union cannot refuse to represent or improperly represent a worker due to the worker's age, race, creed, nationality, sex, religion, political beliefs, union status or personality. If a union fails to represent a worker due to prejudice or hostility the union can be held liable. Its purpose is to ensure that the course of action in any grievance case will be determined by the merits of the grievance, and not by the merits of the grievant. The union may refuse to file or process a grievance for any number of reasons so long as they are valid, however it may not arbitrarily refuse to process a meritorious grievance or decline to proceed to arbitration because of hostility to the grievant or irrelevant and ill-motivated reasons.

*There are differences in what benefits members have as opposed to non-members.*

# Weingarten Rights

## The Legal Right to Union Representation during an Investigatory Interview

### Where the Right 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 protections.” Included within this is the right to have union representation at an investigatory interview.

### What the Right is in General

If an employee is called in for an interview or discussion or conversation with management and the employee holds a reasonable belief that answering questions at the interview may result in them being disciplined, then the employee has the right to demand union representation at the interview.

### The “Weingarten” Case

This right was formally recognized by the U.S. Supreme Court in 1975 in a case called **NLRB vs. Weingarten**. In this case, the Court determined that workers have this right. The Court established the following general rules;

1. An employee’s right to representation in an interview applies to situations where the employee reasonably believes the investigation at the interview will result in discipline;
2. In this kind of situation, the employee is entitled to union representation;
3. The employee **MUST CLEARLY REQUEST** representation in order to claim this right. (There is no right to representation unless an employee requests it and the employer has no duty to inform the worker of this right unless the contract specifically requires that an offer be made.);
4. An employer does not have to grant a “Weingarten” request; once an employee makes a request for union representation, an employer has three options:
  - a. The employer may grant the request;
  - b. The employer may deny the request and stop the investigatory interview immediately;
  - c. The employer may give the employee the option of continuing the interview without a representative or discontinuing the interview.
5. The employer has no duty to bargain with the union representative who attends the interview.
  - a. The primary function of the representative is to be a witness to the proceeding.
  - b. Representative should take notes
  - c. During questioning, the representative may be limited to tacit participation. Some employers might allow questions and comments from representative.

### Investigatory Interviews vs. Disciplinary Meetings

There are limits on Weingarten rights, the most important being that these rights only apply to “investigatory interviews.” If an employer has already made a decision to discipline and the interview is only for the purpose of informing the employee of that decision, then the meeting is a disciplinary meeting” and not an “investigatory interview” and there is no legal right to union representation at the time discipline is imposed, many local unions have negotiated this right in their contracts.

## Questions and Answers on Weingarten Rights

1. Since an employee only has the right to a union representative when he/she “reasonably” believes discipline may result from the interview, what is a “reasonable” belief?

*The reasonableness of a worker’s fear is determined by objective factors. These factors include: the employer’s prior discipline record; the events leading to the interview; the location of the interview; the company representative present at the interview; and the company’s opening words at the interview. These factors must be analyzed on a case-by-case basis.*

2. Is a conversation at your work station concerning productivity a Weingarten Interview?

*It depends. The law draws a line between “run of the mill” conversations about productivity and conversations where the employee reasonably expects discipline will result. Where the worker has no reasonable fear of discipline in a discussion concerning production, the employee is not entitled to representation. Where the worker has this reasonable fear, they are entitled to representation.*

3. May an employer discipline a worker for refusing to go along with the employer’s demand that a Weingarten Interview be conducted without a union representative?

*No. An employer may not discipline an employee for insisting on his/her Weingarten rights to union representation. If an employee asks for union representation and the employer refuses to allow it, the worker does not have to continue the interview; the worker may refuse to answer more questions. The employer may not discipline the employee for refusing to discuss the matter in this situation*

*However, there is no clear answer on whether a worker whose proper request for union representation has been denied can refuse to participate at all in the interview (by refusing to report for the interview or by leaving when his/her request for a union representative is denied).*

4. What if the employee requests a union representative and there are none on the premises?

*There is no simple answer to this. The employer may have to postpone the interview or it may be able to go ahead without a union representative. However, a worker should still insist upon the presence of a union representative.*

*The employee’s right is to the presence of a union representative, not to a specific person. So, if the representative the employee wants is not available and another one is, the employee is entitled to the presence of the union person who is available.*

5. What is the role of the union representative in the Weingarten Interview?

*The employee is entitled to the assistance of the representative, not just their presence. The union representative has the right to speak at the interview; they should be able to take an active role in helping the employee to present the facts.*

6. Is the employee entitled to meet privately with the union representative before the interview?

*Yes. An employee is entitled to meet with the union representative before the interview. A general idea of the reason for the interview must be given to the employee beforehand so that the representative has some information. However, the employer does not have to give specific information about the case.*

7. What legal action can an employee and their union take if the employee is disciplined or discharged after an employer unlawfully denies the employee’s Weingarten Rights?

*If the employer is a private employer, then an Unfair Labor Practice complaint can be filed with the National Labor Relations Board (NLRB). If the employer is a public employer, then the complaint must be filed with the Employment Relations Commission. The Board and the Commission have the power to order reinstatement and back pay if: (a) the employer unlawfully denied an employee’s request for representation in violation of Weingarten; and (b) the employer’s decision to discipline was based on information obtained at the unlawful interview.*

# Weingarten Rights: Frequently Asked Questions

- Q. If my representative sees me being questioned by an administrator, can they ask to be admitted?
- A. *Yes. Your representative has a right to insist on admission to a meeting that appears to be a Weingarten interview. If the interview is investigatory, you must be allowed to indicate whether you desire the representative's presence.*
- Q. A bargaining unit employee, summoned to a meeting with the principal, asked for a representative. The principal said, "You can request your representative, but if you go, I will have to bring in the superintendent. If we can keep it at this level, things will be better for you." Is this a Weingarten violation?
- A. *Yes. The principal is raising the specter of increased discipline to coerce an employee into abandoning their Weingarten rights.*
- Q. A principal told an employee to report to the office for a "talk" about an issue. The employee asked to see a representative but the principal said no. Can the employee refuse to go to the office without seeing a representative first?
- A. *No. Weingarten rights do not arise until an investigatory interview actually begins. An employee can only refuse to go to a meeting if the administrator makes clear in advance the issue to be discussed and the employee believes the meeting could lead to discipline. At that point the employee should request representation. If representation is denied, the employee may refuse to attend the meeting.*
- Q. Can an employee insist on a private attorney before answering questions at an investigatory interview?
- A. *No. Weingarten only guarantees the presence of an Association Representative.*
- Q. If an employee asks to be represented by a particular representative, must the administrator comply?
- A. *Usually, yes. If two representatives are equally available or if the arrival of the requested representative will not cause an unreasonable delay, the request for a particular representative must be honored.*
- Q. If an employee is summoned to a meeting and asked about the role of other employees in illegal or inappropriate activities, can they insist on assistance from an Association Representative?
- A. *Yes. Although the employee may not be involved in wrongdoing, he risks discipline if he refuses to inform on others or admits that he was aware of the violations. Because what is said at the meeting could get the employee into trouble, the employee is entitled to representation.*
- Q. What if I am told to be in the administrator's office but do not know the nature of the meeting?
- A. *You have the right to know beforehand what the subject of the discussion will be. ASK! If there is a possibility of disciplinary action, request your Association Representative.*
- Q. Is the administrator obligated to remind me of my Weingarten rights prior to an investigatory meeting?
- A. *No. You must request an Association Representative.*
- Q. What if an administrator denies my request for a representative?
- A. *If you are denied a representative's presence and are still asked questions, the Administrator commits an Unfair Labor Practice and the employee has the right to refuse to answer. The administrator cannot discipline the employee for such a refusal.*

- Q. What if an administrator directs me to not talk about the meeting or the issues discussed in the meeting?
- A. *The administrator cannot direct you to not talk to your representative about the meeting or the issues discussed. If anything said in the meeting leads you to believe you may be disciplined or may be disciplined if you discuss the meeting or the issues, the administrator has committed an Unfair Labor Practice and you should immediately inform your representative of the directive.*
- Q. Over the weekend or in the evening, the administrator calls an employee at home to ask questions related to an issue at school. Does the employee have to answer the questions?
- A. *No. Weingarten rights apply to telephone interviews and an employee can refuse to answer questions until he or she has a chance to consult a representative.*
- Q. If an employee is called to the office to sign a notice of disciplinary action or to be informed of a forthcoming disciplinary action, are they entitled to a representative?
- A. *No, since the administrator is not questioning the employee but simply announcing discipline. However, if the administrator starts asking questions or "fishing" for information, the employee can insist on the presence of a representative before answering.*
- Q. What do I say to my administrator if I am called to a meeting and have reason to believe that disciplinary action may result?
- A. *"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my association representative be present at this meeting. Without representation, I choose not to answer any questions."*

# Overview of OEA Member Legal Services Programs

*Updated June 2022. For Ohio Education Association Staff and Member Use.*

The OEA provides its members with one of the most comprehensive legal umbrellas of any employee organization. The OEA administers four separately funded legal programs. A person must be an active member at the time of application and at the time of the occurrence or the time they would reasonably have become aware of the occurrence giving rise to the need for Legal Services. An individual who signs up for OEA membership in anticipation of filing a request for Legal Services will be denied. A member must also maintain membership throughout the life of his or her case. If membership is not maintained, OEA will discontinue funding of the case. Legal Services staff constantly checks to ensure that individuals maintain their membership, and if membership lapses, members typically receive 2–4 weeks to reinstate before funding is discontinued. Legal Services are also available to local associations in matters that affect multiple bargaining unit members.

**The liaison between the member/local association member and the OEA Legal Department is the Labor Relations Consultant (LRC). Always contact your LRC with any questions or concerns regarding legal matters.**

Program Areas:

1. OEA/NEA Legal Services Program
2. Educators Employment Liability Insurance (EEL)
3. Association Liability Insurance
4. Attorney Referral Program

## 1. The OEA/NEA Legal Services Program (LSP)

While the Legal Services Program is comprehensive, it does not cover everything. Fundamentally, for individual members, there must be an actual dispute on matters relating to the terms and conditions of employment. OEA receives a 50% legal bill reimbursement from NEA on qualifying disputes.

The following is a list of active, threatened employment disputes that will normally be approved for members under the Legal Services Program:

- Termination/Non-Renewal – For terminations proceeding under O.R.C. § 3319.16, an attorney will be assigned at the time of the threatened termination, through the termination hearing. For non-renewals, attorneys are assigned at the conclusion of the board hearing as providing for in O.R.C. § 3319.11. The LRC is required to present evidence at the non-renewal hearing before the school board, and the LRC is entitled to a two-hour consultation with a plan attorney to prepare for that hearing.
- Demotion – Lowering of position or rank.
- Promotion – Failure to increase position or rank.
- Reprimand – Verbal or written.
- Suspensions – With or without pay.
- Performance Evaluations – Content of evaluations or challenges to the evaluation process.
- Transfers – Voluntary or involuntary.
- Assignment of Duties – Assignment to job duties or extracurricular activities.
- Certification – Disputes with the Ohio Department of Education and Workforce or the employer regarding the issue, revocation, suspension, or denial of teaching certificates or licenses. To open a Certification case, typically Legal Services needs to know that the member has received an official letter from ODE stating that they are beginning an investigation. Legal Services are not provided at the time the school board refers a matter to ODE.
- Continuing Contract Status – Denial of tenure.
- Salary – All disputes regarding salary placement, payment, overpayment and compensation for duty or supplemental pay.

- Fringe Benefits – Disputes with the employer regarding insurance and fringe benefits. The dispute must be with the employer. Legal Services are not provided if a member is having difficulty obtaining coverage or benefits under the provisions of a health benefit plan with an insurer.
- Leave – Leave from employment duties, including vacation, sick, military, FMLA, personal, professional development, or association related business.
- Personnel File – Access to contents of a personnel file, release of contents, or disputes over items contained in personnel files.
- Retirement (including disability) – Disputes over eligibility, compensation, contribution, or service credit. The dispute can be with the employer or a state retirement system.
- Unemployment Insurance – Provided only when a claim is denied and there is a hearing before the referee. Legal Services will not aid members in completing initial unemployment claims forms.
- Reduction in Force/Layoff – Rights of employees who are affected by a RIF.
- Working Conditions – Conditions of employment, including health and safety concerns and aiding members in formulating reasonable job accommodations for disabilities.
- Childrens Services Investigations – All investigations, Legal Services are only provided for the Childrens Services component of the investigation. (See Criminal below).
- Criminal (matters relating to employment only) – The only time an attorney is provided through a LSP is when the member is charged because of actions directly relating to their employment. For example, corporal punishment, misuse of funds, and inappropriate materials viewed on school computers are common situations wherein a case number is assigned for a criminal matter.

## Exclusions and Limitations to LSPs

- Discrimination charges – (race, sex, religion, ancestry, national origin, age, disability, military status, and any other protected classes under federal, state or local law) With certain exception related to disability (discussed below), a person who believes they have been discriminated against on this basis must first file an administrative charge of discrimination with the Ohio Civil Rights Commission (OCRC) or the Equal Employment Opportunity Commission (EEOC) before any Legal Services will be provided. If Legal Services receives an application regarding a discrimination charge, the application will be placed on hold until the member exhausts the filing of a charge with the OCRC/EEOC. When the OCRC/EEOC has issued a right-to-sue letter, the individual must contact the LRC. At that time, Legal Services will review the matter and determine whether it is necessary to assign an attorney in accordance with the guidelines relative to appeals (discussed below).

*Exception: When a member is attempting to devise a reasonable job accommodation because they are disabled, Legal Services will assign an attorney if the LRC is unable to work out the accommodation. The attorney's representation is limited to attempting to develop a reasonable job accommodation. If the accommodation is not achieved, the individual must then file a charge of discrimination with the OCRC/EEOC and the attorney will no longer be authorized to represent the member until the administrative process is exhausted, as described above.*

- Grievable Matters – Attorneys will not be assigned to matters that are grievable under the applicable collective bargaining agreement. Such matters must be processed by the LRC. At the completion of the grievance procedure, an attorney may be assigned to review any arbitration award and determine whether enforcement or appeal is appropriate. If the collective bargaining agreement does not contain an arbitration step, the grievance procedure must still be exhausted and Legal Services will determine if the matter is one that should be appealed to a court.
- Defamation (Libel and Slander) – A person wishing to bring a defamation action against a parent, administrator, colleague, etc., will not be assigned an attorney. Defamation actions are specifically excluded from the OEA/NEA Legal Services Program because they are fee-generating actions, and private counsel may be obtained on a contingency fee basis.
- Personal Injury – Please see the reasons for exclusions in Defamation.
- Workers' Compensation – Please see the reasons for exclusions in Defamation.
- Member versus member or local association.
- Support for Bargaining Negotiations Prior to Impasse/Imposition.

- General Advice and Counsel – Legal Services does not provide attorneys for general advice and counsel to members, absent an adverse employment action threatened that is otherwise covered by the Program. For example, applications from teachers seeking counsel regarding liability while preparing IEPs are not approved absent a pending or anticipated job action. Also, Legal Services are not provided to help prepare individuals for providing testimony in court or in an employer investigation wherein no discipline against the requestor is anticipated.

## **Appeals to LSP Denials**

If an application for Legal Services is denied for any reason, the denied member/fee payer has the right to appeal the decision. The appeal consists of two levels. The first level is a committee comprised of the OEA Executive Director, President, and Vice President. If that group affirms the denial, the member may appeal to the OEA Board of Directors.

## **2. Educators Employment Liability Insurance (EEL)**

Through the EEL program, **members** are indemnified for civil actions arising out of their education employment. The cap on this insurance is \$1M per member (other than civil rights issues), \$3M per occurrence (aggregate for all claims), and \$250,000 per occurrence in civil rights issues.

In criminal actions, coverage is provided in two ways. First, if the criminal charge arises out of a matter related to student discipline, the member is covered regardless of the member's guilt or innocence of the charge. Members can choose their own criminal attorney and that attorney will be reimbursed for costs and fees up to \$35,000. Members can also choose to be represented by an OEA plan attorney.

Second, if the criminal charge does not arise out of a matter related to student discipline, the member is only covered if he or she is found not guilty of the charge or the charge is dismissed. In such cases, the member must obtain his or her own attorney and the attorney's costs and fees will be reimbursed up to \$35,000.

The EEL program also provides \$1,000 in bail bond reimbursement and \$500 for assaults related to personal property damage for incidents arising out of the member's educational employment.

## **3. Association Liability Insurance (APL)**

Through the APL program, local, district, and state officers, as well as OEA staff, are insured for civil actions arising out of their actions taken on behalf of the local, district, or state association in the performance of approved association activities. In cases under this program, the OEA provides the defense attorneys, which are usually the same attorneys performing work under the Legal Services Program.

## **4. Attorney Referral Program (ARP)**

Through this program, members are directed to attorneys near their home for personal legal problems unrelated to their employment. The legal services provided are not funded by OEA. Rather, the OEA uses its membership clout to guarantee reduced fees for its members for typical legal services such as wills and estates, domestic relations, real estate, consumer protections, bankruptcy, and traffic violations.

Under the ARP, local attorneys agree to reductions in their standard fees in exchange for referrals from OEA. Additionally, members are entitled to two, one-half hour consultations per year with a referral attorney on matters covered by the ARP. If the attorney or firm is then willing to enter into a contract for reduced rates for OEA members, the firm is accepted into the program. ARP attorneys are published annually in the August/September issue of *Ohio Schools* magazine and on the OEA website under Legal Services.

## 5. Forms

**LSP-1 – Application for Legal Services: Initial Level Assistance.** One form is used for member and association issues. All forms must have the original signature of the member, or for an association matter, the original signature of the local President. Without a signed LSP-1 form, OEA will lose the ability to seek the 50% reimbursement from NEA on legal bills in a case. LSP-1's are also used for the APL program.

**LSP-2 – Application for Legal Services: Appeal of Adverse Decision.** This application is used when a case is lost and further appeal is desired. The fact that a case was initially approved is no guarantee that the application for appeal will be approved. Such determinations involve an evaluation of the lower tribunal's decision, the strengths and weaknesses of the merits of the case, and the potential aspect of the higher tribunal's possible decision on the statewide membership. This is the same standard used to determine whether OEA will approve a LSP for a discrimination charge following exhaustion of the OCRC/EEOC phase.

If the employer appeals an OEA sponsored case, it is unnecessary to submit a LSP-2. Legal Services will continue to be provided through the initial application.

**Liability Insurance Claim Form** – used when a civil or criminal suit has been filed due to actions of the member which arise out of their employment-related activities. Often, a member will be involved in a matter which may create employment problems needing legal assistance and personal liability. In this case, the member should be directed to complete both the LSP-1 and the liability claim form.

No forms are necessary for the ARP program.

**For More Information Contact:** OEA Legal Department, [legalservices@ohea.org](mailto:legalservices@ohea.org), or 614-362-0646.

**EMERGENCY APPROVALS ONLY:**

TO BE COMPLETED BY FIELD STAFF  
WHEN EMERGENCY APPROVAL HAS  
BEEN GRANTED AND PRIOR TO MAILING  
APPLICATION TO LEGAL SERVICES DEPT.

DATE OF APPROVAL: \_\_\_\_\_  
ATTORNEY ASSIGNED: \_\_\_\_\_  
CASE # ASSIGNED: \_\_\_\_\_

**LEGAL DEPARTMENT USE ONLY:**

DATE RECEIVED: \_\_\_\_\_  
CASE NUMBER: \_\_\_\_\_  
ACTION TAKEN: \_\_\_\_\_  
ASSIGNED TO: \_\_\_\_\_  
DISPUTE CODE: \_\_\_\_\_  
MEMBERSHIP VERIFICATION: \_\_\_\_\_

**OEA/NEA LEGAL SERVICES PROGRAM****LSP # 1****INITIAL LEVEL ASSISTANCE**

**INSTRUCTIONS:** This application is to be used by individual members and affiliate officers to apply for assistance under the OEA/NEA Legal Services Program for employment-related problems. It is important that all questions on the application be responded to fully. In parts where you are asked to supply information in your own words, use extra paper if necessary to complete your answer. Incomplete applications will delay the processing of this application and, consequently, delay the provision of the legal services that may be needed.

**A. Applicant Information:**

1. This application is being made by, or on behalf of:

\_\_\_\_\_ an individual member      \_\_\_\_\_ an officer or employee of an affiliate  
\_\_\_\_\_ an individual fair share fee payer      requesting legal assistance for the affiliate

2. Please provide the following information:

Applicant's Social Security # (last 4 digits): \_\_\_\_\_

Applicant's Name or Name of Affiliate: \_\_\_\_\_

Address: \_\_\_\_\_  
(number and street)

\_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (zip code) \_\_\_\_\_ (county)

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Local Association: \_\_\_\_\_

Local Association President: \_\_\_\_\_

UniServ District: \_\_\_\_\_

Labor Relations Consultant: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Applicant's Position of Employment \_\_\_\_\_  
(teacher, bus driver, cafeteria worker, custodian, secretary, aide, etc.)

Years in Position \_\_\_\_\_ Years of Employment \_\_\_\_\_

**B. Case Information:**

1. Please check the appropriate statement(s) below which you believe best identifies the issue causing you to apply for legal assistance.

<input type="checkbox"/> Agency Fee Shop	<input type="checkbox"/> Refusal to Bargain
<input type="checkbox"/> Arbitration Appeal/Enforcement	<input type="checkbox"/> Reprimand
<input type="checkbox"/> Assignment of Duties	<input type="checkbox"/> Retaliation or Union Activities
<input type="checkbox"/> Bargaining Unit Composition	<input type="checkbox"/> Retirement
<input type="checkbox"/> Certification	<input type="checkbox"/> RIF/Layoff
<input type="checkbox"/> Criminal/Children's Services Investigation	<input type="checkbox"/> Salary
<input type="checkbox"/> Demotion/Promotion	<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Discrimination	<input type="checkbox"/> Strike-Related
<input type="checkbox"/> Dismiss, Term, Non-renewal	<input type="checkbox"/> Suspension
<input type="checkbox"/> DFR (Local Associations Only)	<input type="checkbox"/> Tenure/Continuing Contract
<input type="checkbox"/> Fringe Benefits	<input type="checkbox"/> Transfer
<input type="checkbox"/> Leave	<input type="checkbox"/> Unemployment Insurance
<input type="checkbox"/> Negotiation Impasse	<input type="checkbox"/> Working Conditions
<input type="checkbox"/> Performance Evaluation/Personnel File	

Other \_\_\_\_\_

2. Please describe the facts of the matter giving rise to your need for legal services. Identify all important dates, people, and places. Use and attach additional paper, if necessary.

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3. Please identify the date or dates on which the matter giving rise to your need for legal services occurred.

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4. Were you an OEA/NEA member/fee payer at the time of the events described above?

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5. Is the matter described above grievable under your collective bargaining agreement?  
If so, does the grievance procedure end in binding arbitration?

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6. Please attach copies of any documents (letters, charges, complaints, court decisions, etc.) which relate to the facts described above.

**C. Agreement and Certification:**                      **Please take the time to read and understand, then sign at the bottom.**

I hereby certify, on my own behalf or on behalf of an OEA/NEA affiliate, whichever is applicable, that the facts set forth herein are true to the best of my knowledge and belief, certify that this matter does not involve support of a position contrary to the policies of the OEA, NEA, or my local association and certify that any potentially adverse party is not one or more of the following: an OEA/NEA affiliated district; an OEA/NEA affiliated local association, employees, officers, agents, or members of an OEA/NEA affiliated local or district association, the OEA and/or its officers, employees or agents, the NEA and/or its officers, employees or agents. I understand and agree that any false statements on my part shall be grounds for denial of assistance from the OEA/NEA Legal Services Program.

I understand and agree that:

1. I will remain a member of the United Education Profession, OEA/NEA/District and Local (where applicable), in the event continuing legal representation is undertaken in connection with this matter, and that this is a condition for continuing to receive legal assistance under the OEA/NEA Legal Services Program.
2. Compliance with all applicable provisions of the OEA/NEA Legal Services Program, and its rules and procedures, is a condition to receiving assistance from the OEA/NEA Legal Services Program.
3. I will pay to the OEA any costs or attorney's fees awarded by a court or jury or recovered by settlement, insurance payment or otherwise as reimbursement to the OEA for court costs and attorneys' fees paid by the OEA under the provisions of the OEA/NEA Legal Services Program.

I hereby assign to the OEA any payments received or which may be received by me from an insurance company for costs and attorneys' fees paid by the OEA under the provisions of the OEA/NEA Legal Services Program.

I hereby direct my attorney to furnish the OEA/NEA Director of Legal Services with copies of all pleadings, notices, documents, decisions, and other records pertaining to this matter, to consult and confer with the OEA/NEA Director of Legal Services and/or other OEA or NEA staff attorneys, and upon agreement with the OEA/NEA Director of Legal Services, to enter such counsel, or other counsel, as co-counsel of record when such participation appears desirable for any purpose. I hereby authorize the OEA/NEA Director of Legal Services and/or other OEA or NEA staff attorneys to aid and assist my attorney and to act in such a capacity on my behalf, subject, however, to the express understanding that my attorney shall retain full and final control over all phases of the case.

I understand and agree that approval of this application is for initial consultation with an assigned attorney only. Continued legal assistance is contingent upon agreement by the assigned attorney and the OEA/NEA Director of Legal Services that legal assistance is warranted based on the facts and the current status of the law. In the event legal action is taken, and an administrative agency or court renders an unfavorable decision, I understand and agree that I must submit a new application for legal services to obtain legal assistance to appeal that decision.

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**Signature of Applicant**

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**Date**

# Attorney Referral Program 2023-2024

During any calendar year (from January 1 to December 31), eligible members, spouses, domestic partners and dependent children are entitled to two, free 30-minute consultation sessions with any of the Association-approved attorneys under the Attorney Referral Program. During the two free sessions, you may discuss any legal matter except income tax preparation. The free consultation allows you to discuss your problems with an attorney to determine whether you need additional legal services. The attorney is not expected to draft or review documents during a consultation. If you ask the attorney to provide additional services, you will be billed at a discounted Program rate. In addition to free consultations, members may have specific legal work performed in five “core” areas at a 30-percent reduction of participating attorneys’ normal fees. The five core areas include real estate, wills and estates, domestic relations, consumer protection (including bankruptcy) and traffic violations. A few legal services, such as help with business dealings or tax matters, do not qualify for the discounted rate. The discounted rate also does not apply to the defense of criminal violations, other than the traffic violations covered by the Program. For your convenience, participating attorneys are located throughout the state; however, you are not limited to those closest to you.

## **ADAMS COUNTY**

### **Young & Caldwell**

225 N Cross Street  
West Union, OH 45693  
937-544-2152  
(Real Estate, Wills, Domestic,  
Consumer, Traffic, Other)

### **Law Office of Barbara A. Moore**

106 S Cross St  
West Union, OH 45693  
937-544-2500  
(Real Estate, Wills, Domestic)

## **ASHTABULA COUNTY**

### **William P. Bobulsky Co., LPA**

1612 E Prospect Rd  
Ashtabula, OH 44004  
440-998-4214  
(Domestic Traffic)

## **ATHENS COUNTY**

### **Susan Gwinn, Attorney at Law**

86 Columbus Circle, Suite 101  
Athens, OH 45701  
740-594-8686  
(Real Estate, Wills, Domestic, Traffic)

## **CUYAHOGA COUNTY**

### **Goulder & Goulder**

15887 Snow Rd, Suite 301  
Brook Park, OH 44142-2854  
216-676-6800  
(Real Estate, Wills, Domestic, Other)

## **Nabors & Nabors, Ltd**

11221 Pearl Rd  
Strongsville, OH 44136  
440-846-0000  
(Real Estate, Wills)

## **The Gertsburg Law Firm**

100 N Main St, Suite 300  
Chagrin Falls, OH 44022  
440-571-7777  
(Real Estate, Wills, Consumer, Other)

## **Matt Rolf Attorney LLC**

13111 Shaker Square, Suite 304  
Cleveland, OH 44120  
Phone: (216) 666-2299  
(Real Estate)  
Branch Office:  
13111 Shaker Square, 304  
Cleveland, OH 44120

## **ERIE COUNTY**

### **Dolyk & Zeiher Co, LPA**

165 E Water St  
Sandusky, OH 44870  
419-625-0515  
(Real Estate, Wills, Domestic, Traffic,  
Consumer, Other)  
Branch Office:  
1513 State, Route 60  
Vermilion, OH 44089  
440-967-6136

## **FAIRFIELD COUNTY**

### **Jeffrey Feyko, Attorney at Law**

115 N Center St  
Pickerington, OH 43147  
614-837-1870  
(Real Estate, Wills)

### **Necol Russell-Washington, Attorney at Law**

8067 Harvest Moon Dr  
Reynoldsburg, OH 43068  
888-243-5293  
(Real Estate, Domestic, Other)

## **Mizelle Law Firm, LLC**

PO Box 326  
Reynoldsburg, OH 43068  
614-458-8269  
(Real Estate, Wills, Domestic)

## **FRANKLIN COUNTY**

### **Route Law, LLC**

142 Granville St  
Gahanna, OH 43230  
614-475-7008  
(Real Estate, Wills, Domestic)

## **Barr Jones & Associates LLP**

150 E Mound St, Suite 200  
Columbus, OH 43215  
614-224-9001  
(Domestic, Traffic, Consumer, Other)

**Jeffrey Buskirk & Assoc.**  
4178 Broadway, OH Rt 62  
Grove City, OH 43123  
614-875-7220  
(Real Estate, Wills, Domestic,  
Consumer, Other)

**Cloppert, Latanick, Sauter &  
Washburn**  
225 E Broad St, 4th Floor  
Columbus, OH 43215-3709  
614-461-4455  
(Wills, Domestic, Traffic, Real  
Estate)

**Jeffrey P. Compton,  
Attorney at Law**  
1665 London, Groveport Road  
Grove City, OH 43123-7207  
614-875-7233  
(Real Estate, Wills, Domestic,  
Consumer, Other)

**The Gerth Law Office, LLC**  
465 Waterbury Court, Suite A  
Gahanna, OH 43230  
614-856-9399  
(Real Estate, Wills, Consumer,  
Traffic, Other)  
Branch Office:  
3099 E 14th Avenue,  
Columbus, OH 43219

**Lardiere McNair, LLC**  
3956 Brown Park Dr, Suite B  
Hilliard, OH 43026  
614-534-1355  
(Real Estate, Wills, Domestic,  
Traffic, Other)

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**PIKE COUNTY****Copp Law Offices**

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**ROSS COUNTY****Barrington Law Offices**

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Streng**

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301 E Silver St  
Lebanon, OH 45036  
513-932-7444  
(Real Estate, Wills, Traffic)

# What Ifs

## 1. What if a member is assaulted or is the victim of theft in the classroom?

- Report the incident immediately to the school administration.
- Have the bargaining unit member document exactly what took place:
  - a. Names of those involved
  - b. Witnesses
  - c. Time
  - d. Location
  - e. What happened (detailed)
  - f. What injuries were sustained (if applicable)
- Advise the member to follow any procedures and guidelines as established within the Collective Bargaining Agreement and/or Board Policy.
- Encourage the bargaining unit member to seek medical attention if needed and to get a medical statement from the doctor.
- Encourage the bargaining unit member to file a police report.
- Remind the bargaining unit member that the OEA/NEA Liability Program pays up to \$250 for damages to personal property in cases of classroom assault.
- Contact your OEA Labor Relations Consultant who can provide additional advice to the bargaining unit member.

## 2. What if a member thinks they have a problem and may need the OEA/NEA Legal Services Program?

- Have an in person (if possible) one-to-one conversation with the member to discuss the problem.
- Remind the bargaining unit member that you do not have attorney-client privilege so they should not share potentially incriminating information with anyone except the OEA/NEA Legal Services Attorney.
- Is the issue a contract violation, grievance, personality clash, misunderstanding that can be resolved, etc....?
- Discuss the problem with your Labor Relations Consultant.
- Exhaust all viable remedies before activating the Legal Services Program.
- Move promptly in cases of suits filed against bargaining unit members because of legal time limits.
- Advise the bargaining unit member that the OEA/NEA Legal Services Attorney must be initiated from within the “system” and not contacted directly by an individual bargaining unit member.
- Keep a copy of all correspondence.
- Be a good listener.

## 3. What if a member is not receiving OEA and/or NEA publications?

- Collect the following information from the member:
  - a. Name and address
  - b. Have they changed their name within the past year?
  - c. Have they moved within the past year?
  - d. When did they stop receiving the publications?
- Report the collected information to your local OEA office via email or phone call. Or call OEA Membership Department at 844-632-4636.
- Communicate back to the bargaining unit member that you have informed OEA of the problem and relay any pertinent information you learned.

## 4. What if a member dies?

- Initial contact should be an expression of condolences on behalf of the member’s professional colleagues and Association.
- Contact OEA’s Membership Department at **membership@ohea.org** to cancel the membership and dues collection.

- At an appropriate time, contact the family to ensure they are aware of the member's job-related financial benefits:
  - a. Earned but unpaid salary
  - b. Severance pay
  - c. STRS/SERS/PERS survivor benefits
  - d. STRS/SERS/PERS death benefit
  - e. School district group term life insurance
- Have the family contact NEA Member Benefits at 1-800-637-4636 to inquire about their complimentary life insurance policy.
- Inform the family that they may take advantage of the OEA/NEA Attorney Referral Program to hire an attorney to settle the member's estate.

## 5. What if a member is called into a meeting?

### Prior to the meeting:

- Review the member's rights
  - The member can have any Association Representative- they may be embarrassed to have the Building Representative.
- Have a discussion with the member to review all the known facts. Take detailed notes regarding the situation/issue. Do not judge.
- Let the Administrator know you will be representing the member at the meeting and ask about the nature of the meeting. What is the purpose?
- Review the contract for any/all relevant articles.
- Urge the member to remain calm and act professional during the meeting.
- **If the situation is regarding the Family Educational Rights and Privacy Act (FERPA) or has been reported to Children's Services or the police, IMMEDIATELY contact your LRC.**

### During the meeting:

- Take your contract.
- Take detailed notes during the meeting.
- Ask clarifying questions.
- You should always ask to adjourn any meeting where anyone is not using professional, respectful language.
- Ask for copies of all documents.
- Reread notes and add any comments. Start a file for the member. Contact your LRC to review the situation.
- If the meeting reveals serious charges immediately stop the meeting and contact your LRC.

### After the meeting:

- Review what happened in the meeting.
- Review with the member "next steps".
- Discuss rebuttal and grievance options.

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### Note-taking Tips

- **Include the date and time, meeting location, participants and purpose of the meeting as a header to your notes.**
  - **Notes should include a disclaimer that they are your personal property.**
  - **Transcribe as verbatim as possible but designate direct quotes on statements that stand out during a meeting.**
  - **Include initials to designate speakers within the text of your notes.**
  - **If the meeting ends in a resolution, clearly specify the outcomes.**
  - **Reread your notes after the meeting and add any additional comments or clarifiers.**
-

# Social Media Guidelines for Educators

## Do's and Don'ts for Educators

Whether you're just considering becoming involved with social media or you've already established an identity on one or multiple sites, you need to use these channels wisely. OEA has developed the following guidelines on using social media to help protect yourself both personally and professionally.

- 1. DO: Know the privacy settings of every channel you use** and keep abreast of any changes to them  
You have to decide for yourself what level of privacy is right for you, however OEA recommends sharing only with people you know personally. For instance, on Twitter we recommend blocking your tweets so only individuals you approve can see them. Taking just a few minutes to establish strict online settings will go a long way toward keeping what you post restricted. Additionally, try to be “anonymous” whenever possible. Don't include information that could put your identity at risk.
- 2. DO: Understand that there's no such thing as a truly “private” post.** Once you publish something through social media, you lose a degree of control over your message. Even if you set your privacy settings appropriately, to be shared only with people you know, your posts can still be captured via screen shot, printed, or copied and pasted into an email and shared beyond your intended audience.
- 3. DO: Understand the limits of your First Amendment rights.** Free speech rights are fairly limited for educators: their speech is protected only if they speak out as citizens on “matters of public concern” and their speech doesn't disrupt the school. So, matters of personal concern, e.g., social activities, partying, personal gripes, etc., are not protected. Tenured teachers have far greater job security than probationary teachers — they can't be fired except for “just cause” — but it's not the First Amendment that protects them.
- 4. DO: Learn: The Licensure Code of Professional Conduct for Ohio Educators** In 2019, the Licensure Code of Professional Conduct for Ohio Educators added Principle 9, which speaks solely to technology, electronic communication and social media. See Appendix.
- 5. DO: Find out if your school or district has an Acceptable Use Policy and/or additional Board Policies for the Internet and/or social media.**
- 6. DO: Keep work and play separate.** Regardless of your school or district's policy, never use school property for personal communications. Do not log onto your email on the school's computer. Do not bring your laptop to school and access the school's network. Never access your personal email or send texts on your mobile device using the school's Wi-Fi. Also keep a clear distinction between your personal and professional identities online. Don't friend students, parents, and people you only know professionally, or otherwise connect with them through your personal account. If you want to use social media professionally, create a separate account for this and maintain appropriate boundaries and language at all times. Alternatively, you could use a social network specifically designed for connecting professionally.
- 7. DO: Monitor your own internet presence, so you're aware of content posted by others about you or content posted by an imposter posing as you.** Create a Google alert to notify you when anything about you has been posted. Monitor comments that are posted to your page and your friends' photographs. Delete inappropriate language or content. If someone “tags” you in an inappropriate photograph, remove the tag and ask the friend to take the photo down.
- 8. DO: Contact OEA if you have any questions.** If you're about to publish something that makes you even the slightest bit uncomfortable, feel free to discuss it with your Labor Relations Consultant.
- 9. DON'T post profanity, obscenity or anything that depicts you in an unfavorable light,** including,

but certainly not limited to, any images with you drinking, using drugs, in questionable settings, with disreputable companions, in inappropriate attire, or engaging in illegal activities.

- 10. DON'T vent online.** Under no circumstances should you ever tell stories about work that include personally identifiable details, such as full names, job titles, addresses, phone numbers, pay, or other information protected by state and federal privacy laws. Even eliminating any specific information about your situation and/or presenting it as a hypothetical puts you at risk.
- 11. DON'T post anything related to a student, no matter how harmless you think it is.** Never counsel a student online.
- 12. DON'T accept an online relationship with anyone who you do not know offline.** This is true for everyone, not just educators. Don't assume Facebook friends of your friends are safe.
- 13. DON'T join groups that may be considered unprofessional or inappropriate** and leave any such group of which you are already a member.

## Employee Use of the Internet

*In the past several years, OEA has had a rash of contractual and legal issues regarding alleged misuse of the Internet – school and personal. Therefore, we wanted to remind you of the following common-sense applications of Internet usage.*

1. If you have Internet access at your school, you probably have signed a copy of the District's "Acceptable Use Policy." **PLEASE READ IT!**
2. Do **NOT** visit Internet sites from your school computer that would be objectionable if a student saw the information posted there.
3. Be **VERY CAREFUL** in your email correspondence to students. Do not send even marginally questionable jokes, notes, etc. to students **EITHER** from your school computer or from your home computer. Your email correspondence to students should **ONLY** be classroom related. In fact, it would be better to email to the PARENT, rather than the student.
4. Do your best to monitor what students are viewing over the Internet sites in your workplace. Be sure that you have a classroom policy on use of the computers and Internet sites.
5. Always remember that **SOMEONE** can read any email you send or receive from the school's computer.
6. Illegal use of the Internet and email **ARE** grounds for termination.
7. When in doubt, **DON'T!** YOUR career is at stake!

## Section 9: Using Collective Bargaining for Member Advocacy and Organizing

- Know your contract.
- Keep an ongoing file of concerns for bargaining.
- Participate in OEA-sponsored collective bargaining trainings.
- Notify your Labor Relations Consultant prior to the negotiations process and follow legal timeline requirements for filing your local's notice to bargain.
- Ensure members of the bargaining team/committee are elected or appointed in accordance with the local Constitution and Bylaws.
- Organize activities to identify members' interests in preparation for bargaining and keep them engaged throughout the bargaining process.
- Oversee and/or participate in contract negotiations through the ratification of the contract for your bargaining unit.
- Communicate with members on the progress of bargaining throughout the process.
- Submit all new contracts and Memoranda of Understanding to your Labor Relations Consultant no later than 30 days after ratification.
- Monitor the implementation of the contract and use the grievance process when necessary to ensure it is followed.

# Introduction: What is Collective Bargaining?

Collective bargaining is an art and a science. It is principled and it is pragmatic. It demands steadfastness and it requires compromise. It calls for skepticism and it necessitates trust. It is power and it is equality. It embodies conflict and it exemplifies the spirit of accord. Collective bargaining is a process. It is a process that extends beyond formal contract negotiations. In fact, it never really ends. The context for the next round of bargaining starts about the time the contract is ratified and labor and management begin the task of working under, interpreting, and applying its terms.

What makes collective bargaining this seemingly contradictory and almost assuredly never-ending process is simple. It is fashioned by people and formed by their relationships. The convergence of our imperfections and our ideals makes collective bargaining what it is, which is anything but a one-size-fits-all process. Rather, collective bargaining is a process that is uniquely shaped and influenced by the history and traditions of the parties, by the quality of the labor-management relationship, by the personalities and experiences of the negotiators, by geography, by politics, and by incompatible positions and mutual interests. Three essential elements are needed to succeed in collective bargaining. The absence of any one of these basic components will likely hinder the parties' ability to settle their differences and reach a fair settlement that will be mutually acceptable by both sides. These elements are:

- Skill of the parties in utilizing the process.
- Desire of the parties to reach a fair and equitable settlement.
- Ability of the parties to maintain a relatively equal balance of power.

Skill with the process represents effort even more than it does experience. The necessary effort involves dutiful preparation, adaptation to changing conditions, and willingness to take risks.

As the old axiom goes, "Proper preparation prevents poor performance." Commitment to gathering member input is vital. Sufficient time must be spent identifying and prioritizing issues. Research must be done to ensure that decisions are informed by fact and not false assumptions.

If the conditions and circumstances for each round of bargaining never changed, we could simply follow a recipe that lists the ingredients for successful negotiations and spells out each step of the bargaining process. However, since circumstances and conditions change, we must be able to adapt to the environmental conditions that shape the bargaining climate. For instance, a new superintendent or school board could lead to a critical shift in an employer's priorities and fundamentally alter how it approaches bargaining. The changes could make it necessary for the association bargaining team to rethink the ground rules that have traditionally governed negotiations and could compel the local to engage in organizing activities much earlier in the process than has been the tradition.

Making a decision that impacts an entire membership is a hard thing to do, especially if that decision involves a change in the status quo. However, while a certain level of risk aversion is always prudent, some risks must be taken for the collective bargaining process to succeed. A willingness to take necessary risks is a fundamental component of leadership. Anyone who agrees to participate in the bargaining process has assumed a leadership role.

Pursuing a fair and equitable settlement means not just stubbornly advancing your own goals, but attempting to understand the other side's legitimate interests as well. It is important that you closely listen to what the other side has to say, because you will find sincere statements and expressions of interest. Finding common ground is the key to finding a solution.

A fair settlement can never be achieved when one side has all the power. The employer holds the purse strings. In order to balance the scales of power, the employees must be willing to engage in collective action away from the bargaining table. A strike is nothing more than the far end of the collective-action spectrum. Collective power is also exercised when a local association's members are willing to do things like wearing buttons and t-shirts, showing up at school board meetings, and passing out fliers at football games. Collective bargaining is a process that should be embraced. Those who oppose collective bargaining would ask us to stifle our freedom to speak. They would rather we forgo our right to disagree. They would jeopardize our ability to come together to solve problems.

# Ohio Collective Bargaining Law

## The Law

The collective bargaining law can be found in Chapter 4117 of the Ohio Revised Code. This statute establishes the right of public employees to organize together and to collectively bargain with their employers. Prior to the passage of the law, OEA members and other public employees had very few rights. The bargaining law repealed the Ferguson Act and embodied the pre-1984 environment. On the books since 1943, the Ferguson Act banned strikes by public employees and gave school boards and local and state governments the discretion to fire striking workers.

Since the passage of the collective bargaining law and the opening of the State Employment Relations Board (SERB) in 1984, public employees have been covered by a statute that guarantees them certain fundamental rights. Because of 4117, employees are free to join, or not join, a union. They are entitled to impartially conduct elections to determine if they want to be represented by a union, or if they wish to no longer have union representation. Public employees, like workers in the private sector, have the right to sit down and bargain with their employer over wages and working conditions. Some public employees have the right to strike. For those prohibited from striking, the law provides a fair procedure for settling unresolved bargaining issues. Essentially, the 1983 law gave teachers, police officers, firefighters and other public employees the same rights that were afforded private sector workers a half-century earlier.

# Preparing for Negotiations

## Overview

*Arguably, preparing for negotiations is a never-ending process. Also, if done correctly, a local association will quite likely devote more time preparing for negotiations than it actually spends bargaining a contract. During the 2-3 year term of a typical collective bargaining agreement (CBA), local bargainers should pay close attention to concerns that are articulated by members, to problems that are grieved, and to topics that are discussed in joint labor-management meetings. The months leading up to bargaining should be used to select a negotiations committee and bargaining team, to survey members and identify bargaining priorities, to research issues and gather information, to develop proposals and draft contract language, and to put into place a plan for communicating with and organizing members.*

## Review of Constitution and Bylaws

It is important that association leaders understand and follow procedures that are spelled out in the local's constitution and bylaws. These documents may provide specific instructions with respect to the selection, appointment and configuration of committees and bargaining teams. It is important to know provisions relating to: roles served by association officers and leaders; requirements with respect to proportional representation on committees and teams; and types of expenses that can be incurred and reimbursed leading up to and during bargaining. The association must also be cognizant of the contract ratification procedure that it must follow once a tentative agreement is achieved.

## Selecting a Bargaining Committee

Before choosing a bargaining team, the association should establish a larger committee that performs the jobs of developing and administering the negotiation survey and analyzing survey results, reviewing grievances and arbitration awards, conducting research and gathering information, and supporting the team during the course of negotiations. Prospective team members should be included on the committee, though their roles should change once the bargaining team is in place.

## Surveying Members

The negotiation survey is probably the most valuable tool for gathering input from the membership in terms of the issues that are most important to them. A properly constructed and administered survey is essentially the first official organizing activity going into negotiations. Thoughtful reliance on survey results can assist organizing efforts throughout bargaining.

While there is no sole best survey instrument, there are several important guidelines and practices which should be followed. First, the survey should be comprehensive. It is better to ask too many questions than too few. Members should be asked their thoughts on basically all economic issues as well as all but the most routine non-economic items. Omitting issues because they are not a priority of those who are developing the survey is a sure-fire way to disenfranchise individual members. After all, an injury to one should be a concern to all.

A closed-ended rating or ranking system is easier to analyze than responses to open-ended questions. However, both methods serve a purpose. By forcing members to rank or prioritize issues, the team will be better equipped to judge how zealously to pursue individual issues. For example: Everybody wants a decent raise, but maintaining current health benefits may be more important to the majority of members. Open-ended questions, on the other hand, are helpful in uncovering issues that may not have been considered. Often, an open-ended survey is initially administered to capture all the issues that are important to members and is followed up with a closed-ended questionnaire that compels members to prioritize those issues.

If the questionnaire is to be administered electronically using an online surveying tool, it is imperative that every member has the opportunity and is encouraged to participate. Those members who do not have access to a home computer should be provided an alternative location (union office, public library) to complete the instrument. The association may want to offer a helpline for its less computer-savvy members.

It is best to keep specific survey results and analyses confidential. The distribution and sharing of this information can compromise the bargaining process and jeopardize the team's ability to achieve a good contract.

In addition to written surveys, committee members should consider setting up one-to-one meetings with members in order to gather additional, and richer, qualitative information.

### **Selecting the Bargaining Team**

The importance of putting together a competent, dedicated and representative bargaining team cannot be overstated. The team has the responsibility to represent the interests of the entire bargaining unit – not just association members – and act as their unified voice across the table from management.

A team that is representative of the membership should include individuals from each building, grade range or job classification. For example, it can't just be comprised of high school teachers or over-represented by bus drivers. The team needs to be balanced with respect to age, experience, gender and race. It should include those who have sat on prior teams and some who have never been to the table. Team members should be independent thinkers who offer unique talents. Compatibility is important. Complicity and duplicity are fatal.

### **Team Member Roles**

Team members need to be assigned certain roles and they must accept their role on the team. The team should consider and agree on the following roles: chief spokesperson; scribe; number cruncher; language drafter; clerical support; and member communication. More than one individual may perform a particular role (e.g., scribe). One individual may have multiple roles (e.g., clerical support and member updates). The roles may shift depending on the issue (e.g., language drafter). The Labor Relations Consultant (LRC) may perform one or more of these roles (e.g., chief spokesperson and language drafter). At the request of the LRC, other OEA staff members are available to provide additional technical assistance (e.g., number cruncher).

Team members should also be made aware upfront that if the local association determines it is necessary to commence crisis activities, then the responsibility for coordinating those activities must not fall on the bargaining team or any of its individual members. A separate committee will be formed for the purpose of planning and directing crisis-related events. The job of the bargaining team is to negotiate the contract, which is a challenging enough endeavor under ideal circumstances, and that challenge is only made more difficult once bargaining reaches the point where a crisis is declared.

### **Determining the Process**

The team should consider whether it wants to engage in traditional negotiations or if it would like to consider following an interest-based bargaining (IBB) process. If the plan is to use IBB, then many of the traditional roles do not apply. However, discussions will need to occur with respect to how team discipline is maintained under a nontraditional process. Joint, formal training is critical if the parties agree to engage in IBB.

### **Ground Rules**

The team should also discuss the ground rules for the conduct of negotiations. Generally, at least some of the ground rules are incorporated into the master agreement. These contractual ground rules, including the impasse procedure, should be reviewed; and the need for additional ground rules, if any, should be discussed and considered.

Ground rules may cover some, though typically not all, of the following: number and length of bargaining sessions; time and location for bargaining; size of respective teams and use of observers; granting of release time for team members; use of outside experts or consultants; number of issues that each side can bring to the table; restrictions on the introduction of new issues once initial proposals have been exchanged; timing of the exchange of initial proposals; specifications as to the use of written and/or verbal proposals; formatting of written proposals; number and length of caucuses; manner in which tentative agreements are executed; media blackout; and impasse procedure to be followed.

Ground rules are not generic. They should reflect the parties' specific circumstances and individual needs. However, there are a couple of musts when it comes to executing ground rules:

- Never limit communications with members.
- Never put in writing a definition of ultimate impasse or a date that it is reached; and avoid a certain date for mediation or a reference to a specific number of sessions that trigger the start or end of mediation.

Once the team has decided on tentative ground rules, agreement with management on these rules must be achieved; and any agreement between the parties on the ground rules should be in writing.

## **Resources**

It is the team's responsibility to determine what issues and proposals it will take to the table. The member survey is an important tool for the team to use in deciding what to put into the initial package. The importance of having a strong grasp on members' concerns only increases as the bargaining process unfolds and the team faces the difficult, but necessary, task of triaging issues and proposals.

The team should use the survey to establish a list of bargaining goals and priorities. If the team spends a little time up front determining what is most important to the membership and developing written goal statements that capture those priorities, it will have an extremely valuable document to refer to throughout bargaining – especially when the pressure is at its greatest.

The team should look at the pay and benefits of similarly-situated employee groups (i.e., comparables) and it should gain an understanding of the employer's financial situation. While the employer's ability to pay should not necessarily govern what the team initially proposes, it should factor into informing the team's ultimate decision as to how much or how little they can reasonably expect to achieve in terms of an economic outcome. At the request of the LRC, the OEA has staff available to assist bargaining teams in assessing the financial capacity of the employer. The team should also be aware of the cost of salaries and benefits of the bargaining unit. Knowing the cost of steps, insurance and a one-percent salary increase can help guide decisions and verify or challenge the veracity of the employer's claims.

## **Drafting Initial Proposals**

The initial proposal should reflect the ideal. The purpose of the initial proposal is not to signal what the outcome of bargaining may look like. It should specify the salary and benefits that members are worth. It should capture the conditions in which they should work. The initial proposal should be an expression of the union's desire to have members fairly and equitably compensated, to see members treated with respect and dignity, and to recognize members' dedication and hard work. Its purpose is to show how things ought to be.

The initial proposal should accomplish all these things and it should be in writing. Thoughtful construction of initial proposals can be time-consuming, but it is necessary. Having the proposals in writing is the best way of ensuring that everyone – association team members and the other side – understands what is being proposed. Seeing a proposal in writing for the first time allows the team members to think and ask questions and to reword (if necessary) to add clarity, and remove ambiguity. Also, having a written proposal to work from for the purpose of developing counter offers gives the association, and not the employer or its attorney, control over the specific wording, structure, and format of the documents that will ultimately be included in the final contract.

Frequently, a bargaining team will divvy up the work of drafting initial proposals with individual members taking the lead on issues in which they are most familiar or in which they have a particular interest. Working from electronically stored versions of the existing contract or pulling sample language from other CBAs can reduce the time spent writing proposals. However, when "borrowing" the language from another CBA, avoid simply copying and pasting that language. Be certain to carefully review the language and tailor it to the unique characteristics of the employer and the specific needs of the local association.

## Negotiations Association

[illegible]

## Negotiations -- Board

# Bargaining Goals

Bargaining Goals			Settlement Standard
Level One	Issue	Bargaining Goal	
1.1			
1.2			
1.3			
1.4			
1.5			
	Level Two		
2.1			
2.2			
2.3			
2.4			
2.5			
	Level Three		
3.1			
3.2			
3.3			
3.4			
3.5			

**Notice to Negotiate**

Ohio's bargaining law requires that notice be provided to SERB and served on the other party prior to commencing negotiations. This notice is typically initiated by the union. SERB rules require the notice be served via email at least 60 days prior to the expiration of the contract, or at least 60 days before the beginning of mid-term reopener negotiations. Available on SERB's website is the Notice to Negotiate form that it accepts for compliance with this requirement. The person who will be acting as the designated representative of the association on all official matters relating to negotiations – typically the LRC – should also electronically file a Notice of Appearance with SERB and the employer representative. This form can also be downloaded from SERB's website.

**Member Communications**

Member communications with respect to contract negotiations should begin during the pre-bargaining phase. A meeting of the membership should be held early on to introduce the team, to explain the bargaining process, and to answer any general questions that members might have. Written communications and updates should occur throughout the process. From encouraging members to complete the survey to providing updates after each bargaining session, it is extremely important that members feel they are not being ignored or left in the dark.

Historically, many local leaders and bargaining teams have been reluctant to share details of both sides' initial and counter proposals with their members. However, letting members know the expectations of the association and the demands of management can help keep them both informed as well as engaged. Oftentimes, the best organizing tool is management's initial proposal. Bear in mind that in meeting and communicating with members prior to and during bargaining, it is important to strike the proper balance between making certain to keep them abreast of all developments and being sure to avoid divulging tactical information that, if leaked, could hamper the team's efforts.

# The Negotiations Process

## Overview

*Whether eagerly anticipated or anxiously awaited, the onset of negotiations is likely to heighten the senses and fray the nerves. However, soon after bargaining has started, it is not uncommon for eagerness and nervousness to give way to feelings of frustration, impatience and indignation. Over the course of negotiations, bargainers can expect to run the entire gamut of emotions. Three things can be done to help manage this emotional rollercoaster ride. First, some comfort can be found in the rationalization that a certain level of tension and stress is a good thing, as it enhances creative thinking and facilitates problem-solving. Second, proper preparation is a proven stress-management tool. Third, an understanding of what to expect during bargaining is a good way to stay centered and to maintain a healthy perspective on a process. Moreover, a good grasp of the process helps to keep everyone on task and focused and reduces the likelihood of critical errors.*

## Ground Rules

Before bargaining over substantive issues, the teams, or their principal representatives, need to meet to finalize the negotiation ground rules. It is important both sides agree on the protocols and logistics for bargaining the contract. In addition to the ground rules that may be contained in the existing labor agreement, the sides need to discuss all other relevant procedural issues or concerns in order to make certain there is no confusion as to how the process will unfold.

The following are some important considerations in developing ground rules:

- The more bargaining dates that are specified up front, the more dates that will be used. It may be best to establish only a few dates at a time.
- Do not restrict the use or attendance of outside experts.
- Never limit communications with members.
- Never put in writing a definition of ultimate impasse or a date that it is reached; and avoid a date certain for mediation or a reference to a specific number of sessions that trigger the start or end of mediation.

Before the commencement of formal negotiations, it should be clearly understood that both bargaining teams must have the complete authority to make proposals and reach agreement on all matters. Tacit acceptance of an employer having to make a phone call to finalize a tentative agreement is not uncommon. However, if the management team declares it does not have the authority to move off of certain positions or to consider alternative proposals, then it needs individuals at the table who do possess that authority; otherwise, it will be unable to bargain in good faith.

## Physical Location and Equipment

Irrespective of the degree to which the physical location and meeting space are covered in the ground rules, it is important that the location selected for bargaining be adequate and suitable for both parties' needs. Ideally, negotiations will take place at a neutral location. Not meeting in the administrative offices of the employer not only eliminates a "home field advantage," it also reduces exposure to ordinary workplace situations that can serve as a distraction. Parties who do not wish to incur the cost of renting a meeting space should consider libraries and other public facilities for bargaining.

While a neutral site may be the ideal, it is more important that the location be adequate for the parties' needs. Having a suitable place to meet with a table that is large enough to fully accommodate both teams, and the increasing amount of paper they will accumulate over the course of bargaining, is essential. Equally important is the need for at least one additional meeting room that provides both sides with a comfortable and secure place for caucuses. Having internet connectivity or Wi-Fi as well as cell reception/phones to research issues and answer questions should also be a part of the thought process when considering a location or facility.

The parties also should have access to printers and copiers. The ability to electronically edit and reproduce proposals during a bargaining session helps to keep the process moving and eliminates the problems that often

arise when it is believed that a meeting of the minds was reached, but is not the case once everyone had the chance to review the language that someone promised to “put together” later. OEA field offices, when geographically feasible, satisfy space and equipment needs.

## **Initial Proposals**

The exchange of initial proposals can occur on an agreed upon date prior to a face-to-face meeting or at the first bargaining session. Though it can help to jump start the process, the former approach is infrequently used. This is probably because sharing the packages when the sides are together allows for a detailed explanation of the proposals and provides an opportunity for questions and clarifications. The parties can agree to provide a detailed, written explanation and rationale of each proposal. However, this rarely occurs because of the additional work that is required and the reluctance to put this sort of information in writing.

While providing written rationale is uncommon, the proposals themselves are almost always in writing. These written proposals can come in the form of either specific contract language with references to articles and sections of the CBA or they can simply summarize, for each issue, a position or a concept. Sometimes, a combination of the two approaches is adopted. For instance, the association may provide a very specific proposal on performance evaluations or reduction in force, but may offer a more broad statement with respect to economic items along the lines of, “The association is seeking a fair and equitable economic outcome.”

Caution should be taken if you are considering making non-specific proposals. While this approach may be desirable so as to avoid putting in writing something that may come across as excessive, it fails to communicate to the other side what the association believes its members are worth and how it thinks they should be treated. For example, an aggressive salary proposal is not some pie-in-the-sky fantasy. Rather, it conveys a strong and clear message that the association demands a good-faith effort from management and will not settle for dismissive statements and weak excuses when it comes to bargaining over salary.

Written proposals should also be exchanged in electronic format. It is a good practice to provide each team member with a flash drive (or access to a virtual storage account) that contains the current contract, both sides’ initial proposals, and survey results and other information collected in the preparations for bargaining.

## **Counter Proposals**

Typically, after the initial exchange of comprehensive proposals, the parties move their focus to a single issue at a time. Conventional wisdom is to start with the least complicated or controversial non-economic issue and save the big-ticket economic items for last. Achieving that first tentative agreement can ignite and provide momentum to what can be a stuttering process and can give apprehensive parties a confidence boost. However, if a seemingly simple matter cannot be easily resolved, then it is better to move on to the next issue to avoid the process bogging down right out of the gate.

Individuals should avoid the pitfall of developing a personal attachment to their own proposals. A lot of thought and creativity can go into crafting and putting into words an idea or plan that could very well reflect the perfect solution to a sticky issue. Unfortunately, unless a proposal, no matter how flawless or ingenious, is embraced by bargainers on both sides of the table, it will not become memorialized in the CBA. Every offer, with the exception of the one that makes it into the bargaining agreement, is rejected. Rejection is simply a part of the process. If one gets stuck on one’s own proposal, s/he becomes inflexible and is no longer an active participant in the process of trying to find an outcome that is satisfactory to all.

Frequently, it will take multiple passes to settle an issue. It is a good idea to time and date each proposal and counter-proposal and mark whether the proposal is that of the employer or the association.

A note on supposals: The concern that written bargaining proposals can be treated as public records led to the increased use of the “supposal.” A supposal is a verbal “what if” that is not officially recorded by the parties. Additionally, a supposal does not have the quality of a formal offer or proposal. Therefore, if one side floats a supposal and the supposal is rejected by the other side, the last formal proposal that was placed on the table stands. The team should discuss the role, if any, that supposals should play in negotiations.

All agreements made during bargaining are tentative and must be ratified as part of the complete settlement. Once an agreement on an issue has been reached, it is set aside and treated as off the table for the duration of bargaining – unless the entire package is rejected during the ratification process. Generally, each written agreement, whether in exact language or in summary form, is initialed by one representative for each side.

As negotiations progress, it is common to move away from the discussion of issues one at a time and to begin to exchange proposals in a package format. At this point, an offer is made on all of the remaining issues on the table by one party, and the other has to decide to accept or counter the entire package.

## **Behavior at the Table**

Maintaining discipline at the table is an extremely important bargaining skill. Team members must exercise self-control at all times. This is not to say that there is no place for righteous indignation, flared tempers or colorful outbursts. Rather, displays of emotion should be thoughtful, deliberate and tactical. It is much more credible for a bargaining team to lose its collective temper once, than it is for individual members to show their displeasure with every word or statement that is voiced by the other side.

It is best to maintain a “poker face” as much as possible. Members should refrain from uttering verbal responses and ought to resist displaying nonverbal reactions that demonstrate agreement or disagreement with the other side’s positions and rationales. Rather than expending energy responding to management’s arguments, it is generally more productive to observe and note the verbal and nonverbal communications coming from the other side of the table.

Unless agreed upon beforehand, the only person who should speak at the table is the chief spokesperson. The only exception to this rule is when the principal spokesperson directly asks a team member to answer a question, clarify an issue or provide background relating to something that is being discussed during the joint session.

## **Caucuses**

A caucus is the place for the team to “let its hair down,” editorialize, and openly discuss the attractiveness of the employer’s proposals and the merits of its arguments. A caucus is simply a private meeting away from the table where a team discusses the other side’s offer or develops its own proposal. It is a practice that should be used liberally and without artificial time limits.

While a unified front must always be maintained when sitting across from management, it is vital that caucuses be treated as open forums in order to reach the most informed decisions. It is the opportunity for all team members to weigh in on the issues and speak their minds. In fact, it is a disservice to the rank and file for any member of the bargaining team to not actively participate during a caucus. Problems that are not raised cannot be solved. Concerns that are not articulated cannot be addressed. Ideas that are not voiced cannot be considered.

## **Side Bars**

A side bar is a brief meeting between one or two members of each team. It is typically used late in bargaining to identify sticking points, clarify priorities, or flesh out possible compromises. A side bar allows for candid discussions by the principal representatives absent the positioning that occurs when everyone is sitting together. Because it can raise suspicions, it should be used sparingly, and when a side bar does take place, it is a good practice for the chief spokesperson to bring another member of the team along to witness the exchange.

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**The above is a brief synopsis of the traditional bargaining process. It is important to note that there are several different forms of collective bargaining besides traditional that may also be appropriate for your local. Please consult your collective bargaining agreement and your LRC to help gauge which form of collective bargaining may work best for your local.**

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# Finalizing the Collective Bargaining Agreement

## Overview

*After months of painstaking preparation and grueling negotiations, it would be nice if initialing that final TA brought closure to the collective bargaining process. Alas, such is not the case. Once the bargaining teams have reached a tentative agreement on all outstanding contract issues, several steps remain before the process is complete and the final negotiated agreement goes into effect.*

### The Tentative Agreement (TA)

During the course of contract negotiations, the parties will typically reach agreements on one issue at a time or a package of issues at the same time. An agreement on an issue is usually signified by the chief negotiators initialing the agreed upon language or terms. Each individual TA is set aside until an agreement on all outstanding issues is reached and an overall tentative agreement is achieved.

In instances where the parties are unable to reach an overall tentative agreement, it is not unheard of for the association bargaining team to agree to take an employer's proposal back to the membership for a vote. When this occurs, the bargaining team is under no obligation to seek member approval of the proposal or to even maintain a neutral posture. However, if a tentative agreement that is signed off by representatives of the bargaining team is reached, the team is legally obligated to endorse the TA. Nowhere in law is there a requirement of a ringing endorsement. However, it would be an unfair labor practice for any member of the team to speak against the tentative agreement or to attempt to sabotage the process by soliciting others to push for a "no" vote at ratification.

### Dealing with Grievances and ULPs

It is generally in the best interest of both parties to attempt to resolve outstanding grievances that are related to issues that were addressed in bargaining and to settle any unfair labor practice charges (ULPs) that may have been filed during the course of negotiations. Typically, the aim of these ULPs is to spur negotiations, not to prosecute a matter for 1-2 years in the hopes of developing case law.

### Review Local Association Constitution and Bylaws

The local association's constitution and bylaws should contain directions and procedures for the ratification of bargaining agreements. Some of the things the association must be aware of are the form in which contract changes are presented to the membership, the length of time the members have to review the changes before a vote on the tentative agreement, the number of meetings that must occur prior to a vote, and the manner in which ballots are cast.

### Reducing the Agreement to Writing

It is a good idea for a subcommittee of the association and employer bargaining teams to review a draft of all tentative agreements in language form before the contract is finalized. Often, this review process is handled by the principal representatives. This is also an opportunity to make small housekeeping changes and corrections. However, it is better to leave these changes to the next round of bargaining than it is to get bogged down in disagreements over wording.

### Membership Ratification

For the contract to go into effect, the tentative agreement must be voted on, or ratified, by the members of the association. Unless required by the local's constitution and bylaws, it is not necessary that the membership have the agreement in final contract form before the ratification, as long as they are provided accurate summaries of the major changes.

If the members vote down the proposed contract, the tentative agreements are voided and the team returns to the bargaining table and, technically, starts the bargaining process over again from scratch. Sometimes rank and file members are under the impression that the act of rejecting a tentative agreement gives the bargaining team new-found leverage over management in securing more favorable terms. More often than not, this impression is false. The only way to ensure that the bargaining team has greater clout when it returns to the table is by giving them the authority to issue a strike notice. Granting the team this authority should be tied to the rejection of the proposed contract. This does not mean that voting down the agreement automatically leads to a strike. Rather, it sends a clear message to management that the membership is willing to do whatever is necessary in order to get a fair contract. It is also a powerful organizing tool, incentivizing the membership to act concertedly and do their part in aiding the bargaining team in securing a good contract.

The bargaining team should not treat the rejection of a tentative agreement as a personal criticism. Disapproval of the proposed contract is not a repudiation of their efforts. Rather, it should be embraced as empowering them to go back to the table and face the employer knowing the entire membership has their backs.

### **Employer Ratification**

It is customary for the association to vote on the CBA before the employer ratifies the agreement. The bargaining law does, however, require the employer to act on the tentative agreement within 30 days of its submission; otherwise, the agreement is “deemed approved.”

### **Distributing and Filing Contract**

Every member should be provided a hard copy of the final collective bargaining agreement. If the local association has a website, the agreement should also be posted in a members’ only area.

Chapter 4117 requires public employers to file CBAs with SERB. SERB makes these agreements available on its website.

# Contract Enforcement

An Association-school board contract is only print and paper unless it is implemented by the adherence of the parties to the contract. The building/worksite representatives (BR) must know the current negotiated agreement between the association and the school board. The BR makes certain that violations of the contract are corrected promptly by assisting members in taking appropriate action.

## Who must enforce our contract?

All local association members should be involved. But contract enforcement is a special responsibility of the Grievance Committee, BR, committee chairpersons, officers, executive committee members – in short, everyone who is a leader in the local association.

## What steps are necessary to enforce a contract?

Local associations must:

- Explain the new contract to members;
- Make certain the association is ready to take on the job of contract enforcement; and
- Establish appropriate grievance machinery to protect the rights of bargaining unit members.

## What is the best way to explain our contract to members?

Local associations use different methods, based on local conditions. Some active associations have used all these ideas:

- Conduct briefing sessions for all members to explain the contract's major provisions. Members of the negotiating team, for example, can serve as a panel which conducts after-school meetings in each school building in the district.
- Write specific guidelines for new concepts and procedures in the contract. These guidelines should be given to BRs and other association leaders with specific suggestions for making certain the agreement is not violated.
- Print the contract and distribute it to all association members. (The BR is the logical person to distribute contracts personally to the members he/she represents.)
- Distribute copies of the district's other personnel policies to association members, or if that is too expensive, distribute policies to BRs for their use in informing members.

## How can our association “tool up” for contract enforcement?

Local associations must be ready to uphold their duties under the new contract. Some suggestions:

- Encourage BRs to initiate checks on the contract's enforcement. As a vital association leader, the BR is best able to detect small problems at early stages, where they can be solved with less difficulty. The BR must enforce the contract.
- Distribute a contract enforcement questionnaire to all association members in mid-September and again later in the year. This questionnaire should ask members if specific contract provisions have been carried out. Members will be reminded that effective contract enforcement depends on their awareness of the provisions of the agreement, and leaders who tabulate responses will know which areas need additional enforcement.
- If the contract created new joint committees or council between the association and the board or administration, the association must appoint hard-working members who will serve the best interests of members. Leaders should check to see if the association has any standing committees that relate directly to the studies of the joint councils.
- Contract enforcement should be a regular agenda item at Executive Committee meetings.

## Why is it important for our association to enforce the contract?

- Both sides agreed to the contract and should live up to what was agreed to.
- The Association, by law, must fairly represent all members.
- If the Association fails to enforce the contract, it weakens the contract.

# Basic Grievance Facts

## What is a grievance?

A grievance is a claim that the administration has violated, misinterpreted or misapplied the collective bargaining agreement (contract) between the Association and the Board.

- Your master contract is not worth the paper it is written on if you allow the administration to violate it.
- As local leaders, you will quickly learn the following three (3) lessons:
  1. Members have not read the master contract carefully. Their knowledge tends to stop after checking the dollar amount printed opposite their salary step.
  2. Administrators have not read the master contract carefully. They prefer to do things their way and want everything to run smoothly.
  3. If your contract is to live anywhere, it must live in the buildings.
- DON'T JUDGE – DEFEND! Members pay dues to be protected.
- Both members and the Association can file a grievance against the administration.
- Members cannot file grievances against other members.
- Administrators cannot file grievances against members.
- Support staff members cannot file grievances against teachers.
- Teachers cannot file grievances against support staff members.
- As Building/Worksite Representatives, you must know your master contract – most members don't.

## Types of Grievances

### Plain Violation of the Contract:

- An administrator commits an act which is contrary to the terms of the contract
- Simplest type to substantiate because it requires the simplest form of proof “did some act occur which violates a provision of the contract”

#### EXAMPLE:

A seven (7) hour employee is scheduled for a 20 minute lunch period  
A vacancy is filled without the position being posted

### Disagreement Over Meaning or Application

- The facts are not in dispute
- A contrary meaning is attached to a term or condition of the contract by the Association and the Administration

#### EXAMPLE:

“A member shall be granted professional leave to attend a workshop related to his/her teaching position.”  
Teacher is denied professional leave to attend a workshop on child abuse.

**Inequitable Treatment:**

- When an administrator exceeds his/her authority under the contract
- Issue is whether everyone is receiving fair and equitable treatment

**EXAMPLE:**

A member takes two days sick leave to attend to her sick aunt and is docked the pay. Another member has done the same and received her pay.

**Dispute Over Facts:**

- No question about the contract language, issue is whether the act did or did not occur.

**EXAMPLE:**

The principal says a teacher has been late handing in grade reports and issues a written reprimand. The teacher says the secretary misplaced the grade reports.

**Past Practice:**

- Claim that a working condition of a longstanding nature, unchanged by a new contract and uncovered by contract language, has been changed.

**EXAMPLE:**

For five (5) years the employees have always been allowed to leave with the students two (2) hours early on the day before Thanksgiving. A new principal at one of the schools tells his employees they must stay until the normal dismissal time.

## Duty of Fair Representation

- The “Duty of Fair Representation” is delineated in Ohio Revised Code Section 4117.11 (B)(1) and (B)(6).
- Once a union/association has been designated as the “exclusive representative” for a group of public employees, that union/association must fairly and equitably represent all bargaining unit members whether or not they are dues paying member of the union/association.
- An association does not have to process any grievance which does not have merit or which is frivolous in nature.
- If a non-member has a valid grievance, the association must provide the same level of representation during the processing of the grievance as they would to any dues paying member.
- Every local association should have a process in place through which to review grievances and determine whether or not to pursue the grievance to arbitration.
- Every concern/complaint should be fairly investigated regardless of whether the individual is a member or non-member. All grievances should be fairly processed regardless of whether the individual grievant is a member or non-member.

# Grievance Processing Checklist

Before you call for help, get the following information that your Labor Relations Consultant will need to know when a potential contract violation has occurred.

1. ☐ Date of the occurrence
2. ☐ Name and phone numbers of the affected employee(s)
3. ☐ The section(s) of the contract allegedly violated, misinterpreted or misapplied
4. ☐ The deadline for filing the grievance
5. ☐ The relief which is desired by the grievant(s)
6. ☐ The worksite assignment of the affected employee(s)
7. ☐ The job/teaching assignment of the affected employee(s)
8. ☐ Any documentation of the alleged grievance (written evidence, witnesses, statements)
9. ☐ Any available information regarding whether the same or a similar situation had ever previously occurred and how the Association responded to it
10. ☐ The bargaining history of the affected provisions
11. ☐ Information on any political problem which may occur as the result of filing (or failure to file) the grievance
12. ☐ Other



## Section 10: Exercising Fiscal Oversight of Your Local

- Work with your association treasurer and governance body to develop and adopt budget and monitor revenue and expenses of the association.
- Ensure that the local conducts a periodic audit in accordance with best practices, including when there is a change in the local association treasurer.
- Participate in available training opportunities and encourage the local treasurer to attend annual Treasurers' workshops offered by OEA and OEA districts. Treasurer's who attend and participate in the Treasurers' workshop will be bonded.

# The Fiduciary Duties of a Local Association Officer

As a president of a local association you - and your fellow officers and executive board members - have the fiduciary duty to ensure the mission of the local association is honored and that the local's resources are used wisely in support of that purpose. The fiduciary duties of a local president fall within four main duties:

- The Duty of Care
- The Duty of Loyalty
- The Duty of Obedience
- The Duty to Manage Accounts

## Duty of Care

The duty of care requires you to exercise ordinary and reasonable care in the performance of your duties, while exhibiting honesty and good faith. Exercising the duty of care means that you must enhance, maintain and stay true to a reputation of acting with integrity. When you are seen and trusted as an honest agent you are setting a tone at the top of your local association that enhances your own reputation as well as that of your local association.

The duty of care also dictates that you must act in a manner which you believe to be in the best interests of the association. You have a responsibility, when acting as an agent and spokesperson, to maintain the good reputation of the local association.

Finally, the duty of care requires you to act as an ordinarily prudent person would in a like position under similar circumstances. You have a wide range of services at your disposal from OEA through your Labor Relations Consultant to provide advice on matters that include employment law, collective bargaining, organization, and fiscal health. The duty of care obligates you to avail yourself of this expert advice in order to make the most prudent decision possible in any given circumstance. It must be emphasized that the duty of prudence when acting as president of your local falls solely upon your shoulders and not those giving you advice – you should take their counsel into consideration when making decisions.

## The Duty of Loyalty

The duty of loyalty requires you to maintain faithfulness to the association when acting in the capacity as your local's president. This means you must give your undivided allegiance to the association when making decisions. You cannot put personal interests above the interests of the association nor can you put the interests of a group of members or those of a friend above the interests of your association either.

The duty of loyalty requires you to disclose potential conflicts of interest you may have and, when possible, to avoid them. For instance, you may be offered a gift or something of value due to your position (i.e. sports tickets from an administrator or member of the Board of Education). The duty of loyalty obligates you to forgo receiving things of value or special favors because of your position.

## The Duty of Obedience

The duty of obedience requires association officers to act in accordance with the association's constitution and bylaws, OEA Elections Manual, and other governing documents (such as the OEA and NEA constitution and bylaws), as well as all applicable laws and regulations.

## The Duty to Manage Accounts

Officers and board members of the local association are responsible for the association's financial stability and accountability. They accomplish this primarily by establishing procedures to help the organization operate in a fiscally responsible manner. Officers and Board members should:

- Develop policies and procedures that protect the organization's business interests and operations.
- Develop annual budgets that provide clear direction for all organizational spending. The budget should be a blueprint of the board's program plans and should be routinely monitored, tracked throughout the year and revised as necessary.
- Ensure maintenance of accurate records of all income, expenditures, transactions and activities throughout the year — for the board and in all organizational operations. *Even though this is the Treasurer's primary responsibility, all officers have a duty to ensure this is done.*
- Establish appropriate internal accounting systems, including checks and balances, so one staff member or officer does not have total control over finances and so theft and improper spending can be identified quickly.
- Prudently invest and reinvest assets when appropriate.
- Insist on the best value for goods and services through comparisons and an informed bidding process.
- Ensure that board minutes are kept indicating board approval of expenditures and investments and to show that informed discussions were held before approval of such transactions.
- Ensure that an annual audit of the financial statements of the association is completed.



## **Section 11: Securing Grants to Increase your Effectiveness as a Local**

- Become aware of the OEA, OEA district, and NEA grants available to local associations.
- Gain tips and tricks to grant writing.

# Fundamentals of Good Grant Writing

In this section, we offer some ways of thinking about grant proposals and advice about the process of planning and writing a proposal. However, this general approach has important limits. First, you will need to get more tailored advice about grant writing within your specific area of the grant. Second, you'll need to follow very carefully the exact instructions about proposals from the granting agencies to which you are applying.

## **Do Your Homework**

- Is it the right grant for your project?
- Read through the application process and past projects that have been funded including grant amounts.
- Align the issue, cause and the amount of funding so that you aren't rejected outright.

## **Succinct and Clear Communication**

- Write short sentences. Use active voice. Don't use a bunch of text and flowery language.
- Complete a proposal that is clear, what is truly important and critical
- Writing concisely also helps you craft a proposal without holes in it

## **Formatting**

- Format application/proposal that is easy reading
- Take the perspective of your busy, overworked, and tired reviewers
- Write a proposal that identifies a specific, concrete problem and a group that this problem affects.
- Use subject/section headings easy to find
- Use bullet points and short list format easy to understand
- Use bold and/or underline to draw attention to important parts

## **Build connections with the Funder**

- Use their own words back at them in your proposal.
- If the grant emphasizes how important systemic change is, demonstrate how this is important to your mission and/or goals
- Use language that demonstrates you have read their website and you know who they are
- Demonstrate how your mission/goals and approach aligns with the funder

## **Use and Site Credible Research**

- Show that you are an expert in your project and/or mission
- You want to be a leader and how the grant will help you
- Tell compelling stories and site evidence
- These connection can demonstrate your commitment to carrying out the mission/project

## **How Funding Will Make a Difference**

- Clearly articulate the difference between the world as it should be and the world as it is
- Explain why your idea is worthy of investment

## **What you need to have before you start the grant writing process: Information and Time Saving Ideas**

- Official Tax Exemption Letter - You will need tax numbers whether it be for your association or for the school
- OEA/NEA Identification number for your local
- Data
  - o Member data and/or student data.
  - o Gather them each year and save them.
  - o This includes everything from number of members in your local or potential members, students in your building, students with disabilities, demographical data, and free and reduced lunch percentages.
- Local Association's Annual Budget that demonstrates the following points
  - o how effective of a planner are you?
  - o What is your commitment to your mission/goals?
  - o How do you manage your performance over time?

## **Persistence Prevails**

Rejections should not be interpreted as indictments of your idea; they are opportunities to revise the proposal and resubmit it either in the next cycle or to a different funder. With some funding agencies, it is extremely unlikely to get funded on the first round. Read the reviews you get carefully, and if there are no reviews, ask whether you can speak with a program officer to learn what went wrong. Take the critiques seriously, address them, and move forward with the proposal.

# OEA Affiliate Grant Program

The OEA Affiliate Grant Program was created in 2003 to build strong and effective locals. The Program makes grants available to all local OEA affiliates—whether a large local, a small local, or a cluster of locals. To be eligible for a grant, the affiliate must provide a statement of how its program will strengthen the Association at the local, state, and/or national level.

There are three (3) types of grants available:

1. **One Year Special Project Grant**—available every year
2. **Two Year Special Project Grant**—available every two (2) years only, must apply in fiscal year beginning with odd numbered year. (Example; 2018-2020 grant applications taken in 2017-2018 fiscal year)
3. **Effective Locals Grant**—Available every two (2) years only, must apply in fiscal year beginning with odd numbered year. (Example; 2018-2020 grant applications taken in 2017-2018 fiscal year)

Please see About the Grants to determine which one is best for your affiliate.

Applicants must apply using an application downloaded from the OEA website, or by request via email to Grants@ohea.org.

Completed applications must be received between October 1 and midnight on January 31.

*NOTE: THE AFFILIATE GRANT PROGRAM DOES NOT APPLY TO OEA DISTRICTS.*

## General Grant Requirements

A few general caveats are in order relative to all of the grants.

- Total grant amounts are subject to the OEA budget amounts to be determined on a biennial basis.
- Definitions of and within each grant are subject to continuous review and revision based upon measures of success and effectiveness, as well as recognition of best practices.
- Locals under individual service agreements are not eligible for affiliate grant money.
- The process for paying grant funds shall include procedures for ensuring accountability, including adequate internal controls, accurate bookkeeping, and verification of expenses.

Also, there are several requirements or preconditions an affiliate must meet in order to qualify for the Affiliate Grant Program as a local in good standing. These requirements may be waived by the Oversight Committee for reasons consistent with the OEA's Mission, Vision, and Goals.

1. The statement of purpose of the grant proposal will be tied to the stated Mission, Vision, and Strategic Priorities of the OEA.
2. Delegates of the applying local must attend District and OEA representative assemblies as described in each grant category.
3. A successful OEA Fund drive must be conducted annually. Success is defined as matching at least state level of members participating for the first year (11% - 12%) and demonstrates sustained contributions and works towards continuous improvement.
4. Strong financial practices are confirmed in local policy and actually practiced; i.e., bills paid timely, dues remitted timely, fiduciary responsibilities fulfilled.
5. Dues for locals involved must generate at least a matching amount of any grant.
6. Grant application is completed and submitted completely, and on time.

The commitment to meet the conditions of the grant is made by the affiliate's governing body.

## One-Year Special Project Grant—Available Every Year

The OEA biennial budget will include funds intended to assist locals to implement one year programs designed to solve problems or address issues that confront them. One-year grants may be approved in either year of the OEA biennial budget. To the extent that funds are dedicated in the OEA budget for this line item, such grants will be awarded to those affiliates that meet the following conditions. This Grant shall not be renewed if requested for the same purpose.

Who is eligible?

- Any local of the OEA (OEA districts are not eligible.)
- Any local that has not applied for either an Effective Local Grant or a Two-Year Special Grant

What is the amount available for this grant?

- A maximum of \$2400 for locals or groups of locals with 800 members or fewer,
- A maximum of \$3 per member to a cap of \$5000 for a local or a cluster of locals with a combined membership larger than 800 members, or
- An amount established by the Business/Support/Administration committee on a biennial basis.

What is the purpose of this grant? To address/resolve a specific problem. For example,

- Improve the effectiveness of the local;
- Increase number of members and/or the participation level of the members within the local;
- Identify, encourage, and train local leaders;
- Promote public education; or
- Provide political awareness training.

**This grant cannot be used for the following,**

- **Any release time**
- **Office equipment, supplies, utilities, rent/lease or cell phones**
- **Website or webmasters (assistance available through OEA's website)**
- **Alcoholic Beverages**
- **Stipends**
- **Expenses related to attending District/OEA/NEA Representative Assemblies**
- **College Scholarships for college bound student**

How does an affiliate apply for this grant?

- Submits the completed application with action plan by midnight on January 31.
- Completes an application and action plan that describes how the proposed use of the OEA funds is linked to and will advance the local's mission and goals that
  - Describes the problem or issue that the grant would address;
  - Explains how/why the issue creates a problem for the local;
  - Describes how/why the action is expected to improve the situation and promote the effectiveness of the local;
  - Identifies the items/activities for which the funds will be expended;
  - Provides a timeline and persons responsible for the execution of the plan;
  - Describes specific objectives of the program; and
  - Outlines specific measurements for assessing the success of the program.

Other conditions that the local must meet, in order for OEA to issue the grant's funds to the local:

- Submits a six-month narrative review to the OEA;
- Submits a year-end evaluation to the OEA, assessing the success of the program/initiative against the agreed assessment standards;
- Submits an itemized breakdown where the funding dollars were used and the receipts for the expenses. When gift cards are used, the list of members who receive the gift cards must be included with that receipt.
- Sends delegates to District and OEA representative assemblies for the duration of the grant.

## Two-Year Special Project Grant—Available In Odd Numbered Years

The OEA biennial budget will include funds for the purpose of providing money for programs designed to solve ongoing problems or address recurring issues that confront affiliates. All two-year grants issued will coincide with the biennial budget. ALL TWO-YEAR SPECIAL PROJECT GRANTS ISSUED WILL COINCIDE WITH THE BIENNIAL BUDGET. (ISSUED ONLY IN THE FISCAL YEAR BEGINNING WITH ODD NUMBER YEARS, i.e., 2015-2016, 2017-2018, 2019-2020, etc.) To the extent that funds are dedicated in the OEA budget for this line item, such grants will be awarded to those local affiliates that meet the following conditions.

Who is eligible?

- Any local of the OEA (OEA districts are not eligible.)
- Any local that has not applied for either an Effective Local Grant or a One-Year Grant

What is the amount available for this grant?

- A maximum of \$2400 for locals or groups of locals with 800 members or fewer,
- A maximum of \$3 per member to a cap of \$5000 for a local or a cluster of locals with a membership larger than 800 members, or
- A total amount available over the two year period established by the BSA committee on a biennial basis.

What is the purpose of this grant? To address/resolve a specific problem. For example:

- Improve the effectiveness of the local;
- Increase number of members and/or the participation level of the members within the local;
- Identify, encourage, and train local leaders;
- Promote public education; or
- Provide political awareness training.

**This grant cannot be used for the following,**

- **Any release time**
- **Office equipment, supplies, utilities, rent/lease or cell phones**
- **Website or webmasters (assistance available through OEA's website)**
- **Alcoholic Beverages**
- **Stipends**
- **Expenses related to attending District/OEA/NEA Representative Assemblies**
- **College Scholarships for college bound student**

How does an affiliate apply for this grant?

- Submits the completed application with action plan by midnight on January 31.
- Completes an application and action plan that describes how the proposed use of the OEA funds is linked to and will advance the local's mission and goals that
  - Describes the problem or issue;
  - Explains how/why the issue creates a problem for the local;
  - Describes how/why the action will improve the situation and promote the effectiveness of the local;
  - Identifies the items/activities for which the funds will be expended;
  - Provides a timeline and persons responsible for the execution of the plan;
  - Describes specific objectives of the program; and
  - Outlines specific measurements for assessing the success of the program.

Other conditions to be met prior to reimbursement:

- Submits a year-end evaluation to the OEA, including revisions after the first year.
- Submits a second year-end evaluation to the OEA.
- Submits an itemized breakdown where the funding dollars were used and the receipts for the expenses.
- Describes a plan for affiliate support of the program following the expiration of the grant.
- Sends delegates to the District and OEA representative assemblies for the duration of the grant.

## **Effective Local Grants—Apply in Odd Number Year before Biennial Budget**

The OEA biennial budget will include funds for the purpose of building strong and effective locals. The program provides money for on-going programs designed to solve problems or address issues that confront affiliates. **ALL EFFECTIVE LOCAL GRANTS ISSUED WILL COINCIDE WITH THE BIENNIAL BUDGET. (ISSUED ONLY IN THE FISCAL YEAR BEGINNING WITH ODD NUMBER YEARS, ie., 2015-2016, 2017-2018, 2019-2020, etc. )** To the extent that funds are dedicated in the OEA budget for this line item, such grants will be awarded to those affiliates that meet the following conditions.

Who is eligible?

- Any local of the OEA not applying for a one or two year grant (OEA districts are not eligible)
- Any local associations whose Building Effective Local (BEL) survey (or its equivalent) have identified similar problems.

What is the amount available for this grant?

- Each grant shall not exceed 45% of the state average teacher's salary as defined in the OEA Bylaws 2-4.
- Multiple grants will be available for locals with more than 400 members, at a ratio of one grant for each 400 members (funding will be commensurate with the number of members exceeding the multiple of 400)

The purpose of this grant is to

- Address and resolve on-going problems as identified in the survey results;
- Directly involve the local association's members in resolving the identified problems; and
- Increase the number of members actively participating in the activities of the local association.

**This grant cannot be used for the following,**

- **Any release time**
- **Office equipment, supplies, utilities, rent/lease or cell phones**
- **Website or webmasters (assistance available through OEA's website)**
- **Alcoholic Beverages**
- **Stipends**
- **Expenses related to attending District/OEA/NEA Representative Assemblies**
- **College Scholarships for college bound student**

How does an affiliate apply for this grant?

- Submits the completed application with action plan by midnight on January 31.
- Completes an application and action plan that describes how the proposed use of the OEA funds is linked to and will advance the local's mission and goals that
  - Describes the problem or issue;
  - Explains how/why the issue creates a problem for the local;
  - Describes how/why the action will improve the situation and promote the effectiveness of the local;
  - Identifies the items/activities for which the funds will be expended;
  - Provides a timeline and persons responsible for the execution of the plan;
  - Describes specific objectives of the program; and
  - Outlines specific measurements for assessing the success of the program.

Other conditions to be met prior to reimbursement:

- Submits the results of the BEL surveys or its equivalent.
- Submits a year-end evaluation to the OEA, including revisions after the first year.
- Demonstrates historical and sustained attendance at District and OEA representative assemblies.
- Submits a breakdown of the funding dollars used and the receipts for expense.

*OEA Mission Statement: The OEA will lead the way for continuous improvement of public education while advocating for the members and the learners they serve.*

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## **OEA Affiliate Grant Application**

**Applications Accepted October 1 through Midnight on January 31**

**Send the completed document in Word or PDF format to [grants@ohea.org](mailto:grants@ohea.org), or [mayfieldd@ohea.org](mailto:mayfieldd@ohea.org)**

1. Name of Local(s): \_\_\_\_\_

2. Person making application: \_\_\_\_\_

Position in local: \_\_\_\_\_

Email address: \_\_\_\_\_

3. Type of grant:
- ☐ One-Year Special Project Grant (max \$2400 with 800 members or less, +\$3 per member for larger locals up to \$5000)
  - ☐ Two-Year Special Project Grant (max \$2400 with 800 members or less, +\$3 per member for larger locals up to \$5000)
  - ☐ Two-Year Effective Locals Grant  
(not to exceed 45% of state average teacher's salary; one grant available for every 400 members)
  - ☐ Release Time Grant  
(must have prior OEA approval, affiliates are funded in accordance with NEA's release time grant program)

4. Grant funding amount requested: \$ \_\_\_\_\_

5. Level of Local Individual Dues (per member): \$ \_\_\_\_\_ Total local dues income: \$ \_\_\_\_\_

6. Names of delegates who attended recent District Representative Assemblies and most recent year he/she attended as a delegate:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7. Names of delegates who attended recent OEA Representative Assemblies and the most recent year he/she attended as a delegate:


8. Please explain your local's plan for improving The OEA Fund contributions in the future:


9. List names of participants of your local(s) in training hosted in the Regional/UniServ program for the most recent school year and the type of training attended:


10. Describe in detail your local(s) policy regarding financial practices such as timely payment of bills and timely submission of dues:


## Strategic Priorities of the OEA Board of Directors

1. Build local capacity to be more relevant to members.
2. Educate and organize members to build support for quality public education.
3. Build OEA as a member resource for professional issues.
4. Educate and organize OEA and its members to advocate for racial, social, and economic justice

### Action Plan

Statement of Problem or Issue: \_\_\_\_\_

What assessment tool did you use to assess your local? \_\_\_\_\_

Anticipated Outcome: \_\_\_\_\_

*NOTE: Expenses related to or incurred while attending District, OEA or NEA Representative Assemblies are NOT reimbursable from grant awards.*

Action	Who	Timeframe	Objectives	Specific Measurements for Assessing Success

### Affiliate Grant Budget Request Form

*NOTE: Expenses related to or incurred while attending District, OEA or NEA Representative Assemblies are NOT reimbursable from grant awards.*

*NOTE: Gift Card distributions to members should NOT exceed 10% or \$500 of the total grant award.*

Activities (must match action plan items from the previous page)	Planned Outcomes (must match action plan items from the previous page)	Cost of Activities	Local Funding	OEA Funding Requested

(Revised 5/17/17)

Please visit the OEA Website to check review other funding resources available by applying for Grants and Scholarships.  
<https://www.ohea.org/resources/>

# NEA Local President Release Time Program

The program's objective has been to provide financial assistance towards the full-time or part-time release of local presidents to encourage growth and strength in our local associations. The presence of a full-time or part-time release local president will add to the effectiveness in which the locals can contribute to NEA's Strategic Priorities.

The grants are designed to:

- assist affiliates by providing local president release time to do the critical work required as a president.
- provide professional development for the local association president and the assigned staff member to help them build a strong, high capacity local.
- build capacity to engage and recruit members in the local association and each building.

This grant requires a local to supplement the costs associated with releasing the president from their regular contracted responsibilities.



Great Public Schools  
for Every Student

## LOCAL PRESIDENT RELEASE TIME PROGRAM

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### *Grant Application Guidelines*

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The *Local President Release Time Program* was formed to encourage the growth and development of NEA's local associations. From its inception, first as a pilot program in 1986 and then as a formal program in 1988, the program's objective has been to provide financial assistance towards the full-time or part-time release of local presidents, so as to build and strengthen the association from the grassroots.

The presence of a full-time or part-time release local president will add to the effectiveness with which the locals can contribute to NEA's Strategic Focus, Plan, and Priorities. Our aim is that local associations will leave the program with an increased willingness and capability to assume the total cost of a full-time or part-time release of their president. Fulfilling this aim of independence will ensure that local associations are advancing a culture of organizing and that a solid foundation is formed for continued future growth and expansion.

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*If you have questions regarding the LPRTP, you may contact NEA headquarters directly by emailing your questions to [LPRTP-PF@nea.org](mailto:LPRTP-PF@nea.org)*



LOCAL PRESIDENT RELEASE TIME PROGRAM  
*Grant Guidelines*

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**Applications must be submitted online by January 20<sup>th</sup> of each year.**

**1. PROGRAM GUIDELINES**

- [Program Goal](#)
- [Program Objectives](#)
- [Selection Guidelines](#)
- [Eligibility Rules](#)
- [Program Duration](#)
- [Program Funding](#)
- [Training Opportunities](#)
- [Administrative Procedures](#)
- [Application Instructions](#)
- [Program Evaluations](#)
- [Application Timeline](#)

## PROGRAM GUIDELINES

### PROGRAM GOAL

- Continued development in building capacity and strength of local associations

### PROGRAM OBJECTIVES

- To provide a level of financial assistance to enable the full-time or part-time release of local presidents, so as to encourage:
  - development of participating local associations in size and/or strength;
  - increased willingness on the part of the participating locals' membership to assume the cost for continuing the full-time or part-time release of their president; and
  - to promote best practices of local initiatives in organizing, member engagement, and sustainability.

### SELECTION GUIDELINES

- The intention is that six full and six part-time release president grants be awarded each year equitably among NEA regions.
- If there are an insufficient number of qualified full and part-time release president grant applicants in a specific NEA region, then grants shall be allocated to local associations in other NEA regions.
- **ONLY ONLINE APPLICATIONS WILL BE CONSIDERED FOR FUNDING.**

### ELIGIBILITY RULES

Local associations who are affiliates of the National Education Association are eligible for the Local President Release Time Program. Local associations of any size are encouraged to apply if their current budget will allow them to sustain their share of the cost of the program without impairing existing programs.

**Full-time:** Local associations currently providing less than full-time release for their local association president shall be eligible to apply for participation in the program. **An affiliate that has received a full-time grant or which currently provides for a full-time release president is not eligible to apply.** A local who has received a part-time grant may be eligible to apply. Full-time is defined as 100% release time.

**Part-time:** Local associations currently providing less than 50% release time for their local association presidents are eligible to apply. (This is flexible to include arrangements such as 30 days a year, two hours a day, one grading period out of year, etc.) **A local which currently provides 50% release or which has received a part-time grant is not eligible.**

The NEA may waive aspects of the eligibility requirements based on extenuating circumstances, on a case-by-case basis, and with a clearly delineated written explanation.

### PROGRAM DURATION

- The duration of the program is for a three-year period.
- Failure to conduct the required annual evaluation will result in the withdrawal of LP RTP funding.

### PROGRAM FUNDING

- The participating local association, its state affiliate, and the NEA will fund the Local Presidents Release Time program.
- The *NEA* shall contribute to the cost incurred by the local association for the release time president in the following manner:

Year	Full-time	Part-time
One and Two	45% of Total Cost up to a maximum of \$25,000	45% of Total Cost up to a maximum of \$12,500
Three	30% of Total Cost up to a maximum of \$16,500	30% of Total Cost up to a maximum of \$8,250

- The *state affiliate* shall contribute to the cost incurred by the local association for the release time president in the following manner:

Year	Full-time	Part-time
One and Two	At least 10% of Total Cost	At least 10% of Total Cost
Three	At least 7% of Total Cost	At least 7% of Total Cost

- The *local association* assumes the remaining portion of the cost of released time.
- The total cost for the full-time or part-time grants added to the program in any given year shall not exceed an amount equal to the NEA maximum funding commitment for six full-time and six part-time president positions.

## TRAINING OPPORTUNITIES

- NEA shall provide for a training session of presidents and staff participating in this program. This training is **required** during the first year of the program and is designed to provide the president and staff person with the opportunity to begin team building. If a subsequent change occurs either in the president or staff, the new team is required to attend the first-year training.

## ADMINISTRATIVE PROCEDURES

- NEA shall provide overall program administration and be responsible for administration of NEA funds.
- The appropriate state governing body shall submit the signed application to NEA LP RTP staff liaison.
- NEA Regional directors shall discuss the LP RTP application with the appropriate state affiliate and sign the application.
- NEA shall submit an electronic copy of the LP RTP agreement to the state affiliate.

## APPLICATION INSTRUCTIONS

Eligible local associations shall submit the following information for program consideration:

- *Written Communication of Interest:* This letter must be written by the local association and submitted to the state affiliate.
- *Full-time and Part-time Application:* The application requires:
  - local association contact information
  - membership demographics (i.e., actual and potential membership figures, membership categories)
  - current local dues structure
  - local association's budget, which must include information on the total cost of a full-time or part-time release president
  - currently provided release time for the local president, if any
  - a **separate** three-year plan that shows the local's commitment to provide funding.
- *Program Goals and Objectives:* Describe what is currently being done or how the grant will assist with the following program goals and objectives. Program goals and objectives reflect the local's commitment to NEA's Strategic Focus, Plan, and Priorities. Please do not list all association programs.
  - Membership Growth and Retention
  - Member Engagement and Participation
  - Building Community Relationships
  - Developing Interaction and Cooperation between Local and State

## PROGRAM EVALUATIONS

The participating local association must conduct a program evaluation each year (by June 30<sup>th</sup>). Failure to submit the evaluation results to the NEA will result in the withdrawal of funding from the program.

### *Who must participate?*

- A representative of the state affiliate, the local association president and treasurer, and the local UniServ director must participate in the program evaluation.

### *What is the purpose?*

- The purpose is to review the program goals set forth in the original application. The session must consist of a review of progress of these goals with a modification of the goals and a plan for assistance, if necessary. Third year grant recipients should outline their goals for years four, five, and six. At the end of the sixth year, grant recipients will be asked to respond to a sixth year questionnaire.
- If in the first or second year of the grant, a determination must be made whether the grant should be continued in the following year.
- The grant monies will be discontinued if the program evaluation is not held or, if the NEA, State Affiliate, and/or Local Affiliate determine that the program should not continue.
- If the program is discontinued, a written explanation must be submitted to the Membership Relations and Affiliate Relations Committee.

### *When must the session be held?*

- This session must be held each year.

### *What forms must be completed and when and where are they submitted?*

- The results of this program evaluation must be summarized in the LPRTP Annual Progress Evaluation completed by each local.
- The participating local and state affiliate completes the LPRTP Annual Progress Evaluation and submits the online evaluation by June 30<sup>th</sup>.

## APPLICATION TIMELINE

Month	Day	Activity	Responsible Party
January	20 <sup>th</sup>	LP RTP grant application deadline.	Local and State Affiliate
February	Not specified	The Local President Release Time Grant Committee meet to review and approve LP RTP recommendations.	Local President Release Time Grant Committee
March	4 <sup>th</sup> Monday	NEA's liaison for the Local President Release Time Grant Committee notifies regional directors of selected local associations and sends letters of acceptance and denial to state affiliate and local associations on behalf of the Committee.	NEA Center for Organizing
May	4 <sup>th</sup> Monday	NEA's liaison for the Local President Release Time Grant Committee sends introductory letters to selected local associations, and provide the Agreement between the national, state, and local associations.	NEA Center for Organizing
August	1 <sup>st</sup> Monday	Selected local associations submit fully signed Agreements to NEA's liaison for the Local President Release Time Grant Committee.	Selected local associations

# OEA District Grants

## Central OEA/NEA District

Central OEA/NEA offers several grants and incentive programs for its locals. A brief description of each can be found below. A more detailed description, including how to apply, can be found on the website, [centraloeaneane.org](http://centraloeaneane.org). Central OEA/NEA grant questions may be directed to [pm@centraloeaneane.org](mailto:pm@centraloeaneane.org).

### ***Local Technology Award***

On a three-year rotating basis, Central OEA/NEA will provide each local with one laptop (PC/Windows-based) or iPad to assist with organizing and communicating with members.

### ***Local Participation Award Program***

Central's Local Participation Award Program is intended to build stronger, better-informed locals by rewarding active participation in Central's programming, as well as meeting other defined criteria. Locals that meet all ten (10) required criteria will earn a total award of \$1000 annually.

### ***Growth & Development Grants***

Central's Growth & Development Grants are intended to: support ideas that grow and develop locals, increase member engagement, and help locals continuously become stronger and more effective. The maximum amount of the grant is based on the local's membership.

### ***Local Emergency Grants***

The Local Emergency Grant Program was created to assist local associations with projects of an immediate or urgent nature. Community initiatives such as school district levy or bond campaigns are examples of activities that align with the intended target of these grants.

### ***Lobby Day Substitute Grant***

To allow members to participate in OEA Lobby Days, when they may not otherwise be able to, Central can award up to \$100 per local to cover the expense of a substitute. To qualify, a local must have conducted an OEA Fund drive.

### **Public Relations Grant**

Central OEA/NEA'S Public Relations Grant is designed to provide support to locals in engaging their members with the community. Grant funds can be used for a variety of items including, but not limited to apparel, awards, banners, buttons, fair booths, yard signs, and involvement in local charitable events such as races. Locals are eligible for Central OEA/NEA's Public Relations Grant of up to \$500 once every three years.

## **ECOEA District**

All grant information and applications can be found on the ECOEA website at <http://ecoea.ohea.us/>. Deadlines are determined annually and posted on the website. The fall ECOEA Directory also includes all scholarship/grant info.

### ***Public Relations Grants***

- Typically Fall and Spring
- Grant should be a first-time proposal to initiate a new PR project in local.
- Projects should promote education through the educator, the local association, and ECOEA.
- Project should enhance local education status.
- ECOEA should be credited with assisting and name displayed.
- Eligibility: Local must have elected delegates who attended the ECOEA RA in the previous year.
- \$500 to a local.

### ***Representative Assembly Incentive Grants***

- Fall
- First come, first served (4 or more grants awarded)
- Money to help offset the local's expenses in sending delegates to an RA (mileage, hotel, meals)
- Delegate must attend and vote at the ECOEA and OEA RAs.
- Eligibility: Open to locals that have not elected/sent delegates to ECOEA and OEA RA in past 5 years.
- \$250 to a local.

### ***Internal Organizing Grants***

- Typically Spring
- Project should increase membership and engagement of members within a local
- Project should align with OEA priorities: build OEA and locals' capacity to be more relevant to members, educate and organize members to build support for quality public education, build OEA as a member resource for professional issues, and educate and organize OEA and its members to advocate for racial, social, and economic justice.
- Eligibility: Local must have elected delegates who attended the ECOEA RA in the previous year.
- \$500 to a local.

### ***ECOEA In-Service Meeting Funds***

- Available anytime
- Financial assistance for inservice meetings sponsored by locals or boards of education.
- May earn for one meeting per year.
- \$0.50 per member of the local association not to exceed \$150.
- Inservice must be open to all members of the local association.
- ECOEA must be recognized as supporter.
- Request submitted to ECOEA Business Manager.
- Up to \$150 to a local.

## EOEA District

### ***Affiliate Grant Program***

No more than 14 grants of up to \$500 will be awarded each school year. The EOEa Grant Committee will evaluate local applications. Grants will be awarded on a first come, first served basis. Please be as detailed and descriptive as possible and note that only projects listed on the application will be funded. Grants may be awarded at the EOEa Fall and Spring Representative Assemblies. Each local may only apply for one affiliate grant each academic year. The application deadlines are October 1 and March 1. Locals will receive notification of grant application approval within two weeks of the application deadline. Priority will be given to first time applicants, but this does not prohibit locals applying yearly for new projects. The requirements for receiving grant funding are as follows:

- Each local must have elected delegate(s) to the most recent Eastern Ohio Education Association Representative Assembly (EOEA RA). A local delegate must have been present and voting at the most recent assembly.
- Explain how your program/project applies to one of OEA's Strategic Priorities: A. Build locals' capacity to be more relevant to members. B. Educate and organize members to build support for quality public education. C. Build OEA as a member resource for professional issues. D. Educate and organize OEA and its members to advocate for racial, social, and economic justice.
- The following documentation of the project must be submitted to the Grant Committee after the completion of the grant project: a write-up in the form of a news article, a personal report from the local president at an EOEa Board of Directors meeting, and itemized receipts. Documentation must cover the original project as approved by the EOEa Grant Committee.
- Upon approval of a local's Affiliate Grant application, half of the approved funding will be presented to the local Association at the next EOEa RA. Upon verification of attendance at the required RA and receipt of all documentation a check for the remaining expenses will be given to the local president following their presentation to the Board of Directors. If a local has a special need to receive grant funds prior to completion of an activity, advancement of grant funds will be considered upon request. If the above requirements are not met, the local will be ineligible for an EOEa Affiliate Grant for one year.

# NCOEA District

## ***Affiliate Grant***

The NCOEA Grant Program was created to build strong and effective locals. The program makes grants available to all local NCOEA locals; large, small or a cluster of locals. To be eligible for a grant, the local must provide a statement of how its program will strengthen the Association at the local, state, and/or national level.

### **Grant Requirements:**

A few general caveats are in order relative to all grants:

- Total grant amounts are subject to the NCOEA budget amounts to be determined on an annual basis.
- Definitions of and within each grant are subject to continuous review and revision based upon measures of success and effectiveness, as well as recognition of best practices.
- Locals under individual service agreements are not eligible for grant money.
- The process for paying grant funds shall include procedures for ensuring accountability, including adequate internal controls, accurate bookkeeping, and verification of expenses.

There are also several requirements or preconditions a local must meet in order to qualify for the Grant Program as a local in good standing. These requirements may be waived by the Budget Committee for reasons consistent with NCOEA's Mission, Vision, and Goals.

1. The statement of purpose of the grant proposal will be tied to the stated Mission, Vision, and Goals of the OEA / NCOEA.
2. Delegates of the applying local must attend District and OEA representative assemblies as described in each grant category.
3. A successful OEA Fund drive must be conducted annually. Success is defined as matching at least state level of members participating for the first year (11 %-12%) and demonstrates sustained contributions and works towards continuous improvement.
4. Active participation in the NCOEA program, including participation in the training provided and the NCOEA Rep Assemblies.
5. Strong financial practices are confirmed in local policy and actually practiced; e.g., bills paid timely, dues remitted timely, fiduciary responsibility fulfilled.
6. Dues for locals involved must generate at least a matching amount of any grant.
7. Grant application is completed and submitted electronically, timely, completely.

The commitment to meet the conditions of the grant is made by the local's governing body.

The NCOEA annual budget will include funds intended to assist locals to implement one year programs designed to solve problems or address issues that confront them. Grants will be approved on an annual basis via the grant application process. To the extent that funds are dedicated in the NCOEA budget or this line item, such grants will be awarded to those affiliates that meet the following conditions.

Who is eligible?

- Any local, or group of locals of the NCOEA
- Any local or cluster of locals that have not applied for either an Effective Local Grant or a Two Year Special Grant through OEA.

What is the amount available for this grant?

- An amount established by the Budget committee on an annual basis.
- Amounts will be divided on a per member basis if there are multiple applicants.

What is the purpose of this grant?

- To address/ resolve specific problems within the local, for example:
  - Improve the effectiveness of a local
  - Increase number of members and/or the participation level of the members within the local
  - Identify, encourage, and train local leaders
  - Promote public education
  - Provide political awareness training

This grant may NOT be used for the following

- Any release time
- Office equipment or supplies
- Website or webmasters
- Alcoholic beverages
- Stipends

How does a local apply for this grant?

- Submits the completed application with an action plan by the designated deadline.
- The action plan must describe how the proposed use of the NCOEA funds is linked to and will advance the local's mission and goals that
  1. Describes the problem or issue the grant would address;
  2. Explains how/why the issue creates a problem for the local;
  3. Describes how/why the action is expected to improve the situation and promote the effectiveness of the local;
  4. Identifies the items/ activities for which the funds will be expended;
  5. Provides a timeline and persons responsible for the execution of the plan;
  6. Describes specific objectives of the program; and
  7. Outlines specific measurements for assessing the success of the program.

Other conditions that the local submit meet, in order for NCOEA to issue grant funds are:

- Submits a six-month narrative review to the NCOEA
- Submits a year end evaluation to the NCOEA, assessing the success of the program/initiative against the agreed assessment standards;
- Submits an itemized breakdown where the funding dollars were used and the receipts for the expenses.  
When gift cards are used, the list of members who receive the gift cards must be included with that receipt.

Grants must be submitted to: NCOEA c/o Becky Cashell 295 Chapman Way Lexington OH 44904 ncoeabecky@gmail.com

## **NEOEA District**

NEOEA committees offer grants, sponsor contests, or present awards to students, individual members, and local associations during the school year. These awards include the:

### ***Communications Contest***

The NEOEA Public Relations Committee is sponsoring a communications contest-honoring printed and/or electronic newsletters. The award recognizes communications distributed directly to members on a regular basis from local affiliates of all types, including Education Support Professionals, DDs, Career Centers, and Higher Education. Winners are recognized at the fall Representative Assembly and in “News and Views”. The top entries from small, medium, and large associations will receive a monetary award honoring them for their work.

### ***Community Involvement Grants***

Strengthening the relationship between a local school employee union and its community is a key element in building a strong and successful local association. Nothing cements these relationships like working together to benefit others in the community. Participation in community events also offers affiliates the opportunity to enhance their visibility as vital, contributing members of their communities.

### ***Five Star Awards***

Created in 2001 by the Public Relations Committee and the Executive Committee, the Five Star Award honors local affiliates that are leaders in involvement with the Association. To receive the Five-Star Local Award, a local association needs to have fulfilled five of the criteria during the previous school year. Local affiliates meeting these criteria will be recognized at the NEOEA Fall Representative Assembly and in “News and Views” and receive a “monetary award” and a press release for distribution to local newspapers. No application is required; awards are granted on the basis of NEOEA and OEA records. Like all NEOEA awards, this award aims to recognize local associations and their leaders for the work they do on behalf of their members.

### ***Friend of Education***

The NEOEA Friend of Education Award recognizes a person and/or organization whose leadership, actions, and support have contributed to the improvement of public education for a broad cross-section of northeastern Ohio.

### ***Local Participation Grant***

NEOEA’s budget provides for a Local Participation Grant to help local affiliates send delegates to the OEA Representative Assemblies. With this grant, NEOEA makes available up to \$300 per local affiliate to reimburse the expenses of delegates to the OEA Representative Assemblies. Any local affiliate may apply.

### ***OEA Fund for Children and Public Education***

At the fall Representative Assembly each year, NEOEA’s Legislative Committee recognizes locals that have distinguished themselves by their support of the OEA Fund for Children in Public Education. Locals do not apply for the Political Action Awards; the Legislative Committee bases the awards on reports provided by the Ohio Education Association.

### ***Positive Image Awards***

Positive Image Awards are presented to locals that enhance the image of their members, schools, school districts, or public education in general in the community. Activities that are developed by members, work-related or not, that include the community are eligible for consideration.

### ***Public Relations Mini-Grant***

NEOEA's Public Relations Committee budget sets aside \$12,500 to provide grants of up to \$250 to local associations. Your local association may use one of these grants for a public relations project that will promote a positive image of your association within your community. Why not take advantage of this opportunity to enhance the image of your local association within your community?

### ***UniServ Program Grant***

NEOEA will provide each UniServ Council with up to \$1,200, prorated by number of NEOEA locals. These funds may be used for, but are not limited to, officers' expenses, programs, program materials, and postage.

## NWOEA District

### ***NWOEA Engage Grant - Local Delegate Assistance to OEA Spring RA***

To help locals become involved in the Association at the state level, NWOEA is offering funding through Local Delegate Assistance to the OEA Spring RAs. This grant offers assistance to local associations which have not recently attended OEA RA's by providing funds to send delegates to the OEA Spring RA. Delegates to representative assemblies elect statewide officers, adopt budgets, approve governing documents, and set the policies that determine the direction of the Association. Locals that do not send delegates to the RA's are forfeiting the rights they have as a member of a democratic organization.

This grant will reimburse up to \$250 for overnight lodging and mileage to the OEA Spring RA for one delegate from a local that has not sent delegates to an OEA RA in the previous two (2) school years. Itemized receipts would be required for reimbursement of up to \$250. Any delegate interested in applying for this grant should submit a letter of interest to NWOEA including delegate contact information and the local association president's signature.

The NWOEA Board of Directors urges all local associations to hold elections for OEA and NWOEA delegates. Elections for OEA delegates to the Fall and Spring RA's, with election results certified with OEA by the deadline. NWOEA delegates are in addition to a local's OEA delegates. NWOEA delegate elections must be held in the locals by February 1, with delegate and alternate election results submitted to the NWOEA Center by February 10.

### ***PR Grant***

Grants up to \$500 will be evaluated individually by the NWOEA PR Committee until a total of \$5,000 has been awarded. Grants will be awarded on a first come, first served basis. Please be as detailed and descriptive as possible and note that only projects listed on the application will be funded. The application deadline is November 3. Locals will receive notification of grant application approval within two weeks of the application deadline.

#### **The requirements for receiving grant funding are as follows:**

1. Each local must have elected delegate(s) to the previous year's Fall Ohio Education Association Representative Assembly (OEA RA), the Spring OEA RA, and the Spring NWOEA RA. A local delegate must be present and voting at these three assemblies.
2. Each local must show evidence of a successful OEA Fund drive by June 1 for the previous school year. A successful drive will be defined in as the OEA designation of contributions of the membership of a local contributing to a OEA Fund drive.
3. Attendance is required at three Representative Assemblies and at two of the following: any NWOEA hosted workshop, the NWOEA Awards Banquet, or any other NWOEA special event.
4. The following documentation of the project must be submitted to the Public Relations Committee within 60 days after the completion of the grant project: pictures (preferably digital), a write-up in the form of a news article, and the completed PR Grant Final Cost Report form with itemized receipts. Documentation must cover the original project as approved by the NWOEA PR Committee. If your local did not complete its grant project from the previous school year in which the grant was awarded, a letter must be written giving the date you intend to complete the project. This letter of intent must be received by November 1, by the NWOEA Center if your local wants to be eligible for grant money in the current school year.
5. Student scholarship programs will not be considered.

Upon approval of a local's PR grant application, half of the approved funding will be paid to the local treasurer. Upon verification of attendance at required RA's/events, receipt of all documentation, and evidence of a successful OEA Fund drive, a check for the remainder of the grant money will be mailed within twenty (20) days. If the above requirements are not met, the local will be ineligible for a Public Relations Grant for one year.

### ***Leadership Council Grant***

The Professional Development Committee (PDC) of Northwestern Ohio Education Association is offering each Leadership Council UniServ Workshop Training Grants for the school year. Each council may hold its own training sessions, or a number of councils may combine and pull more funds together. NWOEA will pay up to \$400 per council for the actual expenses incurred for each separate training activity held throughout the year until the funds are exhausted.

The intent of this funding is to provide training for local associations in such areas as: grievance processing, local professional development committees, licensure, negotiations, association business, effects of new legislation, or other areas of professional development of interest to your council members. A dinner may be served with the sessions, but it may not be the focus of the meeting. Email NWOEA ([nwoeacenter@gmail.com](mailto:nwoeacenter@gmail.com)) for guidelines. The PDC will meet four times a year to review applications and to decide on approval or denial of the grant applications. The deadlines for the year are as follows: October 17, January 30, April 17 and July (TBD). Please plan ahead and adjust your schedule accordingly. Applications will be approved or denied, and the councils will be notified of their status after the PDC meeting.

A copy of the evaluation form that your workshop participants will use must accompany your grant request. After the workshop a summary of the completed evaluations and the final cost report with copies of receipts are to be forwarded to the NWOEA Center. Once these materials have been reviewed and accepted, a reimbursement check for the actual expenses up to the approved amount will be issued.

### ***Local Leader Grant***

NWOEA will pay up to \$300 per local association for the actual expenses incurred for member outreach and engagement activities until the funds are exhausted. The intent of this funding is to provide opportunities for local association leaders to reach out and engage with their membership to best meet the current needs of their association. Recognizing that the needs of our locals vary, funds could be used in a variety of areas such as: providing compensation for a substitute to allow the local leader to meet with/visit members during the school day, early educator events, pay day celebrations, food for members while conducting building visits, member events, member birthday recognition, release time to discuss the importance of The OEA Fund participation with members, materials needed to conduct one-on-one conversations, etc.

Locals may submit one (1) Local Leader Grant per school year. The PDC will review applications monthly and decide on approval or denial of the grant applications. The deadlines for the school year are as follows: October 1, November 1, December 1, January 1, February 1, March 1, April 1, May 1, June 1 and July 1. Please plan ahead and adjust your schedule accordingly. Applications will be approved or denied, and local leaders will be notified of their status by the 15th of each month.

After the outreach and engagement activities have been completed, the evaluation document and expense report (sent with approval notice) must be completed and the final cost report with copies of receipts are to be forwarded to the NWOEA Center. Once these materials have been approved and accepted, a reimbursement check for the actual expenses up to the approved amount will be issued to the local association.

*\*Note: Funding is for local engagement of members only and will not be granted for OEA/NEA events.*

***If you have any questions, please feel free to call the NWOEA Center at 419-424-1708. NWOEA Executive Director Amanda Dyer can also be reached by email at [nwoea.center@gmail.com](mailto:nwoea.center@gmail.com).***

# OEA Educational Foundation Grants for Members and Locals

*The mission of the OEA Educational Foundation is to advance and support education professionals and public-school students in Ohio. The work of the Ohio Educational Foundation is to fund initiatives that enhance student learning, student achievement, and well-being, as well as promote social justice.*

The following OEA Educational Foundation grants are available to OEA members and locals:



## Innovation Grant

**Innovation Grants** are being offered to those who are in pursuit of innovative and creative practices where learning is being enriched by experiences or projects. The maximum amount of funding you can receive for an Innovation grant is \$5,000 and grantees have one year from May 31 of the award year to utilize the funds.

## Diversity Grant

**Diversity Grants** are intended to develop and pursue instructional programs or curriculum that promote an appreciation for diversity, equity, and respect for humankind within the classroom and educational environment. The maximum amount of funding you can receive for a Diversity grant is \$3,000 and grantees have one year from May 31 of the award year to utilize the funds.

## Whisper Fund

Members can apply for **Whisper Grants for Students in Need** at any time of the year. Whisper Grants for Students in Need offer direct assistance to an individual student or a group of students with educational or personal needs when a hardship is identified. Grants are issued to a requesting education staff member to purchase items or improve an individual's or a group of individuals school learning or academic performance or to assist with basic needs such as eyeglasses, personal hygiene items, repairs to broken wheel-chair, etc. **Whisper Grant applications are reviewed on an ongoing basis with a maximum amount of \$500 per grant.**

## Make-A-Wish

Local Associations have an opportunity to collaborate with **Make-A-Wish through the Kids for Wish Kids program**. The **Kids for Wish Kids** program fosters the value of community service by providing students with hands-on experience in helping to grant local wishes through school fundraising. After a local reaches the first \$500 in fundraising, the OEA Foundation will match that amount.

Members can apply online through the OEA website by going to [www.ohea.org/oea\\_foundation/](http://www.ohea.org/oea_foundation/)

Ohio Educational Foundation  
225 E. Broad St., Columbus, OH 43215  
[Foundation@ohea.org](mailto:Foundation@ohea.org)



## Section 12: Managing Stress and Practicing Self-Care

- Learn the dynamics of stress how it can impact your personal and professional life.
- Learn about burnout, secondary trauma and compassion fatigue.
- Learn tips, strategies and resources for creating, maintaining and restoring balance between your personal and professional life.
- Learn about the Professional Quality of Life Measure, a free-self-assessment to gauge your positive and negative experiences within your professional life.

*“You can’t pour from an empty cup.” -Anonymous*

Assuming a leadership role in your local association is a huge responsibility. It’s no secret that you’ll devote countless hours to improving the lives of your members and their students while advocating for public education. Adding to the challenge is the fact that you may find it difficult to “turn off” or “tune out” the work of the association to take time for yourself. When this happens, stress sets in.

It is important to note that stress is a natural human reaction to challenge. Stress can be beneficial for our bodies get the energy, motivation, and brain boost needed to accomplish a task or run a marathon.

However, as with many things in life, there should always be a balance. There is a difference between having a healthy amount of stress and challenge within your work, and feeling overwhelmed, disengaged and burned out due to the amount of stress in our lives. Throughout this section you will find tips, strategies and resources for creating, maintaining or restoring balance.

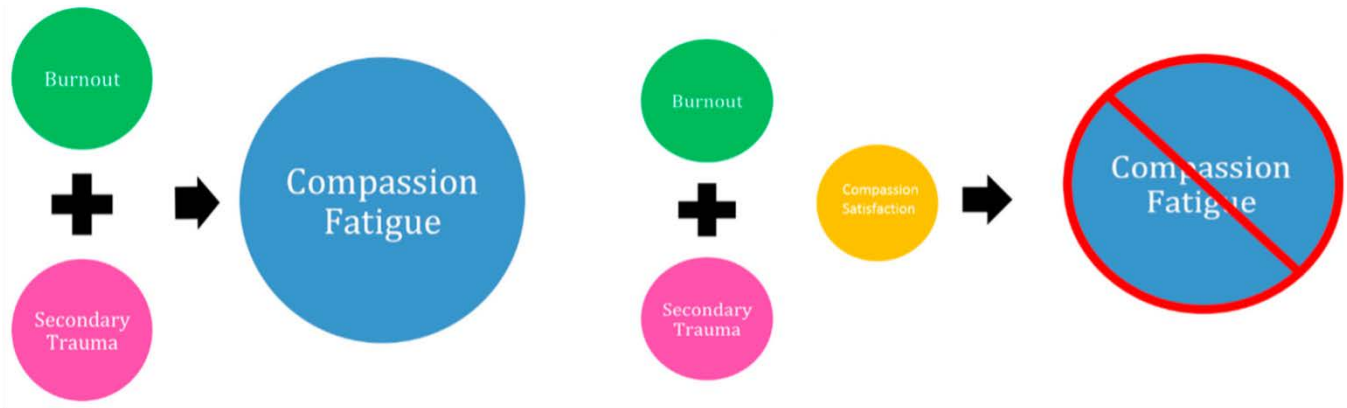
## Recognizing Signs of Stress, Burnout, Secondary Trauma and Compassion Fatigue

Some of the work-related stress in education may include working long hours, not being able to set boundaries, and having a high amount of work responsibilities. This may lead to feeling ineffective, overwhelmed, and unsupported by administrators or colleagues. Stress can take a toll on your physical, emotional and mental health. Stress can affect your physical health with weight loss or gain, body aches, gastrointestinal disorders, hair loss and more unwanted symptoms. Emotional stress may include feeling trapped, feeling hopeless, disengaging from your job, and having negative verbal outbursts or “snapping” at students and colleagues. Stress can impact your mental health through prolonged sadness, anxiety, decrease in self-efficacy and may lead to an overindulgence of alcohol. If left unchecked, work-related stress can lead to **Burnout**.

Additionally, those who work in helping professions such as teachers, counselors, social workers, paraprofessionals and other educational support staff can experience **Secondary Traumatic Stress** due to working with or being aware of traumatic events or situations involving people that they seek to help. This is especially important as a local leader who will be tasked with listening to, supporting, and advocating on the behalf of members who may be in crisis. Local leaders who are often exposed to the trauma of students or members or are in contentious bargaining campaigns are likely to experience some amount of secondary traumatic stress.

Unresolved symptoms of burnout and secondary trauma can lead to **Compassion Fatigue**. Compassion fatigue is feeling physically, emotionally and mentally exhausted and depleted by all of the negative aspects of working in a helping profession. Experiencing compassion fatigue can lead to depression, frustration, isolation, disinterest in pleasurable activities and reluctance to go to work. People experiencing long periods of compassion fatigue typically end up quitting their job and leaving the profession.

However, not all aspects of working in a helping profession such as public education are negative. There are many positive aspects of working in the education field, in which people feel joy, satisfaction, and fulfilled in their roles. This may include helping students get to school, getting them a good meal, and making sure they are physically healthy. Satisfaction may include having a direct or indirect role that supports students' personal, social, emotional and academic needs such as eliminating barriers to help them be successful. This is called **Compassion Satisfaction**. As a leader, you may feel empowered, excited with lots of **Compassion Satisfaction** because to have the opportunity to make positive changes in your educational community.



It is important to periodically assess the amount of burnout, secondary trauma, compassion, fatigue, and compassion satisfaction that you feel in your work life. This can be done by taking a professional quality of life survey. The **PROQOL** is a free survey that measures compassion satisfaction, and compassion fatigue. A copy in English is available at the end of this section. There are free downloadable versions in other languages, and an online assessment available at <https://www.PROQOL.org>. The website also features a variety of free resources and handouts that can be shared on how to improve overall well-being; including tips of meditation, better sleep, meditation, focused breathing, mindfulness, and setting boundaries.

As a leader, it is important to identify and manage areas of negative stress by creating a work and life balance. It is also important to share this information and resources with colleagues and members.

# Strategies for Creating a Work & Life Balance

**Work & Life Balance:** According to Mental Health America, it can be challenging and feel nearly impossible to create and maintain a work- life balance. Most of us are trying to juggle family responsibilities, manage relationships and find time to pursue personal interests and goals. In our daily struggles to balance our personal needs and professional duties we find our stress levels spiking with increases in irritability. **Approximately 1 in 4 people would describe themselves as “Super Stressed”.** Again, some stress is healthy for motivation and creativity. Yet, chronic stress can increase our chances for **Compassion Fatigue** or a heart attack. The goal is to identify practices, habits and develop routines to minimize negative stress and create opportunities for **Satisfaction**. The professionals at Mental Health America share some researched and practical techniques that may help many people start the journey to better health (<https://mhanational.org/work-life-balance>).

## Strategies for Work

- **Set Manageable Daily Goals.** We feel a sense of accomplishment when we can realistically set and meet goals. Create a “to do” list, and prioritize the essential tasks. Find ways to collaborate or consult with others for the items that are more challenging or time consuming.
- **Time Management.** Avoid procrastination. Divide larger projects into smaller tasks. Reward yourself for completing the small tasks with a 5-minute break and cup of your favorite coffee. .
- **Advocate for Yourself.** We are often asked to take on more roles and add additional duties to our already jam-packed schedules. Can something be taken off your plate? Are you able to receive additional compensation or additional time to complete projects?
- **Take Mindful Lunch.** Create moments to reset and refuel by eating your lunch distraction free.
- **Modify Your Environment.** Whether your work space is a classroom, desk, bus or office, there are ways to add photos, music or other small decorations that will provide a sense of peace and calm during the day.
- **Set a Time to End.** You have a contractual time and wage. Try not to volunteer extra hours and service. It can lead to burnout and resentment. You are also only showing your supervisor that you can do more work with less resources.
- **Give Yourself Grace.** No one’s perfect! Do the best you can. Be okay with making and learning from mistakes.

## Strategies for Home

- **Unplug.** Give your mind a break from the overstimulation of technology. Take a break from work emails, social media and television. Enjoy a quiet hobby such as reading, knitting, baking or meditating. Try cutting out all electronics at least 45-minutes before bed for better quality sleep.
- **Get Active.** Find ways to incorporate exercise into your daily routine. Go for a walk with the dog, do 5-minutes of stretches in the morning or try a structured group activity such a yoga, line dancing, pickle ball or kick-boxing.
- **Use Clean Fuel.** Strive for healthy meals with fruit, vegetables, whole grains and lean meats. Minimize consumption of processed foods or foods high in fat or sodium. Avoid overindulgence in alcohol or smoking cigarettes.
- **Connect with Friends and Family.** Find time to reconnect with friends and family regularly. Call someone that you haven’t spoken with in a while and catch up. Get together with others outside your job for dinner, a movie or a fun game of Monopoly.
- **Use Your Wellness Benefits.** Participate in the wellness activities sponsored by your health insurance or promoted by your school district or educational setting. Reach out to your Employee Assistance Program for other financial, social, emotional or mental health supports.
- **Seek Professional Help If You Need It.** Break the Stigma. Your Mental Health Matters. We are not able to control every situation in our lives. There will be times when the stress of it all becomes too much for us to manage on our own. Speak with a therapist, counselor or other mental health professional for tips, resources and support.

## PROFESSIONAL QUALITY OF LIFE SCALE (PROQOL)

### COMPASSION SATISFACTION AND COMPASSION FATIGUE

(PROQOL) VERSION 5 (2009)

When you [help] people you have direct contact with their lives. As you may have found, your compassion for those you [help] can affect you in positive and negative ways. Below are some questions about your experiences, both positive and negative, as a [helper]. Consider each of the following questions about you and your current work situation. Select the number that honestly reflects how frequently you experienced these things in the last 30 days.

	1=Never	2=Rarely	3=Sometimes	4=Often	5=Very Often
_____ 1.					
_____ 2.					
_____ 3.					
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_____ 5.					
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_____ 29.					
_____ 30.					

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## YOUR SCORES ON THE PROQOL: PROFESSIONAL QUALITY OF LIFE SCREENING

Based on your responses, place your personal scores below. If you have any concerns, you should discuss them with a physical or mental health care professional.

### Compassion Satisfaction \_\_\_\_\_

Compassion satisfaction is about the pleasure you derive from being able to do your work well. For example, you may feel like it is a pleasure to help others through your work. You may feel positively about your colleagues or your ability to contribute to the work setting or even the greater good of society. Higher scores on this scale represent a greater satisfaction related to your ability to be an effective caregiver in your job.

If you are in the higher range, you probably derive a good deal of professional satisfaction from your position. If your scores are below 23, you may either find problems with your job, or there may be some other reason—for example, you might derive your satisfaction from activities other than your job. (Alpha scale reliability 0.88)

### Burnout \_\_\_\_\_

Most people have an intuitive idea of what burnout is. From the research perspective, burnout is one of the elements of Compassion Fatigue (CF). It is associated with feelings of hopelessness and difficulties in dealing with work or in doing your job effectively. These negative feelings usually have a gradual onset. They can reflect the feeling that your efforts make no difference, or they can be associated with a very high workload or a non-supportive work environment. Higher scores on this scale mean that you are at higher risk for burnout.

If your score is below 23, this probably reflects positive feelings about your ability to be effective in your work. If you score above 41, you may wish to think about what at work makes you feel like you are not effective in your position. Your score may reflect your mood; perhaps you were having a “bad day” or are in need of some time off. If the high score persists or if it is reflective of other worries, it may be a cause for concern. (Alpha scale reliability 0.75)

### Secondary Traumatic Stress \_\_\_\_\_

The second component of Compassion Fatigue (CF) is secondary traumatic stress (STS). It is about your work related, secondary exposure to extremely or traumatically stressful events. Developing problems due to exposure to other’s trauma is somewhat rare but does happen to many people who care for those who have experienced extremely or traumatically stressful events. For example, you may repeatedly hear stories about the traumatic things that happen to other people, commonly called Vicarious Traumatization. If your work puts you directly in the path of danger, for example, field work in a war or area of civil violence, this is not secondary exposure; your exposure is primary. However, if you are exposed to others’ traumatic events as a result of your work, for example, as a therapist or an emergency worker, this is secondary exposure. The symptoms of STS are usually rapid in onset and associated with a particular event. They may include being afraid, having difficulty sleeping, having images of the upsetting event pop into your mind, or avoiding things that remind you of the event.

If your score is above 41, you may want to take some time to think about what at work may be frightening to you or if there is some other reason for the elevated score. While higher scores do not mean that you do have a problem, they are an indication that you may want to examine how you feel about your work and your work environment. You may wish to discuss this with your supervisor, a colleague, or a health care professional. (Alpha scale reliability 0.81)

## WHAT IS MY SCORE AND WHAT DOES IT MEAN?

In this section, you will score your test so you understand the interpretation for you. To find your score on **each section**, total the questions listed on the left and then find your score in the table on the right of the section.

### Compassion Satisfaction Scale

Copy your rating on each of these questions on to this table and add them up. When you have added them up you can find your score on the table to the right.

3. \_\_\_\_\_  
6. \_\_\_\_\_  
12. \_\_\_\_\_  
16. \_\_\_\_\_  
18. \_\_\_\_\_  
20. \_\_\_\_\_  
22. \_\_\_\_\_  
24. \_\_\_\_\_  
27. \_\_\_\_\_  
30. \_\_\_\_\_

**Total:** \_\_\_\_\_

The sum of my Compassion Satisfaction questions is	And my Compassion Satisfaction level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High

### Burnout Scale

On the burnout scale you will need to take an extra step. Starred items are "reverse scored." If you scored the item 1, write a 5 beside it. The reason we ask you to reverse the scores is because scientifically the measure works better when these questions are asked in a positive way though they can tell us more about their negative form. For example, question 1. "I am happy" tells us more about

- \*1. \_\_\_\_\_ = \_\_\_\_\_  
\*4. \_\_\_\_\_ = \_\_\_\_\_  
8. \_\_\_\_\_  
10. \_\_\_\_\_  
\*15. \_\_\_\_\_ = \_\_\_\_\_  
\*17. \_\_\_\_\_ = \_\_\_\_\_  
19. \_\_\_\_\_  
21. \_\_\_\_\_  
26. \_\_\_\_\_  
\*29. \_\_\_\_\_ = \_\_\_\_\_

**Total:** \_\_\_\_\_

The sum of my Burnout Questions is	And my Burnout level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High

You Wrote	Change to
	5
2	4
3	3
4	2
5	1

the effects of helping when you are *not* happy so you reverse the score

### Secondary Traumatic Stress Scale

Just like you did on Compassion Satisfaction, copy your rating on each of these questions on to this table and add them up. When you have added them up you can find your score on the table to the right.

2. \_\_\_\_\_  
5. \_\_\_\_\_  
7. \_\_\_\_\_  
9. \_\_\_\_\_  
11. \_\_\_\_\_  
13. \_\_\_\_\_  
14. \_\_\_\_\_  
23. \_\_\_\_\_  
25. \_\_\_\_\_  
28. \_\_\_\_\_

**Total:** \_\_\_\_\_

The sum of my Secondary Trauma questions is	And my Secondary Traumatic Stress level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High



## Appendix

- Audit Procedures
- Code of Professional Conduct for Ohio Educators
- Licensure Code of Professional Conduct for Ohio Educators
- OEA MODEL CONSTITUTION AND BYLAWS 2023
- Manual for the Conduct of Local Association Elections and the Ratification of Collective Bargaining Agreements

# Suggested Audit Procedure

The following is an adaptation of an audit procedure modeled by the document “Conducting Audits in Small Unions: A Guide for Trustees to a 10-Step Audit” published by US Department of Labor.

As an elected leader in your local, you play a key role in making sure that your local’s funds and other assets are properly accounted for and used solely for the benefit of your local and its members. Few tasks could be more critical to the well-being of any organization.

The specific responsibilities for conducting an audit may be outlined in your local’s constitution and bylaws.

However, your primary task as a local treasurer and fiduciary is to ensure that all local resources (money/assets) are used for legitimate union purposes as authorized by your membership in accordance with your constitution and bylaws. In addition, you should ensure that your local is properly submitting dues to OEA and is complying with sound practices for financial reporting and recordkeeping. During the audit process you will bear the primary responsibility for communicating with whomever is conducting the audit whether it is a local committee of members or a CPA/Accounting Firm

The audit committee should follow the following steps to prepare to conduct your local audit:

**Determine responsibilities** – consult the constitution and bylaws of the local to determine what is required and the committee should agree upon roles beforehand

**Ensure cooperation of local officers** – the committee should meet with the officers of the local to seek cooperation and support, find out in what form the local’s records exist (Excel, Quicken, written ledger, etc.), determine whether equipment such as a computer or copier is needed and to decide where to conduct the audit.

**Gather materials and request records** – as local treasurer it is likely you will hold most of the records necessary for the committee to conduct an audit. Additionally, the audit committee may require confirmations or reports from OEA as part of their review Your task will be to assist the committee in creating a list of financial records needed for your 6 -step audit and to provide this to the committee. Otherwise, certain records such as membership meeting minutes may not be available when needed.

Financial records cannot be examined efficiently without some explanation of how they tie together. Your job as treasurer will be to provide context for the audit committee as needed.

**Schedule the audit** – the committee should determine the timeline for the audit and prepare a schedule that includes benchmark due dates for various tasks to be completed. Consider within the schedule specific meeting times required and whether these meetings can be virtual or in person to conduct the audit.

**Audit Objectives** - 6-step audit, summarized below, has four primary objectives:

- To ensure that your local’s funds and other assets are properly accounted for and used solely for the benefit of your local and its members.
- To confirm that your local, through the executive board, is transparent to its members through appropriate and accurate financial reporting and recordkeeping.
- To determine whether the internal financial controls of your local are adequate or need to be improved.
- To ascertain whether your local is complying with the financial best practices and procedures recommended within this manual.

## 6-Step Audit Procedure

1. Trace cancelled checks to the bank statements and disbursements journal.
  - a. Select at least two months in your audit period. Your selection of months may be made for a variety of reasons, including an unusually large number of checks written during a specific month or payments for nonroutine items such as convention expenses or a local-sponsored picnic. If your local doesn't have a lot of transactions it may be appropriate to examine the entire fiscal year.
  - b. Obtain the bank statements and all of the corresponding cancelled checks for the period you have selected. Arrange the cancelled checks in numerical order. Keep the cancelled checks together with the bank statements on which they appear. If the bank doesn't return cancelled checks, you can examine the online copies for the audit period.
  - c. Locate the cancelled checks for each of the entries on the bank statements. Place a check mark, in pencil, on the bank statements for each cancelled check. Again, you may use the online bank portal to view copies of cancelled checks.
  - d. Compare the amounts on each cancelled check with the corresponding entries on the bank statements. Make sure that the amounts on the cancelled checks are the same as on the bank statements. Watch for amounts which may have been changed after the checks were returned from the bank.
  - e. Compare the information on these checks with the corresponding entries in your local's disbursements journal (ledger or check register). Make sure that the payee, the amount, the date, and the purpose on each cancelled check are properly recorded in the journal. Look for any discrepancies between the journal entries and the checks. Examine the endorsements, making sure they match the payees on the front of the checks. Ensure that the checks required, and officers executed a dual signature.
2. Scan the disbursements journal and record unusual entries.
  - a. Review the disbursements journal for the entire audit period. Look at the type and frequency of your local's disbursements. You will probably see recurring payments for dues and officer stipends and expenses. Approval for these disbursements should be found in the adopted association budget, constitution and bylaws or the membership meeting minutes. Make a list of any entries which appear to be questionable or out of the ordinary, such as:
    - i. checks for unusually large amounts
    - ii. checks for unusual purposes
    - iii. large checks to unfamiliar payees
    - iv. checks payable to cash
    - v. checks where no purpose is recorded
    - vi. checks written out of sequence
    - vii. duplicate payments for salaries or expenses to the same individual
  - b. Review the supporting bills, vouchers, invoices, and membership meeting minutes for all the checks you have listed. Determine whether they were for legitimate union purposes and whether they were properly authorized.
  - c. Reconcile total disbursements entered in your local's disbursements records for the audit period with the total charges shown on your local's bank statements for the audit period. This will further verify the accuracy of the entries recorded in your local's disbursements records.
3. Trace employer dues payroll deductions to the receipts journal and bank statements.
  - a. Gather all your local's payroll dues receipts records for the entire period including checkoff statements from your employer.
  - b. Compare, for each month in your audit period, the amounts posted on all the payroll dues deduction statements with the corresponding entries in the local's receipts journal. Look for any discrepancies.
  - c. Compare the members listed on the payroll deductions report to the member roster provided by OEA to ensure all members have been recorded for accurate billing purposes.
  - d. Compare dues payment made to OEA from payroll deduction to the statements received from OEA. There may be timing differences between the payment to OEA date and the statement. Verify OEA has recorded for the local all dues the local has recorded as paid.

4. Confirm that receipts from all other sources have been properly recorded and deposited.
  - a. Review the receipts journal for the entire audit period. Look for the type and frequency of non-dues money coming into your local, such as proceeds from:
    - i. the sale of promotional items such as t-shirts
    - ii. interest or dividends earned on your local's bank accounts
    - iii. local-sponsored raffles
    - iv. donations to the local scholarship fund
    - v. OEA grant reimbursements
5. Identify all liquid asset bank accounts, verify their ending balances, and review withdrawals/transfers.
  - a. Make a list of the name, location, type of account, and account number for each of your local's bank accounts.
  - b. Determine what happened to the proceeds from any local accounts closed during the audit period.
  - c. Determine whether the initial deposit into any accounts opened during the audit period can be traced from one of the local's other bank accounts.
  - d. Prepare a liquid assets list which shows the ending balances for each of your local's bank accounts.
  - e. Determine that all withdrawals from your local's savings, money market, or certificate of deposit accounts during the audit period were used for legitimate union purposes as approved by your membership
  - f. Make an inventory of gift cards held by the local including card value and date of purchase.
6. Inventory fixed assets.
  - a. Determine if your local prepared an inventory of fixed assets prior to your audit period and, if so, verify the existence of all items on the list. This could be laptop computers, office equipment etc.

**Reporting Findings** Your local's members probably want to know what the general financial condition of your organization is, whether your audit disclosed any problems and, if so, how they were resolved.

You may want to review the sample audit report below which can be modified to better suit your situation.

Completion of the 6-step audit allows you to make some broad statements about the financial books and records of your local. For example, if no significant problems for the audit period were uncovered, you can say your audit indicates:

- The local's disbursements were accurately reflected in the records and made for legitimate purposes.
- The local's receipts were accurately reflected in the records and deposited to your local's bank accounts.
- The local's payment of dues to OEA were properly credited.
- The local's assets were properly accounted for.
- The local appears to be using good internal financial controls to safeguard its assets.
- The local appears to be complying with the financial practices and procedures of your parent body.

The committee should make a list of any internal financial control weaknesses (for example, officers signing blank checks) or "problem areas" (for example, late or incomplete payment of dues to OEA, failure to timely reconcile membership records, failure to record receipts and disbursements on voucher forms, etc.) and recommendations for improvements.

Here is an example of a completed audit report that can be used as a model for your local.

Completed Audit Report  
Anytown Education Association  
Period: 9/1/19 - 8/31/20

On 2/3/20 the undersigned members completed an examination of the books and records and certify that to the best of our knowledge the information in this report is true and correct:

#### Primary Findings

1. Disbursements were accurately reflected in the union's records and issued for legitimate purposes.
2. Receipts were accurately reflected in the union's records and deposited to the union's bank accounts.
3. Assets (cash and equipment) were properly accounted for.
4. The union appears to have sound financial records with the following exceptions:
  - a. Payroll dues deduction statements from the district for the period were not initially available. Copies were obtained from the employer and the Treasurer has promised to retain future copies received.
  - a. The bank statement and cancelled checks for October 2019 were not available. Copies were obtained from the bank and placed with other records.
  - a. Original bills for the retirement dinner were not retained. The Treasurer said he will tell the committee chairman to keep and turn over all retirement dinner bills next year.
5. The union appears to be using good internal financial controls with the following exception:
  - a. The President has been pre-signing checks. He has agreed to sign them only after they have been fully completed.
6. The union appears to be complying with the financial practices and procedures of our parent body with the following exceptions:
  - a. Dues transmittal payments to OEA were usually submitted 1-2 months late. The Treasurer has promised to submit them on time in the future.
  - b. We have not been using all the forms (receipts, vouchers, journals) required by our parent body. New forms have been ordered and will be used in the future.

#### Financial Condition Statement

Cash Balance (Last Audit Report) \$5,004.29

Plus: Total Receipts \$8,125.25

Less: Total Disbursements \$7,740.93

Cash Balance (This Audit Report) \$5,388.61

Members at End of Period 201

Attachments 1. Fixed Assets Inventory 2. Ending Bank Balance Reconciliation Worksheet

#### Signatures

John Smith 2/8/20

Mary Brown 2/8/20

Edna Miller 2/8/20

This audit procedure was adopted for use by OEA locals from the document "Conducting Audits in Small Unions: A Guide for Trustees to a 10-Step Audit" published by the Office of Labor Management Standards (OLMS) of the US Department of Labor. The document may be found here: [https://www.dol.gov/olms/regs/compliance/comp\\_pubs/smallunions\\_2017.pdf](https://www.dol.gov/olms/regs/compliance/comp_pubs/smallunions_2017.pdf) and may provide some additional insight for your audit committee. Bear in mind that steps 7-10 are to ensure compliance with the Labor-Management Reporting and Disclosure Act of 1959 which does not cover local school district unions so you should use the guidance accordingly.

# Licensure Code of Professional Conduct for Ohio Educators



# Licensure Code of Professional Conduct for Ohio Educators

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## Introduction

Educators are entrusted by the public with the responsibility of providing a high-quality education to each student. Through various roles, these professionals devote themselves to providing a safe and nurturing environment in which all students can learn. In alignment with the Standards for Ohio Educators and Ohio's Learning Standards, Ohio's educators strive for excellence through the high expectations they hold for themselves and their students. The professional conduct of every educator affects attitudes toward the profession. Educators are trustees of the profession and share with the broader community the responsibility of providing high-quality public education. Educators recognize the need to balance the demands of the profession by caring for their own physical and emotional well-being in order to successfully carry out their professional responsibilities.

Aware of the importance of maintaining the confidence and trust of students, parents, colleagues and the public, Ohio educators maintain the highest degree of professional conduct for themselves and their peers. Ohio educators are all individuals applying for a credential or individuals credentialed by the State Board of Education, and the Licensure Code of Professional Conduct for Ohio Educators serves as the basis for decisions on issues pertaining to licensure that are consistent with applicable law. It provides a guide for conduct in situations that have professional implications for all individuals, such as teachers, principals, superintendents, educational aides, coaches, substitute teachers and others credentialed by the State Board of Education.

Ohio is nationally known as a state that produces high-quality educators and recognizes that its 250,000 practicing educators hold the fundamental beliefs defined in the following nine principles:

1. Educators behave in a professional manner, realizing that one's actions reflect directly on the status and substance of the profession.
2. Educators maintain a professional relationship with all students at all times, both in and out of the classroom.
3. Educators accurately report information required by the local board of education or governing board, state education agency, federal agency or state or federal law.
4. Educators adhere to federal, state and local laws and statutes regarding criminal activity.
5. Educators comply with state and federal laws related to maintaining confidential information.
6. Educators serve as positive role models and do not use, possess or unlawfully distribute illegal or unauthorized drugs.
7. Educators ensure school property, public funds or fees paid by students or the community are used in the best interest of students and not for personal gain.
8. Educators fulfill all the terms and obligations in their employment contracts.
9. Educators use technology in a responsible manner and safeguard the electronic devices and data entrusted to them.

As education is a public trust, the Ohio Department of Education pursues allegations of unprofessional conduct. The Department recognizes that an accusation of misconduct is not conclusive proof that the educator engaged in conduct unbecoming. By law, educators are entitled to all due process rights, with each circumstance considered on a case-by-case basis to determine appropriate action. Not all referrals or investigations result in disciplinary action. The Licensure Code of Professional Conduct for Ohio Educators includes the presumptive range of applicable disciplinary actions involving any individual credentialed by the State Board of Education.

# 1. Professional Behavior

Educators shall behave as professionals, realizing their actions directly reflect on the status and substance of the education profession.

***An educator serves as a positive role model to both students and adults and is responsible for preserving the dignity and integrity of the teaching profession and for practicing the profession according to the highest ethical standards.***

**Conduct unbecoming** to the profession includes, but is not limited to, the following actions:

- a) Failing to adhere to the Licensure Code of Professional Conduct for Ohio Educators.
- b) Assisting another in committing an act of conduct unbecoming, as described in the Licensure Code of Professional Conduct for Ohio Educators.
- c) Having a continuing physical or mental inability, incapacity or addiction that significantly impacts the educator's ability to carry out his or her professional responsibilities and renders the educator incapable of safely maintaining the care, custody and control of students.
- d) Committing any violation of state or federal laws, statutes or rules although the conduct may not have resulted in a criminal charge, indictment, prosecution or conviction. (Except as noted in Principle 6(b), this does not include traffic violations.)
- e) Disparaging a colleague, peer, or other school personnel while working in a professional setting (teaching, coaching, supervising or conferencing) on the basis of race or ethnicity, socioeconomic status, gender, national origin, sexual orientation, political or religious affiliation, physical characteristics, age, disability or English language proficiency.
- f) Harassing, intimidating, or retaliating against a colleague, peer, or other school personnel.
- g) Sexually harassing any student, minor or adult in the school community.
- h) Failing to complete a criminal background check, as required by state or federal law.
- i) Violating local, state or federal procedures related to the security of standardized tests, test supplies or resources.
- j) Negligently failing to verify, prior to hiring, recommending for employment, or issuing payment, except as permitted by law, that an educator possesses the appropriate credential type for the educator's position (for example, the appropriate credential type means a teacher must possess a teaching credential, principal a principal credential, superintendent a superintendent credential, etc.).
- k) Accepting or holding employment that requires the educator to engage in activities or duties outside the scope of the educator's credential type.
- l) Being disciplined by another state educational entity or other professional licensing board or entity for unethical conduct.
- m) Committing an act of academic dishonesty (for example, plagiarism, falsification, fabrication, sabotage, or cheating in an academic setting).
- n) Engaging in nepotism, as prohibited by local, state, or federal law.

*The disciplinary actions for violations of Principle 1 can be found on [page 13](#).*

## 2. Professional Relationships with Students

Educators shall maintain a professional relationship with all students at all times, both in and out of the classroom.

***An educator's responsibility includes nurturing the intellectual, physical, emotional, social and civic potential of all students and providing a safe environment free from harassment, intimidation and criminal activity. An educator creates, supports and maintains an appropriate learning environment for all students and fulfills the roles of trusted confidant, mentor and advocate for students' rights while maintaining appropriate professional, emotional and social boundaries. An educator must serve as a champion against child abuse and be cognizant of student behaviors that suggest abuse or neglect.***

**Conduct unbecoming** includes, but is not limited to, the following actions:

- a) Committing any act of sexual abuse of a student or minor or engaging in inappropriate sexual conduct with a student or minor.
- b) Committing an act of cruelty to children or an act of child endangerment (for example, physical, psychological, or emotional abuse).
- c) Soliciting, encouraging, engaging or consummating an inappropriate relationship with any student, minor, or individual who was a student in the preceding twelve months.
- d) Engaging in grooming a student or minor (befriending and establishing an emotional connection with a student or minor or a student's or minor's family to lower the student's or minor's inhibitions for the purpose of an inappropriate emotional, romantic or sexual relationship).
- e) Disparaging a student on the basis of race or ethnicity, socioeconomic status, gender, national origin, sexual orientation, political or religious affiliation, physical characteristics, academic or athletic performance, disability or English language proficiency.
- f) Using inappropriate language, gestures or signs at any school-related activity (such as racial slurs, or biased, lewd or lascivious expressions).
- g) Provoking an altercation with or between students or engaging in a physical altercation with students that is not for the purpose of ensuring the health, safety, and welfare of students.
- h) Failing to provide appropriate supervision of students, within the scope of the educator's official capacity, which risks the health, safety and welfare of students or others in the school community.
- i) Knowingly contributing to or failing to intervene in the harassment, intimidation, or bullying of a student.

*The disciplinary actions for violations of Principle 2 can be found on [page 13](#).*

### 3. Accurate Reporting

Educators shall accurately report information required by the local board of education or governing board, state education agency, federal agency or state or federal law.

***An educator communicates appropriate representation of facts concerning qualifications for professional practice, student information, school board policy and other educational matters. An educator must notify the superintendent or designee, of any conduct by a licensed educator that substantially impairs his or her ability to function professionally or is detrimental to the health, safety and welfare of students. It is not considered conduct unbecoming for an educator to, in good faith, notify a superintendent as required by this principle and said educator shall not be the subject of retaliation.***

**Conduct unbecoming** includes, but is not limited to, the following actions:

- a) Falsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting information submitted to federal, state and other governmental agencies including, but not limited to, staff, student, district, and financial data and information submitted in the course of an official inquiry or investigation.
- b) Falsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting professional qualifications, criminal history, discipline of a professional license or credential, college or professional development credit and/or degrees, academic awards and employment history when applying for employment and/or licensure or when recommending an individual for employment, promotion or licensure.
- c) Falsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting reasons for absences or leaves.
- d) Falsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting information regarding the evaluation of students and/or personnel.
- e) Knowingly failing to notify the superintendent or designee upon becoming aware that an educator's ability to function in his or her position has been substantially impaired or of any conduct that is detrimental to the health, safety and welfare of students.
- f) Intentionally failing to make a mandated report of any violation of state or federal law.
- g) Directing, instructing, assisting or requesting another to commit an act described in Principle 3 of the Licensure Code of Professional Conduct for Ohio Educators.

*The disciplinary actions for violations of Principle 3 can be found on [page 13](#).*

## 4. Criminal Acts

Educators shall adhere to federal, state and local laws and statutes.

***An educator shall not engage in criminal activity as evidenced by a criminal conviction, guilty plea, finding of guilt, or participation in a court-ordered diversion or treatment in lieu of conviction program.***

**Conduct unbecoming** includes, but is not limited to, the following actions:

- a) A criminal offense that is an offense of violence, theft, drug abuse, or sexually-oriented offense as defined in Ohio Administrative Rule 3301-20-01 (for example, murder, rape, drug trafficking, kidnapping, robbery, felonious assault).
- b) A criminal offense that requires an educator to meet the rehabilitation standards, as defined in Ohio Administrative Code Rule 3301-20-01 (for example, assault, passing bad checks, fraud, domestic violence, possession of drugs).
- c) Conveying or possessing a deadly weapon or dangerous ordnance in a school safety zone, on school premises or at a school-related activity, unless authorized by state or federal law.
- d) A criminal offense that is not identified as an absolute bar offense or offense requiring rehabilitation pursuant to Ohio Administrative Code Rule 3301-20-01 and the offense involves a student, minor, school district, or school personnel.
- e) A criminal offense that is not identified as an absolute bar offense or offense requiring rehabilitation pursuant to Ohio Administrative Code Rule 3301-20-01 and the offense does not involve a student, minor, school district, or school personnel. (Except as noted in Principle 6(b), this does not include traffic violations.)

*The disciplinary actions for violations of Principle 4 can be found on [page 14](#).*

## 5. Confidentiality

Educators shall comply with local, state and federal laws related to maintaining confidential information.

*An educator is entrusted with information that could be misused to embarrass or damage a student's reputation or relationship with others. Therefore, the educator has the responsibility to keep information about students confidential unless disclosure serves professional purposes, affects the health, safety, and welfare of students and others, is required by law, or parental permission has been given. An educator maintains the security of confidential information, such as academic and disciplinary records, testing materials, personal confidences, photographs, health and medical information, family status and/or income.*

**Conduct unbecoming** includes, but is not limited to, the following actions:

- a) Willfully or knowingly violating any student confidentiality required by federal or state laws, including publishing, providing access to, or altering confidential student information on district or public websites, such as grades, personal information, photographs, disciplinary actions, or individualized educational programs (IEPs) without parental consent or consent of students 18 years of age and older.
- b) Using confidential student, family, or school-related information in a non-professional way (for example, gossip, malicious talk or disparagement).
- c) Violating local, state, or federal procedures or laws related to the confidentiality of standardized tests, test supplies, or resources.

*The disciplinary actions for violations of Principle 5 can be found on [page 14](#).*

## 6. Use, Possession, or Unlawful Distribution of Alcohol, Drugs and Tobacco

Educators shall not use, possess or unlawfully distribute illegal or unauthorized drugs. Educators shall not use alcohol during any school activity involving students, minors or underage persons. Educators shall not use tobacco during any school activity except in designated areas. Educators shall not furnish, provide or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, or illegal or unauthorized drugs.

***As a positive role model, an educator is entrusted with protecting the health, safety, and welfare of students at any school event. The use of alcohol or illegal or unauthorized drugs causes impairment of professional judgment that may potentially harm others. A professional educator must refrain from the illegal use of tobacco on any school grounds or at any school activity.***

**Conduct unbecoming** includes, but is not limited to, the following actions:

- a) Being under the influence of, possessing, using or consuming illegal or unauthorized drugs.
- b) Engaging in habitual or excessive abuse of alcohol, as demonstrated by two or more alcohol-related convictions within a five-year span or a severe alcohol-related conviction (for example, a high blood alcohol content, significant injury or property damage, or incidents involving minors).
- c) Being on school premises in an official capacity (for example, teaching, coaching, supervising, or conferencing) or at any school activity involving students, minors or underage persons while under the influence, possessing, or consuming alcoholic beverages.
- d) Furnishing or providing tobacco, alcohol or illegal or unauthorized drugs to any student, minor, or underage person.
- e) Being on school premises or at any school activity involving students, minors or underage persons while using tobacco except in a designated area.
- f) Promoting the use of steroids, stimulants, or nutritional supplements to accelerate physical growth or contribute to the control of weight loss or weight gain to enhance physical performance.

*The disciplinary actions for violations of Principle 6 can be found on [page 14](#).*

## 7. Financial Management and Improper Compensation for Personal Gain

Educators shall ensure all school funds and accounts are managed in a responsible and transparent manner. Educators shall ensure school property, public funds or fees paid by students or the community are not used for personal gain. Educators shall not make decisions based upon gifts, gratuities, favors or the socioeconomic status of parents, family members, community members or businesses.

***An educator is entrusted with public funds and school property in the course of performing job duties and maintains a high level of honesty, accuracy and accountability to ensure institutional privileges are not used for personal gain. An educator maintains integrity with students, colleagues, parents, families, the community or businesses when accepting gifts, gratuities, or favors. To avoid bias or prejudice, an educator needs to ensure decisions made about students or school policy are not negatively influenced by the socioeconomic status of parents, family members, community members or businesses.***

**Conduct unbecoming** includes, but is not limited to, the following actions:

- a) Using public school property or public funds for personal use not in accordance with local, state or federal laws.
- b) Soliciting students or parents of students to purchase equipment, supplies, or services or to participate in activities that financially benefit the educator without notifying the superintendent or designee and/or not in accordance with local board policy.
- c) Accepting gifts from vendors or potential vendors for personal use or gain exceeding \$25 in value.
- d) Tutoring students in one's district for profit without notifying the superintendent or designee and/or not in accordance with local board policy.
- e) Coaching and/or promoting athletic or artistic camps, off-season leagues, etc., in one's district for profit without notifying the superintendent or designee and/or not in accordance with local board policy.
- f) Failing to transparently and responsibly account for and manage any and all school-related funds in accordance with local board policies and local, state, or federal laws, including rules, opinions, and bulletins promulgated by the Ohio Auditor of State or the Ohio Ethics Commission.
- g) Failing to account for funds related to school activities collected from students, parents, family members, community members, staff or peers in accordance with local board policy.
- h) Co-mingling public or school-related funds with personal funds or checking accounts.
- i) Submitting fraudulent requests for reimbursement of expenses.
- j) Failing to pay a finding for recovery issued by the Ohio Auditor of State.

*The disciplinary actions for violations of Principle 7 can be found on [page 14](#).*

## 8. Commitment to Contract

Educators shall fulfill all of the terms and obligations detailed in their employment contract with the local board of education, public educational agency, or community school for the duration of the contract.

*An educator knows and understands the rights and responsibilities as outlined in the employment contract and adheres to the terms and conditions of the agreement by fulfilling responsibilities and duties required of the position.*

**Conduct unbecoming** includes, but is not limited to, the following actions:

- a) Abandoning the contractual agreement for professional services without the consent of the board of education or designee, according to Ohio Revised Code 3319.15, or without the consent of the community school's governing authority or operator, according to Ohio Revised Code 3314.103.
- b) Willfully refusing to perform services and duties required by the contract, except as outlined in Ohio Revised Code Chapter 4117.
- c) Violating or interfering with due process as outlined in the contractual agreement.

*The disciplinary actions for violations of Principle 8 can be found on [page 15](#).*

## 9. Appropriate and Responsible Use of Technology

Educators shall always use technology, electronic communications, and social media in a responsible and professional manner and appropriately safeguard the unauthorized use or access to electronic devices and data entrusted to them.

***An educator responsibly creates, uses, consumes, distributes, and protects information and data across all technologies. Educators shall maintain appropriate boundaries with colleagues, students, and the school community when using technology and electronic communications. While maintaining their constitutional rights, educators recognize that when using technology, the words they choose and the content of their statements can reflect negatively on their positions, schools, and the profession.***

**Conduct unbecoming** includes, but is not limited to, the following actions:

- a) Negligently failing to prevent others from unauthorized use of professional electronic devices to access improper or inappropriate material or confidential data.
- b) Negligently failing to prevent students from unauthorized use of the educator's personal electronic devices to access improper or inappropriate material or confidential data.
- c) Accessing inappropriate, non-school-related material on a school-owned device not in accordance with local board policy.
- d) Presenting inappropriate, non-school-related media to students.
- e) Using technology, social media, or other electronic communications to promote inappropriate communications with students (for example, excessively, for non-educational purposes or requesting students or minors to conceal communication).
- f) Knowingly failing to report and/or address instances of electronic or online harassment, bullying, or intimidation of a student.
- g) Knowingly failing to appropriately intervene when made aware of inappropriate or illegal images or material involving students or minors in electronic forms.
- h) Using technology, social media or other electronic communications to host, post, or distribute improper or inappropriate material that could reasonably be accessed by the school community (includes, but is not limited to, pornography, obscene material, promotion of drug use or underage consumption of alcohol, promotion of violence, disparagement of students, and disparagement based upon gender, gender identity, race, sex, ethnicity, sexual orientation, disability, military status, or religion).
- i) Using school technology to run, manage, or promote a personal business venture.

*The disciplinary actions for violations of Principle 9 can be found on [page 15](#).*

# Disciplinary Procedure

## DUE PROCESS

The State Board of Education has the authority to suspend, limit, revoke or deny licenses; issue a letter of admonishment; or enter into a consent agreement with an applicant or licensed educator to administer the educator discipline process in accordance with Chapter 33 and Chapter 119 of the Ohio Revised Code and Chapter 3301 of the Ohio Administrative Code.

When an educator is reported to the Ohio Department of Education for an allegation of unprofessional conduct made by a principal, parent, teacher, student, superintendent or community member, the Department will determine whether the State Board of Education has jurisdiction to investigate the matter pursuant to Section 3319.311 of the Ohio Revised Code.

If it is determined an investigation is warranted, a thorough investigation would be conducted pursuant to Section 3319.311 of the Ohio Revised Code at which time **all mitigating circumstances will be fully examined to determine whether the allegation can be substantiated**. If an allegation is reported and turns out to be a false allegation or unsubstantiated, all information obtained in the case file will be sealed two years after the investigation is concluded in accordance with Section 3319.311 of the Ohio Revised Code.

If the results of an investigation warrant initiating an action under Section 3319.31 of the Ohio Revised Code, **an educator is entitled to all due process rights** afforded pursuant to Chapter 33 and Chapter 119 of the Ohio Revised Code and Chapter 3301 of the Ohio Administrative Code.

## DISCIPLINARY GUIDELINES

Upon a determination that the results of an investigation warrant the State Board of Education to impose a disciplinary action pursuant to Section 3319.31 of the Ohio Revised Code, the State Board may impose an appropriate penalty within the presumptive range on a **case-by-case basis**, as set forth in these disciplinary guidelines, unless the aggravating and mitigating factors in an individual case warrant a penalty outside the presumptive range.

The range of disciplinary actions are presumptions and may include a letter of admonishment, consent agreement, limitation of a license, suspension of a license, revocation of a license, or denial of a license. The terms “suspension,” “revocation,” and “denial” shall mean any length of suspension, revocation or denial, including permanent revocation or permanent denial. A license may be suspended or limited pursuant to a consent agreement or State Board resolution. A complete explanation of the types of disciplinary actions can be accessed on the Ohio Department of Education’s website, [education.ohio.gov](http://education.ohio.gov), search keywords *disciplinary actions*.

The State Board may determine that a penalty outside the range of the disciplinary guidelines is more appropriate in an individual case based upon aggravating and mitigating factors as outlined in Sections 3301-73-21 (A) (B) and Section 3301-20-01 (E) of the Ohio Administrative Code, or any other factors the State Board, district or educational entity, or superintendent consider relevant. Further, the State Board may determine not to impose a disciplinary action involving an educator’s licensure or application for licensure based upon conduct being a minor violation or a local school district or educational entity appropriately addressing the violation of the Licensure Code of Professional Conduct for Ohio Educators at the district or building level.

**The Licensure Code of Professional Conduct for Ohio Educators applies to all individuals licensed by the Ohio Department of Education.** The presumptive ranges are only applicable for disciplinary actions involving an educator’s licensure or application for licensure. The presumptive ranges are not applicable for any discipline imposed at the local level. Possible discipline at the local level must follow all local contractual provisions including, but not limited to, due process, progressive discipline, and just cause. However, an educator who violates one or more of the principles may be subject to discipline at both the state and local levels.

Following are the disciplinary actions, including a presumptive range of penalties that shall apply to violations of the *Licensure Code of Professional Conduct for Ohio Educators*.

# DISCIPLINARY ACTIONS

## 1. Professional Behavior

**Educators shall behave as professionals realizing that their actions directly reflect on the status and substance of the education profession.**

**If an educator violates Principle 1**, the presumption for the appropriate range of disciplinary action is the following:

- I. Suspension (one day to one year) of a license depending upon the violation of the testing procedure;
- II. Suspension of a license until the educator comes into compliance with the required background checks;
- III. Letter of admonishment up to revocation/denial of a license for other acts unbecoming to the professional conduct of educators.

## 2. Professional Relationships with Students

**Educators shall maintain a professional relationship with all students at all times, both in and out of the classroom.**

**If an educator violates Principle 2**, the presumption for the appropriate range of disciplinary action is the following:

- I. Revocation/denial of a license for sexual/physical abuse;
- II. Suspension (one day to five years) of a license up to revocation/denial of a license for psychological or emotional abuse or for soliciting, encouraging, engaging or consummating an inappropriate written, verbal, psychological, emotional or physical relationship with a student or minor;
- III. Suspension (one day to five years) of a license for disparagement, inappropriate language, physical altercations, inappropriate supervision or harassment.

## 3. Accurate Reporting

**Educators shall accurately report information required by the local board of education or governing board, state education agency, federal agency or state or federal law.**

**If an educator violates Principle 3**, the presumption for the appropriate range of disciplinary action is the following:

- I. Suspension (one day to three years) of a license for falsifying, intentionally misrepresenting, willfully omitting, or being negligent in reporting criminal history, discipline of a professional license or credential, academic awards or employment history;
- II. Suspension (three years to five years) of a license up to revocation/denial of a license for falsifying, intentionally misrepresenting, willfully omitting, or being negligent in reporting professional qualifications, or college or professional development credit and/or degrees;
- III. Suspension (one day to five years) of a license for all other violations of this principle.

## 4. Criminal Acts

**Educators shall adhere to federal, state and local laws and statutes.**

**If an educator violates Principle 4**, the presumption for the appropriate range of disciplinary action is the following:

- I. Revocation/denial of a license for a criminal offense that is an offense of violence, theft offense, drug abuse offense or sexually oriented offense, as defined in Ohio Administrative Code Rule 3301-20-01;
- II. Revocation/denial of a license for a criminal offense involving the school community or where the victim is a student or minor;
- III. Suspension (one day to five years) of a license up to revocation/denial of a license for all other felony criminal acts;
- IV. Letter of admonishment up to revocation/denial of a license for all other misdemeanor criminal acts (for example, disorderly conduct, trespassing, assault, passing bad checks, fraud, domestic violence, possession of drugs).

## 5. Confidentiality

**Educators shall comply with local, state and federal laws related to maintaining confidential information.**

**If an educator violates Principle 5**, the presumption for the appropriate range of disciplinary action is suspension (one day to two years) of a license.

## 6. Use, Possession, or Unlawful Distribution of Alcohol, Drugs and Tobacco

**Educators shall not use, possess or unlawfully distribute illegal or unauthorized drugs. Educators shall not use alcohol during any school activity involving students, minors or underage persons. Educators shall not use tobacco during any school activity except in designated areas. Educators shall not furnish, provide or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, or illegal or unauthorized drugs**

**If an educator violates Principle 6**, the presumption for the appropriate range of disciplinary action is the following:

- I. Suspension (one year to five years) of a license up to revocation/denial of a license for violations dealing with students, minors, or underage persons or school activities;
- II. Suspension (one day to five years) of a license for misuses unrelated to students, minors, or underage persons or school activities.

## 7. Financial Management and Improper Compensation for Personal Gain

**Educators shall ensure all school funds and accounts are managed in a responsible and transparent manner. Educators shall ensure school property, public funds or fees paid by students or the community are not used for personal gain. Educators shall not make decisions based upon gifts, gratuities, favors or the socioeconomic status of parents, family members, community members or businesses.**

**If an educator violates Principle 7**, the presumption for the appropriate range of disciplinary action is the following:

- I. Suspension (two years to five years) up to revocation/denial of a license for theft of school property or school funds;
- II. Letter of admonishment up to suspension (one day to one year) of a license for using one's position for personal gain;
- III. Suspension (one day to five years) up to revocation/denial of a license for all other violations of this principle.

## 8. Commitment to Contract

**Educators shall fulfill all of the terms and obligations detailed in their employment contract with the local board of education, public educational agency, or community school for the duration of the contract.**

**If an educator violates Principle 8**, the presumption for the appropriate range of disciplinary action is a letter of admonishment up to suspension (one day to one year) of a license.

## 9. Appropriate and Responsible Use of Technology

**Educators shall always use technology, electronic communications, and social media in a responsible and professional manner and appropriately safeguard the unauthorized use or access to electronic devices and data entrusted to them.**

**If an educator violates Principle 9**, the presumption for the appropriate range of disciplinary action is the following:

- I. Letter of admonishment up to suspension (one day to five years) of a license for negligence in failing to prevent others from unauthorized access of professional devices and students from unauthorized access of personal devices; accessing inappropriate, non-school-related material on school-owned devices; and use of school technology to run, manage, or promote a personal business;
- II. Suspension (one day to five years) of a license up to revocation/denial of a license for presenting inappropriate, non-school-related media to students and for violations involving the use of technology to host, post, or distribute inappropriate material;
- III. Suspension (one year to five years) of a license up to revocation/denial of a license for violations involving use of technology for promoting and/or engaging in inappropriate communication with students;
- IV. Suspension (one day to five years) of a license for failing to report or address instances of electronic or online harassment, bullying, or intimidation of a student, or failing to appropriately intervene when made aware of inappropriate or illegal materials involving students or minors appearing in electronic form.

# OHIO EDUCATION ASSOCIATION

## MODEL CONSTITUTION and BYLAWS for LOCAL ASSOCIATIONS

Revised March 2023

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# MODEL CONSTITUTION AND BYLAWS

## FOR LOCAL ASSOCIATIONS

**GUIDELINES:** The Model Constitution and Bylaws provides local associations with examples of language for local C&B that comply with the requirements of the OEA, the NEA, and state and federal law.

Model language is followed by explanation and commentary *[in brackets and italicized]* as to why model language is suggested or required. The language contained in brackets does not need to be included in the submitted document.

Completing the OEA Standards for Affiliation Test Form Appendix B on pages 43 and 44 prior to submission to OEA will assist the local in meeting the OEA Bylaw 9-2 Standards for Affiliation. Instructions for the form are on page 45.

In many sections of this model references are made to the State Employment Relations Board (SERB) which is applicable only to the public sector and the National Labor Relations Board (NLRB) which is applicable only to the private sector. Update the local Constitution and Bylaws as is appropriate to the local's circumstances.

**When ready to forward to OEA, include the local's C&B, completed standards test and submission form (which is located on the last page of this manual.) Additionally include the revision date of the document. Prior to the required five-year review date, any local C&B that is amended must be updated and then submitted to OEA with the above mentioned forms.**

**If you have questions or concerns please contact the Legal Department by e-mail: [candb@ohea.org](mailto:candb@ohea.org). Or by telephone: toll free at (800) 282-1500 extension 3042 or locally at 362-0646 extension 3042.**

Electronic copies of the Model C&B are located:

- OEA Staff may find the document on the OEA Intranet ► Legal Services ► Constitution and Bylaws
- Log onto OEA's web site at [www.ohea.org](http://www.ohea.org) ► Members Center ► Members Only ► Additional OEA Resource Links ► OEA Model Constitutions and Bylaws.

**NOTE: Any and all proposed changes to the local Constitution and Bylaws (C&B) not yet adopted in accordance with the local C&B are not effective.**

# MODEL LANGUAGE – CONSTITUTION

## ARTICLE 1. NAME

**Section A.** The name of this organization shall be the \_\_\_\_\_.

*[Please state the official name of the local association.]*

**Section B.** The (Name of This Organization), henceforth referred to as the Association, shall maintain affiliation with the Ohio Education Association, the National Education Association, and the \_\_\_\_\_ (OEA District Association, see official names below.)

**Official District Association Names:**

CAPITAL DISTRICT, INCORPORATED

CENTRAL OEA/NEA

EAST CENTRAL OHIO EDUCATION ASSOCIATION (ECOEA)

EASTERN OHIO EDUCATION ASSOCIATION (EOEA)

NORTH CENTRAL OHIO EDUCATION ASSOCIATION (NCOEA)

NORTH EASTERN OHIO EDUCATION ASSOCIATION (NEOEA)

NORTHWESTERN OHIO EDUCATION ASSOCIATION (NWOEA)

SOUTHEASTERN OHIO EDUCATION ASSOCIATION (SEOEA)

SOUTHWESTERN OHIO EDUCATION ASSOCIATION (SWOEA)

WESTERN OHIO EDUCATION ASSOCIATION (WOEA)

*[Section 9-2(a) of the OEA Bylaws requires as a condition of affiliation with the OEA, that the local association maintains affiliation with the district, state, and national associations.]*

## ARTICLE II. PURPOSE

**Section A.** The purpose of the Association shall be to:

1. Help set and promote the educational objectives of the local school system and of the state and of the nation;
2. Protect the welfare and advance the professional interests of its members;
3. Foster professional attitudes;
4. Establish and maintain helpful, friendly relationships within the membership and school community.

*[The purpose should establish the reason for which the local association has been created. Purposes should be stated broadly, not narrowly. The purposes of the organization help guide elected officers of the local association in the performance of their duties.]*

### ARTICLE III. MEMBERSHIP

**Section A.** (All certified, and/or all education support) professionals employed by the \_\_\_\_\_ Board of Education, except those classified as administration, shall be eligible for active membership.

*[The local must define who is eligible to be a member of the local association. THIS INFORMATION MAY BE FOUND IN THE COLLECTIVE BARGAINING AGREEMENT (CBA) IN THE RECOGNITION CLAUSE. THE SCOPE OF MEMBERSHIP CAN BE GREATER THAN THE SCOPE OF THE BARGAINING UNIT, AS DEFINED BY THE COLLECTIVE BARGAINING UNIT, BUT THE MEMBERSHIP BODY SHOULD NEVER BE DEFINED TO BE SMALLER THAN THE BARGAINING UNIT.]*

**Section B.** Active members shall be members of the \_\_\_\_\_ (local), the \_\_\_\_\_ (OEA district), the Ohio Education Association, and the National Education Association.

*[Section 9-2(a) of the OEA Bylaws require that local association members hold unified membership. A person cannot be a member of a local association without also being a member of her/his OEA district, state, and national associations.]*

**Section C.** All members shall abide by the Code of Ethics of the Education Profession.

*[This sample language is required by Section 9-2(c) of the OEA Bylaws.]*

*[The NEA Code of Ethics can be found in the Appendix D of this Model C&B.]*

## ARTICLE IV. OFFICERS

*[Every association needs people to run day-to-day business. There are various schemes to accomplish this. The model provides three examples. Choose one of the following options or develop a similar structure. Most associations elect officers every year or every other year. The only restriction by law is that local association officers stand for election every three (3) years. Terms of office and start date of office are required by Section 9-2(b) of the OEA Bylaws to have a Constitution consistent with the terms of the OEA.]*

### Option 1

**Section A.** The Officers of the Association shall be the President, Vice President, Secretary, and Treasurer.

**Section B.** All Officers shall hold office for a one-year term, beginning \_\_\_\_\_.  
*[Define the start date the officer(s) assume(s) office, e.g., newly elected officers shall be installed and assume these offices at the last meeting of the school year, or on September 1 of the year elected. Officers should be installed at this time to ensure that adequate time is provided for a smooth transition.]*

### Option 2

**Section A.** The Officers of the Association shall be the President, Vice President, Secretary, and Treasurer.

**Section B.** All Officers shall hold office for a two-year term, beginning \_\_\_\_\_. The President and Secretary shall be elected in odd years. The Vice President and Treasurer shall be elected in even years.

### Option 3

**Section A.** The Officers of the Association shall be President, President-Elect, Immediate Past President, Secretary, and Treasurer.

**Section B.** The Officers shall hold office for a one-year term, beginning \_\_\_\_\_.

**[NOTE:** *If the C&B lists qualifications for officers, e.g., that all elected officers shall have been active members of the Association for at least \_\_\_\_ year(s) immediately preceding the election, the U.S. Department of Labor's Code of Federal Regulations, Section 452.40 states that "[a] requirement that candidates for office have some prior service in a lower office is not considered reasonable." Therefore, it is not reasonable to require that an officer of the Association must have been a member of the Board of Directors/Executive Committee for two years. However, it is reasonable to require that the officer should be an active member of the Association for not less than a period of two years.]*

**Section C. Choose one of the following options for Successions and Vacancies:**

**Option 1**

Whenever the office of President becomes vacant due to death, incapacity, termination, resignation, retirement or recall, the Vice President shall automatically assume the presidency for the remaining part of the term.

A vacancy in the office of Vice President, Secretary or Treasurer shall be filled for the remainder of the term by majority vote of the Board of Directors/Executive Committee.

**Option 2**

Whenever the office of President becomes vacant due to death, incapacity, termination, resignation, retirement or recall, the Vice President shall automatically assume the presidency for the remaining part of the term.

A vacancy in the office of Vice President shall be filled by a candidate with the most votes received in descending order in the last general election; if all candidates decline the office, or if there were no candidates, the office will be filled by a special general election.

Whenever the offices of both President and Vice President become vacant, the remaining members of the Board of Directors/Executive Committee shall choose one of their number to serve as President Pro Tempore until a special election by the membership is conducted. In such case the Elections Committee shall provide a slate of candidates for both offices.

A vacancy in the office of Secretary or Treasurer shall be filled for the remainder of the term by majority vote of the Board of Directors/Executive Committee.

**Option 3**

Whenever the office of President becomes vacant due to death, incapacity, termination, resignation, retirement or recall, the Vice President shall automatically assume the presidency for the remaining part of the term.

A vacancy in the office of Vice President, Secretary or Treasurer shall be filled by an appointment of the President with the approval of two-thirds of a quorum of the Board of Directors/Executive Committee in a secret ballot.

#### **Option 4**

A vacancy in the office of President due to death, incapacity, termination, resignation, retirement or recall shall be filled by the Vice President who shall complete the unexpired term.

In the event a vacancy occurs in the office of both the President and Vice President, the vacancy shall be filled by election of the general membership in accordance with the OEA Elections Manual.

A vacancy in the office of Vice President, Secretary or Treasurer shall be filled by election of the general membership in accordance with the OEA Elections Manual.

*[Guidelines for filling officer vacancies are necessary to ensure continual leadership and to comply with Section 9-2(f) of the OEA Bylaws.]*

## ARTICLE V. BOARD OF DIRECTORS / EXECUTIVE COMMITTEE

**Section A.** The Board of Directors/Executive Committee shall be composed of the elected officers of the Association and association representatives.

*[The members of the Board of Directors/Executive Committee must be defined. All members of the Board of Directors/Executive Committee must be elected.]*

**Section B.** The Board of Directors/Executive Committee shall:

1. Act as advisors to the officers, assign duties, be responsible for all committees of the Association, and have such policy-making authority as provided in this C&B.
2. Act as the authoritative voice of the Association on positions affecting the Association during the interim period between regular meetings.
3. Prepare recommendations for the consideration and action of the Association.
4. Carry out policies established at general membership meetings.
5. Report its transactions and those of the general membership to all members.
6. Direct an independent audit of the Association's financial records at regular intervals not to exceed two (2) years.
7. Ensure the Association acts on an annual financial report presented by the Association Treasurer.

*[Duties of the Board of Directors/Executive Committee must be defined.]*

**Section C.** There shall be one association representative elected for a term of \_\_\_\_ year(s) in each building or unit of representation for every ten (10) members or fraction thereof. Each representative has one vote on the Board of Directors/Executive Committee.

*[The ratio of representatives to members is necessary to ensure equal representation and preserve the one member/one vote principle. The ratio of 10:1 is only an example. Your preferred ratio may differ, but it should not exceed 25:1.]*

*[This sample language is necessary to comply with Section 9-2(b) & 9-2(d) of the OEA Bylaws.]*

**Section D.** It is the policy of this Association, and it shall take all legally permissible steps to achieve governance and delegate representation of ethnic minority at least proportionate to the ethnic minority membership in the Association.

*[The sample language in this section is necessary to comply with Section 9-2(d) of the OEA Bylaws.]*

**Section E.** Certified member(s) and education support professionals shall be elected to the Board of Directors/Executive Committee in proportion to their respective membership in the Association.

*[The sample language in this section is necessary to comply with Section 9-2(e) of the OEA Bylaws.]*

**Section F.** A vacancy on the Board of Directors/Executive Committee due to death, incapacity, termination, resignation, retirement or recall, shall be filled for the remainder of the term by majority vote of the Board of Directors/Executive Committee of the local.

**Section G.** No business or financial transaction involving a member of the Executive Committee/Board of Directors or agent of the Association, or their spouse, children, or parents, or otherwise as described in this Section, shall conflict with the fiduciary responsibility of such person to the Association. Such relationships with the members of the Executive Committee/Board of Directors include relationships with any person that would reasonably be expected to affect the person's judgment with respect to the transaction or conduct in question in a manner adverse to the Association.

**[EXAMPLES OF POSSIBLE CONFLICT WITH FIDUCIARY RESPONSIBILITY:**

*The association hired a business and the owner of that business is a relative of an officer who would be writing that business a check.*

*The association hires an accountant who is a spouse of an officer of the local.]*

*[This sample language is supported by Ohio Revised Code Section 4117.19 (C)(2) and is necessary to comply with Section 9-2(b) of the OEA Bylaws.]*

## ARTICLE VI. ELECTIONS

**Section A.** The President shall appoint a Nominating Committee whose duty it shall be to present a slate of officers for each office. Candidates for office may also be submitted by a petition signed by at least fifteen (15) active members or by nomination from the floor.

*[It is appropriate that local leadership continually identifies, develops, and encourages activism in the local association.]*

**Section B.** No member shall be nominated for office without the knowledge and consent of the individual.

*[No person can be drafted for office without the consent of the person.]*

**Section C.** The President shall appoint an Elections Committee whose duty it shall be to conduct elections in accordance with the OEA Elections Manual and to resolve all challenges or protests to an election. No nominee for office shall serve concurrently on the Elections Committee.

*[This is necessary to comply with section 9-2(f) and 9-2(m) of the OEA Bylaws. Members of the Elections Committee should be impartial and charged with conducting the election in a fair and neutral fashion. Members should consult the OEA Elections Manual for guidelines as to how to run an election that is in technical compliance with the state and federal statutes.]*

**Section D.** Choose one of the following options:

### Option 1

Elections of officers and Board of Directors/Executive Committee members shall be conducted by secret ballot in each building during one school day designated by the Elections Committee.

### Option 2

Elections of officers and Board of Directors/Executive Committee members shall be conducted by mail ballot election (using a double envelope system to insure ballot secrecy). The mail ballot election schedule shall be determined by the Elections Committee.

*[Consult the OEA Elections Manual to decide the method that best fits your local.]*

**Section E.** The Elections Committee shall report the results of the election to the total membership within five (5) calendar days following the election.

**Section F.** All ballots (marked, unmarked, and voided) and all other records pertaining to the election of officers of this Association and OEA and NEA delegates and alternates shall be preserved for one year from the date the election was held; and such ballots and other records shall be made available to OEA officers upon request for inspection and examination.

*[This sample language is necessary to comply with Section 9-2(h) of the OEA Bylaws.]*

**Section G.** Non-members of the Association, including fee payers, shall not have the right to vote, hold office, or otherwise have privilege of Association membership.

*[Only members of the local association may become officers, nominate and vote in elections or have any other right to participate in the decision-making process of the association.]*

*[Language relating to the processes and procedures of Fair Share Fee payers should be in the Collective Bargaining Agreement (CBA) and not in the C&B.]*

## ARTICLE VII. IMPEACHMENT OF OFFICERS

- Section A.** Officers of the Association may be impeached for violation of the Code of Ethics of the Education Profession or for misfeasance, malfeasance, or nonfeasance in office.
- Section B.** Impeachment proceedings against an officer may be initiated by written petition submitted to the Board of Directors/Executive Committee by at least twenty-five (25) percent of the members.
- Section C.** If, after a due-process hearing, a two-thirds (2/3) vote of the Board of Directors/Executive Committee sustains the charge, the office shall become vacant.
- Section D.** The officer may appeal the decision to a special meeting of the general membership.

*[Methods must be provided to remove officers who do not perform adequately the duties of their position. Any removal process, however, must provide an adequate due-process hearing which gives the accused officer notice of the charges and the basis for the charges against her/him, a right to hear or see the evidence against her/him, a right to representation, the right to examine or cross-examine witnesses, and the right to present evidence to rebut the charges.]*

*[This sample language is necessary to comply with section 9-2(b) of the OEA Bylaws.]*

## ARTICLE VIII. COMMITTEES

- Section A.** The Association shall have such standing committees as are necessary to carry out the responsibilities and program of the Association.
- Section B.** Ad hoc (temporary) committees may be formed as necessary to achieve the Association program.
- Section C.** All committees shall be appointed by the President with the approval of the Board of Directors/Executive Committee. If Committee Chairs are members of the Board of Directors/Executive Committee, they must be elected to have voting rights.

*[The sample language in Section A is necessary to comply with section 9-2(m) of the OEA Bylaws.]*

## ARTICLE IX. DUES

**Section A.** The local association shall have a dues structure adequate to fund an active program.

*[This sample language is necessary to comply with Section 9-2(j) of the OEA Bylaws.]*

## **ARTICLE X. AMENDMENTS**

**Section A.** Amendments to this Constitution may be made by a two-thirds (2/3) majority of those voting at any regular meeting provided that the amendments have been introduced at the preceding regular meeting and that copies of proposed amendments have been distributed to all members for discussion.

## MODEL LANGUAGE – BYLAWS

*[While the Constitution establishes the framework of an association, the bylaws of an association sets forth the rules by which the association works. Duties and responsibilities of officers and committees are listed. Methods by which decisions are made and business conducted are established.*

*Because bylaws relate to and are affected by day-to-day events more than the constitution, typically, it is easier to amend the bylaws than it is the constitution of a local association.]*

## **BYLAW 1. MEETINGS**

**Section 1-1.** The Board of Directors/Executive Committee shall meet monthly or at the call of the President.

*[The Board of Directors/Executive Committee typically meets more frequently than the general membership because it is necessary to make decisions on business matters.]*

**Section 1-2.** The general membership meetings shall be held at least twice per year, e.g. one in spring and one in the fall or once in September and once in May. Additional meetings may be called by the President, a majority vote of the Board of Directors/Executive Committee, or a petition to the President signed by at least ten (10) percent of the active membership. Such petitions shall state the purpose of the desired meeting and the business of that meeting shall be limited to consideration of the stated purpose.

*[A minimum of two meetings, spaced out over the year meets the requirement of OEA Bylaw 9–2(k) that local associations provide for regular meetings.]*

## **BYLAW 2. QUORUM**

**Section 2-1.** The quorum for the Board of Directors/Executive Committee meetings shall be one more than fifty (50) percent.

**Section 2-2.** The quorum for a general meeting shall be the membership present.

*[It is necessary to establish the percentage of members of a body that must be present before that body can conduct business.]*

### **BYLAW 3. DUTIES OF OFFICERS**

*[Provide descriptions of duties for every officer that is named in the Constitution.]*

#### **Section 3-1. President**

- A. Preside over all Association meetings and prepare their agendas.
- B. Represent the Association on all matters of Association policy.
- C. Serve as ex-officio member of all Association committees.

*[The President, as the leader of the local association, has those responsibilities necessary to provide leadership. "Ex-officio" means that by right of holding the office of president, the President can attend Association committees meetings, however the Bylaws need to specify whether he/she has voting rights.]*

#### **Section 3-2. President-Elect/Vice President**

- A. Preside over Association meetings in the absence of the President.
- B. Perform such other duties as delegated by the President.

*[The office of president-elect exists only if Option 3 of Article IV of the Model Constitution is selected (see page 7.) Otherwise, the title of the office is Vice President.]*

*[Some local associations may want their President, President-Elect/Vice President, or other officers to be a delegate to the OEA and/or NEA Representative Assemblies by virtue of the office. If that is the case, language must be included in the bylaws to that effect under the duties of the specific officer. A sample would be:*

*"Serves as a delegate to the OEA (and NEA, if desired) Representative Assembly by virtue of her/his office."*

*Similar language should also appear on the ballot when electing officers who hold delegate status by virtue of their local office.]*

**Section 3-3. Immediate Past President (Use only if this office is named in the Constitution (see Option 3 of Article IV of the Model Constitution)).**

- A. Presides over Association meetings in the absence of the President and President-Elect/Vice President.

**Section 3-4. Secretary**

- A. Keep accurate minutes of all official meetings of the Association.
- B. Maintain official files of the Association including maintaining electronic copy of Association Constitution and Bylaws.
- C. Perform such other duties as delegated by the President.

**Section 3-5. Treasurer**

- A. Hold the funds of the Association and disburse them upon authorization of the Board of Directors/Executive Committee.
- B. Maintain records of receipts and disbursements.
- C. Maintain membership rolls. *[Note: This duty may be handled by a Membership Chair.]*
- D. Prepare financial reports for meetings of the Board of Directors/Executive Committee and an annual financial statement to be distributed to the membership.  
*[This sample language is required by Ohio Revised Code Section 4117.19 (C)(1)]*
- E. Prepare all tax forms required by state and federal government or work with those who assist the association.
- F. Prepare for an independent audit as authorized by the Board of Directors/Executive Committee.
- G. Shall be bonded.
- H. Chair the Budget Committee.

*[The Treasurer of a local association is often the busiest local association officer because the Treasurer is responsible for meeting all state and federal tax requirements. The OEA publishes a Treasurer's Handbook, which is updated annually to assist the Treasurer in the performance of her/his duties.]*

**Section 3-6. Association Representative**

- A. Report recommended policies and other actions of the Board of Directors/Executive Committee to members in her/his building or unit of representation.
- B. Transmit proposals and recommendations from members in her/his building or unit of representation to the Board of Directors/Executive Committee for its consideration.

*[The sample language in Sections A and B are examples to comply with section 9-2(l) of the OEA Bylaws.]*

- C. Assist the membership committee in the collection of dues.
- D. Assist the elections committee in the collection of ballots.
- E. Attend all official meetings of the Association or provide an alternate in her/his absence.
- F. Act as a consultant to the individual member who has a professional problem and, when necessary, seek needed assistance from the Association.

## BYLAW 4. COMMITTEES

**Section 4-1.** There shall be the following committees:

**Negotiations** - assess membership concerns prior to bargaining, develop initial proposals of the Association, and provide additional advice and input, upon the request of the bargaining team, during active negotiations.

**Elections** – charged with the responsibility to protect the integrity of an election or vote and ensure that an election is conducted in accordance with the guidelines set forth in the OEA Election Manual and with local, state, and national constitutions.

*[This sample language is necessary to comply with section 9-2(f) and 9-2(m) of the OEA Bylaws.]*

**Grievance** - maintenance of, and membership advocacy in, grievance procedure.

**Professional Development** - pre-service, continuing, and in-service educational opportunities.

**Human Relations** - promotion of understanding, unity, and communication among all groups in the school and school district communities.

**Communications** - membership newsletter, press releases public relations.

*[This sample language is necessary to comply with section 9-2(l) of the OEA Bylaws.]*

**Legislative** - candidate endorsement/campaigning, EPAC fund collections, levy/bond campaigning, seek membership involvement in relevant local, state, and national political affairs.

**Budget** - prepares a budget giving estimates of income and expenditures (including a separate estimate for each committee) for the future fiscal year.

**Audit** - checks accuracy of accounting procedures.

**Membership** – maintains membership rolls, conducts and/or assists with membership drives, works in conjunction with the treasurer.

**Constitution and Bylaws** – reviews and submits to OEA the local's C&B when amended or every five years.

**Section 4-2.** Necessary sub-committees may be appointed, as needed, by the committee chairperson.

*[Many associations operate very effectively and provide a comprehensive program without an elaborate committee structure. Other than the Elections Committee which is required, ad hoc, or temporary committees, may be created and disbanded to deal with short-term issues and projects.]*

*[Each committee chairperson should have a written list of responsibilities and be responsible to the local Board of Directors/Executive Committee. The list of committees in Section 4-1 is just a sample of recommended standing committees.]*

## **BYLAW 5. BARGAINING AND CONTRACT RATIFICATION**

- Section 5-1.** The Association shall be represented in collective bargaining by an authorized team of Association Representatives appointed by the President and Board of Directors/Executive Committee.
- A. If the President is not an active member of the bargaining team, the President will be an ex-officio member of the Association bargaining team.
  - B. Members of the bargaining team need not necessarily be from the negotiations committee.
  - C. Necessary sub-committees may be appointed, as needed, by the committee chairperson.
  - D. The bargaining team shall have the authority to bargain in good faith; make proposals, counterproposals, and concessions; and make tentative agreement on a contract with representatives of the Board of Education.
  - E. While negotiations are in progress, periodic reports to members may be made by the bargaining team.
- Section 5-2.** In preparation for bargaining, the negotiations committee shall make reports and recommendations to the Board of Directors/Executive Committee.
- Section 5-3.** The Ohio Education Association represents the Association on all matters concerning the Association before the State Employment Relations Board (SERB) **OR** the National Labor Relations Board (NLRB).
- [The sample language in Section 5-3 is necessary to comply with section 9-2(g) in the OEA Bylaws.]*
- SECTION 5-4.** The OEA/NEA UniServ Consultant shall be the Association's designated bargaining representative.
- Section 5-5.** Written copies of the tentative agreement summary should be given to the general membership prior to ratification.
- Section 5-6.** Conduct all ratifications of collective bargaining agreements in accordance with the guidelines for ratification of collective bargaining agreements and fact finder reports as set forth in the OEA Elections Manual.

*[The sample language in Section 5-6 is necessary to comply with section 9-2(g) in the OEA Bylaws.]*

**Section 5-7.** A vote on a tentative agreement to the contract or on a fact-finding report shall be made by written ballot.

- A. No absentee or proxy votes will be allowed on contract ratification votes or fact-finding reports.
- B. The first vote on contract ratification or a fact-finding report will be to accept or reject the contract/report as presented.
- C. All ballots used in a vote regarding a contract ratification or fact-finding report, after tabulation, will be sealed and retained by the Association Treasurer for three (3) years or duration of contract, whichever is greater.
- D. The President will communicate required details of the ratification vote to the employer's designated representative.

**Section 5-8.** The designated representative for the Association is authorized to give timely notice of intent to strike to the *(insert employers name\*)*, SERB **OR** NLRB upon approval of the membership and in keeping with provisions of ORC 4117.14(D)(2).

*\*Typically this would be a Board of Education; however it could be another name. Insert the name that applies to the local's circumstances.*

**Section 5-9.** Non-members of the Association are not eligible to vote on a fact finder's report or contract ratification.

*[The sample language in Section 5-9 is necessary to comply with section 9-2(g) in the OEA Bylaws.]*

*[Bargaining is an important function of the local association, and to many members, it is the most important function.]*

*[Article 5 is designed to provide a procedure which is democratic, efficient, and in compliance with law. The OEA Elections Manual provides additional information on contract ratification procedures and should be consulted. To obtain a copy of The OEA Elections Manual, Log onto OEA's web site at [www.ohea.org](http://www.ohea.org) ► Members Login ► OEA Local Leaders ► Local Officer Documents. or contact your OEA Field Office for a copy.]*

*[Local Name Change – review SERB or NLRB requirements]*

*[For Section 5-3 and Section 5-8 see information in the Guidelines Section of this document and insert the correct language.]*

## **BYLAW 6. DUES**

**Section 6-1.** The dues rate for the succeeding year shall be determined by the April meeting of the Board of Directors/Executive Committee.

*[The authority to set annual dues is typically given to the Board of Directors/Executive Committee.]*

**Section 6-2.** Every member shall also pay the dues required by the district, state, and national associations with which this local is affiliated.

*[The sample language in Section 6-2 is necessary to comply with section 9-2(a) in the OEA Bylaws.]*

**Section 6-3.** The association shall annually enter into a Dues Transmittal Agreement with the Ohio Education Association.

*[Language relating to the processes and procedures of Fair Share Fee payers should be in the Collective Bargaining Agreement (CBA) and not in the C&B.]*

## **BYLAW 7. MEMBERSHIP YEAR**

**Section 7-1.** The membership year and the fiscal year of the Association shall be September 1 to August 31.

*[This sample language is necessary to comply with section 9-2(i) in the OEA Bylaws.]*

## BYLAW 8. EXPULSION OF MEMBERS

**Section 8-1.** According to procedures adopted by the Association, the Board of Directors/Executive Committee may censure, suspend from membership, or expel any member for one or more of the following reasons:

- A. Violation of the Code of Ethics of the Education Profession.
- B. Conviction of a felony.
- C. Actively engaging in, or actively supporting activities directed against the constitutional purposes of the Association to bring about changes in the Association by means other than those that are consistent with the Association's Constitution.

**Section 8-2.** The Board of Directors/Executive Committee may reinstate members previously suspended or expelled.

*[Though rarely used, local associations must have procedures for the discipline of members who act contrary to the purpose of the Association. An example of a contrary act is a member who crosses a picket line and works during a strike.]*

*[The sample language in Sections 8-1 and 8-2 are necessary to comply with section 9-2(b) in the OEA Bylaws.]*

**Refer to Appendix A for additional sample language (THE APPENDIX IS NOT REQUIRED LANGUAGE).**

## **BYLAW 9. DUE PROCESS**

**Section 9-1.** The Association guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

*[Before acting to censure, suspend, or expel a member, a local association should adopt adequate due process procedures, which include: providing the accused member with adequate notice of the charges, a right to a hearing, and the right to be represented.]*

*[The sample language in Section 9-1 is necessary to comply with section 9-2(b) in the OEA Bylaws.]*

**Refer to Appendix A for additional sample language (THE APPENDIX IS NOT REQUIRED LANGUAGE).**

## **BYLAW 10. AUTHORITY - PARLIAMENTARY PROCEDURE**

**Section 10-1.** Robert's Rules of Order, Newly Revised shall be the authority governing all matters of procedure not otherwise provided in this constitution, bylaws, or standing rules.

## **BYLAW 11. AMENDMENTS**

**Section 11-1.** Amendments, alterations, additions, or deletions to these Bylaws shall be made by a majority vote of the total active membership of the Association.

**Section 11-2.** Changes shall be proposed upon the initiative of the Constitution Committee or upon presentation to the Board of Directors/Executive Committee of a petition signed by twenty (20) percent of the current active membership. All proposed changes shall be submitted in writing to all active members at least ten (10) days prior to action.

## BYLAW 12. DISSOLUTION OF ASSOCIATIONS

**Section 12-1.** A petition for dissolution of the Association may be presented in writing to a meeting of the general membership by any member in good standing and must contain the signature of three-fourths (3/4) of the total membership of the Association.

**Section 12-2.** Upon receipt of the petition for dissolution by the total membership, the Association shall act upon the petition at the next general membership meeting.

**Section 12-3.** The Association shall be considered dissolved if three-fourths (3/4) of the total membership vote by secret ballot in favor of dissolution.

**Section 12-4.** The effective date of dissolution shall be thirty (30) days from the date of the vote, thus allowing for the disposal of assets and liabilities.

**Section 12-5.** In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to   (A)   provided that it is an entity recognized as exempt from Federal taxation. In the event that   (A)   is not then recognized as tax exempt, such assets shall then pass to   (B)   provided that is recognized as exempt from Federal taxation.

*[The blank lines in 12-5 are to be filled in with a tax exempt entity (A) and an alternate (B). Assets cannot be distributed to members or any other entity that is not recognized as exempt from Federal taxation. Examples of exempted entities include: Ohio Education Association, American Heart Association, American Red Cross, Libraries, Established Scholarship Programs, etc.]*

*[This sample language is necessary to comply with section 9-2(b) in the OEA Bylaws.]*

### **BYLAW 13. ENABLING PROVISION**

**Section 13-1.** This Constitution and these Bylaws shall become effective \_\_\_\_\_, 20\_\_\_\_\_, following their adoption, and shall remain in effect until amended according to regulations herein provided.

## **Additional Comments**

- Language relating to the processes and procedures of Fair Share Fee payers should be in the Collective Bargaining Agreement (CBA) and not in the C&B.
- It is recommended that the local C&B document, either on the title page or back page, include the effective date of all Amendments.

## APPENDIX A

(Option to Constitution and Bylaws Document)

### GROUND FOR CHARGES AGAINST MEMBERS AND OFFICERS

Section 1. Every member of the Association, by virtue of such membership, agrees that, in consideration of the rights and benefits conferred upon him or her pursuant to the terms of the Association Constitution, he or she shall be subject to disciplinary action for any conduct which constitutes a violation of his or her duties and obligations as stated in Section 2 below. Every member, by virtue of his or her membership, agrees that termination of membership does not terminate his or her liability for discipline for acts occurring during the period of his or her membership.

Section 2. Any member or elected or appointed officer may be charged and disciplined for engaging in conduct which constitutes a violation of his or her duties and obligation to the membership. The basis for such charges shall include, but not be limited to, the following:

*[The following list of infractions is fairly comprehensive, and may be shortened at the discretion of the local association to include only those items which are priorities for the local. However, it may be easier to enact a comprehensive procedure as an initial matter than it is to enact an abbreviated one and later attempt to "add" infractions by amendment. While some of the infractions may appear redundant, each references a distinct violation.]*

- a. Violating any provision of the approved Constitution or established Bylaws of the Association or its affiliates.
- b. Failing to pay dues, fines, assessments, fees, and other financial obligations owed to the Association or its affiliates in a timely manner.
- c. Obtaining membership by misrepresentation or through other fraudulent means.
- d. Working in the interest of, or accepting membership in, any competing organization with interests dual to the Association.
- e. Furnishing a complete or partial list of the membership of the Association to any person other than those whose position entitles them to have a list, without specific authorization in writing from the Association President.
- f. Deliberately engaging in conduct which violates the responsibility of members toward the Association as an institution.
- g. Unreasonably, unlawfully or improperly disturbing the peace or harmony of any meeting of the Association.
- h. Embezzling, misappropriating, fraudulently receiving, wrongfully handling, or failing to account for the funds of the Association, or any employee benefit fund.
- i. Wrongfully taking, retaining, or destroying any money, books, papers or any other property belonging to the Association.
- j. Using the name of the Association for soliciting funds, for advertising, or for any other similar activities.

- k. Crossing or working behind a lawful and properly authorized picket line established by the Association.
- l. Working for lower wages, longer hours, or other conditions inferior to those established by the Association collective bargaining agreement.
- m. Acting in any way to circumvent, defeat or interfere with: (1) the Association's collective bargaining agreement with the employer or (2) the Association's performance of its legal or contractual rights or obligations.
- n. Disclosing any confidential matter of Association or its affiliates to any employer or employer agent.
- o. Acting in collusion with any employer or employer agent to the detriment of the Association.
- p. In the case of any elected or appointed Officer of the Association, failing to faithfully perform the duties of his or her office or position, or accepting dual compensation or expenses for the performance of duties related to his or her office or position.
- q. Making false and malicious statements which jeopardize the employment or reputation of another Association member.
- r. Filing a malicious and frivolous charge against a member or Officer, as evidenced by the Hearing Board's dismissal of said charge with a finding that the charge was malicious and frivolous.

## **DISCIPLINARY PROCEEDINGS**

*[The following hearing procedure contemplates a Hearing Board over which the Local Association President (or another Board of Directors/Executive Committee officer) presides, but is otherwise comprised of non-officer members. Basic rules of order and procedure are established. An appeal to the Local Association Board of Directors/Executive Committee is established. A further level of appeal to the OEA Executive Board may also be available, but that would be pursuant to the OEA's C&B.]*

### **Section 1: Establishment of the Hearing Board.**

- a. The Association President shall have the authority to establish and preside as Chairperson over a Hearing Board consisting of three (3) members to hear any disciplinary case. No Association officer or Board of Directors/Executive Committee member may be appointed to the Hearing Board. No charging party or accused member or a witness may serve on the Hearing Board in the conduct of disciplinary proceedings involving said member or witness. Where the Association President is unable to serve for any reason, the Association Vice President shall act as Chairperson. Where the Vice President is unable to serve for any reason, the remaining members of the Association Executive Board shall designate one of their number to act as Chairperson.
- b. On motion filed with the Hearing Board prior to the hearing, either party may ask that a particular Hearing Board member be excused from participating in the proceeding if said party believes and has evidence that he or she cannot receive a fair hearing before that Hearing Board member. The Hearing Board shall give precedence to consideration of such motion.
- c. For purposes of any Hearing Board Proceedings, a quorum of the Hearing Board shall consist of three of its members, and a quorum shall be required throughout the hearing.
- d. If a Hearing Board member is absent during any portion of the hearing, he or she may not participate further in the proceeding.
- e. All questions of order, procedure, and admissibility of evidence shall be decided by the Chairperson, subject to being overruled by a majority vote of the Hearing Board upon motion by a member of the Board.

### **Section 2: Procedure for Filing Charges.**

- a. An Association member accused of violating Bylaw \_\_\_\_ (“Grounds for Charges against Members and Officers”) shall be charged and tried before the Association Hearing Board. Any person who is no longer a member shall be charged and tried in the Association if the acts giving rise to the charges occurred while said person was a member of the Union.
- b. Charges may be initiated by an active member of the Association.
- c. More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers, and trying the case. Where the charges fail to designate such representative, then the first charging member named in the charge shall be considered the representative of the others.

- d. All charges and documents related to the charges shall be considered filed as of the postmark date (if sent via United States Mail), or the date of receipt by the Association (if hand delivered). It is the charging party's responsibility to verify that the filing date is accurately noted on all documents.
- e. Charges shall be filed in writing with the Association within thirty (30) days after the occurrence of the alleged violation, or if applicable, within thirty days after the alleged violation should have been discovered. Notwithstanding the date of discovery, any charge based upon alleged misconduct which occurred more than one (1) year prior to the filing of the charge shall be rejected by the Association Board of Directors/Executive Committee as time-barred, except for charges based upon the non-payment of dues, assessment and other financial obligations.

*[The foregoing time limitations in Section (e) are merely suggestions to provide for some degree of closure, but be aware that the one year limit –as long as it seems– may still prevent the filing of charges regarding legitimate, recently discovered (though very old) infractions. Again, this timeline (and any timeline suggested herein) may be adjusted at the discretion of the local association.]*

- f. The charges shall specify the Article or Articles of the Association's Constitution and/or Bylaws allegedly violated and shall also set forth a short and plain factual statement of the acts considered to be in violation (including available information as to dates and places) in such a manner as to fairly inform the accused of the specific acts which are alleged to constitute violations of the Constitution. By vote of the Association Board of Directors/Executive Committee, charges failing to comply with this requirement shall be dismissed by the Association Board of Directors/Executive Committee, without prejudice to the re-filing of charges which do comply, provided the re-filing occurs within the original thirty (30) day time limit.
- g. A true and correct copy of the charges, a copy of the Association Constitution and a copy of any applicable policies shall be served upon the accused without delay via first class certified U.S. mail with return receipt requested. The accused shall be afforded seven (7) days after receipt to reply in writing to the charges, if he or she so desires.

### **Section 3: Hearing Procedure.**

- a. On motion of the accused before a Hearing Board, or upon its own motion, the Hearing Board may dismiss without a hearing any charges it finds are of such a trivial or frivolous nature that the interest of the Association does not justify the expenditure of time, money and other resources necessary for the conduct of a disciplinary proceeding.
- b. The hearing on the charges shall be held as soon as practicable, but no later than sixty (60) days following the date on which the charges are filed. Upon request of either party, for good cause shown, the Hearing Board may grant an adjournment to a later date, not to exceed 120 days from the date charges were filed. The Hearing Board shall have the power, upon its own motion, to postpone any scheduled hearing, provided such postponement shall not result in a hearing beyond 120 days from the date the charges were filed. Any such Hearing Board decision to postpone the hearing beyond the scheduled date or to set a hearing for 60 days beyond the date that the charge was filed must be served upon all parties immediately. Every effort shall be made to schedule the hearing so that it does not conflict with the working schedule of the parties, and at least 14 days notice of the hearing date shall be given in writing to all parties. Any request for the postponement of the hearing date must be received by the Hearing Board at least three (3) days before the scheduled hearing date unless a satisfactory showing is made of inability to comply with this requirement. In the event the accused fails to appear for a duly noticed hearing, the hearing shall nevertheless proceed.

*[The hearing time frames in Section (b) are again merely suggestions. They may be shortened so long as sufficient time is given in light of due process, so it doesn't appear that the process is overly rushed.]*

- c. No member or Officer shall be required to stand before the Hearing Board on charges involving the same set of facts upon which said member or officer is facing criminal or civil trial until his/her final court appeal has been concluded.
- d. The accused and the charging party shall have a fair and impartial hearing and shall have the right to present witnesses and other evidence on their behalf and the right to examine/cross-examine all witnesses. The accused and the charging party shall have the right to refuse to testify. The accused and the charging party may be assisted, advised, or represented by another member of the Association. At the commencement of the hearing, the Chairperson of the Hearing Board shall advise the parties of their rights as set forth in this section and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event the accused elects not to appear or to respond, he or she shall be deemed to have entered a plea of not guilty, and the hearing shall proceed. Throughout the hearing, there shall be a presumption of innocence in favor of the accused. The charging party shall present his or her case first and shall have the burden of proving the allegations contained in the charge. At the close of the charging party's case, either the accused or a member of the Hearing Board shall have the right to make a motion to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the Association Constitution or Bylaws.
- e. Upon the completion of the hearing proceedings, the Hearing Board shall, without undue delay, determine the innocence or guilt of the accused, based solely on the record evidence. The parties shall be advised of the decision via first class certified U.S. mail with return receipt requested, and in duplicate by regular U.S. mail. A verdict of guilty shall require a two-thirds majority vote of the Hearing Board. If the decision is that of guilty, the Hearing Board shall affix appropriate penalties. Any member found guilty of any one or more of the charges against him or her may be censured, fined, suspended, and/or expelled, provided that such discipline shall not be imposed without stating with detailed specificity what the discipline is being imposed for. In the event of a finding of guilty on a charge that a member has crossed or worked behind a lawful and properly authorized picket line established by the Association, the penalty imposed shall be the greater of twice the charged party's per diem rate or five hundred dollars (\$500.00) per day. The decision and any penalty imposed on the basis of the decision shall be reported to the Association Board of Directors/Executive Committee within seven (7) calendar days of the date of the decision.

*[The foregoing fine amount is suggested as a starting point, and may be adjusted at the discretion of the local association.]*

- f. The accused may appeal the decision and/or penalty imposed by the Hearing Board to the Association Board of Directors/Executive Committee. Any such appeal must be filed no later than seven (7) days after the accused's receipt of notification of the Hearing Board's decision/ penalty. The Association officer who presided as Chairperson of the Hearing Board must abstain from voting on the appeal. Any penalty imposed by the Hearing Board shall become immediately operative unless the accused moves the Association Board of Directors/Executive Committee to stay the penalty pending the outcome of the appeal, and the Board of Directors/Executive Committee grants such motion.

## APPENDIX B

C&B Received Date: \_\_\_\_\_ SUBMITTED BY \_\_\_\_\_

Legal Review/Date: \_\_\_\_\_ LOCAL ASSOCIATION NAME \_\_\_\_\_

C&B Effective Date: \_\_\_\_\_  
 \_\_\_Review \_\_\_Memo/Email \_\_\_Update BoD Report \_\_\_Input into 360 \_\_\_Save in Legal Dept file

### **OEA STANDARDS FOR AFFILIATIONS TEST FOR LOCAL ASSOCIATIONS**

Standards for Affiliation of departments, districts, and local associations as required in OEA Bylaw 9-2

+9.2	Page from *Model		Article/Section Local C&B
a.1	4	Affiliation – The local shall maintain affiliation with OEA/NEA/District Associations _____	_____
a.2	6	Unified Membership – All members will be members of OEA/NEA/District Associations _____	_____
a.3	28	Dues – All members will also pay dues for OEA/NEA/District Associations _____	_____
b.		Have a constitution consistent with the constitution of OEA (Legal Review) _____	_____
b.1	7/21	Ensure Officers defined in Constitution are the same as the Bylaws and have duties assigned _____	_____
b.2	7	Starting Date of Officers _____	_____
b.3	7	Terms of Officers _____	_____
b.4	7	Qualifications for Officers (Not Required, but <b>if included</b> , check if reasonable) _____	_____
b.5	8-9/11	Filling Vacancy During Term of Office _____	_____
b.6	10	Only Elected Executive Committee Members Have Voting Rights _____	_____
b.7	10	Terms of Office for Building Representatives _____	_____
b.8	11	Conflict with Fiduciary Responsibility _____	_____
b.9	13	Non-Members Have No Right To Vote – Elections _____	_____
b.10	14	Impeachment/Due Process _____	_____
b.11	20	Quorum _____	_____
b.12	26	OEA as Designated Representative with SERB or NLRB (different than naming as negotiations representative) _____	_____
b.13	13/28/36	Fair Share Fee Language (should be in the Collective Bargaining Agreement, not the local C&B) _____	_____
b.14	30	Expulsion of Members _____	_____
b.15	31	Due Process for Expulsion of Members _____	_____
b.16	34	Dissolution _____	_____
b.17		Other _____	_____

+9.2 column refers to the article letter in OEA's Bylaw 9-2.

\*Model refers to OEA Model Constitution and Bylaws for Local Association

+9.2	Page from *Model	CONTINUATION OF OEA STANDARDS OF AFFILIATIONS TEST FORM	Article/Section Local C&B
c.	6	All members shall abide by the Code of Ethics of the Education Profession.	_____
d.1	10	Provide a ratio of representatives to members to ensure equal representation. (one member-one vote principle) Example: One (1) representative in each building for every fifteen (15) members.	_____
d.2	11	The affiliate shall provide for <u>ethnic-minority representation</u> at least proportionate to its ethnic-minority membership.	_____
e.	11	Provide for proportional representation between its classroom teacher members and its education support personnel members. (Where a multi-jurisdictional affiliate exists.)	_____
f.	12	Require periodic elections of officers by secret ballot subject to safeguards concerning the equal right of all members to nominate, seek office, and vote in elections as set forth in the OEA Elections Manual.	_____
g.1	26	Conduct all ratifications of collective bargaining agreements in accordance with the guidelines as set forth in the OEA Elections Manual.	_____
g.2	27	Non-Members have no right to vote – contract ratification	_____
h.	13	<u>Preserve all ballots</u> , marked, unmarked and voided, and all other record pertaining to elections of OEA officers, OEA and NEA delegates and alternates for one year from the election, and make such ballots and other record available to OEA officers and/or designee(s) for inspection and examination.	_____
i.	29	Have the same <u>membership</u> year as that of OEA, September 1 – August 31.	_____
j.	16/28	Have a <u>dues structure</u> to fund adequately a quality program.	_____
k.	19	Provide for <u>regular meetings</u> (at least two per year – spaced out over the year.)	_____
l.	23/24	Provide for effective member communication.	_____
m.1	15	Provide for <u>effective committee structure</u> to achieve the goals of the organization.	_____
m.2	12/24	Have an <u>election committee</u> .	_____
n.		Provide for actively seeking exclusive bargaining representation. (For New Affiliations Only.)	_____

-----AREA BELOW FOR OEA USE ONLY-----

Representative Assembly Status by Virtue of Office.

OFFICE	DELEGATE	ALTERNATE	OEA RA	NEA RA
President	_____	_____	_____	_____
Vice-President	_____	_____	_____	_____
Treasurer	_____	_____	_____	_____
Secretary	_____	_____	_____	_____
Other:	_____	_____	_____	_____

March 2023

## STANDARDS TEST INSTRUCTIONS

- Indicate the article and section of the Constitution or Bylaws that complies with the standard.
- If the language is located in the Bylaws, please precede the article and section number with a “B.” (i.e., Constitution Article I, Section A, would be “I(A)” and Bylaws Article 1, Section 1-1, would be “B-1(1-1).”
- Note item **e.** on the list is not required of all locals.
- There is no requirement for the completion of delegate by virtue of office. However, if this language is part of the C&B, OEA **is required** to verify that it complies with election requirements.
- If any requirements are missing, make the necessary modifications to your C&B prior to submitting to OEA.
- Some problem areas to watch for:
  1. In addition to requiring local affiliation with OEA, NEA, and District, unified membership is also required in those organizations **(a.)**
  2. “Conflict with Fiduciary Responsibility” was added more recently and may not be in an older Constitution and Bylaws last reviewed prior to 2013. **(b.8)**
  3. Remember to include Election Manual **(f.g.)** and Election Committee **(m.)**
  4. Reference “membership” year not just fiscal year. **(i.)** (This should coincide with OEA membership year, September 1 through August 31.)
  5. References to the “dues structure” are contained in both the Constitution and the Bylaws. Language for the Constitution refers to specifically stating the “dues will adequately fund a quality program;” and language for the Bylaws refers to the dues calculation (i.e. **percent of OEA dues amount**, percent of average teacher salary, etc.) **(j.)**
  6. “Provide for regular meetings” means that at least two general membership meetings are held spaced out over the year, e.g. one in the spring and one in the fall or once in September and once in May. **(k.)**
  7. “Effective communications” means reporting to and from the Executive Committee and if possible, having a member newsletter. **(l.)**
  8. You cannot have as voting members of your Executive Committee any non-elected members. The most frequent violation is when non-elected committee chairs are voting members of the Executive Committee.

Send hard copies of completed test, copy of C&B and submission form to:

Ohio Education Association  
Legal Department  
225 East Broad Street  
Box 2550  
Columbus, Ohio 43216

Or submit electronic copies to:  
[candb@ohea.org](mailto:candb@ohea.org)

## APPENDIX C

### BYLAW 9-2 FROM THE 2022-2023 OEA CONSTITUTION AND BYLAWS

An affiliate shall:

- a. Require membership, if eligible, in the local, district, state and national associations provided that if the local association elects by secret ballot to exclude Education Support Professionals from membership, that the affiliated local composed exclusively of Education Support Professionals shall require membership, if eligible, in a local association for Education Support Professionals and the district, state and national associations.
- b. Have a Constitution consistent with the Constitution of OEA.
- c. Adopt a policy that recognizes the preeminence of the **Code of Ethics of the Education Profession**, if appropriate.
- d. Apply the one-member, one-vote principle for representation on its governing bodies and the affiliate shall provide for ethnic-minority representation at least proportionate to its ethnic-minority membership.
- e. Provide for proportional representation between its classroom teacher members and its education support professional members where a multi-jurisdictional affiliate exists.
- f. Require periodic elections of officers by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in elections, as set forth in the OEA Elections Manual.
- g. Conduct all ratifications of collective bargaining agreements in accordance with the guidelines for ratification of collective bargaining agreements and fact finder reports as set forth in the OEA Elections Manual.
- h. Preserve all ballots, marked, unmarked and voided, and all other records pertaining to elections of OEA officers, OEA and NEA delegates and alternates for one year from the election, and make such ballots and other records available to OEA officers and/or designee(s) for inspection and examination.
- i. Have the same membership year as that of OEA.
- j. Have a dues structure to fund adequately a quality program.
- k. Provide for regular meetings.
- l. Provide for effective member communication.
- m. Provide for effective committee structure to achieve the goals of the organization. Such structure will include an election committee.
- n. Be reviewed by the Board of Directors every five (5) years to determine compliance with the above minimum standards.

- o. In the case of a local affiliate, the local must have or be actively seeking the status of exclusive bargaining representation of the members of the local.

## APPENDIX D

### CODE OF ETHICS OF THE EDUCATION PROFESSION

#### Preamble

*The National Education Association believes that the education profession consists of one education workforce serving the needs of all students and that the term 'educator' includes education support professionals.*

*The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.*

*The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.*

*The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than the one specifically designated by the NEA or its affiliates.*

#### PRINCIPLE I

##### Commitment to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator--

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student's access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any student

- c. Grant any advantage to any student
- 7. Shall not use professional relationships with students for private advantage.
- 8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

## **PRINCIPLE II**

### **Commitment to the Profession**

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator--

- 1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
- 2. Shall not misrepresent his/her professional qualifications.
- 3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
- 4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
- 5. Shall not assist a noneducator in the unauthorized practice of teaching.
- 6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
- 7. Shall not knowingly make false or malicious statements about a colleague.
- 8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

*Adopted by the NEA 2010 Representative Assembly*

***OHIO EDUCATION ASSOCIATION***

***MANUAL FOR THE***

***CONDUCT OF LOCAL ASSOCIATION ELECTIONS***

***AND THE***

***RATIFICATION OF COLLECTIVE BARGAINING AGREEMENTS***

A guide to conducting certain local association elections, contract ratification votes, and elections to accept or reject fact-finder's recommendations in accordance with the OEA Constitution and Bylaws, the federal Labor-Management Reporting and Disclosure Act, and the Ohio Public Employees Collective Bargaining Law.

Revised Aug 2020

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## **1. INTRODUCTION**

The conduct of local association elections and contract ratification votes and related fact-finding elections is more than a matter of common sense. Such elections and votes must conform to the governing documents of the local association, the OEA and the NEA and, as appropriate, the Ohio Public Employees Collective Bargaining Law. Additionally, the OEA voluntarily complies with the requirement of the Labor-Management Reporting and Disclosure Act, which is commonly known as the Landrum-Griffin Act, and related rules and regulations of the U.S. Department of Labor. Accordingly, local OEA affiliates that elect OEA and/or NEA representative assembly delegates and alternates are governed by Landrum-Griffin requirements for those elections as well. **Local association elections that do not involve the election of OEA or NEA representative assembly delegates or alternates are not governed by Landrum-Griffin requirements.**

This OEA manual is compiled from these sources and is designed to provide a concise and authoritative reference for those who are responsible for the proper and orderly conduct of local association elections and contract ratification votes. Following the manual, in Appendices A through G, is a sample combined nominations and election notice, checklists for conducting on-site and mail ballot elections, safeguards for absentee ballot privileges, a sample ballot, a sample tally sheet, and a copy of the Ohio Administrative Rules concerning votes. Thus, each OEA affiliate will have all the tools necessary to conduct a fair and democratic election.

The OEA and NEA are firmly committed to insuring that all internal elections and contract ratification votes are conducted fairly and democratically. This commitment to such democratic principles as open nominations, the secret ballot, and one person-one vote is of considerable importance to the membership and is one of the major advantages setting the Association apart from many other labor organizations.

By strict adherence to the procedures outlined in this manual and careful attention to detail, local association elections and contract ratification votes will be conducted fairly, legally and democratically, thus meeting the expectations of the membership.

## **2. POSITIONS TO BE ELECTED**

Policy-making positions must be elected.

The constitution and bylaws of the local association are the chief guide determining which positions are to be elected rather than appointed within the local association. Section 4117.19 of the Ohio Revised Code, however, requires that the constitution or bylaws of local associations "require the periodic election of officers by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in local elections..."The term "officers" is not defined in the statute, but it is prudent to use the meaning given to the word in federal law. Section 452.17 of the U. S. Department of Labor's regulations concerning the Landrum-Griffin Act defines an "officer" as "any constitutional officer, any person authorized to perform the functions of the president, vice-president, secretary, treasurer or other executive functions of a labor organization, and any member of its executive board or committee."

An officer of a local association as defined above must be elected directly by the membership. Indirect elections are not permitted. For example, a local association president cannot be elected by the Board of Directors of the local association. He or she must be directly elected by the membership. (This requirement does not apply to mid-term vacancies, which may be filled in any manner permitted under a local association's constitution and bylaws). Also, it is improper to give a grievance committee chairperson, who is appointed to the chair, a seat on the local association's Board of Directors. All seats on the Board of Directors must be filled through direct election. If a

local association's Board of Directors or board of governors is made up of committee chairs or building representatives, the committee chairs or building representatives must be elected. Committee chairs can be appointed to an Board of Directors if they are non-voting members of the committee.

### **3. FREQUENCY OF ELECTIONS**

At least every three years, preferably more frequently.

Section 4117.19 of the Revised Code requires that a local association constitution or bylaws must require the "periodic election of officers by secret ballot..." The word "periodic" is not defined. Most local associations elect officers every year or every two years. The Landrum-Griffin Act requires employee organizations subject to its provisions to hold local elections at least every three years, and it is advisable to assume that this three-year limit might be considered the outside limit of "periodic election" under state law.

### **4. QUALIFICATIONS**

Qualifications must be reasonable and uniformly imposed.

Except for requiring that a candidate be a member in good standing, it is not mandatory that a local association establish qualifications for office. If a local's constitution sets qualifications for office, the qualifications must be "reasonable qualifications uniformly imposed." What is reasonable is a matter not susceptible to precise definition.

All qualifications for office must be set forth in the local association's constitution and bylaws. **It is advisable, due to the legal complexities involved, that the OEA Director of Legal Services be consulted if or when a local association seeks to require a qualification, other than membership, to hold association office.**

A qualification of continuous membership in good standing, if set out in a Local Association's constitution and bylaws, is valid only if it is limited to a period of two years or less. It is permissible for a Local Association's constitution and bylaws to reserve a certain number of seats on a Board of Directors for particular representative categories of membership. For example, certain seats can be reserved for building representatives or ESP representatives. However, it is not permissible to reserve any table officer position (ie. president, vice president, secretary or treasurer) to a particular class of membership.

### **5. NOTICE OF NOMINATIONS**

Every member must have a reasonable opportunity to nominate for or seek office.

The first step in the elections process is the holding of nominations. The first step in the holding of nominations is to make the membership aware that nominations are to take place. The notice of nominations must indicate what offices are to be filled, and spell out the process by which a nomination can be made. If nominations are made at a membership meeting, members must be informed of the date, time and place of the meeting. If nominations are made by letter/form, then members must be informed of the deadline for submitting nominations and the name and address of the person to whom the nomination should be submitted.

The notice of nominations must be in conformity with a local association's constitution and bylaws and must be reasonably calculated to inform all members in good standing in sufficient time to permit such members to nominate the candidates of their choice. Posting on bulletin boards,

individual mailing, inclusion in a newsletter are all acceptable means of notification so long as they are reasonably calculated to reach all members in good standing. In order to avoid any misunderstandings, it is suggested that the nomination notice also set out the terms of office, and the date the terms of office commence for each office to be elected.

Local associations may have and can adopt specific procedures for notification of nominations. Any arrangement is permissible so long as it is reasonably calculated to inform all members in good standing sufficient time to nominate the candidates of their choice. What is reasonable may vary depending on the size of the local association, the number of worksites, and the time of year.

To save time and money, the nominations notice can, and frequently is, combined with the notice of elections, described below. If notices are combined, care must be taken to make sure that requirements for both the nominations notice and the elections notice are followed. **See Appendix "A" for a sample letter announcing nominations and elections.**

## **6. MAKING NOMINATIONS**

Open Nominations are required.

Open nominations are guaranteed by OEA Bylaw 9-2. This can be accomplished by holding a nominations meeting open to the membership, or by requesting written declarations of nominations or intent to seek office.

If the method is to hold a nominations meeting, it is customary, though not legally required, that the president relinquish the chair to someone who is not going to be a candidate to conduct the nominations. If nominations are scheduled for a regular or special membership meeting, they may not be cancelled for lack of a quorum, although a local association may withhold conducting other regular business in conformity with its local constitution and bylaws. The Chair opens nominations by stating: "Nominations are now open for the office of \_\_\_\_\_." It is customary to start with the highest office open for nomination. A person nominating a candidate needs no second. After a person has been nominated, the Chair should state \_\_\_\_\_ has been nominated for the office of \_\_\_\_\_, are there any other nominations for \_\_\_\_\_? The procedure should continue until three consecutive calls for "other nominations" go unanswered. The Chair should then declare the nominations for that office closed and proceed to the next office. No motion is needed to close nominations, and a motion to close nominations is always out of order if another member is seeking the floor for the purpose of making a nomination.

It is also permissible to establish a nominations committee to seek out candidates for office, especially in those situations where members need to be encouraged to run for office. However, even where there is a nominations committee, there is still the need to conduct a nominations process where all members have the right to nominate candidates of their choice.

Provisions for write-in candidates in local association elections are neither required nor prohibited by law or the OEA or NEA Constitutions. The decision to allow write-in candidates is left to the local association. The matter should be set forth in the local association's constitution and bylaws.

## **7. UNCONTESTED ELECTIONS**

An election for a position is not required if only one candidate has been nominated for that position after the open nomination process has been completed.

Unopposed candidates can be declared elected by the election committee or elected by acclamation at the conclusion of the open nominations meeting. The specific process should be set forth in the local association's bylaws.

Again, it is important that the open-nominations process be completed prior to declaring an unopposed candidate elected to the position nominated. Also, please note that if a local association allows write-in candidates, an election must be held even if only one person is nominated.

## **8. THE ELECTION COMMITTEE**

The Election Committee must protect the integrity of the elections and the secrecy of the ballot.

An election committee is a membership committee charged with the responsibility to protect the integrity of an election or vote and ensure that an election is conducted in accordance with the local, state and national association constitutions. The election committee can be a permanent, on-going body charged with the responsibility of conducting all important votes, such as contract ratification or dues increases, as well as the election of officers. It is usually three to five members in size. Like any other committee, it is ordinarily appointed by the local association president with the approval of the local association executive board. There are, however, some important differences. The local president cannot serve on an election committee in an ex officio capacity where he/she is a candidate, nor can any other candidate for office serve on the elections committee. It is advisable to appoint persons to the election committee who are not closely aligned with a particular candidate or faction.

The committee may make minor rules regarding such matters as the hours of voting, unless those matters are covered by the local association's constitution or decided by membership vote. Aside from such matters, the committee must be prepared to handle nine basic duties:

- a. To make sure that each nominee has been offered the opportunity to decline the nomination.
- b. To hear and decide any challenge which may be made concerning the eligibility of any nominee.
- c. To make sure that proper notice of the election is given.
- d. To prepare or supervise the preparation of the ballots.
- e. To supervise the issuance and return of the ballots. This usually means either distributing ballots at the meeting and collecting them after they are marked or setting up one or more polling places where members may receive their ballots, mark them, and deposit them in a ballot box. In some local associations, it may mean mailing ballots to the membership and receiving them by return mail.
- f. To count the ballots and certify the results of the election.
- g. To hear and decide any protests which may be filed concerning the conduct of the

election.

- h. To make a report to the membership concerning the results of the election and, subject to membership acceptance, the decisions made on any protests.
- i. To maintain order and decorum during the ballot counting process.

Unless the matter is addressed in the constitution or bylaws of the local association, it may be appropriate for the elections committee to establish a cut-off date for voter eligibility. Such a date is frequently linked to the latest date prior to the election that a person can have dues deducted from his or her paycheck. It is advisable to make this decision early and notify bargaining unit employees of this cut-off date well in advance of the election. It is also permissible to allow persons to vote who sign membership cards immediately prior to the vote. The issue is up to the local association to decide.

## **9. CHALLENGES**

Questions concerning a right to seek or be nominated for office must be resolved quickly.

A "challenge" is a formal objection to someone's right to run for office. It must be raised by a member before the election is actually held. A challenge must be based on some provision of the constitution of the NEA, OEA or the local association. An example of a valid basis for a challenge is that the nominee is not a member or has not been a member for the length of time required by the local association's constitution and bylaws to hold the office for which he/she has been nominated.

Any challenge that is raised must be referred immediately to the election committee. The committee should meet as quickly as possible, offering both the challenger and the affected nominee the opportunity to be heard. The committee also has the absolute right to examine official records affecting the challenge. The committee must then decide the matter and report its decision to the appropriate governing body before the election takes place. The committee's decision is subject to acceptance or rejection by the appropriate governing body. Any appeal of the appropriate governing body's decision cannot be used as a basis for delaying the election.

## **10. ELECTION CAMPAIGNING**

No association funds can be spent to support a candidate.

Candidates must be afforded equal access to union publications.

There are two basic rules to remember about election campaigning. They are:

- a. No association funds can be spent, directly or indirectly, on campaigning for association office. Loaning money to a candidate to help the candidate raise money for his or her campaign is as unlawful as giving the money to the campaign directly. "Association funds" includes supplies, use of equipment, such as copying machines or telephones, or use of association staff. It should also be noted that it is illegal for an employer to give money to a candidate running for office in a local association which is the exclusive representative of employees of the employer.
- b. No publication of any kind which is sponsored by or supported by the association can make any endorsement or otherwise support any candidate for association office. This does not prohibit the publication of biographical information about or campaign

statement by the candidates so long as all candidates are afforded equal access to the publication.

Also, the Landrum-Griffin Act allows any member who has been nominated for office or who announces the intention to run for office, the right to a reasonable number of mailings by the local association to the membership before the election. This mailing is not to be made at the association's expense.

This third rule is occasionally misunderstood. All the association is required to do is address and mail the material. The candidate must prepare the material to be mailed, furnish the envelopes, do the stuffing and sealing and affix the stamps or pay for the metered mail charge. If there is an expense connected with the addressing, it must be borne by the candidate. Board of Directors Policy 400.05 permits membership lists to be used only for official OEA business. A candidate is not entitled to a mailing list for his/her own use.

Any candidate is entitled to inspect the local association membership list. This right is only to ensure that the membership lists are accurate. The candidate is not entitled by law to have or make a copy of any membership list.

No campaign leaflets or signs should be displayed at the polling place itself. A local association can make additional rules concerning campaigning, but any rule must be reasonable and apply equally to all candidates.

#### **11. NOTICE OF ELECTION**

Members must be notified in a manner reasonably calculated to reach all members in sufficient time to execute their vote.

OEA and NEA Representative Assembly delegates are subject to specific Landrum-Griffin requirements.

Section 4117.19 (C) (4) of the Revised Code provides that a local association's constitution or bylaws must "require periodic elections of officers by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, such office, and vote in elections..." In all elections except for those concerning OEA or NEA representative assembly delegates and alternates, this means that members must be notified of the time, date and place of the election in a manner reasonably calculated to inform the member. Posting, use of school mail, publication in a newsletter are all appropriate means of notification if they are reasonably calculated to inform the member.

The election of OEA and NEA representative assembly delegates and alternates is controlled by the Landrum-Griffin Act, which specifically requires that the notice of election must be **"mailed to each member at the member's last known address"** at least **fifteen days** before the election date. **Posting or word of mouth is not sufficient.** Publication in the local association newsletter is permitted so long as the newsletter is mailed to the home address of each member. The notice should state the date, time and place of the election, and also list the offices to be voted on, and if possible the list of candidates. If more than two candidates are running for a single office, it is wise to include in the notice the date, time and place of any run-off election which may be necessary.

If a local association's constitution and bylaws provide for officers to be automatic delegates to OEA or NEA representative assemblies, that officer must have actually been elected by the membership in order to participate in the election of OEA or NEA officers. Accordingly, if a local

association officer has been appointed to fill the unexpired term of an elected officer, he or she must be elected as a delegate in order to fully participate in an OEA or NEA representative assembly. In addition, if the person is a delegate to an OEA or NEA representative assembly by virtue of the office he/she holds, that officer must occupy the specific office at the time of the representative assembly. Otherwise, the person must be elected by the membership to serve as a delegate.

**See Appendix "A" for a sample notice of nominations and election.**

## **12. PREPARATION OF THE BALLOTS**

Include only necessary information. Make instructions clear and simple.

The ballot should be headed "Official Ballot" followed by the name of the local association and the date of the election. The ballot should also include instructions: "Mark an 'X' in the squares next to the names of those for whom you wish to vote," or some similarly simply-worded directions. It is also advisable to add "Do not sign your name" and "do not make any other marks on this ballot."

The various offices to be voted on should be listed one at a time and after designation of each office, the words "vote for one" or "vote for three" or "vote for no more than three" or whatever is appropriate should appear. This should be followed by a listing of the candidates, with a box or circle next to each name.

Put only necessary information on the ballot. Extraneous information is at best confusing and at worst illegal. Do not print anything on the ballot to indicate which candidates are the incumbents. This can be construed as a campaign statement. Also do not print anything on the ballot to indicate the candidate's job title, work location, etc., unless this information is necessary for the voter to know. For example, if a local association allots three seats on the executive board to school support personnel and three to teachers, it may be necessary to add the words school support personnel in parentheses after the name. Absent such a purpose, any similar identification could be construed as a use of the ballot itself for campaign purposes.

The election committee is responsible for seeing that all names are correctly spelled on the ballot. The best way to do this is to contact the candidate personally, and ask for a statement, preferably in writing as to how the candidate's name is to be placed on the ballot.

Robert Louis Stevenson may want to be listed on the ballot as Robert Louis Stevenson, Robert L. Stevenson, R. Louis Stevenson, R. L. Stevenson or Bob Stevenson. He should be given the opportunity to make that decision as well as to give the accurate spelling of his name.

There is no one proper way for names to be ordered on a ballot. Some permissible ways are: 1) in order of nomination, 2) alphabetical, and 3) by drawing lots. As a matter of caution, it is recommended that the method of determining name order be decided before nominations have taken place rather than after, to avoid unnecessary conflict.

The actual printing of the ballots may be done by a commercial printer or an office copying machine, or any other method that will produce clear, easily read ballots. The number of ballots printed should substantially exceed the number actually needed, to take into account the possibility of spoilage during the election itself. **It is the responsibility of the election committee to control the ballots. It should: 1) determine the number of ballots to be printed, 2) make sure that the exact number are in fact printed, and 3) take charge of the**

**ballots immediately upon completion of the printing, safeguarding them until the election takes place.**

**See Appendix "B" for an example of a properly formatted ballot.**

### **13. ELECTION PROCEDURES**

The secret ballot must be protected at all times.

Members must be afforded a reasonable opportunity to vote.

The two safeguards for fair and democratic elections are:

- 1) that the election is conducted by **secret ballot**, and
- 2) that all local association members be afforded a **reasonable opportunity to vote**.

The secret ballot requirement rarely causes disagreement. Voting can be done in booths or at isolated tables. Almost any method which allows a voter to mark the ballot without another person observing how he/she marks it is acceptable. After the ballot is marked, the ballot should be deposited by the voter directly into a ballot box or other container where it is mixed with other ballots and the voter's right to secrecy is preserved.

The second requirement can cause problems, especially in larger local associations, or associations with a dispersed membership, or associations with membership working different shifts.

a. On-site elections are preferred.

Whenever possible, it is advisable to set up specific hours for voting. If voting is scheduled at a regular or special membership meeting, it may not be cancelled or postponed due to a lack of a quorum, although other regular business may be suspended in conformity with a local association's constitution and bylaws. However, based on a rule of reasonableness, circumstances such as a snow day or other act of God, may justify the rescheduling of an election. It is essential that a record be kept of which members voted, both to avoid having someone vote twice and to avoid giving ballots to non-members. The best way to do this is to work from a list of members as of the eligibility cut-off date who are current members as of the date of election and have each voter identify him/herself and sign for his/her ballot.

Where local associations have members working more than one shift, the voting hours must be of sufficient time to allow members on all shifts a reasonable opportunity to vote. Where local associations have more than one voting location, great care must be taken to preserve the integrity of the election. This includes the following precautions:

1. Each member should be notified of his/her proper voting location.
2. Each voting location must, at all times, be attended by the election committee member or other member designated by the election committee.
3. The attending election committee member or designee must keep a written list of which members have voted. Preferably, the election committee member or designee should have a list of members for that location that can be checked off after each member votes.
4. Each voting location should have a ballot box prepared by the election committee.

5. At the conclusion of voting, the ballot box should be sealed. Normally, if the box is cardboard, the box is taped and then the names of the election committee member or designee, and any observer is signed across the tape.

After the ballot box is sealed, the box should be immediately transported the place where the ballots are to be counted. Election observers are entitled to keep the ballot box in sight at all times during transportation.

If ballots are to be counted at the location, with the resulting tally telephoned into a central location, then all provisions set forth in Sections 13 through 15 of this manual must be followed at each location.

Many local associations prefer to distribute ballots to eligible voters either personally or through the school mail on election day. This is permissible so long as a double-envelope ballot system is used and the ballot, once complete is cast in the ballot box only by the voter at the designated time for voting.

Two types of solutions to voting problems are not permitted. First, **there can be no proxy voting**. Every member has only one vote and no member can authorize another to cast his or her ballot. Second, at times a local association may want to make it easy to vote by having a member or building representative collect marked ballots at a work site for later deposit in the ballot box. This is not permitted because it destroys the secrecy of the ballot. The voter must place his or her ballot directly into the ballot box. It cannot be handed to another person for later delivery.

**See Appendix "C" for an on-site election checklist.**

**See Appendix "D" for an on-site election using the double-envelope system.**

- b. Mail ballot elections may be necessary.

Voting by mail should only be done when it is necessary to provide all local association members with the reasonable opportunity to vote. Voting by mail should be avoided whenever possible because membership mailing lists are almost always inaccurate and mail delivery is sometimes slow.

The mail ballot cannot be made available to only those members who are not able to vote in an on-site election. Balloting by mail must be done by all members or by none.

If elections need to be conducted by mail, see **Appendix "E"** for recommended procedures.

- c. Online elections may be conducted under extreme circumstances.

An online election can only held if the principles of a fair election are followed. Furthermore, NEA has provided guidance that online elections should not be held for NEA and OEA delegates to the Representative Assembly because the online format may not comply with the requirements of Landrum-Griffin Act. If you have specific questions about a vendor offering online elections, contact the OEA Elections and Conference Coordinator and refer to "Guidance for the Conduct of Online Elections" in **Appendix "F"** of this manual.

- d. Absentee ballots are permitted but discouraged.

Local associations may allow for absentee balloting. Provisions and restrictions for absentee balloting must be set forth in the local association's constitution and bylaws. If absentee balloting is allowed, provisions should include the following minimum requirements set forth in **Appendix "G"**.

#### **14. OBSERVERS**

Observers are a safeguard for fair elections.

Observers cannot campaign as they carry out their functions.

Each candidate is entitled to have an observer of his or her own choosing at the polls and at the counting of the ballots. The candidate may not serve as an observer during the period when voting is actually taking place; this may be construed as campaigning. The candidate may be present during the counting of the ballots.

The observers are there only to observe. They may not wear insignia in support of or against a candidate. They may not pass out leaflets. They may not discuss the election with persons coming to vote.

In addition to supervising the actual voting and counting of the ballots, observers have the right to inspect the ballot box up to the time that voting is to take place.

They have the right to stay in the room where voting is taking place throughout the hours established for voting. They have the right to observe the counting closely enough to verify the accuracy of the tally. They have the right to challenge any voter whom they think does not have the right to vote. Observers have the right to take any notes they wish and they can make their own list of those who voted. Additionally, observers have the right to call to the attention of the election committee any violation of proper procedure. They have the right to keep the ballot box under actual observation until it is opened. Finally, they have the right to examine, but not to handle, any suspect ballot and maintain their own tabulation of the ballot count.

#### **15. CHALLENGED VOTERS**

Questions concerning a voter's right to vote should be resolved in a way which allows the vote to be cast, then put aside in secrecy, to be resolved if the questioned vote will affect the outcome of the election.

Occasionally, a person will attempt to vote and a question of eligibility arises. Sometimes, the person has forgotten his/her identification and is unrecognized by anyone on the elections committee or any of the observers. At other times, the person's name may not appear on the membership list. If the person's identity or membership cannot be resolved to the satisfaction of the elections committee, the person should be allowed to mark a ballot (in secrecy), which is then sealed in an envelope with the person's name on the outside. The envelope should then be placed in the ballot box or in a separate container until the challenge is resolved.

## **16. COUNTING THE VOTES**

Count the vote when the intention of the voter can be ascertained.

Count the vote using tools which ensure an accurate count.

Preserve all records of the election and ballots for a period of one year.

The election committee should first attempt to resolve challenged ballots. Each challenged ballot must be taken up separately. Without opening the envelope, the election committee must make a decision as to whether or not the ballot should be counted. If the committee decides to count the ballot, the envelope should be opened and the unexamined ballot deposited in the ballot box. If the committee decides to not count the ballot, the ballot should remain sealed in its envelope. The committee's reasons for not counting the ballot should be written on the envelope. The envelope, with the ballot inside, should be kept as part of the records of the elections.

In counting votes, it is best to have two committee members examine the actual ballots, with one of the two calling off the names of those who received votes on a particular ballot. Two other committee members should keep separate records of the votes by making a mark after each name on a list of the candidates that is called a tally sheet. **An example of a tally sheet is attached as Appendix "G".** Periodic checks should be made of the two tally sheets to make sure their counts agree.

Questions are frequently raised as the ballots are being counted concerning the validity of particular ballots. The following rules apply:

- a. Such deviations from the instructions on the ballot as making a check mark instead of an "X" does not void the ballot. If the intent of the voter is clear, count the vote.
- b. If the voter has signed his/her name to the ballot, void the entire ballot.
- c. If a ballot is partly spoiled, the entire ballot is not voided. For example, if the voter voted for two candidates for president, the ballot is void for that office. But if the same voter voted for only one candidate for secretary-treasurer, the vote for that office should be counted.
- d. Keep a record of the number of totally void or totally blank ballots.

Determination of the election shall be based on the number of valid ballots cast.

The final election results should be placed in written form and signed by the members of the election committee. The committee may ask the observers to sign the report, but this is not required and the observers are free to refuse to sign.

All ballots and records of the election must be kept for a period of one year. The OEA should be promptly notified in writing of the election results. A copy of a sample ballot should be included for elections concerning OEA and NEA representative assembly delegates and alternates.

## **17. PROTESTS**

Local associations should establish fair and expedient local procedures for resolving disputes which may arise concerning the conduct of an election.

An election should only be overturned when a proven election irregularity is such that it would affect the outcome of the election.

Occasionally, complaints can arise concerning the conduct of a local association election. These complaints are traditionally called election protests. **It is recommended that local associations establish local procedures to hear and resolve such protests.** Such procedures should set forth time limits for filing protests. A ten-day time limit is considered reasonable. Such procedures should also establish the body that hears the protest. This body can be the election committee, an officer or group of officers, or the membership body. Any procedure should offer to the protester and the affected candidates the opportunity to be heard and present their position. Only irregularities which affect the outcome of an election are grounds for voiding the election results and holding a second election.

Protests not resolved at the local association level may be appealed to the OEA Secretary Treasurer and the matter will be investigated in accordance with Board of Directors Policy **1200.04**

#### **18. VOTING ON FACT-FINDER'S REPORTS AND COLLECTIVE BARGAINING AGREEMENTS**

Local associations have flexibility to determine their procedure for the ratification of collective bargaining agreements.

Such procedure should be set forth in the local association's constitution or bylaws.

##### **a. Voting on a tentative agreement.**

When a local association successfully negotiates a tentative collective bargaining agreement, the agreement must be properly ratified. Neither federal nor state law mandates how a tentatively agreed-to contract must be ratified. Ratification votes are usually held at a special membership meeting. Local associations should limit the voting only to OEA members who are in the affected bargaining unit. Non-members and fair share fee payers should not be permitted to vote. Voting by secret ballot, by roll call, by show of hands, or by acclamation are appropriate means of ratification. A specific method of ratification may be set forth in the local association's constitution or bylaws. At a minimum, proper parliamentary procedure should be followed to determine the will of the membership.

Whenever a vote is to be conducted to ratify a collective bargaining agreement, notice must be provided to all members of the date, time and place of the vote. The notice does **not** have to be mailed to each member's house. Often this is too time consuming and expensive. Nevertheless, the notice must be reasonably calculated to inform all members. Posting on bulletin boards and handing out flyers may in certain circumstances be an appropriate means of notification. It is often wise to alert members in advance, through newsletters or orally at meetings, that short notice may be given for a contract ratification vote, and that member should take care to be apprised of events.

Members should be notified of the contents of the tentative bargaining agreement in its entirety. Obviously, if it is possible to make copies of the tentative agreement, this is preferred. However, in some cases such copies cannot be provided. When it is not practical to make such copies, a summary of the tentative agreement is also an appropriate method of providing information, as is an oral explanation of the agreement by the negotiators at a membership meeting. Persons conducting a ratification meeting should make sure that information about the tentative agreement should comment on each subject addressed by the tentative agreement, even if that comment is

"no change". Intentional omission of such information is not permitted. Local associations through policy or bylaws can establish what information must be provided to the membership prior to a ratification vote.

Any ratification vote should take place at the end of the ratification meeting, or after members have had time to read the agreement, a summary, or listen to an explanation. It is advisable that members be allowed to ask questions about the agreement.

When the vote is to be taken, the choice must be clear to ACCEPT or REJECT the tentative agreement. If the vote is by ballot, the ballot must provide two choices, to ACCEPT the tentative agreement or to REJECT the tentative agreement. There can be no middle ground. For example, it is not possible to vote for Article One but against Article Two. It is also not possible to vote for the tentative agreement with a contingency, such as accepting the agreement if management raises its wage offer by one-half percent.

Similarly, if a vote is taken by motion, the motion must be clearly worded to ACCEPT or REJECT the tentative agreement. Any other motion dealing with how to act on a tentative agreement is out of order.

Any vote should be accurately recorded and certified in the minutes of the meeting.

Upon ratification of the agreement, a copy of the signed agreement should be sent to OEA Research, Division of Organizational Administration and a second copy mailed to the State Employment Relations Board.

b. Voting on a fact-finder's report.

Votes on fact-finder's reports are subject to technical statutory requirements. Contact your labor relations consultant before beginning the fact-finding process.

Fact-finding is a mechanism established by the Ohio Public Employees Collective Bargaining Law for resolving disagreements between unions and employers who have not been able to reach tentative agreement during collective bargaining. The fact-finding process operates under strict timelines. These timelines are set forth in Revised Code Section 4117.14 and Administrative Rule 4117-9-05. The requirements and timelines for fact-finding can be confusing and complicated; in addition, the entire statutory procedure can be changed through a mutually agreed to alternative dispute (MAD) resolution mechanism. Thus it is recommended that your labor relations consultant is contacted before the local becomes involved in the fact-finding process.

Ohio Revised Code Section 4117.14 requires that local associations hold a **secret ballot** election to accept or reject the fact-finder's report and recommendation within seven days from the day that the report and recommendation is served. Administrative Code Section 4117-9-05 (M) requires local associations to take specific actions to comply with the Revised Code.

A local association immediately upon receipt of the fact-finder's report must "make available, by posting or by other method reasonably calculated to inform the members" a copy of the complete fact-finder's report and a notice of the date(s), time(s) and place(s) where members can vote to accept or reject the fact-finder's recommendations. Non-members and fair share fee payers are not entitled to participate in the voting. **This election must be conducted by secret ballot.** The ballot must contain a choice to "approve" and a choice to "reject" the fact-finder's recommendations. The actual words "approve" or "reject" must appear on the ballot. Voting by proxy is not permitted. Ballots must be tallied immediately upon conclusion of the voting. Written

verification of the vote tally must be served upon the State Employment Relations Board no later than twenty-four hours after the tally of the ballots and in no event later than twenty-four hours after the expiration of the seven-day voting period. A copy of the written verification must be served on the employer.

**For your reference, a copy of Administrative Rule 4117-9-05 (M) is attached as Appendix "H" and should be directly referred to when conducting votes on fact-finder's recommendations.**

The penalty for failure to comply with these rules is substantial. Failure to conduct a vote will lead to an automatic acceptance of the fact-finder's recommendations. A failure to provide SERB with written verification of the ballot tally within the required time limits will lead to an automatic acceptance of the fact-finder's recommendations. A failure to serve a copy of the written verification on the employer will lead to an automatic acceptance of the fact-finder's recommendations.

A three-fifths vote of the total membership is required to reject a fact-finder's report. When both the local association and the employer fail to reject the fact-finder's recommendations, the recommendations are deemed accepted and must be incorporated into the collective bargaining agreement.

#### **19. CONCLUSION**

This manual is intended to provide concrete guidelines to assist local leaders in administering internal election and contract ratification processes. Of necessity, this manual cannot anticipate every problem. If a problem arises which this manual does not clearly address, you should contact your OEA labor relations consultant for assistance.

## **APPENDIX A**

### **SAMPLE LETTER ANNOUNCING NOMINATIONS AND ELECTION**

Dear Association Member:

The annual association election will be conducted:

DATE: May 1 and 2, 1988

TIMES: 3:00 p.m. to 5:00 p.m. each day

SITES: All elementary, middle school, & high school buildings

The following positions are open for nomination:

President - 2-year term

Vice-President - 2-year term (term commences on \_\_\_\_\_)

OEA RA Delegate - 2-year term (2 positions) (Term commences on \_\_\_\_\_)

OEA RA Alternate - 2-year term (2 positions) (Term commences on \_\_\_\_\_)

Board of Director, Representing Third World Persons - 2-year term (Term commences on \_\_\_\_\_)

Board of Director at-large - 2-year term (Term commences on \_\_\_\_\_)

You may nominate yourself or another member by placing the name and position nominated for in writing and mailing to Sally Smith, Election Chairperson, 12345 River Street, Anywhere, Anystate 11111. Nominations must be received no later than March 1, 1988. Open nominations will also be conducted at the general membership meeting held on February 15, 1988, 3:30 p.m., in the High School Auditorium.

I personally encourage you to run for office or to nominate another member. Only through our volunteer efforts, each taking a turn, will we be able to continue building a strong, active, and successful local association. We've come a long way, but we've a long way to go and we need everyone to pitch in and help.

Sincerely yours,

Vivian Anyone  
President

## **APPENDIX B**

### 1988 ELECTION OF ABLE EA/ESP OFFICERS

#### OFFICIAL BALLOT

PRESIDENT, OEA RA DELEGATE - Two Year Term (September 1, 1988 -August 31, 1990)

PRESIDENT - Two Year Term (September 1, 1988-August 31, 1990)

[   ]   RON REAGAN

[   ]   JIM CARTER

\* [   ]  
(Write-In)

VICE-PRESIDENT - Two Year Term

[   ]   JERRY FORD

[   ]   RICH NIXON

\* [   ]  
(Write-In)

SECRETARY/TREASURER - Two Year Term

[   ]   LEN JOHNSON

[   ]   JACK KENNEDY

\* [   ]  
(Write-In)

OEA RA DELEGATES - Two Year Term - 3 Positions (Elect 3):

[   ]   D. EISENHOWER                      \* [   ]  
(Write-In)

[   ]   H. TRUMAN                            \* [   ]  
(Write-In)

[   ]   FRANK ROOSEVELT                    \* [   ]  
(Write-In)

[   ]   HANK HOOVER

\*Write-in candidates are optional - see page 3 of Elections Manual

## **APPENDIX C**

### **ELECTION CHECKLIST - ON-SITE ELECTION NOT USING DOUBLE ENVELOPE SYSTEM**

THIS CHECKLIST AND SAMPLE ELECTION PROCEDURE IS FOR AN ELECTION THAT WILL BE CONDUCTED AT A GENERAL MEMBERSHIP MEETING OR A SINGLE LOCATION. THE SAME CONCEPT WOULD APPLY IF THE ELECTION WAS CONDUCTED AT SEVERAL CENTRAL LOCATIONS. IF NOT ELECTING AN OEA OR NEA DELEGATE, THE NOTIFICATION BY U.S. MAIL MAY BE ELIMINATED.

(Sample Timeline)

_____	Develop a comprehensive timeline to include <u>your</u> specific dates.
December 1	Appoint Election Committee (also Nominations Committee if desired)
January 15	Construct an election timeline. Review timeline with president.
February 1	Provide notice of nominations and elections in manner reasonably calculated to reach all members. This notice should include: <ul style="list-style-type: none"><li>• Date, time and location of election</li><li>• List of positions to be elected</li><li>• Nominations information</li><li>• Absentee ballot provisions (optional)</li></ul> <p><u>Exception:</u> For OEA and NEA Representative Assembly elections only, the notice of election must be sent by regular U. S. mail to the last known home address of each member at least fifteen days prior to the date of election.</p>
March 1	Close of nominations
March 7	Briefing meeting with candidates
March 15	Voter eligibility cut-off (must be a member by this date)
April 1	Announce candidates & election details in local newsletter.
April 7	Ballots, and all election materials printed April 14. Organize all election materials
April 15	(Optional) Distribute biographical statements to eligible voters
April 30	(Optional) Deadline for return of absentee ballots
May 1	Election conducted at general membership meeting
May 1	Count ballots

- May 6            Report election results in local newsletter
- May 7            Send election results to OEA Central Office

### **NOMINATIONS**

- \_\_\_\_\_ A. The election committee should be responsible for the nominations process.
- \_\_\_\_\_ B. Typical methods of nomination include:
- \_\_\_\_\_ 1. At a membership meeting.
- \_\_\_\_\_ 2. By petition. (There is no need to require a specific nomination form. Be cautious about requiring too many signatures or instituting other requirements.)
- \_\_\_\_\_ 3. By written notification.
- \_\_\_\_\_ 4. Combination of the above.
- \_\_\_\_\_ C. Notification of nomination needs to be made reasonably available to all members. Typical methods of notification include:
- \_\_\_\_\_ 1. Posting of notice on bulletin board in all work sites.
- \_\_\_\_\_ 2. Placement in local newsletter.
- \_\_\_\_\_ 3. Announcement at meeting(s). (If this is the only option used, the meeting announcement would need to be distributed to all members, along with a statement that nomination information would be disseminated at the meeting. This option should be used in conjunction with one of the other methods.)
- \_\_\_\_\_ 4. Mailing to each member at home. (Since notice of the election needs to be sent to the home address of each member through the U. S. mail if electing OEA or NEA RA delegates, the notification of nominations could be included with this mailing.)
- \_\_\_\_\_ 5. Combination of the above.
- \_\_\_\_\_ D. The nomination information provided to members must include:
- \_\_\_\_\_ 1. Positions to be elected.
- \_\_\_\_\_ 2. Specific method of nominating and being nominated.
- \_\_\_\_\_ 3. Date, time, and place for submitting nominations.
- \_\_\_\_\_ E. A member nominated for a position should not be considered an official candidate until he/she has accepted the nomination. It is recommended that this acceptance or rejection should be in writing.
- \_\_\_\_\_ F. It is critical that no nominations be accepted after the nomination deadline has passed, otherwise, an opposing candidate who was timely nominated would have a valid objection to the election.

- \_\_\_\_\_ G. Once the nomination information has been provided to the members, a nomination committee can begin soliciting candidates.

### ***ELECTION PROCEDURE***

- \_\_\_\_\_ A. Construct an election timeline. This should be as detailed as possible. At the same time, it is helpful to decide who will do what and when.
- \_\_\_\_\_ B. Review the timeline with the president. This is not required, but it may prove helpful to have the president or someone else review your election plans.
- \_\_\_\_\_ C. Provide the following information in a manner reasonably calculated to reach all members.
- \_\_\_\_\_ 1. List of positions to be filled by election.
- \_\_\_\_\_ 2. Date, time, and location of the election
- \_\_\_\_\_ 3. (Optional) Explanation of absentee ballot procedures.

Exception: For OEA and NEA Representative Assembly delegate elections only, the notice of election must be sent by regular U. S. mail to the last known address of each member at least fifteen days prior to the date of election.

Note: Appendix A contains a combined notice of nominations and elections to reduce paperwork and costs.

- \_\_\_\_\_ D. In addition, it may be helpful to provide this information in a local newsletter or post a notice on bulletin boards.
- \_\_\_\_\_ E. Prepare a list of all work sites and the election official(s) who will be responsible for conducting the election at that site as well as the election times. The rule of thumb is that all eligible voters must have a reasonable opportunity to vote.
- \_\_\_\_\_ F. It is usually helpful to meet with the candidates and review the election procedures and to answer questions.
- \_\_\_\_\_ G. Construct the voter eligibility list which, at a minimum, must include the names and home addresses of those who were active or life OEA/NEA members as of the eligibility cut-off date. Any members on leave or layoff are not eligible unless they have continued their membership and are paying dues. It is most helpful if this list is in alphabetical order and includes the assigned work site of each member.
- \_\_\_\_\_ H. Once the list is prepared, it may be a good idea to inform the candidates that they have a right to review (not copy) the list. Their review of the list may help catch any errors. Also, an opportunity to review the list prior to the election may help prevent complaints after the election.

- \_\_\_\_\_ I. Prepare all election materials in advance:
  - \_\_\_\_\_ 1. Instructions for election officials
  - \_\_\_\_\_ 2. Ballots
  - \_\_\_\_\_ 3. Biographical information (optional)
  - \_\_\_\_\_ 4. Tally sheet for counting ballots
- \_\_\_\_\_ J. (Optional) Distribute biographical information at least several days prior to the date of the election. This may be accomplished through a local newsletter or by having building representatives distribute this information.
- \_\_\_\_\_ K. Train election officials and provide them with all needed election materials (ballots, tally sheets, voter eligibility list, etc.).
- \_\_\_\_\_ L. The process for voting is as follows:
  - \_\_\_\_\_ 1. The polls will open on time and will close on time. Voters standing in line as the polls close will be allowed to vote. A voter joining the line after the scheduled closing will not be allowed to vote.
  - \_\_\_\_\_ 2. Each voter shall have his/her name checked off the eligibility list and will then be handed a ballot.
  - \_\_\_\_\_ 3. The voter will then mark the ballot and place it in the locked ballot box.
  - \_\_\_\_\_ 4. A voter whose name is not on the eligibility list, but who insists he/she is an eligible voter shall be provided a ballot and a blank envelope. The outside of the envelope will be marked by the election official with the person's name, the statement "CHALLENGED BALLOT" and the reason for the challenge. The person will mark the ballot, seal it in the envelope, and place the envelope in the ballot box. All such challenges will be resolved prior to counting the ballots.
- \_\_\_\_\_ M. At the close of the election, the ballots will be counted.

### ***COUNTING AND TALLYING THE BALLOTS***

- \_\_\_\_\_ A. The counting should be done openly and any member is allowed to observe the counting process. At least two members of the local election committee should conduct the counting and tallying process.
- \_\_\_\_\_ B. If any absentee ballots have been received, check the names against the eligibility list. If eligible, open the envelope and place the ballot in the ballot box. If for some reason the absentee ballot is ineligible, set it aside as a challenged ballot. CHALLENGED BALLOTS ARE NOT TO BE COUNTED AND ARE NOT TO BE OPENED.
- \_\_\_\_\_ C. Unlock and empty the ballot box.

- \_\_\_\_\_ D. The status of any challenged ballots must be resolved. If it is ruled that a challenged ballot is actually a valid ballot (don't bend or change the rules), then open the envelope and add the person's ballot to the rest of the ballots. If it is determined that a challenged ballot is not an eligible ballot, set it aside and write the reason for the challenge on the envelope. **CHALLENGED BALLOTS ARE NOT TO BE COUNTED AND ARE NOT TO BE OPENED.**
- \_\_\_\_\_ E. Count the ballots by using the tally sheet which the election committee prepared in advance.
- \_\_\_\_\_ F. When counting ballots, if a mark is outside the box, if there is an erasure, or if the ballot contains some other discrepancy, the local elections committee must make a judgment as to how or whether to count it. The rule of thumb is to count it if the intent of the voter is apparent and to not count it if the intent is unclear.
- \_\_\_\_\_ G. Announce the results to the membership.
- \_\_\_\_\_ H. Forward the election results to the OEA Central Office:

Ohio Education Association  
225 East Broad Street, Box 2550  
Columbus, OH 43216
- \_\_\_\_\_ I. Keep the ballots, unopened challenged ballots, tally sheets, and copies of all other election materials for at least one year.

## **APPENDIX D**

### **ELECTION CHECKLIST - ON-SITE ELECTION CONDUCTED AT ALL WORK SITES USING DOUBLE ENVELOPE SYSTEM**

THIS CHECKLIST AND SAMPLE ELECTION PROCEDURE IS FOR AN ELECTION THAT WILL BE CONDUCTED AT EVERY WORK SITE USING THE DOUBLE ENVELOPE SYSTEM. THE EXAMPLE ALSO ASSUMES THAT OEA OR NEA RA DELEGATES WILL BE ELECTED WHICH NECESSITATES ADHERENCE TO THE VARIOUS FEDERAL REQUIREMENTS IN CONDUCTING THE ELECTION. IF NOT ELECTING AN OEA OR NEA RA DELEGATE, THE NOTIFICATION BY U. S. MAIL MAY BE ELIMINATED.

(Sample Timeline)

\_\_\_\_\_ Develop a comprehensive timeline to include your specific dates.

December 1 Appoint Election Committee (also Nominations Committee if desired)

January 15 Construct an election timeline. Review timeline with president

February 1 Provide notice of nominations and elections in manner  
reasonably calculated to reach all members. This notice should  
include:

- Date, time, and location of election
- List of positions to be elected
- Nominations information
- Absentee ballot provisions (optional)

Exception: For OEA and NEA Representative Assembly elections only, the notice of election must be sent by regular U. S. mail to the last known home address of each member at least fifteen days prior to the date of election.

March 1 Close of nominations

March 7 Briefing meeting with candidates

March 15 Voter eligibility cut-off (must be a member by this date)

April 1 Announce candidates & election details in local newsletter.

April 7 Ballots, envelopes, biographical information (optional), and all election materials printed April 14 Assemble & package election materials.

April 15 (Optional) Distribute biographical statements to eligible voters

April 25-26 Train election officials & distribute election materials

April 30 (Optional) Deadline for return of absentee ballots

May 1-2 Election at each work site

May 2	Count ballots
May 6	Report election results in local newsletter
May 7	Send election results to OEA Central Office

### **NOMINATIONS**

- \_\_\_\_\_ A. The elections committee should be responsible for the nominations process.
- \_\_\_\_\_ B. Typical methods of nomination include:
  - \_\_\_\_\_ 1. At a membership meeting.
  - \_\_\_\_\_ 2. By petition. (There is no need to require a specific nomination form. Be cautious about requiring too many signatures or instituting other requirements.)
  - \_\_\_\_\_ 3. By written notification.
  - \_\_\_\_\_ 4. Combination of the above.
- \_\_\_\_\_ C. Notification of nomination needs to be made reasonably available to all members. Typical methods of notification include:
  - \_\_\_\_\_ 1. Posting of notice on bulletin board in all work sites.
  - \_\_\_\_\_ 2. Placement in local newsletter.
  - \_\_\_\_\_ 3. Announcement at meeting(s). (If this is the only option used, the meeting announcement would need to be distributed to all members, along with a statement that nomination information would be disseminated at the meeting. This option should be used in conjunction with one of the other methods.)
  - \_\_\_\_\_ 4. Mailing to each member at home. (Since notice of the election needs to be sent to the home address of each member through the U. S. mail if electing OEA or NEA RA delegates, the notification of nominations could be included with this mailing.)
  - \_\_\_\_\_ 5. Combination of the above.
- \_\_\_\_\_ D. The nomination information provided to members must include:
  - \_\_\_\_\_ 1. Positions to be elected.
  - \_\_\_\_\_ 2. Specific method of nominating and being nominated.
  - \_\_\_\_\_ 3. Date, time, and place for submitting nominations.
- \_\_\_\_\_ E. A member nominated for a position should not be considered an official candidate until he/she has accepted the nomination. It is recommended that this acceptance or rejection should be in writing.

- \_\_\_\_\_ F. It is critical that no nominations be accepted after the nomination deadline has passed, otherwise, an opposing candidate who was timely nominated would have a valid objection to the election.
- \_\_\_\_\_ G. Once the nomination information has been provided to the members, a nominations committee can begin soliciting candidates.

### ***ELECTION PROCEDURE***

- \_\_\_\_\_ A. Construct an election timeline. This should be as detailed as possible. At the same time, it is helpful to decide who will do what and when.
- \_\_\_\_\_ B. Review the timeline with the president. This is not required, but it may prove helpful to have the president or someone else officially review your election plans.
- \_\_\_\_\_ C. Provide the following information in a manner reasonably calculated to reach all members.
  - \_\_\_\_\_ 1. List of positions to be filled by election.
  - \_\_\_\_\_ 2. Date(s), time(s), & location of election.
  - \_\_\_\_\_ 3. (Optional) Explanation of absentee ballot procedure.

Exception: For OEA and NEA Representative Assembly delegate elections only, the notice of election must be sent by regular U. S. mail to the last known address of each member at least fifteen days prior to the date of election.

Note: Appendix A contains a combined notice of nominations and elections to reduce paperwork and costs.

- \_\_\_\_\_ D. In addition, it may be helpful to provide this information in a local newsletter or post a notice on bulletin boards.
- \_\_\_\_\_ E. Prepare a list of all work sites and the election official(s) who will be responsible for conducting the election at that site as well as the election times. The rule of thumb is that all eligible voters must have a reasonable opportunity to vote.
- \_\_\_\_\_ F. It is usually helpful to meet with the candidates and review the election procedures and to answer questions.
- \_\_\_\_\_ G. Construct the voter eligibility list which, at a minimum, must include the names and home addresses of those who were active or life OEA/NEA members as of the eligibility cut-off date. Any members on leave or layoff are not eligible unless they have continued their membership and are paying dues. It is most helpful if this list is in alphabetical order and includes the assigned work site of each member.
- \_\_\_\_\_ H. Once the list is prepared, it may be a good idea to inform the candidates that they have a right to review (not copy) the list. Their review of the list may help catch any errors. Also, an opportunity to review the list prior to the election may help prevent complaints after the election.

- \_\_\_\_\_ I. Prepare all election material in advance.
  - \_\_\_\_\_ 1. Instructions for election officials
  - \_\_\_\_\_ 2. Ballots
  - \_\_\_\_\_ 3. Secret ballot envelope
  - \_\_\_\_\_ 4. Outside envelope
  - \_\_\_\_\_ 5. Biographical information (optional)
  - \_\_\_\_\_ 6. Tally sheet for counting ballots
- \_\_\_\_\_ J. (Optional) Distribute biographical information at least several days prior to the date of election. This may be accomplished through a local newsletter or by having building representatives distribute this information.
- \_\_\_\_\_ K. Assemble and package material for distribution to the election official(s) at each site.
- \_\_\_\_\_ L. Train election officials and provide them with all needed election materials. Especially for large locals, two training sessions will help insure that all election officials have an opportunity to be trained and to receive the election materials for their work site. These sessions should be scheduled a few days prior to the election in case it is necessary to deliver materials to election officials who did not attend the training session(s).
- \_\_\_\_\_ M. Ballots and election materials are distributed to all eligible voters at each site by the election official(s). It is critical that every eligible voter receive a ballot and the related materials. As the "double envelope" system is being used, it is permissible to place the balloting materials in school mail boxes. It is still best to personally deliver this material to each voter.
- \_\_\_\_\_ N. It may be helpful to provide each election official with the names of eligible voters at his/her work site to help insure that all eligible voters receive the election materials.
- \_\_\_\_\_ O. The double envelope system eliminates the need to have voters sign for their ballot materials, eliminates the need for ballot numbering, and eliminates the need for strict accountability of ballots. Using the system, the voter:
  - 1. Marks the ballot.
  - 2. Places the ballot in an envelope which is marked "SECRET BALLOT" on the outside.
  - 3. Places the "SECRET BALLOT" envelope in an "outside envelope" and signs the outside envelope. The outside envelope should contain a place for the signature as well as a note that if the envelope is not signed, the ballot will not be counted. It is also helpful if there is a line for the voter to print his/her name. The printed name will speed up the counting process wherein the signature is checked

against the voter eligibility list.

4. Places this "outside envelope" in the ballot box during the voting period. There is no need to have the election official check off the name of those who are casting their ballots.

- \_\_\_\_\_ P. Ballots are cast during the announced voting times. The election official should be present during voting.
- \_\_\_\_\_ Q. Ballots must be cast in a locked and secure ballot box. During times when balloting is not actually taking place, the ballot box may be placed in a secure location (locked in a room, car, locker, etc.) and does not need to be in the physical presence of the election official except during voting times. It is permissible for the election official to take the ballot box home for safekeeping.
- \_\_\_\_\_ R. Election officials should not be provided with a key to the ballot box. The keys should remain in the possession of someone who is not a candidate and who is not an election official -- perhaps the election chairperson.
- \_\_\_\_\_ S. The election official transports the ballot box to the location designated for the counting of the ballots.

#### COUNTING AND TALLYING THE BALLOTS

- \_\_\_\_\_ A. The counting should be done openly and any member is allowed to observe the counting process. At least two members of the local election committee should conduct the counting and tallying process.
- \_\_\_\_\_ B. Review the voter eligibility list and cross off all names of individuals who were not association members as of the time the ballots were cast, even though they may have been members as of the original eligibility date. To be an eligible voter, an individual must have been a member as of the initial eligibility date and be a member at the time of the election.
- \_\_\_\_\_ C. Any ballot that is challenged shall be set aside and the reason for the challenge will be written on the envelope.
- \_\_\_\_\_ D. Any absentee ballots timely received should be added to one of the ballot boxes. Any untimely ballot should be set aside and marked as a challenged ballot with the reason for the challenge written on the outside of the envelope.
- \_\_\_\_\_ E. Unlock and empty all ballot boxes.
- \_\_\_\_\_ F. Alphabetize the envelopes by last name.
- \_\_\_\_\_ G. Check the signature on the outside envelope against the list of eligible voters.
- \_\_\_\_\_ 1. If the name on the outside of the envelope matches a name on the eligible voter list, place a check by that name on the list and place all such envelopes together.

- \_\_\_\_\_ 2. If the signature on the outside envelope is illegible or the name does not appear on the voter eligibility list, set all such envelopes aside as challenged ballots. THESE BALLOTS ARE NOT TO BE COUNTED AND ARE NOT TO BE OPENED.
- \_\_\_\_\_ 3. If the signature check reveals two or more envelopes from the same individual, set ALL the envelopes from that individual aside as challenged ballots. THESE BALLOTS ARE NOT TO BE COUNTED AND ARE NOT TO BE OPENED.
- \_\_\_\_\_ H. Only when all envelopes have been checked against the eligibility list may the count continue. At this time, open the outside envelopes of the VALID ballots, placing the outside envelopes in one pile and the UNOPENED secret ballot envelopes in a separate pile.
- \_\_\_\_\_ I. Only when all outside envelopes have been separated from the secret ballot envelopes may the count continue. At this time, set the outside envelopes aside (DO NOT THROW THEM AWAY).
- \_\_\_\_\_ J. Open the secret ballot envelopes, placing the ballots in one pile and the secret ballot envelopes in a separate pile. The empty secret ballot envelopes may be thrown away at the end of the count.
- \_\_\_\_\_ K. Count the ballots by using the tabulation sheet which the election committee prepared in advance.
- \_\_\_\_\_ L. When counting ballots, if a mark is outside the box, if there is an erasure, or if the ballot contains some other discrepancy, the local elections committee must make a judgment as to how or whether to count it. The rule of thumb is to count it if the intent of the voter is apparent and to not count it if the intent is unclear.
- \_\_\_\_\_ M. Announce the results to the membership.
- \_\_\_\_\_ N. Forward the election results to the OEA Central Office:  
  
Ohio Education Association  
225 East Broad Street, Box 2550  
Columbus, OH 43216
- \_\_\_\_\_ O. Keep the ballots, the outside envelopes, tally sheets, and copies of all other election materials for at least one year.

## **APPENDIX E**

### **ELECTION CHECKLIST - MAIL BALLOT ELECTION**

THIS CHECKLIST AND SAMPLE ELECTION PROCEDURE IS FOR AN ELECTION THAT WILL BE CONDUCTED BY U. S. MAIL. THE EXAMPLE ALSO ASSUMES THAT OEA OR NEA RA DELEGATES WILL BE ELECTED WHICH NECESSITATES ADHERENCE TO THE VARIOUS FEDERAL REQUIREMENTS IN CONDUCTING THE ELECTION.

(Sample Timeline)

- \_\_\_\_\_ Develop a comprehensive timeline to include your specific dates.
- |            |  |
|------------|--|
| December 1 | Appoint Election Committee   |
| January 15 | Construct an election timeline. Review timeline with president   |
| February 1 | Distribute election and nomination information through local newsletter to all members: <ul style="list-style-type: none"><li>▪ Date ballots will be mailed and return date</li><li>▪ List of positions to be elected</li><li>▪ Nomination information</li></ul> |
| March 1    | Close of nominations   |
| March 1    | Voter eligibility cut-off (must be a member by this date)  |
| March 7    | Briefing meeting with candidates   |
| March 7    | Voter eligibility list prepared  |
| March 25   | Ballots, envelopes, and all election materials printed, and two (2) sets of address labels prepared  |
| April 7    | Mail ballots to eligible voters  |
| May 1      | All returned ballots must be postmarked by this date   |
| May 5      | Count ballots  |
| May 8      | Report election results in local newsletter  |
| May 10     | Send election results to OEA Central Office  |

### **NOMINATIONS**

- \_\_\_\_\_ A. The election committee should be responsible for the nomination process.
- \_\_\_\_\_ B. Typical methods of nomination include:

- \_\_\_\_\_ 1. At a membership meeting.
- \_\_\_\_\_ 2. By petition. (There is no need to require a specific nomination form. Be cautious about requiring too many signatures or instituting other requirements.)
- \_\_\_\_\_ 3. By written notification.
- \_\_\_\_\_ 4. Combination of the above.
- \_\_\_\_\_ C. Notification of nomination needs to be made reasonably available to all members. Typical methods of notification include:
  - \_\_\_\_\_ 1. Posting of notice on bulletin board in all work sites.
  - \_\_\_\_\_ 2. Placement in local newsletter.
  - \_\_\_\_\_ 3. Announcement at meeting(s). (If this is the only option used, the meeting announcement would need to be distributed to all members, along with a statement that nomination information would be disseminated at the meeting. This option should be used in conjunction with one of the other methods.)
  - \_\_\_\_\_ 4. Mailing to each member at home.
  - \_\_\_\_\_ 5. Combination of the above.
- \_\_\_\_\_ D. The nomination information provided to members must include:
  - \_\_\_\_\_ 1. Positions to be elected.
  - \_\_\_\_\_ 2. Specific method of nominating and being nominated.
  - \_\_\_\_\_ 3. Date, time, and place for submitting nominations.
- \_\_\_\_\_ E. A member nominated for a position should not be considered an official candidate until he/she has accepted the nomination. It is recommended that this acceptance or rejection should be in writing.
- \_\_\_\_\_ F. It is critical that no nominations be accepted after the nomination deadline has passed; otherwise, an opposing candidate who was timely nominated would have a valid objection to the election.
- \_\_\_\_\_ G. Once the nomination information has been provided to the members, the nomination committee can begin soliciting candidates.

#### ELECTION PROCEDURE

- \_\_\_\_\_ A. Construct an election timeline. This should be as detailed as possible. At the same time, it is helpful to decide who will do what and when.
- \_\_\_\_\_ B. Review the timeline with president. This is not required, but it may prove helpful to have the president or someone else officially review your election plans.

- \_\_\_\_\_ C. Provide to all active and life OEA/NEA members, the following information (see Appendix A for a sample letter which will need to be modified slightly for a mail ballot election):
  - \_\_\_\_\_ 1. List of positions to be filled by election.
  - \_\_\_\_\_ 2. Date ballots will be mailed and date of return.
  - \_\_\_\_\_ 3. Nomination information:
    - \_\_\_\_\_ a. Explanation of how to be nominated.
    - \_\_\_\_\_ b. Date, time, & place to submit nominations.
  - \_\_\_\_\_ 4. Due date for receipt of biographical information (optional).
- \_\_\_\_\_ D. In addition, it may be helpful to post the above information on bulletin boards at each work location.
- \_\_\_\_\_ E. It is usually helpful to meet with the candidates and review the election procedures and to answer questions.
- \_\_\_\_\_ F. Construct the voter eligibility list which, at a minimum, must include the names and home addresses of those who were active or life OEA/NEA members as of the eligibility cut-off date. Any members on leave or layoff are not eligible unless they have continued their membership and are paying dues. It is most helpful if this list is in alphabetical order and includes the assigned work site of each member.
- \_\_\_\_\_ G. Once the list is prepared, it may be a good idea to inform the candidates that they have a right to review (not copy) the list. Their review of the list may help catch any errors. Also, an opportunity to review the list prior to the election may help prevent complaints after the election.
- \_\_\_\_\_ H. Mail the election material to each voter at his/her last known home address. This mailing should include:
  - \_\_\_\_\_ 1. Ballot
  - \_\_\_\_\_ 2. Secret ballot envelope
  - \_\_\_\_\_ 3. Return envelope (postage prepaid)
  - \_\_\_\_\_ 4. Biographical information (optional)
  - \_\_\_\_\_ 5. Instructions
- \_\_\_\_\_ I. Details of the mailing:
  - \_\_\_\_\_ 1. Instructions:
    - \_\_\_\_\_ a. Mark the ballot.

- \_\_\_\_\_ b. Seal the ballot inside the "Secret Ballot" envelope.
- \_\_\_\_\_ c. Seal the "Secret Ballot" envelope inside the return envelope.
- \_\_\_\_\_ d. Sign the back of the return envelope. Do not remove the return address label from the front of the envelope. You must return your ballot in the envelopes provided, or your ballot will not be counted.
- \_\_\_\_\_ e. The return envelope must be returned by U.S. mail and postmarked no later than \_\_\_\_\_.

\_\_\_\_\_ 2. The usual size of the "secret ballot" envelope is 3-7/8 x 8-7/8 and the words "SECRET BALLOT" are printed in large letters on the front of the envelope.

\_\_\_\_\_ 3. The usual size of the return envelope is 4-1/8 x 9-3/8. The front of the envelope is pre-addressed back to the local association. The back of the envelope has a signature line and statement:

This is to certify that I marked the enclosed ballot.

Signature \_\_\_\_\_

Further, it is advisable to place the voter's address label in the upper left corner of the front of the envelope. This will greatly aid in checking the return envelopes against the eligibility list since it is difficult to read many signatures.

\_\_\_\_\_ J. The return envelopes should be addressed to a neutral address, not to the local association office or to someone's home. The best way is to have them returned to a post office box requiring two keys to open. One of these keys should be held by the election committee chair and the second by another committee member.

\_\_\_\_\_ K. The recommended time between the mailing of the ballots and the opening of the box is twenty days. If this amount of time is allowed, it is not necessary to do a separate "Election Notice" fifteen days in advance; the ballot itself constitutes notice.

\_\_\_\_\_ L. It is a good idea to rent a post office box for the return of the ballots and place the post office box address on the return envelope. This will allow all of the ballots to be obtained from the post office at one time and will eliminate any potential charges that ballots were lost as they were delivered daily.

\_\_\_\_\_ M. If the returned ballots are not to be counted immediately upon picking them up from the post office, it is a requirement that they be placed in a locked and secure ballot box until they are counted.

#### COUNTING AND TALLYING THE BALLOTS

\_\_\_\_\_ A. The counting should be done openly and any member is allowed to observe the counting process. At least two members of the local election committee should conduct the counting and tallying process.

\_\_\_\_\_ B. Review the voter eligibility list and cross off all names of individuals who were not

association members as of the time the ballots were cast, even though they may have been members as of the original eligibility date. To be an eligible voter, an individual must have been a member as of the original eligibility date. To be an eligible voter, an individual must have been a member as of the initial eligibility date and be a member at the time of the election.

- \_\_\_\_\_ C. Alphabetize the returned envelopes by last name.
- \_\_\_\_\_ D. Check the signature on the outside envelopes against the list of eligible voters.
  - \_\_\_\_\_ 1. If the name on the outside of the envelope matches a name on the eligible voter list, place a check by that name on the list and place all such envelopes together.
  - \_\_\_\_\_ 2. Any ballot that is challenged shall be set aside and the reason for the challenge shall be written on the envelope.
  - \_\_\_\_\_ 3. If the signature on the outside envelope is illegible or the name does not appear on the voter eligibility list, set all such envelopes aside as challenged ballots. THESE BALLOTS ARE NOT TO BE COUNTED AND ARE NOT TO BE OPENED.
  - \_\_\_\_\_ 4. If the signature check reveals two or more envelopes from the same individual, set ALL the envelopes from that individual aside as challenged ballots. THESE BALLOTS ARE NOT TO BE COUNTED AND ARE NOT TO BE OPENED.
- \_\_\_\_\_ E. Only when all envelopes have been checked against the eligibility list may the count continue. At this time, open the outside envelopes of the VALID ballots, placing the outside envelopes in one pile and the unopened secret ballot enveloped in a separate pile.
- \_\_\_\_\_ F. Only when all outside envelopes have been separated from the secret ballot envelopes may the count continue. At this time, set the outside envelopes aside (DO NOT THROW THEM AWAY).
- \_\_\_\_\_ G. Open the secret ballot envelopes, placing the ballots in one pile and the secret ballot envelopes in a separate pile. The empty secret ballot envelopes may be thrown away at the end of the count.
- \_\_\_\_\_ H. Count the ballots by using the tabulation sheet which the election committee prepared in advance.
- \_\_\_\_\_ I. When counting ballots, if a mark is outside the box, if there is an erasure, or if the ballot contains some other discrepancy, the local elections committee must make a judgment as to how or whether to count it. The rule of thumb is to count it if the intent of the voter is apparent and to not count it if the intent is unclear.
- \_\_\_\_\_ J. Announce the results to the membership.
- \_\_\_\_\_ K. Forward the election results to the OEA Central Office:

Ohio Education Association  
225 East Broad Street, Box 2550  
Columbus, OH 43216

- \_\_\_\_\_ L. Keep the ballots, the outside envelopes, tally sheets, and copies of all other election materials for at least one year.

## **APPENDIX F**

### **CONDUCTING ONLINE ELECTIONS**

The conduct of elections for local, OEA, and NEA offices must comply with the following principles of a fair election:

- The integrity of a secret ballot
- One-member one-vote
- The right of any candidate to have an observer at the polls and at the counting of the ballots
- Preservation of all election records including ballots for one year

Adherence to these principles while conducting online elections can present challenges.

Two significant challenges are the tension between maintaining the secrecy of the ballot while ensuring that each eligible member's vote is accurately cast, and ensuring observability for a voting technology that does not necessarily generate "ballots" that can be observed at the "polls" and at their "counting," as the LMRDA provides. Because the technology in this field is evolving, it is difficult to identify definitive solutions that are most likely to permit voting that is in conformance with the proper conduct of a fair election.

#### 1. Guidance for preserving ballot secrecy:

The requirement of a secret ballot in union officer elections is to be interpreted strictly. Ballot secrecy requires that no person, including an independent third party, have access to information allowing such person to learn how a particular member cast his or her vote at any time. Moreover, a member's vote must remain secret after the ballot is cast.

It should be noted that online survey services such as Jot Form, Google Forms, and SurveyMonkey each collect data such as email and IP addresses that can be connected to the content of a member's vote. For that reason, those services are not appropriate for a secret ballot election.

One way to help to insure that ballot secrecy is maintained in an electronic voting system is to avoid creating a connection between a voter's identity and the vote cast, i.e., voters' names would never be entered into the system as part of the voting credentials (the term "credentials" in this guidance includes the multiple codes used for various purposes in electronic voting systems, including access codes, log-in codes, confirmation codes, etc.). In this way a voter's identity could never be linked to his or her vote using information in the system. This can be accomplished by determining voter eligibility prior to mailing the voting credentials and by randomly assigning the credentials to each eligible voter. Once this initial eligibility determination is made and the credentials mailed (or emailed), there can be no mechanism to void or prevent the casting of ballots by any members who were determined to be eligible.

Such a system, however, can present logistical challenges. For example, a local may need to provide replacement credentials to members who have not received or have lost their voting credentials or issue such credentials to newly eligible members. If duplicate credentials or other processes are used to resolve these logistical challenges, all material must be secured when not in use and observers must be given the opportunity to observe the processes employed when using the materials.

Online voting systems should employ proper safeguards to prevent a voter from being able to

provide visual proof of the content of his/her vote in order to prevent secrecy violations in the form of coercion or vote buying/selling. For example, the system must not display the voter credential and the content of the vote in such a way that it permits the voter to capture and share the image, nor should lists matching voter credentials and the content of the vote be publicly available.

To the extent that technology is developed for public elections that allows for the inclusion of voter-identifying information in a manner that protects vote secrecy, that technology may also be appropriate for use in union elections.

## 2. Guidance for preserving observer rights:

To conduct a fair election, adequate safeguards to insure a fair election must be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.” This requirement provides for the essential monitoring that votes were cast by eligible union members and that those votes were accurately tallied. In the context of electronic voting systems, in which the “polls” and “tally” are not visible, assuring the integrity of such systems presents challenges.

Procedures in the context of electronic voting, which permit observation and protect the security of the vote from its casting to its counting, must include:

- The opportunity to view the list of members and make eligibility challenges prior to the distribution of voter credentials.
- The opportunity to observe the preparation and distribution of voting credentials to be used by members. Observers must be allowed to view the process, but must not be allowed to see the specific voting credentials that are sent to individual members, which must be kept secret
- The opportunity to observe any later distribution of credentials to members who did not receive or who lost credentials. Again, observers must be allowed to view the process, but must not be allowed to see what specific voting credentials are sent to individual members, which must be kept secret.
- The use of technology that protects the integrity of the vote from the point when it is cast by the voter through the voting process, such as client-side encryption technology, that runs on the voter’s computer or in conjunction with any computer-telephone integration, rather than on the election server.
- The opportunity to observe any steps necessary for the counting of the votes, and any other steps necessary to audit that process.
- The use of technology that provides a secure method of independent vote verification that allows the voter or an observer to confirm that the vote was recorded and counted accurately. Safeguards should be employed, however, to prevent such features from presenting secrecy lapses and opportunities for voter coercion. Safeguards that could preserve this aspect of observability without compromising vote secrecy may include:
  - Allowing each member to view a printed ballot version of his or her electronic vote, which contains a credential known only to the voter and which is stored in a supervised, secure, observable location. These printed ballots could also be tallied in a supervised, secure, observable location to verify the accuracy of the electronic vote count.
  - Allowing each member to confirm the accuracy or integrity of his or her vote by inspecting a non-public list of the electronic votes alongside the credential known only to the voter, stored in a supervised, secure, observable location.
  - Allowing each member to confirm the accuracy or integrity of his or her vote by inspecting a posted list that pairs representations of votes (e.g., as hashes or

codes that would allow a voter to know that the vote has not been changed but would not reveal the vote choice itself) alongside voter credentials, or representations of voter credentials.

- The electronic voting system should contain mechanisms by which observers can verify, prior to an election, that the system is working properly.

The electronic voting system should include hash chains on the activity logs and the ballot box.

The electronic voting system should be audited by an authorized independent party periodically.

For any electronic voting system, there should be a document or documents that specify the security policy for all systems that will come into contact with the voter or vote information. Further, every role and its corresponding access should be clearly specified, using mathematical descriptions where applicable. The security policy should also include a risk assessment, threat analysis, and modifications made to mitigate such risks/threats.

### 3. Guidance for preserving records:

The electronic votes and any paper versions of the electronic votes, and all other paper and electronic records pertaining to the election, including eligibility lists, the voting credentials, the log files, the time stamped software code used to run the electronic voting system, and the ballot tally results, must be preserved for one year.

### 4. Guidance for preserving right to vote:

An alternative voting method must be provided, upon request, to any member who does not have access to the electronic voting system.

Remote voting must be implemented in a manner that does not create barriers for individuals with accessibility needs.

When selecting an online voting vendor, those members responsible for conducting the local election should inquire about how the vendor provides for a secret ballot, election observers, preservation of records, and accessibility as described above.

The source for this guidance is from the US Department of Labor Office of Labor-Management Standards (OLMS) Compliance Tip – “Electing Union Officers Using Remote Electronic Voting Systems” at [https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip\\_RemoteElecVote.htm](https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip_RemoteElecVote.htm)

## **APPENDIX G**

### **ABSENTEE BALLOT REQUIREMENTS**

The purpose of an absentee ballot is to enable a person to vote who knows significantly ahead of time that he/she will not be able to vote on site. Strict adherence to this principle is essential to avoid charges that absentee ballots are being doled out in a partisan manner. If the local association desires to issue absentee ballots, the local association must.

1. Notify members of their right to an absentee ballot. The following paragraph is suggested language which may be added to the sample election and nominations notice found in Appendix A.

"This is an on-site election. However, if it is impossible for you to vote on site during either day of the election, you may request an absentee ballot. To do so, send your request, specifically stating your reason for not being able to vote on-site, to (election chairperson)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

no later than \_\_\_\_\_ (date).

You will receive an absentee ballot which must be returned no later than \_\_\_\_\_ (date).

2. Establish the date upon which absentee ballots must be received. This date must be prior to the election date.
3. Require that requests for absentee ballots be made in writing, and state the specific reason for the request.

It should be noted that absentee ballots should not be provided to persons who become ill or injured just prior to the election. Such practice can lead to charges that the ballots are being doled out in a partisan manner.

If it appears to the election committee that a person is not eligible for an absentee ballot, the election committee should:

1. Send an absentee ballot to the individual.
2. In writing, explain the committee's concern and ask that any necessary clarification be provided by a given date prior to the election. Explain that the ballot may be challenged and set aside when the ballots are counted.

# **APPENDIX H**

TALLY SHEET NO. \_\_\_\_\_

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	TOTAL
PRES.																										
REAGAN																										
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Void/Write-In																										
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JOHNSON																										
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OE-A-RA																										
EISENHOWER																										
TRUMAN																										
ROOSEVELT																										
HOOVER																										
Void/Write-In																										
VOID																										

(Separate ballots into stacks of 25 and use one tally sheet for each stack, then compile all tally sheets.)  
 EACH SHOULD TALLY TO 25  
 (This tally sheet has proven to be a most effective and accurate means in tabulating results – especially in large locals.)

## **APPENDIX I**

### **OHIO ADMINISTRATIVE RULES 4117-9-05**

#### **4117-9-05 - Fact-finding**

When the statutory procedures of division (C)(2) to (C)(6) of section 4117.14 of the Revised Code apply, fact-finding shall be conducted in accordance with these terms:

A. Subsequent to receipt of a notice to negotiate, the board shall send to the parties a list of five fact-finders from the board's register of neutrals. A second list shall be issued only pursuant to a written statement showing good cause.

B. Not later than thirty-five days prior to the expiration of the negotiation period, the parties shall submit in writing to the board a mutually selected fact-finding panel of one or three members. The names of mutually selected alternates to the preferred panel also shall be submitted in writing to the board at this time. Such selections shall be made by alternate striking of the names, unless the parties mutually agree to another means of selection. If the parties cannot agree to the number of members on the panel, the board shall appoint a one-member panel.

C. The parties may mutually select any fact-finder from the SERB register of neutrals instead of selecting from the list provided by the board. However, selection of a fact-finder not listed on the register shall constitute a mutually agreed-upon dispute settlement procedure and preclude appointment or payment of the fact-finding panel by SERB.

D. Upon receipt of notice of the fact-finding panel selected by the parties and no later than thirty days prior to the expiration of the negotiation period, the board shall appoint a fact-finding panel consisting of one or three members. If the parties have not submitted a selected fact-finding panel to the board within the time designated in these rules, the board shall, in its sole discretion, no later than thirty days prior to the expiration of the negotiation period, appoint a fact-finding panel consisting of one member.

E. In those cases where selected fact-finders are unavailable, the board shall appoint a fact-finder at its discretion.

F. Pursuant to division (C)(3)(a) of section 4117.14 of the Revised Code, upon notice of appointment of the fact-finding panel and prior to the hearing, each party shall submit to the fact-finding panel and serve on the other party a written statement. A failure to submit such a written statement to the fact-finder and the other party prior to the day of the hearing shall cause the fact-finding panel to take evidence only in support of matters raised in the written statement that was submitted prior to the hearing. The statement shall include:

- (1) The name of the party and the name, address, and telephone number of the principal representative of the party;
- (2) A description of the bargaining unit including the approximate number of employees;
- (3) A copy of the current collective bargaining agreement, if any; and
- (4) A statement defining all unresolved issues and summarizing the position of the party with regard to each unresolved issue.

G. The parties may mutually agree to an extension of the statutory fact-finding timelines at any time subsequent to the appointment of the fact-finding panel. An extension must be in writing, specific as to duration, signed by both parties, and submitted to the panel and filed with the board within five days of its execution. An extension may be continued, provided the original extension

procedures are followed. The fact-finding panel has no authority to extend the statutory timelines absent mutual agreement of the parties.

H. The fact-finding panel must hold an evidential hearing except that the parties may stipulate facts and waive hearing. For purposes of hearing, the fact-finding panel shall have the power to regulate the time, place, course, and conduct of the hearing, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, and request the board to issue subpoena to compel attendance of witnesses and the production of books, papers, and records relating to any matter before the fact-finding panel. The fact-finding panel may not choose a hearing location at a cost to the parties unless the parties fail to agree to an alternate cost-free location. Costs associated with a meeting room shall be the obligation of the parties.

I. Fact-finding hearings are to be held in private.

J. The fact-finding panel, in making findings of fact, shall take into consideration all reliable information relevant to the issues before the fact-finding panel.

K. The fact-finding panel, in making recommendations, shall take into consideration the following factors pursuant to division (C)(4)(e) of section 4117.14 of the Revised Code:

- (1) Past collectively bargained agreements, if any, between the parties;
- (2) Comparison of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (3) The interest and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustment on the normal standard of public service;
- (4) The lawful authority of the public employer;
- (5) Any stipulations of the parties;
- (6) Such other factors, not confined to those listed above, which are normally or traditionally taken into consideration in the determination of issues submitted to mutually agreed-upon dispute settlement procedures in the public service or in private employment.

L. No later than fourteen days after the appointment of the fact-finding panel, unless the parties mutually agree in writing to an extension, the fact-finding panel, acting by a majority of its members, shall serve on the parties and the board written findings of fact, written recommendations on the unresolved issues, and a separate summary of each recommendation. Any subsequent change or adjustment by the fact-finding panel in the fact-finding report must be based upon error omission and must be submitted by the fact-finding panel to the board for consideration and imposition of new time periods.

M. Immediately upon receipt, the exclusive representative shall make available, by posting or by other method reasonably calculated to inform the members of the employee organization in the unit, the findings, recommendations and summaries of the fact-finding panel together with a notice of the dates, times, and places where the employee organization's members in the unit may vote to approve or reject the recommendations of the fact-finding panel. A secret ballot election shall be conducted by the exclusive representative at the dates, times, and places set forth in the notice. Such election shall be conducted not later than seven days after the findings, recommendations and summaries of the fact-finding panel are served pursuant to paragraph (C) of rule 4117-1-02 of the Administrative Code. Each member of the employee organization in the unit shall at the time and place of election be issued a ballot containing a choice of "approve" and a choice of "reject" the recommendations of the fact-finding panel. There shall be no voting by proxy. The ballots shall

be tallied immediately upon the conclusion of the election. Written verification of the date of the election, the vote tally, and the number of members of the employee organization in the unit shall be served upon the board and served upon the employer within twenty-four hours after the tally of ballots, but in no event later than twenty-four hours after the expiration of the seven-day voting period. The written verification must contain proof of service upon the employer pursuant to rule 4117-1-02 of the Administrative Code. Failure to serve upon the board and the employer the required voting information within twenty-four hours of the expiration of the seven-day voting period shall constitute failure to reject the recommendations, and the recommendations shall be deemed accepted as the resolution of issues submitted to fact-finding. Oral notification to the board or the employer shall not constitute timely compliance with this rule.

N. Immediately upon receipt, the employer's representative shall make available to the appropriate legislative body the findings, recommendations, and summaries of the fact-finding panel. Not later than seven days after the findings, recommendations, and summaries of the fact-finding panel are served pursuant to paragraph (C) of rule 4117-1-02 of the Administrative Code, the legislative body shall meet and vote to accept or reject the recommendations of the fact-finding panel. Written verification of the date of the vote, the vote tally, and the number of members of the legislative body shall be served upon the board and the exclusive representative within twenty-four hours after the vote count but in no event later than twenty-four hours after the expiration of the seven-day voting period. The written verification must contain proof of service upon the employee organization pursuant to rule 4117-1-02 of the Administrative code.

Failure to serve upon the board and the employee organization the required information within twenty-four hours of the expiration of the seven-day voting period shall constitute failure to reject the recommendations, and the recommendations shall be deemed accepted as the resolution of issues submitted to fact-finding. Oral notification to the board or the employee organization shall not constitute timely compliance with this rule.

O. If neither party rejects by a three-fifths vote the recommendations of the fact-finding panel, not later than seven days after the recommendations are sent, the recommendations shall be deemed agreed upon as the final resolution of the issues submitted to the fact-finding panel and a collective bargaining agreement shall be executed, including the fact-finding panel's recommendations, except as otherwise modified by the parties by mutual agreement.

P. If the recommendations of the panel are rejected by a three-fifths vote of either party and the rejection information required by paragraph (M) or (N) or the rule is timely served upon the board and the other party, the board shall post a copy of the fact-finding report and the notice of rejection in its Columbus offices and shall mail copies to the press, with recipients determined at the board's discretion. A board-provided notice of the rejection and a copy of the fact-finding report shall be posted by the employer and the employee organization in conspicuous locations where employees will be reasonably apprised of the contents. The "date of publication" is the date the board mails the notice and report to the press. A notice of rejection shall remain posted for a period of thirty days or until settlement occurs, whichever is earlier.

Q. The board shall pay one-half of the cost of the fact-finding panel and the parties shall each pay one-half of the remaining cost.

HISTORY: Eff. 5-18-87 (1986-87 OMR 1306) 6-24-84, 3-26-84

#### **CROSS REFERENCES**

RC 4117.02, State employment relations board

RC 4117.14, Negotiation, termination or modification of agreement procedures

## NOTES ON DECISIONS AND OPINIONS

SERB 88-002 (3-14-88), In re Erie County Care Facility. A public employer has seven days after a fact-finder's report is served to reject it under RC 4117.14 and OAC 4117-9-05, not seven days from the time the report is actually received.

SERB 86-030 (8-7-86), In re Miami University. Once the votes of union members on a fact-finder's report have been tallied, the election is over and further voting foreclosed: a union that permits another member to cast a ballot afterward, changing the result of the election, does not thereby commit an unfair labor practice, but the ballot is invalid and will be disregarded.

SERB 85-058 (10-31-85), In re Stark County Engineer. The state employment relations board does not apply time lines rigidly unless required to do so by law, but where a party received a fact-finder's report only one day before expiration of the authorized seven-day response period, the party does not move for an extension in a timely fashion by merely sending a letter to a member of the board's staff after the seventh day has passed.

SERB 85-042 (9-17-85), In re Lima. An employee organization does not commit an unfair labor practice by publishing recommendations of the fact finder before a city council has an opportunity to consider and act on them.

SERB 85-042 (9-17-85), In re Lima. OAC 4117-9-05 imposes no duty on an employee representative to conduct a ratification election once the employer has voted to reject the recommendations of the fact-finder.

SERB 85-004 (2-6-85), In re Columbus. An appointment of fact-finders under RC 4117.14 and OAC 4117-9-05 is compulsory and self-executing, requiring no order by the state employment relations board where no other procedures have been agreed to by the parties.

SERB 85-002 (1-25-85), In re Lima. Certification of the rejection of a fact-finder's report to the state employment relations board is timely under OAC 4117-9-05 when done within twenty-four hours of the end of the seven days allowed for holding the vote.

### 4117-9-06 Final offer settlement procedure; conciliation

Members of a police or fire department, members of the state highway patrol, deputy sheriffs, dispatchers employed by a police or fire or sheriff's department or the state highway patrol or civilian dispatchers employed by a public employer other than a police, fire, or sheriff's department to dispatch police, fire, sheriff's department, or emergency medical or rescue personnel and units, an exclusive nurse's unit, employees of the state school for the deaf or the state school for the blind, employees of any public employee retirement system, correction officers, guards at penal or mental institutions, special policemen or policewomen appointed in accordance with sections 5991.14 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, or youth leaders employed at juvenile correctional facilities are prohibited from striking. Unless the parties are subject to a mutually agreed-upon dispute settlement procedure in compliance with paragraph (C) of rule 4117-9-03 of the Administrative Code, these conciliation procedures shall apply:

A. If the parties are unable to reach an agreement within seven days after the publication of the findings and recommendations of the fact-finding panel, then the board shall issue to the parties an

order pursuant to division (D)(1) of section 4117.14 of the Revised Code requiring the parties to engage in settlement by conciliation by a conciliator selected by the parties in accordance with paragraph (B) of this rule. The board may delegate to the bureau of mediation or the executive director responsibility for ordering conciliation when no substantive issues have been raised and when these conditions have been met:

- (1) The fact-finding report was rejected timely by at least one party by a three-fifths majority of the individuals who were eligible to vote;
- (2) The vote on the fact-finding report was served timely upon SERB and the other party;
- (3) Publication of the fact-finding report did occur in which the effective date of publication is stated on the board-issued notice of rejection of the fact-finding report; and
- (4) At least seven days have passed since the effective date of publication of the fact-finding report, and the parties have not reached a settlement.

Concurrent with its order, the board shall provide to the parties a list of five neutrals from which the conciliator will be selected.

B. The parties shall within five days of the issuance of the list notify the board in writing of their mutually selected conciliator and of any mutually selected alternates to the preferred conciliator. When selected conciliators are unavailable, the board shall appoint a conciliator chosen at its discretion.

C. The parties shall within five days of the issuance of the list notify the board in writing of their mutually selected conciliator and of any mutually selected alternates to the preferred conciliator. When selected conciliators are unavailable, the board shall appoint a conciliator chosen at its discretion.

D. If the board has not received written notification of a mutually selected conciliator within five days after issuance of the conciliation order and list of conciliators, on the sixth day after issuance of the order and list, the board shall appoint a conciliator at its discretion. Oral notification to a SERB bureau of mediation staff member within five days of issuance of the order and list will be sufficient if written confirmation is served upon the board within the five-day period.

E. Upon notice of the conciliator's appointment, each party shall submit to the conciliator and serve on the other party a written statement. A failure to submit such a written statement to the conciliator and the other party prior to the day of the hearing shall require the conciliator to take evidence only in support of matters raised in the written statement that was submitted prior to the hearing. The statement shall include:

- (1) The name of the party and the name, address and telephone number of the principal representative of the party;
- (2) A description of the bargaining unit including the approximate number of employees;
- (3) A copy of the current collective bargaining agreement, if any;
- (4) A report defining all unresolved issues, stating the party's final offer as to each unresolved issue, and summarizing the position of the party with regard to each unresolved issue. If, after submission of the parties' reports, mediation efforts result in a change in a final offer, a party may, with the permission of the conciliator, submit a revised final offer to the conciliator.

F. The conciliator shall hold a hearing within thirty days of the effective date of the board's order to conciliate, or as soon thereafter as practicable. For purposes of the hearing, the conciliator shall have the power to regulate the time, place, course, and conduct of the hearing, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, and

request the board to issue subpoena to compel attendance of witnesses and the production of books, papers, and records relating to any matter before the conciliator. A conciliator may not choose a hearing location at a cost to the parties unless the parties fail to agree to an alternate cost-free location. The conciliator shall make provisions allowing for a written record of the hearing.

G. Conciliation hearings are to be held in private.

H. The conciliator shall take the following into consideration in resolving the dispute between the parties:

- (1) Past collectively bargained agreements, if any, between the parties;
- (2) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employers doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (3) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;
- (4) The lawful authority of the public employer;
- (5) The stipulations of the parties; and
- (6) Such other factors, not confined to those listed in this rule, which are normally or traditionally taken into consideration in the determination of issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding or other impasse resolution procedures in the public service or in private employment.

I. The issuance of a final offer settlement award constitutes a binding mandate to the public employer and the exclusive representative to take whatever actions are necessary to implement the award.

J. The parties shall bear equally the cost of conciliation.

HISTORY: Eff. 5-18-87 (1986-87 OMR 1307) 6-24-84, 3-26-84

#### **CROSS REFERENCES**

RC 4117.02. State employment relations board

RC 4117.14. Negotiation, termination or modification of agreement: procedures

4117-9-07 Filing of collective bargaining agreement

A. One executed copy of any collective bargaining agreement shall be filed with the board by the employer within thirty days of execution.

B. For the purpose of this rule, the term "collective bargaining agreement" includes contract, memorandum of understanding, extension, amendment, modification, reopener, settlement, or other addendum entered into between an employee organization and employer.

C. All wage information shall be submitted with the collective bargaining agreement. Any amendments or renegotiation of wage information shall be filed by the employer upon execution of the amendment or renegotiated provision.

HISTORY: Eff. 5-18-87 (1986-87 OMR 1308) 6-24-84, 3-26-84

### **CROSS REFERENCES**

RC 4117.02. State employment relations board

RC 4117.14. Negotiation, termination or modification of agreement: procedures.

<b>Strategic Priority 1: Build local capacity to be more relevant to members</b> <b>Strategic Priority 2: Educate and organize members to build support for quality public education</b> <b>Strategic Priority 3: Build OEA as a member resource for professional issues</b> <b>Strategic Priority 4: Educate and organize OEA and its members to advocate for racial, social, and economic justice</b>	<b>2022-2023</b> <b>ANNUAL LOCAL DEVELOPMENT PLAN</b> <b>Document Location: Intranet, Departments, Field</b>
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Local Theory of Change: Click or tap here to enter text.

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<b>RATIONALE: How does this plan meet the local's needs?</b>
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