



ALL  
UNION  
POWER



# ASSOCIATION REPRESENTATIVE

H A N D B O O K

2024-2025

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More information can be found on the MTA website at  
[massteacher.org/mta-membership/handbooks-and-documents](https://massteacher.org/mta-membership/handbooks-and-documents).





## BUILDING OUR UNION POWER

Dear Colleague,

In the months leading up to the U.S. Supreme Court's anti-union decision in the *Janus v. AFSCME* case, the MTA initiated the All In campaign, holding intentional one-to-one member conversations at the local level that were focused on building our membership and our power to beat back attacks against working people.

The All In campaign has been a tremendous success. Our membership has grown, and our 116,000 members see their union activism as vital to their professional respect and their quality of life.

**We are demonstrating every day that when we fight, we win!**

Over the past several years, MTA members, leaders and staff have broadened the contours of All In with the MTA Blueprint Project, which will help us continue to grow our collective power even more. Five strategic priorities are central:

- **Connecting members to the life of the union.**
- **Cultivating and supporting leadership at all levels.**
- **Maximizing our bargaining power.**
- **Advancing policy solutions and campaigns.**
- **Leading on economic, social and racial justice.**

**A good deal of time has passed since the *Janus* decision in 2018 — but it is imperative that we remain vigilant.** Anti-union forces will continue attacking public education and working families, and we cannot let up in fighting for our rights, our profession and our communities.

Now and into the future, our voices must prevail. We need our members to continue experiencing the power of collective action and to widely share their ideas and values. **All of us need to remain All In.**

This is where you and your fellow association leaders come in. You are the vital link to the members in your union — and the personal relationships you build are at the heart of what makes a local association work and grow. We want to thank you for your dedication, for your energy, and for your time as you serve as an association representative.

**Find out more about building our union power at [massteacher.org/allin](https://massteacher.org/allin).**



## COMPARISON OF LOCAL, MTA AND NEA MEMBERSHIP VS. NON-MEMBERSHIP

Belonging to your local association, the MTA and the NEA empowers you as an educator to play an active role in shaping your career and creating the environment that you want for your students and your colleagues. Here is a comparison of the benefits and opportunities available to members vs. non-members.

We provide service, support and organizing assistance ...	To Members	To Non-Members
<b>Collective Bargaining</b>		
<b>Negotiations.</b> Your local union negotiates contracts that cover all employees in the bargaining unit. Therefore, everyone receives the salary increases, benefits and other rights in the bargaining agreement.	✓	✓
<b>Grievance representation.</b> Your local union represents all members of the bargaining unit when grievances under the contract arise.	✓	✓
<b>Contract enforcement.</b> If the grievance process fails to resolve the dispute, your local union enforces the contract through arbitration and court proceedings.	✓	✓
<b>Legal Services</b>		
<b>Termination and nonrenewal cases.</b> MTA's Division of Legal Services will assist you in understanding and defending your due process rights if you lose your job. Assistance to members includes enforcement of contractual and statutory rights. Assistance to non-members is limited solely to contractual matters.	✓	✗
<b>\$1 million legal liability coverage.</b> The Educators Employment Liability policy protects educators from personal liability if sued by a parent or student. Most schools do not carry such coverage.	✓	✗
<b>Professional licensing disciplinary hearings.</b>	✓	✗
<b>Unemployment compensation hearings and workers' compensation appeal hearings.</b>	✓	✗
<b>Statutory wage and hour complaints.</b>	✓	✗
<b>Employment discrimination claims</b> (age, gender, race, religion, sexual preference, national origin, disability, etc.).	✓	✗
<b>Teacher and ESP retirement consultation and representation.</b> The MTA will represent you in legal disputes with state and local retirement boards. In addition, the MTA offers retirement workshops and individual retirement counseling to members.	✓	✗
<b>Criminal charges related to employment.</b>	✓	✗

We provide service, support and organizing assistance ...	To Members	To Non-Members
<b>Professional Matters</b>		
<b>Training in employment law, bargaining, legal issues, grievance processing, organizing, leadership, etc.</b>	✓	✗
<b>Professional development on special education, DESE and DCF rules and regulations, etc.</b> Many school districts cannot afford to or do not offer meaningful professional development opportunities, especially for ESPs. The MTA fills this void with annual statewide conferences as well as local and regional trainings to help teachers and ESPs become more valued professionals.	✓	✗
<b>Assistance in obtaining National Board certification.</b>	✓	✗
<b>Association Activities</b>		
<b>Participation in union governance.</b> You have a right to hold local, MTA or NEA office and to elect your union representatives. Rights include serving on executive boards, negotiating teams or committees, and participating in the MTA's and NEA's annual meetings.	✓	✗
<b>Voting on local, state and national union matters.</b> You have a right to have a voice in and vote on union priorities and budgets.	✓	✗
<b>Attending union conferences and trainings at the local, regional, state and national levels.</b>	✓	✗
<b>MTA Benefits</b>		
<b>Disability insurance.</b> This insurance provides critical income protection when you are unable to work for an extended period of time and you don't have sick time to cover the absence.	✓	✗
<b>Home and auto insurance discounts.</b> Members have a choice with their auto and home insurance. Liberty Mutual and Hanover Insurance offer discounts and coverage geared to the unique needs of educational professionals.	✓	✗
<b>Mortgage.</b> Save thousands per transaction with Mid-Island Mortgage.	✓	✗
<b>Student loan debt assistance.</b> Free loan counseling to help you determine whether you're eligible for a loan forgiveness program and to help you manage your debt.	✓	✗
<b>Discounts on products, services and attractions both locally and nationally.</b> MTAB's benefit programs and Discount Directory, along with members' use of Access Nationwide Discounts can provide thousands of dollars in savings annually.	✓	✗
<b>Your family can benefit, too.</b> Most programs available to members are also open to family members. Family membership is FREE and an easy way to reduce your household expenses.	✓	✗



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## MTA STRATEGIC PRIORITIES

The MTA initiated the All In campaign to proactively respond to the ongoing attack on the collective power of working people and their organizations.

That campaign — along with the MTA Blueprint Project, aimed at broadening All In and further building our power — demonstrates that our 116,000 members see union membership as essential to their professional respect and to their quality of life.

### THE MTA BLUEPRINT PROJECT

MTA members, leaders and staff undertook the Blueprint project — an assessment completed through surveys, focus groups and collaborative analysis — to create a blueprint for not only sustaining but growing our collective power. The Blueprint project envisions a society where all students, from prekindergarten through college, have the right to a free and outstanding public education; a society where those of us who educate and care for our students are treated with dignity, have a meaningful voice in our work, quality health care, and a secure retirement; a society where students are able to learn because they are free from fear, food and housing insecurity, and live in thriving communities; a society where public education and trade unionism are revered as essential pillars of democracy and justice. We believe in rank-and-file member activism so that we have power in our work, our communities and our union. We believe that collective bargaining agreements are crucial tools by which we achieve justice for our members and our students. We believe in social, racial and economic justice for all people as essential conditions for a democratic society.

The following five strategic priorities are central to the project:

- #1: Connect Members to the Life of the Union
- #2: Cultivate and Support Leadership at All Levels of the Union
- #3: Maximize Our Bargaining Power
- #4: Advance Policy Solutions and Campaigns
- #5: Lead on Economic, Social and Racial Justice

### ALL IN INITIATIVE

All In locals are vibrant and set clear goals. They are healthy organizations that successfully engage large numbers of members in key areas — including advocacy and political action — to advance their interests as professionals. They welcome members and let them know that their participation is meaningful.

Among other attributes, our All In locals:

- Have a strong member-to-member communication system at each worksite.
- Regularly communicate with members regarding building, district, local and state issues.
- Reach out to members to invite them to participate in the local's events. Whenever possible, outreach is done through one-to-one conversations using the local's communication structure.
- Advocate for members via collective bargaining, grievance and arbitration processing and enforcement of legal rights.
- Are recognized as the "voice of education" by members, parents, community leaders and the media.
- Have numerous leaders who are seen by members as trailblazers in important areas.
- Have many members who understand and can articulate the role of unions in creating a just society.
- Have leaders and members who are actively engaged in the political process at the local and state levels, model political engagement to others and actively participate in the MTA candidate recommendation process.
- Have a political action structure and members who are trained to take part in campaigns and lobbying. Have strong bylaws, transparent financial and membership systems and a firm commitment to meet legal and fiduciary obligations.
- Are dedicated to long-range planning, with meaningful involvement at all levels by leaders and members alike.
- Have an intentional program for eliciting and addressing the concerns, values and goals of new members, thereby generating leadership for the future.

### LEGISLATIVE AND POLITICAL ACTION TEAMS

At the heart of the MTA's efforts to increase member involvement in legislative and electoral politics are our Legislative and Political Action Teams. The LPATs are structured around the Legislature and based in each of the 40 Senate districts around the state. They are designed to empower members, strengthen our relationships with each other and our legislators and advocate for MTA's legislative and political agenda. They are working closely with Political Action Leaders — PALs — who represent local associations and chapters.

Each LPAT is led by a Senate District Coordinator who has been through extensive training to prepare for the role. Those who serve on LPATs include active members and retirees, teachers and higher education faculty, professional staff and Education Support Professionals. The PALs, like the LPATs, are vital to our success. They work with local and chapter presidents, organizing and recruiting members and lobbying. Each local president is asked to appoint a PAL for their association or chapter.

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## ASSOCIATION REP INFORMATION

### STRONG ASSOCIATION REPRESENTATIVES MEAN STRONG LOCAL ASSOCIATIONS

Every local association is strengthened by having strong association representatives in every school building. We as a membership organization seek to strengthen the organization at the building level for the following reasons:

- The power of an organization is built upon the commitment of those who belong to it.
- The most effective organizations are those whose members make decisions and/or have influence on the decisions that affect them.
- Societal norms and private-sector organizational development are moving toward an increased grassroots role in decision-making.
- Much of "education reform" is focused at the building level, where organizations tend to be the weakest.
- As an organization, we tend to be most vulnerable at the building level, where the principal is often viewed as the dominant figure.
- In most locals, members are dispersed among several buildings and/or areas of a building complex and may feel distant and disconnected from the centralized decision-making of the association.
- Trained individuals providing communications assistance and making decisions within the organizational structure can avoid disruption and add to members' commitment to the organization.
- Two-way communication between members and association leaders is a critical part of developing member commitment to the organization.
- The overall strength of the association is based on membership commitment and support from each of the buildings.

In view of these reasons, a strong, consistent association representative program is recommended, both to ensure continuity and consistency at the building level and to enhance the association's effectiveness in successfully advancing issues.

### THE ASSOCIATION REPRESENTATIVE AS ORGANIZER

- Organize the members in the school, recruit and retain membership in the local organization and, foremost, get others to help you. Organize small tasks for individuals, such as a building newsletter or changing the association bulletin board. You can also find someone who has a special interest in negotiations, grievances, social get-togethers, politics, etc., so that they can serve the association in these capacities within your area or building.
- Promote organizational growth in the building through involvement in elections, at meetings, in community work and at social functions.
- Keep the organization's actions, accomplishments, programs and available services visible and accessible to members in the building.
- Communicate information to the members through personal contact, newsletters, email or a telephone network.
- Inform members about the importance of political involvement and its relationship to association issues at the local, state and national levels.
- Assume a decision-making role in crisis situations.
- Keep the organization's leadership informed as to problems and/or accomplishments at the building level.
- Ensure continuing direct involvement of association members in decisions that affect them at the building level.
- Know your individual members, their interests and avocations for possible future reference.

## THE ASSOCIATION REPRESENTATIVE AS ADVOCATE

All people are different. One cannot be expected to like and respect everyone else. However, the association representative must never allow any negative personal or professional feelings toward an individual bargaining unit member to interfere with their role as advocate. The advocate must make every effort to ensure that all individuals feel comfortable bringing forward questions, concerns or problems. Every unit member should also feel that the advocate will keep certain matters confidential.

- Always defend. Never judge.
- Nothing will damage the credibility of the association representative — and in the eyes of many, the association — more than the failure to observe the above credo.
- In the early stages of your development as an advocate, you will need to seek the resources of the association to assist you. As you grow with experience and training, you will depend on such resources less and less. In any event, maintain the confidence of the members, even when you don't have the answer or solution. When you know where to find it, follow up.
- Remember, *you are the association* to any given member when that member has a problem. You should at all times be in a position of giving sound, accurate advice — or you should be able to refer members to someone who can advise them.
- It is the responsibility of the association representative to act as the member's adviser as that person deals with problems. The association representative must ensure that the individual member's rights are never jeopardized.
- In dealing with supervisors and administrators (management), the association representative is obligated to assume the role of the employee's advocate, never adversary.

**For more information about building our union power at the local level, visit [massteacher.org/allin](http://massteacher.org/allin).**

## THE DUTY OF FAIR REPRESENTATION

Since it speaks for all employees, the association is obliged to fairly represent all employees in the bargaining unit. This obligation is imposed by the public-sector collective bargaining law.

It is a prohibited practice under the law for an association to refuse to fairly represent a bargaining unit member in a matter involving the contract.

An association breaches its duty of fair representation when the association's conduct would be judged to be arbitrary or discriminatory toward a member of the collective bargaining unit. Subject to these criteria, an association is afforded substantial discretion in negotiations and in the processing of grievances. The association must protect the interests of the group as a whole, as well as individual interests, and must reconcile conflicts fairly. An association does not breach its duty of fair representation merely because it is wrong or because it fails to satisfy everyone it represents.

### THIS "DUTY OF FAIR REPRESENTATION" EXISTS:

- During collective bargaining for initial and successor agreements.
- During the life of the contract, including the resolution of disputes and the processing of grievances.
- When deciding whether to arbitrate and while conducting the arbitration.

The association has no duty of fair representation in matters that are unrelated to the collective bargaining context. For instance, an association is not obligated to provide advice or services regarding disputes involving the law other than the contract. An example of this is a member who comes to the association believing they have been the victim of sex discrimination at work. The issue is whether this is simply a statutory claim or whether there is any claim based on the contract. The association does not have an obligation to process statutory issues. Any association representative confronting this level of complexity should consult with the assigned field representative.

The role of an employee organization is not to put its members on trial, but to defend and protect them. Management can take care of itself, and the association takes on management's role at the peril of its members and the profession.

An association has considerable latitude in the processing of grievances and other aspects of contract administration. However, an association must consider and weigh in good faith all of the following criteria in deciding whether to proceed to arbitration on a grievance:

1. The effect of the breach on the employee.
2. The impact of winning a grievance on other unit members.
3. The effect of the breach on the contract.
4. The likelihood of success in arbitration.

Failure to make a considered decision in these situations may give rise to a claim that the association has breached its duty of fair representation.

A decision not to arbitrate based solely on the cost to the association without regard to the merits of the grievance, for example, might be arbitrary and, therefore, a breach of the association's duty of fair representation.

Before reaching a decision not to arbitrate, the association must review and weigh all of the circumstances. It would be advisable to keep a sufficient record of the decision-making process (e.g., the record in the minutes of the Executive Committee) in the event that the association's decision is challenged.

Loss of pay (suspension, nonrenewal, discharge): If the member proves that the association violated the duty of fair representation by refusing to arbitrate and if the Massachusetts Department of Labor Relations examiner also concludes that the member would have prevailed on the merits of the grievance, the association may be responsible for any back pay.

However, the duty to fairly represent is based on common sense — the association is given wide latitude to conduct its business as long as all employees in the unit are treated fairly.

**DEPENDING ON THE FACTS, EXAMPLES OF ARBITRARY OR PERFUNCTORY ASSOCIATION CONDUCT MIGHT INCLUDE:**

- Deliberate lying.
- Ignoring a clearly meritorious grievance.
- Failure to investigate or consider the merits of the grievance.
- Failure to gather favorable evidence once the association decides to process a grievance.
- Having a decision made by people who have a conflict of interest.
- Making an inadequate attempt at gathering evidence on behalf of the grievant or at rebutting the employer's arguments.
- Extreme negligence in investigating, extreme passivity in presenting the case.
- Perfunctory handling of an arbitration case that omits any factual proof of the grievant's position.
- Inexcusable failure to make a decision whether or not to advance a grievance to arbitration in accordance with contractual time limits.
- Inexcusable failure to notify the grievant of a decision not to arbitrate in time for the grievant to advocate a different approach or to pursue other remedies if any are available.
- Decisions based simply on race, gender, sexual preference or age, rather than on the merits.
- Refusal to process the grievances of agency fee employees or non-members simply because they are not members.
- Refusal to process grievances of members for the sole reason that they have criticized the association or filed charges against the association.

**FACTORS THAT CAN LEGITIMATELY ENTER INTO DECISION-MAKING MIGHT INCLUDE:**

- Effect on other members of the unit — monetary or otherwise.
- Relative importance of the principle (what might be of great import to one member might be less important in the unit's "big picture").
- Trade-off at the bargaining table or in settling grievances.
- Merits of grievance.

## THE ASSOCIATION REPRESENTATIVE AS CONTRACT ENFORCER

### CONTRACT ENFORCEMENT

Contract enforcement is one part of a larger process designed to protect the rights of bargaining unit members and to provide them with proper representation. Providing proper representation usually requires the utilization of a host of problem-solving methods. It is important to remember that solving some problems may require an approach other than filing a grievance, because the grievance might not be “winnable” or because the situation may not be covered by the collective bargaining agreement. The key point to remember is that an effective association representative utilizes a variety of approaches to raise, discuss and resolve problems that unit members encounter in their professional lives.

Of course, the heart of any collective bargaining agreement is the grievance procedure. It is the bedrock on which the collective bargaining process works. However, no matter how diligently the bargaining teams work to avoid ambiguity in negotiated contract language, disagreements inevitably occur as the contract is applied to a host of unanticipated job-related problems.

The association representative has a responsibility to police the collective bargaining agreement, school policies and the needs of members in general. As the association official who is closest to the general membership, the association representative is the communication link, ensuring that information regarding contractual and professional problems are brought to the attention of, and are addressed by, the members, association officers, field representatives and school administration.

### PURPOSES OF A GRIEVANCE PROCEDURE

The main purpose of a grievance procedure is to get problems settled. But fully realized, the scope and meaning of “grievance processing” necessarily involve other objectives:

- Establishing the rights of the employee through interpretation of the contract, rules, regulations and policy.
- Communicating that the member with a grievance has the full support of other unit members and of the association leadership.
- Protecting rights established by the contract.
- Ensuring equal and fair treatment according to customary practice.
- In some instances, simply providing members with the opportunity to tell their side of the story.
- Providing systematic means of solving problems; setting forth a reasonable process for solving disagreements.
- Requiring the administration to assemble facts and logic to justify actions.
- In doing so, by exposing the basis of administrative actions, protecting employees from unreasonable actions, idiosyncratic motivation and the unfortunately common tendency of some administrators to “take it out” on subordinates.

The association appropriately invests large amounts of money and energy to create conditions that benefit members. For that reason, violations of the contract must be thoughtfully evaluated and forcefully challenged where the professional and contractual interests of the members so dictate.

## FRONT LINE OF MEMBER DEFENSE

Association representatives, as front-line contacts, actually have the best opportunity to counsel individual members on grievances. It must be remembered that the best time and place to settle a grievance is in the conference with the member's immediate supervisor. The association representative must know exactly the remedy that is to be sought, the tactics or negotiating skills to be used and the facts to support the grievant's case. **These are points the association representative should know and follow in representing the grievant:**

1. When a member comes to you with a grievance, get all the facts. This will often require you to probe for facts beyond those the member presents initially.
2. Check the collective bargaining agreement for the applicable provisions. Again, consider whether you have all the facts you need to address the contract provisions.
3. Always consider the impact that winning or losing a grievance may have on other members. If there are competing interests, a local may have to decide which position to support before filing a grievance.
4. Make inquiries of other nonadministrative employees involved in order to check the accuracy of the complaint.
5. Give the member your best advice about whether the matter is best handled through the grievance procedure or whether it is a noncontractual complaint best handled differently. Use persuasion. Give the member the benefit of the doubt.
6. Don't rule out a grievance right away. Deciding whether the contract has been violated is the arbitrator's job. Your job is to represent the interest of the aggrieved. You are the advocate.
7. In general, going alone to meetings with administrators is ill-advised unless you are very experienced.
8. Take the member in with you (unless you and the member agree it is not advisable). Prepare the member ahead of time. Make them understand that the best approach, as a general matter, is to have only one spokesperson.
9. Remember that you have contractual and legal authority in your role and make sure you are accorded respect in that regard. For example, if there are not enough chairs in the supervisor's office, have the supervisor bring some in. Remember that you are the association. This is not a "hearing" conducted by the supervisor; it is a "meeting" or "conference" between equals — the association representative and the management representative.
10. Always start by getting management's side. This just makes common sense — management acted; you are entitled to know why. Ask neutral questions of the supervisor.
11. Once you've heard the explanation, if new facts don't prompt a change in your strategy, state why the association disagrees and what is desired (nature of complaint and remedy sought).
12. Whenever you need to discuss something with your side (e.g., when other members of the grievance committee or the aggrieved have fresh facts or new ideas), when a change in strategy is needed or when things need to cool off, you have the right to call for a caucus. This kind of break is standard operating procedure in this sort of situation. Don't be shy about calling for it. Most of the time the other side will respect your sophistication in doing so.
13. It is critical not to get sidetracked. Stick to the facts and pursue your remedy. This will not only be more efficient, it will increase the confidence of your member in the importance of this issue to the association.
14. If you disagree, disagree amicably. Be calm but firm. Don't be afraid to say that you need to think something over and respond later. Never be pressured into making a decision that you need more time to consider.
15. Notify the association's grievance committee of what happened. Make sure that all procedures are followed in order to make the decision about whether to take the grievance to the next step.
16. Without planning and advance consideration, it is probably inadvisable to "horse trade" grievances. Remember that each grievance needs to be weighed on its own merits.
17. Always be open to a reasonable settlement. In grievances involving the central administration, such as the personnel or payroll office, the best outcome is for the supervisor to act as the school committee's representative and make management settle at the lowest possible step.
18. Be sure to follow the timelines in the grievance procedure for moving the grievance to the next step. A timely, considered decision not to advance a grievance is not a problem, but failing to meet the timelines in making a decision must be avoided.
19. Finally, keep notes of what has happened, with relevant dates, times and facts.



## CONTRACT INTERPRETATION

### EIGHT HELPFUL HINTS FOR INTERPRETING AGREEMENTS

1. Always think about the intent of the parties who wrote the agreement. For example, the contract may state that new employees will be evaluated by both the supervisor and the department head. Without spelling it out, the clause probably intends to mean that each of these evaluations be independent and separate from each other. Should a situation arise in which the facts demonstrate that a department head's evaluation of a new employee was influenced by the supervisor, a grievance could be filed on the grounds that the intent of the agreement was violated.
2. The contract should be interpreted as a whole. One part cannot be used to the exclusion of other parts. When both general and special provisions exist concerning the same thing, the special provisions will generally prevail.
3. If the wording of the contract is clear and definite, it will generally prevail. For example, a clause spelling out a minimum 30-minute, duty-free lunch period appears to be clear and unequivocal.
4. If the wording of the contract is vague and indefinite, the interpretation of the parties will carry considerable weight. One way the parties demonstrate what they mean is by what they do. For example, the meaning of a provision stating that "the union and its representatives shall have the right to use the employer's facilities at all reasonable hours for meetings" would be illuminated by when and where the union has met in the past.
5. Decisions made in similar cases in the past affect decisions in present cases. In a dispute over what constitutes a valid reason for taking personal business days, knowing the reasons why a personal business day was granted in other situations is essential.
6. Express (written) provisions imply the exclusion of everything not mentioned. For example, if your contract specifies that personal days may be used for certain stated purposes, a grievance alleging that a personal day for a different purpose was improperly denied would likely be unsuccessful.
7. Implied (unwritten) provisions may exist if they are not inconsistent with the express (written) provisions and consistent with past practices.
8. A reasonable interpretation will prevail over one that is unreasonable or absurd.

## ASSOCIATION MEMBER AND MANAGEMENT CONFERENCES

One of the more important functions of an association representative is to be present at meetings between management and members, either:

1. When the association member wishes to consult with the manager regarding a problem; or
2. When the association member exercises their Weingarten rights (see Page 21).

As the association representative, follow these steps prior to such a meeting:

1. Prepare for the meeting.
2. Record information and conduct during the meeting.
3. Follow up with appropriate correspondence or actions after the meeting.

### PREPARATION

In some situations, there may be little time to prepare because the meeting may be unexpected. If possible:

1. Discuss and clarify the problem beforehand.
2. Determine possible solutions (this may be part of the informal first step in the grievance procedure).
3. Get advice from your association officers or MTA representatives.
4. Research pertinent areas of the contract.
5. Prepare a brief outline of points to make.
6. Warn your member against self-incrimination. Members are usually inexperienced and extremely nervous in these confrontational situations. It is usually best for the member to let you be the spokesperson.
7. Don't submit written statements unless reviewed by the association and/or field representative because they will be viewed as "official" association positions.

**CONDUCT DURING THE MEETING**

1. Take complete and accurate notes. Include all important information. Your notes concerning who said what may be valuable later, and they make all of those participating a little more careful about what they say.
2. If possible, take control of the meeting and structure the meeting according to your plan.
3. Make certain that instructions, questions or directives asked of the member are fair and clear. Ask for clarification, if needed.
4. Insist that your member be granted due process (i.e., notice, investigation, etc.).
5. Suggest possible solutions only if you have prior knowledge that they are in compliance with the contract and agreeable to the member.
6. Ask for copies of all documents for the association and for the member you are representing.
7. Be certain that the member does not make any statements without first thinking them through.
8. Do not sign any agreement without first taking an opportunity to discuss it in private and to consult with association officers.
9. Stop your member from self-incrimination.
10. Refer to the contract, citing articles and sections to support your contentions.
11. Tell the manager that you would like to avoid an arbitration.
12. Sometimes you may have to consider ways to allow the manager to save face.

**FOLLOW UP ON THE MEETING**

1. Assure the member of your confidentiality. Your role is to serve as an association representative with all information you gather held in the strictest confidence and shared only with the MTA field staff person, unless the member authorizes you to share the information.
2. Review your conference notes of the meeting and make a corrected copy, if necessary.
3. Review your summary of the conference with your association member to:
  - Determine the accuracy of the notes.
  - Determine whether the conclusions are fair.
  - Ensure that all positions are clearly understood.
  - Ask the member what additional action is desired.
  - Suggest possible courses of action.
  - Notify association officers as to the status of the meeting, if appropriate.
  - Prepare for additional steps, if needed.

## TIPS FOR ASSOCIATION REPRESENTATIVES WHO PROCESS GRIEVANCES

- Investigate and handle every case as though it will eventually end in an arbitration hearing.
- Your procedure needs a final step — e.g., arbitration.
- Give the member a full hearing about their grievance and counsel the member as to the association's position. Always assess if other members may be impacted by the grievance.
- Make sure you are within the agreement time limits and that the grievance meets all other procedural requirements dictated by the agreement.
- Examine the agreement and the agreement provisions carefully.
- Make a full record of both the member's and management's positions, arguments, witnesses, evidence and participants in all discussions.
- Examine the correspondence records for similar or identical grievances that have been resolved in the past.
- Carefully record all results of your investigation.
- Present all records that are germane to the case.
- Identify the specific provisions of the agreement allegedly violated. Determine whether the matter can properly be defined as a grievance.
- Identify the relief being sought and discuss a reasonable solution with the member.
- Advise the member of the action you and the association plan to take.
- Fully inform your grievance committee of all discussions with the grievant and all decisions reached.
- If the grievance was raised or filed in an untimely manner, argue the merits of the grievance first.
- Make all settlements within the terms of the agreement. Discuss all matters with the grievance committee.
- Don't ask favors of the committee or administrators. They won't forget, and they will someday expect a reciprocal concession.
- Do not depend upon the administrators and/or committee to assume authority for solving your problems. Exercise authority and dispense with issues promptly.
- Control your emotions. Control your remarks. Control your behavior.
- Pass along to your negotiating team your experience with any troublesome agreement clauses.

## SAMPLE GRIEVANCE STATEMENT

<b>WHEN &amp; WHO</b>	On or about <i>April 15, 2024</i> , Mr. Smith, principal at
<b>WHERE &amp; WHO</b>	<i>Bedlam Junior High School</i> , ordered Mr. Jones
<b>WHAT</b>	<i>To cover a class of another teacher who was absent that day, thereby depriving him of his duty-free lunch period.</i>
<b>HOW</b> (authority)	Therefore, in accordance with ARTICLE II (Grievance Procedure) of the current Agreement between the Association and the Board, the Association, on behalf of Mr. Jones, submits the above matter as a grievance.
<b>RULE</b> (contract violation)	The Association contends that the action of the school principal described above is in violation of ARTICLES IV; VII; XXII and other articles relevant to the instant matter. Further, the Association contends that the matter involves an
<b>ISSUE</b> (what or who)	Administrative decision affecting Mr. Jones' terms and conditions of employment as set forth in ARTICLE II.
<b>REMEDIES SOUGHT</b>	<p style="text-align: center;"><b>WHAT IS THE REMEDY (COMPENSATION?)</b></p> <ol style="list-style-type: none"> <li><i>That Mr. Jones be compensated for the extra assignment at the rate specified in ARTICLE XXII, paragraph B.</i></li> <li><i>That in the future, the principal refrain from assigning teachers during their duty-free lunch periods.</i></li> </ol>

## CHECKLIST FOR HANDLING GRIEVANCES AT THE INITIAL STEP

### I. THE GRIEVANCE

- ☐ Listen to grievant's story.
- ☐ Ask questions.
- ☐ Don't personalize the issues.
- ☐ Take notes; keep a record.
- ☐ Get names, dates, times.
- ☐ Refer to section of the contract allegedly violated.
- ☐ Identify remedy desired.
- ☐ Repeat grievance in your own words to grievant.

### II. GET THE FACTS

- ☐ Check the association contract.
- ☐ Check time limits.
- ☐ Check grievability.
- ☐ Check the experience of other employees in similar cases.
- ☐ Check potential impact on other unit members.
- ☐ Seek advice, if necessary.
- ☐ Investigate facts and records of others involved.
- ☐ In deciding, give benefit of the doubt to the association.

### III. PRESENTING THE GRIEVANCE

- ☐ Settle the grievance as soon as possible, if settlement can be achieved.
- ☐ Write a simple statement of the situation and conclude with the remedy being sought.
- ☐ Explain your position orally to the administrator.
- ☐ If the grievance is denied, appeal within the timeline and keep the association member informed of the progress of the case.

## PRESENTING THE GRIEVANCE

### KNOW YOUR FACTS — BE CONFIDENT

When you are ready to go into a conference with the administrator, don't try to outsmart them. Don't carry a chip on your shoulder, and don't anticipate being outsmarted or outwitted. Know your contract and your rights under it — and stick to them. State the facts plainly. Avoid opinions or hearsay evidence. Too many grievances are lost because the association representative did not have the facts. Rarely does the presentation of the grievance win: It takes FACTS!

### STICK TO THE POINT — BE BUSINESSLIKE

As discussion progresses on a grievance, the administrator may try to sidetrack the real issue and lead you into a discussion of irrelevant issues or inject additional complaints against the grievant. Insist on discussing the issue raised by the grievance only, nothing else.

### SETTLE THE GRIEVANCE AT THE FIRST STEP

The most desirable outcome is to have the grievance settled at the first step. This prevents the bogging down of grievance machinery and permits the association to devote more time and effort to problems of general concern to all members.

### TAKE AN ASSERTIVE — NOT DEFENSIVE — POSITION

Don't be timid or convey the feeling to the administrator that you are presenting the grievance because it is an obligation on your part. Avoid being apologetic; impress upon the administrator that there is no doubt in your mind that the grievance has merit and should receive an equitable settlement.

### DISAGREE WITH DIGNITY

Disagree with management in a calm, firm, positive manner. Avoid pounding the table, blowing up, crying or making empty threats. Declare your intention to take the grievance to the next step. As a rule, administrators prefer to settle complaints before the complaint is carried to a higher management level.

### MAINTAIN A UNITED POSITION

Offer to take the grievant along with you. This is necessary by contractual obligation, prevents mistrust and establishes confidence in the association representative. However, first be sure that you are both in accord on the facts and issues!

## COMMUNICATING WITH MANAGEMENT

**Before you see the administrator, ask yourself these questions:**

- Have I gotten all the facts from the grievant?
- Do I have all the other information I need?
- Have I checked the contract, regulations and policies?
- Have I explained the case to the grievant?
- What questions do I want to ask the administrator?
- What points do I want to get across to the administrator?

**Remember — in the grievance procedure, the administrator and the association representative are equals.**

The administrator and the association representative share responsibility for settling grievances. Try to establish a friendly but businesslike relationship. There is no reason to bow or scrape OR to have a chip on your shoulder. If the administrator is unreasonable, you can always go to the next step. Ask the administrator why the grievance happened, since they may have facts that you don't have.

**State the facts and tell administration representatives how the association wants the grievance settled.**

- **If they want to trade — you win one grievance and they win one:**  
Insist on settling each grievance on its merits. This is the only just way to settle a grievance.

- **If they make you angry — beware:**

Few people can think straight when they are angry, and it is a victory for the administrators if they can make you lose your temper.

- **If they stall:**

Try to push for an immediate answer. If you cannot get a decision, try to set a definite time as early as possible for the answer.

- **If you and the grievant disagree:**

Don't ever disagree in front of management. Determine the way you will present your case before you see the administrator. If you hit a snag, ask to adjourn. You have a right to do this. Then straighten out your case and resume talks with management.

- **If you win your point:**

Once you have won, stop talking. Don't continue to hash it over. Be sure to inform the grievant about it if they were not with you.

- **If you can't settle the grievance:**

Tell the administrator that you will request an appeal to the next step in the grievance procedure. Let them know you are going to do this. Be sure to keep the grievant informed.

## WORK, THEN GRIEVE

What should the employee do if ordered to do something that is obviously contrary to the terms of the contract?

Generally, the employee should first inform the supervisor that the contract is being violated. If that doesn't work, the employee should inform the supervisor that there may be a grievance. Then carry out the supervisor's order.

Sometimes this rule of "work, then grieve" can cause a problem. For example, an employee may be ordered to ride a bus with a group of children. The contract might be clear in excluding that kind of one-time order. The supervisor may be very willing to say later, "I promise I'll never do it again. I was wrong." However, the employee still had to ride the bus. What can be done?

This kind of flagrant contract violation can be corrected by being creative in the relief asked. The grieving employee might ask for one-and-one-half times the hourly pro-rated rate of pay or for compensatory time that could be taken at the employee's discretion. Most arbitrators will not make the supervisor suffer punishment, but are receptive to other forms of creative relief.

The one exception to this rule is when the supervisor orders the employee to do something that is injurious to health or physical safety (e.g., search lockers for bombs). In such cases, you can refuse to carry out the order.

## INSUBORDINATION

The dictionary defines insubordination as "unwillingness to submit to authority."

Management is expected to exert some leadership to direct institutional operations. These rights, however, are limited by law, the contract, and other rules and regulations.

Management has the right to issue reasonable orders and directions as long as they conform to the contract and are:

- Not injurious to health.
- Clear and unambiguous.
- Applied uniformly.
- Justly administered.

If you, as an employee, think that the administration has given an order that violates some rule, the contract or a law, the best advice is to carry out the order to the extent possible and necessary while at the same time pursuing those remedies available to you.

Insubordination is probably one of the easiest charges to prove against an employee. However, to be guilty of insubordination, you must be aware of the rule or directive (the rule need not be written). Furthermore, the rule of reason dictates that your noncompliance be brought forcefully to your attention (probably through a verbal warning and/or written reprimand) before you can be dismissed for insubordination.

## ASSOCIATION REP EMERGENCY PROCEDURES

In the first few minutes or hours following an incident that poses a threatening outcome for a member, the association representative should be prepared to take action.

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

### WARN MEMBERS:

- Not to make spontaneous responses to charges brought against them.
- Not to appear at any accusatory hearing (including a meeting with an administrator) unless accompanied by an association representative.
- Not to attempt to defend themselves alone.
- Not to accept “an opportunity to resign.”
- Not to agree to any proposals, whether orally or in writing.
- Not to submit any written statement to administrators or school directors.
- Not to refuse to carry out an order of an administrator, even though doing so would violate the contract (the field rep will advise the member concerning exceptions to this rule).

### ADVISE AFFECTED MEMBERS:

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

**NOTE:** Many a career has been damaged as the result of a member’s failure to pay early heed to one of these cautions.

## PROGRESSIVE DISCIPLINE

### ADAPTED FROM MATERIAL FROM THE AMERICAN ARBITRATION ASSOCIATION DEPARTMENT OF EDUCATION AND TRAINING

Except in an extreme situation involving a major offense, an employee should not be discharged for a first offense. Instead, an employee should be subjected to “progressive discipline,” under which an employee receives a series of increasingly severe penalties prior to being discharged for a particular offense. Discharge should be resorted to only where previous efforts and less severe disciplinary measures have failed to correct the employee’s behavior. The purpose of progressive discipline is to correct improper conduct and obtain compliance with established rules of proper employee conduct. Progressive discipline necessarily implies effort by the employer to rehabilitate the employee.

### NORMALLY, THE SEQUENCE OR SEVERITY OF PENALTIES UNDER PROGRESSIVE DISCIPLINE IS AS FOLLOWS:

1. Oral counseling (or warning).
2. Verbal warning or reprimand (with notation in personnel file).
3. Written warning or reprimand.
4. Suspension or disciplinary layoff.
5. Discharge.

There is no precise mechanical formula or fixed pattern of penalties for every situation. The degree or severity of the disciplinary action for a first instance of misconduct depends upon the nature of the offense. Each instance of misconduct must be viewed and judged individually, and the disciplinary measure should be designed to bring about correction. The discipline must not be too severe, but it must be sufficient to achieve correction and proper employee behavior for the future.

## WEINGARTEN: THE RIGHT TO REPRESENTATION

Weingarten rights guarantee an employee the right to union representation whenever an employer's investigatory interview could lead to discipline. The following Q&A was prepared by the MTA Legal Services Division to acquaint MTA members with the extent and limits of these rights.

An employee's right to have union representation in an investigatory or predisciplinary meeting was established for private-sector employees in a 1975 United States Supreme Court decision, *NLRB v. Weingarten, Inc.* The Massachusetts Department of Labor Relations has adopted the Weingarten rules for public employees covered by M.G.L. c.150E.

### WHICH SITUATIONS GIVE RISE TO WEINGARTEN RIGHTS?

- Weingarten rights arise when the employer is investigating an incident or an allegation and the employee being questioned has a reasonable expectation that the investigation may result in discipline.
- An employee is entitled to union representation if the employer is investigating an employee's alleged misconduct or inadequate work performance and convenes a meeting to elicit facts or get the employee's "side of the story."
- Or, the employer may be investigating a situation in which the "wrongdoer" is unknown. If an employee believes participation in the investigation could lead to discipline, the employee is entitled to union representation.
- Weingarten rights can arise at any stage of an investigation. The employer may not have gathered any facts yet, may have some facts but not yet know whether discipline is warranted, or may have enough facts to know that some form of discipline is likely. What matters is that as soon as the employer seeks to discuss the issues or allegations with an employee who reasonably thinks discipline could be imposed as a result of the investigation, the employee is entitled to have a union representative.

### WHICH SITUATIONS DO NOT GIVE RISE TO WEINGARTEN RIGHTS?

An employee is not entitled to union representation if:

- The meeting or discussion is merely for the purpose of conveying work instructions, training or needed corrections.
- The purpose of the meeting is simply to inform the employee about a disciplinary decision that has already been made and no information is sought from the employee.
- The employer has clearly and overtly assured the employee prior to the interview that no discipline or adverse consequences will result from the interview.
- The employee initiates the discussion after the employer has made it clear that the matter may have disciplinary consequences.

### DO JOB PERFORMANCE REVIEWS OR EVALUATION CONFERENCES GIVE RISE TO WEINGARTEN RIGHTS?

- Arguably, yes, if the employee's performance has been under scrutiny and the employee reasonably believes their job is in jeopardy. However, the right is unlikely to apply to classroom observations.

### HOW ABOUT "COUNSELING" SESSIONS WITH SUPERVISORS REGARDING ABSENTEEISM OR DRUG OR ALCOHOL PROBLEMS?

- Yes, if the employer is seeking information from the employee and has given the employee a reasonable basis for believing that discipline or termination might result from the problems under discussion.

### WHAT CONSTITUTES A "REASONABLE EXPECTATION" THAT DISCIPLINE MAY RESULT?

- The test is *objective*, not *subjective*. In other words, what the employee actually and personally believes regarding the possibility of discipline is not the test. What matters is whether the employee is reasonable in believing that discipline might result. The objective facts surrounding the investigation are important. If the employer says, "You may be disciplined based on what I learn," then obviously the employee has good reason to invoke Weingarten rights. But a "reasonable expectation" that discipline could occur can arise from many other factors. Has the employer provided any oral or written warnings about the conduct in question? Is the employer investigating specific allegations of misconduct? Has the employee been under scrutiny previously? Have other employees been disciplined for conduct similar to that being investigated at this meeting?
- If the employer states that no discipline will result from the meeting or investigation for the employee being questioned, then the employee does not have a right to union representation. But then, of course, the employer cannot impose discipline, regardless of what it learns. Imposition of discipline following such a promise is an unfair labor practice.



**WHAT IF THE EMPLOYER STATES THAT A DISCIPLINARY DECISION ALREADY HAS BEEN MADE, BUT THEN BEGINS TO QUESTION THE EMPLOYEE ABOUT THEIR CONDUCT?**

- The cases are unclear on this situation. We recommend that employees ask for representation at any point in the meeting when the employer solicits information from them. Seeking such information suggests that the employer is trying to support or possibly alter its disciplinary decision, which would give rise to Weingarten rights.

**DOES THE LOCATION OF THE INTERVIEW MATTER?**

- No. Whether the questioning is in the superintendent's office or in the hallway, the employee is entitled to union representation if the questioning could reasonably lead to discipline.

**DOES THE EMPLOYER HAVE TO INFORM THE EMPLOYEE ABOUT WEINGARTEN RIGHTS BEFORE CONDUCTING THE MEETING OR INTERVIEW?**

- No. Employees must know their own rights and ask for union representation.

**HOW AND WHEN SHOULD AN EMPLOYEE REQUEST REPRESENTATION?**

- As soon as the employee becomes aware, or reasonably believes, that the employer is seeking information that may result in discipline or that is intended to support a disciplinary decision, the employee should simply state the desire to have a union representative present.
- The request does not have to be in any particular form, nor does it have to be in writing. Even a question such as, "Shouldn't I have a representative here?" is enough to trigger the employer's Weingarten obligations.
- The employee can make the request at any time before or during the meeting. (However, the employer will be permitted to use any information obtained before the request has been made, as long as the employer provides Weingarten rights promptly upon the employee's request.)

**WHAT MUST THE EMPLOYER DO WHEN AN EMPLOYEE HAS REQUESTED UNION REPRESENTATION?**

- The employer cannot proceed with the interview at that point. It must either stop the meeting until the representative arrives and has had a chance to consult privately with the employee or postpone the meeting until another day when union representation is possible. The employer can also decide to forgo the interview entirely.

**WHAT SHOULD EMPLOYEES DO IF THEY ARE UNSURE WHETHER A PARTICULAR MEETING CALLS FOR WEINGARTEN RIGHTS?**

- When in doubt, speak up. There is no harm in asking for union representation. The employer cannot discipline an employee simply for asking. An employee should also feel comfortable asking whether the meeting could result in disciplinary action. If the answer is anything but "no," the employee would be reasonable in asking for representation.
- **Cautionary Note:** An employee may not be protected by refusing to participate in a meeting that is subsequently found to lack Weingarten status. Therefore, we recommend that employees consult with their association representatives for advice about their rights any time they are called to a meeting with the employer.

**IF THE EMPLOYER INSISTS THAT THE MEETING CONTINUE WITHOUT A REPRESENTATIVE, MAY THE EMPLOYEE REFUSE TO ANSWER QUESTIONS OR EVEN LEAVE THE MEETING?**

- Arguably, yes. An employer cannot discipline or discharge an employee for refusing to surrender Weingarten rights to representation. If it is truly a Weingarten situation, the employee may remain silent or even leave and return to normal work duties.
- However, given the complexity and unpredictability of the law, it is often prudent for the employee to comply with the employer's directives, knowing they might later be able to overturn any discipline that results from the unlawful meeting. Otherwise, the employee risks being disciplined for insubordination.

**CAN THE EMPLOYEE INSIST ON A PARTICULAR REPRESENTATIVE? DOES IT HAVE TO BE AN ASSOCIATION REPRESENTATIVE?**

- The employee may choose a preferred representative, whether it is a union official or another employee, as long as the choice does not unduly disrupt the employer's ability to conduct the investigation. In practice, this usually means that the employer should try to comply with the employee's request, even if it means some delay in scheduling the meeting.

- On the other hand, the employee can't expect the employer to postpone the meeting unreasonably. The reasonableness of either the employer's or the employee's behavior can only be measured on a case-by-case basis.

#### **DOES THE EMPLOYER HAVE TO GIVE RELEASE TIME TO THE REPRESENTATIVE REQUESTED BY THE EMPLOYEE?**

- The general rule is that the employee may choose a representative if that person is "available." If the interview or meeting is scheduled sufficiently in advance that the representative can meet with the employee on off-duty time, then they will be required to do so. Of course, the local collective bargaining agreement may also provide for release time in these situations.
- If off-duty consultation is not possible, the employer must provide release time to the representative who is on the premises unless the employer can establish some overriding management need that would preclude doing so.

#### **IF AN EMPLOYER HAS PROVIDED ALL THE NECESSARY WEINGARTEN RIGHTS, MAY AN EMPLOYEE REFUSE TO ANSWER QUESTIONS?**

- No, unless the matter under discussion has criminal implications. Generally, an employee does not have the right to remain silent, as long as their representational rights have been honored; nor may the association representative direct the employee to remain silent.
- **Important Note:** A public school employer is a branch of government to whom the Fifth Amendment to the U.S. Constitution applies. If the employer's questions concern matters that could lead to criminal liability for the employee, the employee has a right to remain silent. It is important to have legal representation in these circumstances.

#### **WHAT ARE THE REPRESENTATIVE'S ROLE, RIGHTS AND DUTIES AT A WEINGARTEN MEETING?**

While Weingarten meetings are not "bargaining sessions," the association representative may insist on the right to:

- Be informed about the subject matter of the meeting.
- Consult privately with the employee before the meeting.
- Speak and be proactive during the interview, as long as doing so does not interfere with or disrupt the meeting.
- Advise and counsel the employee.
- Provide additional information to the employer at the end of questioning.
- Bear witness to the proceedings and take notes.

#### **CAN AN EMPLOYEE "WAIVE" WEINGARTEN RIGHTS? HOW?**

- Yes. If an employee does not affirmatively ask for representation, their rights will be considered "waived." However, as noted earlier, the request for representation does not involve any "magic words."
- If the employer claims that the employee chose to continue the interview without representation, the employer must demonstrate that the choice was voluntary, clear and unmistakable. For example, if the employee elected to go forward without a representative only after the employer told him, "Things will be worse for you if you insist on having the association present," then the choice would not be deemed "voluntary."

#### **WHAT REMEDY IS AVAILABLE FOR VIOLATION OF WEINGARTEN RIGHTS?**

- An employer commits a prohibited practice under Chapter 150E if the employer (1) refuses an employee's request for representation during an investigatory or disciplinary meeting or otherwise withholds the full panoply of Weingarten rights; (2) disciplines an employee for asserting Weingarten rights; (3) threatens or coerces an employee exercising Weingarten rights; or (4) threatens or disciplines an association representative for assisting an employee in a Weingarten meeting.
- The state Department of Labor Relations will order the employer to rescind any retaliatory threats or discipline imposed because an employee or association representative exercised Weingarten rights. Moreover, if the commission finds that the discipline ultimately imposed by the employer was affected by the information obtained at the unlawful meeting, or was affected by the fact that no association representative was present, then the commission will also order that discipline rescinded. The commission will also order the employer to post a notice of the violation.
- Arguably, information obtained at a meeting in violation of Weingarten rights should be excluded from any eventual discharge or discipline arbitration.

## **“JUST CAUSE” AND “GOOD CAUSE”**

The terms “just cause” and “good cause” are used as a standard for various personnel actions (e.g., dismissal, discipline, demotion, transfer) in collective bargaining agreements, in the teacher dismissal statute and other employment statutes, and in individual employee contracts and personnel handbooks. The meaning and application of “just cause” and “good cause” depend on whether the case arises under a CBA or under a statute.

Many of our MTA affiliates have negotiated “just cause” (or a similar phrase) into their CBAs, thus requiring that the employer prove grounds for imposing discipline or for depriving an employee of a professional privilege or advantage. (Contractual arbitrators have historically interpreted “just cause,” “good cause,” “fair cause” or simply “cause” to be synonymous.)

The employer always has the burden of proving that it conducted a proper investigation and that the employee was “guilty as charged.” This is basic due process. In addition, however, “just cause” adds notions of workplace fairness beyond due process, such as:

- Whether the employer used progressive discipline, if appropriate, in disciplining the employee;
- The proportionality of the penalty to the infraction proven;
- Whether the employer evenhandedly used its authority or singled out the disciplined employee;
- Whether the rules, expectations and possible penalties were reasonably clear;
- The employee’s own personnel record; and
- The role the employer may have played, whether through malfeasance or nonfeasance, in bringing about the circumstances leading to discipline.

Several employee dismissal statutes also use the terms “just cause” or “good cause,” including the teacher dismissal law (G.L. c. 71, § 42) and the Civil Service law (G.L. c. 31). In interpreting their statutory meaning, the courts have put a different gloss on these terms. The employer still must meet its burden of proving that it conducted a proper investigation and that the employee committed the infraction leading to dismissal.

## **THE ASSOCIATION REPRESENTATIVE AS COMMUNICATOR**

The association representative ensures that all association-related information is distributed, posted or in some other way made available to members. A file of local announcements or newsletters and one containing special MTA/NEA publications helps the association representative answer members’ questions.

The association representative should never undermine the position of the association or jeopardize the rights of members in either verbal or nonverbal communication. Prior to the association taking positions about local issues, the association representative should encourage honest, open exchanges among the members. These should be reported to the association leadership and become a part of the local decision-making process.

The association representative must be an active listener, not only relating to individual member problems but to member concerns about the association. The association representative must inform the association about such member problems/concerns, make use of association resources to respond to them and always follow up.

Some of the information to be related to members will come from the association, so for the most part it will already be prepared for distribution. Because of the association representative’s own time constraints, such communications will be done mainly through teacher mailboxes.

However, the most successful communication by far is done on a one-on-one basis. Therefore, the association representative should take the time to personally deliver communications to each member and, from time to time, take the opportunity to speak with individual members. This will allow the association representative to become more acquainted with each member and make members feel more comfortable coming to the association representative with concerns or problems. This is especially effective with recent hires or transfers, or people who tend to need welcoming into the group.

The association representative has a responsibility to develop a climate in which new employees feel welcome in the association. The association representative should develop a formal welcome and personally speak to all new employees.

Carefully select an experienced and knowledgeable member of the association to act as a “buddy” for each new employee. The buddies should orient the new employees to the local association and the school, accompany them to any new employee social activities, initiate action toward getting them involved in the association and consult with them during the school year.

The association representative maintains a working relationship with the administration and ideally is respected as an advocate by the administration. However, the association representative should never be perceived as the voice or servant of the administration.

Finally, create a positive, friendly association environment. Being respected and liked are difficult to define or to teach, but the basic traits of likable people are:

- Optimism.
- Concern about the welfare of other people.
- Ability to see the opportunity in every difficulty.
- Ability to handle stress.
- Ability to laugh easily, especially at themselves.
- Ability to perform at their best in crises and at their most humble in prosperity.

## POINTERS ON DEALING WITH PEOPLE

The following points about the way people behave may help association representatives better understand the special nature of their leadership responsibilities in handling grievances.

**People differ greatly.** Differences in psychological makeup are not easy to see and understand, yet they are very important.

**Behavior is not always based on reason or logic — often it is emotional.** There are both rational and emotional reasons for beliefs and actions. Therefore, people do many things not just because they are sensible things to do, but also because of the way they feel.

**Before you can influence people to change their minds** about anything, you have to know what they think and how they feel about it. Take a look at it from their point of view.

**If you want to change a person's attitude** (even after you know what kind of person they are — likes, dislikes), you cannot do it by suggesting something directly in conflict with their point of view. You need to show how such a change will benefit the individual.

**In trying to change people's attitudes, you must respect their right to their own opinions** even when you disagree with them. People will not admit that they have changed their minds unless they can do so without loss of "face."

**People will resist any attempt to change their ideas** if they feel that they are being "pushed around" or that their democratic rights are being disregarded.

## THE HELPING SKILLS

- **Attending**  
Being with another, being in physical attendance to another, making level eye contact with another and maintaining an open body posture while listening. It is an essential condition for effective listening that you give someone your total attention.
- **Silence**  
Passive listening, being quiet while another talks. Silence can be very powerful, especially when another is experiencing sadness.
- **Acknowledgment**  
A nonevaluative response, letting another know you heard what they said (e.g., "Hmm," "Really," "Yes," "I see," etc.). Acknowledgment lets the other know you're with them.
- **Door Openers**  
Open-ended invitations for the other to relate more (e.g., "Would you like to talk about it?" "I'd like to hear more," "Say more about that.") Openers are very effective in creating an opportunity for another to talk more.
- **Active Listening**  
Feeding back the sender's message in the listener's own words, reflecting or mirroring the sender's feelings and thoughts (e.g., "You seem really discouraged about meeting the deadline.") Active listening is the most difficult and the most effective helping skill.

## TEN RULES FOR GOOD LISTENING

1. **Stop talking** — You can't listen if you're talking.
2. **Put the talker at ease and be patient** — Help them feel that they are free to talk. Allow plenty of time. Don't interrupt. Don't start for the door or walk away.

3. **Remove distractions** — Don't doodle, tap or shuffle papers. Will it be more quiet if you shut the door?
4. **Get the main points** — Concentrate on the main ideas and not the illustrative material; examples, stories, statistics, etc., are important, but are usually not the main points. Examine them only to see if they prove, support or define the main ideas.
5. **Avoid assumptions** — This can get you into trouble in trying to understand the other person. Don't make assumptions, such as: That they didn't say what they meant, that they are avoiding looking you in the eye because they are telling a lie, that they are distorting the truth because what they said doesn't agree with what you think. Assumptions often get in the way of your understanding and reaching agreement or compromise.
6. **Hold your temper** — An angry person might misinterpret your words.
7. **Go easy on argument and criticism** — This puts the other person on the defensive. They may clam up or get angry. Don't argue: Even if you win, you lose.
8. **Ask questions** — This encourages the other person and shows you are listening. It helps to develop points further.
9. **Don't argue mentally** — When you are trying to understand the other person, arguing with them mentally as they are speaking sets up a barrier between you and the speaker.
10. **Share the responsibility for communication** — Only part of the responsibility rests with the speaker; you, as the listener, have an important part, too! Try to understand and if you don't, ask for clarification.

## PERSONNEL RECORDS LAW M.G.L. CHAPTER 149, §52C

### WHO IS COVERED BY THE LAW?

All public- and private-sector current and former employees are covered by this law.

### HOW DO YOU DEFINE A PERSONNEL RECORD?

A personnel record is any record kept by an employer that identifies an employee and is, has been or may be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action.

### WHAT IS INCLUDED IN A PERSONNEL RECORD?

- All basic employment information, such as job applications and résumés.
- Performance evaluations and related documents.
- Written warnings of substandard performance.
- Lists of probationary periods.
- Waivers signed by the employee.
- Copies of dated termination notices.
- Any other documents relating to disciplinary action regarding the employee.

### HOW DO YOU ACCESS YOUR PERSONNEL RECORD?

Any employer receiving a written request from an employee shall provide the employee with an opportunity to review their personnel record at the place of employment during normal business hours. The employee may also obtain a copy of their personnel record upon submission of a written request to the employer.

**NOTE:** Educators have a right to review their own personnel files under M.G.L. Chapter 71, §42C.

## WHAT DO PEOPLE WANT FROM THEIR JOBS?

### ITEMS THAT CONTRIBUTE TO EMPLOYEE MORALE:

- Good working conditions.
- Promotion opportunities in the organization.
- Interesting work.
- A feeling of being "in on" things.

- Full appreciation of work done.
- Help with personal problems.
- Tactful discipline.
- Respect and fair treatment by the supervisor.
- Job security.
- Appropriate wages commensurate with knowledge, skills and level of responsibility.
- Various opportunities to use knowledge and skills.

Remember that as the association representative, whenever you need information about the environment or the wants and needs of members, ASK THEM!

## THE 10-MINUTE WORKSITE MEETING

### THE OBJECTIVES OF THE 10-MINUTE MEETING ARE TO:

- Encourage two-way communication between the association and its members.
- Seek involvement in the association's programs and decision-making.
- Share and celebrate association successes/victories.

### A 10-MINUTE MEETING MIGHT LOOK LIKE THIS:

#### 0-3 MINUTES:

Report on what the association is doing. Focus on only the most relevant information. Then, briefly identify other important issues and let members know you are willing to discuss these after the meeting if they wish to.

#### 3-9 MINUTES:

Emphasize members' involvement. Seek input regarding the information presented. Ask for volunteers to meet association program needs and/or identify other issues/problems of concern to them.

#### 9-10 MINUTES:

Share something positive with your members — an association success or victory.

### KEYS TO SUCCESS

- Explain/review the purpose and objectives of the 10-minute meeting.
- Explain that the meeting will never be more than 10 minutes long.
- Let members know that you will be available after the meeting to continue a discussion or hear additional input; reinforce that you won't violate your 10-minute-meeting contract.
- Let members know that if they want to schedule another meeting to discuss issues and concerns in more depth, you are willing to do that.
- If necessary, develop group norms around member participation during the meeting.
- Start on time and end on time.
- Remember, it's the members' meeting, too, so if they want to vary the agenda, that's their prerogative.

## MTA & NEA PROGRAMS

### NEA PROGRAMS AND SERVICES

The National Education Association is the members' lobbyist for education at the national level. The NEA provides extensive research on educational issues and collective bargaining, publishes myriad books and other materials to help educators teach, provides legal defense services, makes general field assistance available and is a national leader in human and civil rights.

NEA also:

- Helps fund the MTA Field and Organizing program with \$41,371 per field representative and regional organizer in 2024-2025. This is a total of \$3,392,422 for full-time grants.
- Provides \$235,815 to fund a program to support part-time field representatives and regional organizers.
- Provides financial reimbursement to MTA for legal services to its members.
- Provides more in financial assistance to MTA for specific projects dealing with higher education, ESPs, retirement, release time, minority leadership, political action and other issues. This includes helping to fund the MTA Summer Member Organizer program.
- Performs comprehensive assessments of locals, upon request, to enable them to provide better services to their members.
- Provides MTA/NEA members with complimentary life insurance, as well as accidental disability and dismemberment insurance, upon request. *The \$1,000 life insurance benefit applies only to active and reserve members. Retired members do not receive this benefit.*

NEA also provides surveys for locals at no cost, including both administration and analysis. These include surveys on instructional needs, local association programs, staff satisfaction, contract compliance, building administrator evaluation, central office administrator evaluation and a teacher rights inventory.

Finally, there are a number of training programs, including workshops on recruiting and motivating volunteers, conflict resolution, consensus decision-making, minority involvement and teacher image.

If you are interested in any of these programs, please call your regional office. The listing is on Page 5 of this edition.

### THE MTA ANNUAL MEETING OF DELEGATES

The Annual Meeting of Delegates is usually held in April or May.

The Annual Meeting comprises delegates apportioned by the MTA and elected by and from the local, county and state affiliates, ethnic minority representatives elected from each electoral region and Statewide Retired District delegates, as well as the MTA Board of Directors. The proceedings are governed by *Robert's Rules of Order, Newly Revised*, and the *MTA Bylaws and Standing Rules*.

The delegates to the Annual Meeting have the following duties:

- Elect the president, vice president, Executive Committee members and Board of Directors.
- Establish the level of annual dues.
- Adopt the annual budget of the association.
- Exercise final authority in all matters of the association, except as otherwise provided in the bylaws or by statute.
- Amend the bylaws of the association.
- Adopt the agenda and the rules governing the meetings.
- Act on new business items submitted.
- Enact all other such measures as may be necessary to achieve the goals and objectives of the association that are not in conflict with the bylaws.
- Exercise jurisdiction over the accreditation of delegates and alternates at the Annual Meeting.
- Fill interim vacancies that occur on the Board by mail ballot.



## THE NEA REPRESENTATIVE ASSEMBLY

The NEA Representative Assembly, known familiarly as the “RA,” is the annual meeting of the National Education Association. It is usually held in late June and early July.

The RA is composed of delegates/members of the association and derives its powers from, and is responsible to, the membership.

Delegates to the RA from local and state affiliates are apportioned and elected in accordance with the provisions of the NEA Constitution and Bylaws.

The RA performs these functions: establishes policies and objectives; elects the president, vice president, secretary-treasurer, at-large members of the Board of Directors and members of the Executive Committee as provided in its Constitution and/or Bylaws; adopts the annual budget; establishes dues; approves or ratifies the establishment of subsidiary corporate structures; exercises final authority in all matters of the association; amends the NEA Constitution and Bylaws; and enacts such other measures as may be necessary to achieve the goals and objectives of the association that are not in conflict with the NEA Charter, Constitution or Bylaws.

## THE MTA AND ETHNIC MINORITY INVOLVEMENT

The MTA is strongly committed to the full participation of ethnic minority members in leadership and organizational activities. To achieve greater levels of ethnic minority membership involvement, the MTA supports an ambitious series of policies and programs that include:

### ETHNIC MINORITY AFFAIRS COMMITTEE (EMAC)

**Ethnic Minority Affairs Committee:** This nine-member standing committee regularly communicates the concerns of ethnic minority members to the MTA president, Executive Committee and Board of Directors and annually reviews the MTA Minority Involvement Plan. The plan defines ethnic minority members as Native American/Alaska Native, Asian/Pacific Islander, Black, Cape Verdean and Hispanic.

**Leadership Training and Involvement Programs:** EMAC, with the assistance of MTA and NEA professional development resources, provides unique opportunities to prepare ethnic minority members for greater involvement at the local, state and national levels. Minority leadership training programs, presented by the committee's cadre of experienced trainers, develop specific skill areas such as political involvement and communications, and provide in-depth information about state and local organizational structures and opportunities to participate. In addition, EMAC brings people of color and non-minority members together at MTA's Summer Conference for the exchange of ideas and issues.

### INVOLVEMENT IN MTA GOVERNANCE

**Board of Directors and committees:** In 2019, the MTA Annual Meeting of Delegates voted to add an at-large seat representing the ethnic minority membership to the Executive Committee. In addition to this seat and the at-large ethnic minority seat on the MTA Board of Directors, an MTA bylaw guarantees that all MTA standing committees have ethnic minority representation. MTA bylaws also provide for proportional ethnic minority representation at the MTA Annual Meeting.

**Organizational policy to ensure ethnic minority participation in the NEA:** NEA Bylaws establish that ethnic minority members shall be included in each state's delegation to the annual NEA Representative Assembly in an amount minimally equal to "... the proportion of identified ethnic minority populations within the state." MTA's Minority Involvement Plan — including the Ethnic Minority Affairs Committee, specialized training programs and communications through MTA publications — is designed to implement that policy.

For more information on the MTA Ethnic Minority Affairs Committee, visit [massteacher.org/emac](https://massteacher.org/emac).

## THE MTA AND ADMINISTRATORS

The affiliation of MTA and school building administrators goes back to 1845 and is as old as the organization itself. Today, the MTA remains dedicated to the proposition that the relationship between administrators and educators is at the heart of effective education. The MTA is proud that common membership in its local affiliates provides a bond that helps strengthen this educator-administrator relationship. This relationship is increasingly important in light of the significant changes wrought by education reform.

Anyone weighing the benefits of MTA membership needs to carefully consider MTA's organizational strength and experience in areas of collective bargaining, legislative activity, professional development and research compared to the strength and experience of other organizations.

**Legal Services:** The legal services offered to MTA members far surpass those offered by other organizations. For example:



The MTA provides legal services at no cost to members in the following areas:

- Litigation over the loss of your job.
- Employment discrimination (age, sex, gender identity, sexual orientation, race, religion, national origin, etc.).
- Unemployment benefits.
- DESE investigations/hearings regarding licensure revocation or suspension.
- Retirement disputes with the Massachusetts Teachers' Retirement System.
- Defense against child abuse charges filed with the Department of Children and Families.
- Workers' Compensation.
- Litigation involving health and safety in the workplace.
- Assistance in bringing criminal charges if you are assaulted at work.
- Open meeting law violations adversely affecting you.

MTA/NEA members are covered by an insurance policy that provides \$1 million in coverage to protect you in the event you are sued in connection with your employment, under terms specified in the Educators Employment Liability (EEL) Policy.

MTA/NEA members who are charged with crimes allegedly arising from employment are covered by the EEL Policy and are entitled to reimbursement for up to \$35,000 in criminal defense fees, if they are exonerated of all charges.

MTA members have the opportunity to significantly increase their annual and everyday savings by taking advantage of benefit programs that they're eligible for because of their MTA membership. MTA Benefits offers dozens of programs in categories such as finance, health and wellness, insurance and travel. It's easy for members to save much more than the cost of their member dues.

The MTA knows that its continued effectiveness as an organization — like the effectiveness of education itself — requires a team of educators, including administrators, who enjoy and exercise full rights as professionals. The MTA also knows that these rights can only be preserved through active collaboration. The MTA remains dedicated to continuing and strengthening this collaboration.

## THE MTA BARGAINING CERTIFICATE PROGRAM

The MTA is committed to supporting the development of highly effective negotiators and organizers to win strong contracts for MTA members in preK-12 and higher education. The Bargaining Certificate Program provides an opportunity for beginner negotiators to develop their skills and knowledge, while deepening and broadening the proficiency of seasoned bargainers in advanced negotiation issues. With an emphasis on democratized bargaining approaches, the certificate also provides an opportunity for participants to share strategies and tactics that build bargaining power. To obtain the certificate, participants complete approximately 24 hours of training, with half of those hours in our two core courses. (Bargaining Foundations and Democratized Bargaining), and half in four elective courses based on the participants' interests and needs. Courses are offered at MTA's statewide, in-person conferences (such as the Summer Conference and Winter Union Skills Conference) and online throughout the year.

For more information, go to [massteacher.org/bargainingcertificate](http://massteacher.org/bargainingcertificate).

## MTA/NEA AND EDUCATION SUPPORT PROFESSIONALS

Education Support Professionals are a crucial part of the education team. They provide a myriad of services, from office operations and classroom support to ensuring grounds and buildings are safe and healthy. ESPs are classified within nine careers. They are: clerical; health and student services; paraeducators; transportation; custodial and maintenance; technical; security; skilled trades; and food services.

As part of the school family, teachers, ESPs and administrators work in concert to ensure that students receive a quality education. Membership in the MTA and NEA helps everyone do a better job.

ESP members become part of an organization that understands their needs and brings them the recognition and protection they deserve. In 2000, delegates to the MTA Annual Meeting of Delegates voted to create an at-large seat on the Board of Directors to represent ESPs, integrating support professionals into the MTA decision-making structure.

In 2010, Annual Meeting delegates voted to add an at-large ESP seat to the MTA Executive Committee.

In recent years, the MTA and its locals have fought to secure the MTA PreK-12 ESP Bill of Rights through organizing, bargaining and political pressure. This bill of rights includes:

**A Living Wage.** All Education Support Professionals should be paid a living wage. No job should require more than seven years to reach the top step.

**Affordable Health Insurance.** No ESP should be receiving the dreaded “zero-dollar check” in order to afford health insurance premiums. All checks for ESPs must reflect at least the state minimum wage for hours worked. The district should make up any difference between the actual amount of the check after insurance has been taken out and what the ESP would have received at the state private-sector minimum wage.

**Health and Safety.** ESPs continue to be victims of physical, verbal and emotional abuse and bullying in the workplace. In order to provide a safer environment in our schools, ESPs need adequate supplies, fully staffed programs, clear protocols, employer-provided trainings on OSHA rules, and whistleblower protections.

**Paid Family and Medical Leave.** Just like all Massachusetts residents, ESPs deserve access to paid Family and Medical Leave Act benefits, as well as access to other FMLA protections, no matter how many hours a week they work.

**Job Security.** Too many ESPs do not know if they will have a job from one year to the next. School districts need to eliminate this insecurity and commit to the importance of ESPs. ESPs need automatic renewal language, a 90-day probation period, and strong just cause provisions.

**Recognition as Educators.** ESPs deserve a strong voice in their schools, resources to access training outside of the district, relevant and meaningful professional development opportunities, and a role on every employee committee in every district.

**Affordable Education to Strengthen Careers.** The vast majority of ESPs earn less than \$30,000 a year despite the fact that nearly 80 percent have college degrees. Many ESPs carry significant amounts of student debt or are helping family members pay off student debt. Many ESPs want more education but cannot afford to pay for it. ESPs deserve an affordable way of climbing the education career ladder — as well as a way of paying off career-related debt.

### WHY ESP MEMBERS JOIN MTA/NEA

There are thousands of ESP members in the MTA/NEA. They add their voices to those of their colleagues, strengthening efforts to secure better wages and working conditions. MTA/NEA dues provide ESPs and their co-workers with the assistance they need to improve the lives of themselves, their families, and their students.

### SPECIAL ESP TRAINING PROGRAMS

Throughout the year and at an annual conference, the MTA provides special free training programs designed specifically for ESP members. Topics include contractual rights, preparing for negotiations, understanding the MTA’s structure and governance, professional career development and leadership development.

For more information about the MTA’s ESP programs and the MTA ESP Prek-12 Bill of Rights, visit: [massteacher.org/esp](http://massteacher.org/esp).

## MTA/NEA AND VOCATIONAL EDUCATION

Over the past several years, thousands of vocational education personnel have become members of MTA/NEA, the only union devoted exclusively to representing the interests of *all* educational personnel.

### WHY VOCATIONAL EDUCATORS JOIN THE MTA

As members, vocational educators add their voices to those of their colleagues to strengthen MTA/NEA efforts to secure better wages and working conditions.

The MTA provides local associations with experienced staff who understand the problems unique to vocational schools and who have expertise in meeting their needs as vocational educators.

### MTA IS ALWAYS ON THE JOB

The MTA maintains six regional offices across the state, so assistance is always close by. An MTA representative is always available to the local association.

The MTA provides professional negotiators who help bargain contracts and ensure enforcement of contract provisions. After your contract has been bargained, the MTA provides skilled staff members who handle all aspects of contract enforcement and any grievances that may arise.

Some examples of employment gains that local associations and the MTA have negotiated for vocational educators are:

- **Compensatory time** provisions, which ensure that vocational educators who substitute for absent teachers (and thereby guarantee that quality education is maintained) are compensated.
- Options for completion of **professional development requirements** for vocational educators and reimbursement for those requirements.

- **Salary schedules** that allow vocational educators to apply practical experience toward step increases and that allow rapid advancement toward the maximum level.
- **Workers' Compensation provisions** and group disability benefits included in collective bargaining agreements.

#### **MTA – THE LEADER IN VOCATIONAL EDUCATION**

The MTA is recognized as a leading advocate for vocational education issues. Through the MTA, vocational/technical faculties are effectively represented in the Legislature and at the Department of Elementary and Secondary Education. It was the MTA that first promoted the establishment of specified time requirements for related theory instruction.

It is the MTA that continually takes the lead in lobbying for bills that enhance vocational education. The MTA regularly addresses voc-ed issues as part of its annual legislative program.

The MTA Career and Technical Education Committee concentrates on the needs of all members involved in education-for-work who are employed in all schools and advises the Board of Directors regarding the interests and needs of these members. For more information, please visit [massteacher.org/about-the-mta/committees/occupational-vocational-education-committee](http://massteacher.org/about-the-mta/committees/occupational-vocational-education-committee).



MTA Benefits is your source for hundreds of ways to increase members' annual and everyday savings. We know you're busy so let us help you get the word out about our programs. Call or email if you'd like us to attend an event, send materials for meetings or for display in your school, or to help with orienting new members. Details on all of the information below and much more can be found at [mtabenefits.com](http://mtabenefits.com).

MTA Benefits — a wholly owned subsidiary of the MTA — has been committed to bringing members the best value in the marketplace for more than 50 years. Programs and partners must meet rigorous criteria in order to obtain and retain the MTAB endorsement. Each company and organization is thoroughly researched to ensure it offers exceptional programs and extraordinary savings.

**Money-saving benefits are a powerful recruitment and retention tool.** The numerous discounts available through MTA Benefits enhance the value of MTA membership and enrich our members' lives outside of work. In turn, your support of MTA Benefits helps strengthen members' identification with and engagement in your local.

The following information highlights some of the programs that help members stretch their hard-earned dollars.

## AUTO & HOME INSURANCE PROGRAMS

One of our most popular benefits is our group auto and home insurance programs. Members have a choice when it comes to meeting their insurance needs. Liberty Mutual and Hanover Insurance each offer generous discounts, exceptional service and extensive experience with education professionals. Insurance plans are also available for boats, pets and umbrella coverage.

## PERSONAL FINANCE

If you're struggling to pay student loans, manage debt or create a budget you can live with, MTAB has two partners that can help. Cambridge Credit Counseling is a nonprofit, local organization that will shed light on the complicated teacher loan forgiveness process and get you on your way to being debt-free. Stacey Braun Associates offers financial planning services so you can get the help you need for retirement planning, budgeting, investing, estate planning and more.

## MENTAL HEALTH

The importance of mental health and wellness is finally being given the attention it needs, but access to care can be a months-long wait. The MTA Benefits Virtual Behavioral Health program is only available to members if the local association adopts the program. Benefits include a \$0 visit fee, a first appointment scheduled within 48 hours, additional visits scheduled in as few as 24 hours, coverage for family members and more. To learn more, visit [myrosalie.com/mtabmentalhealth](http://myrosalie.com/mtabmentalhealth).

## DISABILITY INSURANCE

The MTA disability program is one of the most competitively priced group disability income programs for educators in Massachusetts. It's also one of the most important benefits for members to have. The plan is available to locals that do not currently have a payroll slot for deductions, so it's easier than ever to make the program available. A unique feature of the plan is an annual open enrollment, during which members who apply are guaranteed coverage with no medical questions asked. For more information, call Tom Colbert, Vista Financial, 888.646.1972, Ext. 101, or email him at [Tom@VistaFG.com](mailto:Tom@VistaFG.com).

## MORTGAGE

The process of obtaining a mortgage can be simplified – and financially advantageous – when you use an MTAB mortgage provider. Mid-Island Mortgage is skilled in working with union members and can help you save as much as \$3,000 on lender fees and closing costs.

## EVERYDAY DISCOUNTS

MTAB's Discount Directory provides free offers and discounts at hundreds of establishments such as local museums, retail stores, theme parks, car care centers, ski areas, zoos and bookstores. MTAB's online nationwide discount program, Access, helps members save with more than 1 million discounts in popular categories such as shopping, dining and travel. The Access mobile app includes deals at more than 270,000 locations across the country. See all the details at [mtabenefits.com](http://mtabenefits.com).

MTA Benefits also offers the following programs and services, which can add up to huge savings for your members:

- Car rentals.
- Credit cards.
- Dental plans.
- Emergency air and ground transportation services.
- Free eldercare referral service.
- Health and wellness (prescription drugs and hearing aids).
- Home heating oil and propane.
- Identity theft protection.
- Insurance for long-term care, life, critical illness, accident, travel and umbrella liability.
- Magazines.
- School and work supplies.
- Student loan and refinancing programs.
- Travel (hotels and vacation packages).

## BE "IN THE KNOW"

The best way to stay updated on MTA Benefits' programs and discounts is to have an account on our website and sign up to receive our emails. We'll send you monthly e-news with information about new programs, special events and more. You'll also receive email reminders to enter our popular online giveaways! Be sure to follow MTAB on Facebook, Instagram and X, formerly known as Twitter, for even more savings tidbits.

## FAMILY MEMBERS BENEFIT, TOO!

Did you know that members can share the benefits of MTA membership with their families? Family members are eligible for most MTAB programs, significantly increasing household savings. To learn more, visit [mtabenefits.com/family-members](http://mtabenefits.com/family-members).

## NEED MATERIALS FOR YOUR NEXT MEETING?

Let MTAB know when your local's meetings and events are scheduled and we'll help arrange for materials to be sent to you. If you need speakers to attend or would like us to facilitate a benefits fair, call us at 800.336.0990 or email [info@mtabenefits.com](mailto:info@mtabenefits.com).

## QUICK FACTS/HOW TO REACH US

<p><b>MTA Benefits, Inc.</b> 800.336.0990</p> <p><a href="http://mtabenefits.com">mtabenefits.com</a> <a href="mailto:info@mtabenefits.com">info@mtabenefits.com</a> <a href="https://facebook.com/mtabenefits">facebook.com/mtabenefits</a> <a href="https://instagram.com/mtabenefits">instagram.com/mtabenefits</a></p>	<p><b>MTA Benefits</b> is a wholly owned subsidiary of the MTA. MTAB stands behind you — our MTA member. Program revenues provide benefits, service and consumer education materials for members. No member dues are ever used to market or administer MTA Benefits' programs. All programs, pricing and information described above were current at the time of publication in July 2024 and are subject to change without notice. To find out what may have changed, please contact MTAB at 800.336.0990</p>
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## 2024–2025 MEMBERSHIP CATEGORIES\*

The MTA offers membership to a wide array of individuals employed in, or retired from, the field of education. Within each basic membership category there are a variety of specific membership type code and dues assignments that are dependent upon employment type, employment level, employment status, and/or salary level. A detailed Membership Types and Dues Obligations chart is published annually for distribution to local affiliate officers. The basic membership categories are shown below. For more information, including more dues options, please contact your local association president or treasurer.

Membership Category	Members within Category
<b>Active Professional</b>	<ul style="list-style-type: none"> <li>• Teachers</li> <li>• Faculty</li> <li>• Administrators</li> <li>• Guidance Counselors</li> <li>• Nurses</li> </ul>
<b>Active Education Support Professional (ESP) Category I</b>	<ul style="list-style-type: none"> <li>• Secretaries</li> <li>• Clerks</li> <li>• Custodians</li> </ul>
<b>Active Education Support Professional (ESP) Category II</b>	<ul style="list-style-type: none"> <li>• Paraprofessionals</li> <li>• Cafeteria Workers</li> <li>• Bus Drivers</li> <li>• Any other ESPs</li> </ul>
<b>Miscellaneous Active (Direct Enrollment)</b>	<ul style="list-style-type: none"> <li>• Associate</li> <li>• Family</li> <li>• NEA District</li> <li>• Individual</li> <li>• Student</li> <li>• Reserve</li> </ul>
<b>Retired (Direct Enrollment)</b>	<ul style="list-style-type: none"> <li>• Retired Annual</li> <li>• Retired Lifetime</li> <li>• Pre-Retired Lifetime</li> </ul>

\* This information was last updated in 2020-2021.

## HOW 2024-25 DUES DOLLARS ARE ALLOCATED

It takes a lot of money and muscle to provide the basic services required by members. MTA dues offer members a strong team of experienced negotiators at the bargaining table, expert legal defense, a skilled lobbying force, a trained staff, accomplished public relations practitioners and many additional programs that make it possible for MTA and its 116,000 members to function as the strongest public employee union in the Commonwealth.

SERVICES PROVIDED	EDUCATORS, FACULTY & ADMINISTRATORS	SECRETARIES, CLERICAL, CUSTODIAL & HIGHER ED ESPs	PARAPROFESSIONAL, FOOD SERVICE, BUS & OTHER ESPs
General field assistance for educators in preK-12 and higher education from six MTA Service Centers and the Division of Higher Education in the areas of collective bargaining, grievance processing, organizational development, crisis resolution, assistance in representation elections and organizing new areas of membership.	\$210.75	\$ 126.50	\$ 63.31
Legal assistance at all levels of education involving the protection and enforcement of the rights of educators.	\$57.71	\$34.64	\$17.33
Full-time representation at the State House and a voice in all legislative matters affecting education, teacher welfare and public employee rights.	\$20.42	\$12.26	\$6.13
Program assistance for in-service education and professional development, and conferences and training for all aspects of association activity.	\$35.11	\$21.07	\$10.55
Support for local offices and/or related expenses, including compensation for full-time or part-time presidents.	\$ 19.51	\$ 11.71	\$ 5.86
Research services on municipal/state finance and other aspects of the education budget, contract analysis and other educational information. Anticipate, monitor and influence the development of educational policy.	\$12.17	\$7.31	\$3.66
MTA Today, <i>massteacher.org</i> , and a wide range of assistance to local associations in the field of public relations; constant contact with the media, general public, and outside agencies.	\$26.58	\$15.95	\$7.98
Public Relations/Organizing Campaign.	\$20.00	\$12.00	\$6.00
Educate, organize, mobilize, advocate, promote and lobby for the MTA legislative and political agenda by engaging members in the legislative and election process to build organizational power.	\$16.03	\$9.62	\$4.81
Monies for unknown or unanticipated expenses and costs that are too uncertain in amount to include in a line item.	\$3.62	\$2.17	\$1.09
Services Provided: Contingency line item devoted to funding recommendations for increased staff capacity in support of statewide and local campaigns.	\$22.37	\$13.43	\$6.72
Executive Director, Annual Meeting, MTA Committees, Board of Directors, Executive Committee, MTA President, NEA Convention, MTA Headquarter occupancy expenses and other governance functions.	\$57.33	\$34.42	\$17.22
Personnel and benefits administration.	\$12.13	\$7.29	\$3.64
In-house services, ITS, F&A and Printing & Mailing.	\$42.26	\$25.37	\$12.69
<b>MTA ANNUAL DUES:</b>	<b>\$556.00</b>	<b>\$333.75</b>	<b>\$167.00</b>

The specific benefits are not always obvious to the membership at any particular moment, but each elected leader, committee member and staff person is a vital component of MTA's overall goal of providing optimum security and service to the education profession in Massachusetts.

**WHEN SOMETHING HAPPENS THAT YOU DIDN'T BARGAIN FOR... THE MTA IS THERE FOR YOU!**





## FIGHTING FOR THE SCHOOLS OUR COMMUNITIES DESERVE

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