

# EDITOR'S MESSAGE

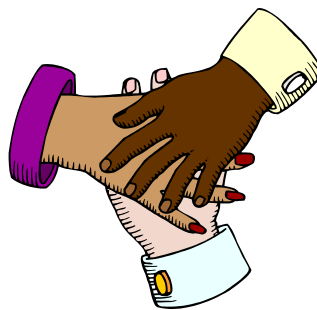
It's that time of year again when our non-tenured members start to wonder whether or not they will be employed next year and veteran, tenured members begin to wonder whether they should stay or retire. The news about the \$8 million shortfall in the budget has made some members nervous. With talk of pink slips and positions being eliminated, the stress level is very high. In this issue we will examine the myths and facts concerning seniority and Reduction In Force (R.I.F.) layoffs.

The passing of the school budget is always critical, especially this year

when you consider that we are in negotiations. Hopefully every member filled out and returned their survey. N.J.E.A. will tabulate those received on time and the team will carefully review the concerns of all members.

Please remember that **Solidarity!** Together anything is possible some issues are not negotiable. This issue will have a list of those items.

Issues of the Lamplighter will sent out as needed, but I will try to send out bi-monthly updates, if possible. Sometimes an issue is held up because we are waiting



for information or verification about an issue. I sincerely hope that the newsletters are helpful.

Yolanda Gutierrez,  
Membership Chairperson  
Lamplighter Editor

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**Points of Interest:**

- Visit [njea.org](http://njea.org) and update your membership information.
- Ask your Building Rep. for a PAC form to contribute to the political action committee so the fight can continue for better public schools and member rights.
- If interested in getting more involved in the Association, see your building Reps. or contact Yolanda Gutierrez at [ygutierrez@prodigy.net](mailto:ygutierrez@prodigy.net). Put "VEA" as the subject.

## MEET THE NEGOTIATION TABLE TEAM

During negotiations the entire Executive Committee is part of the Negotiations Team. However it is the 'table team' that actually sits down with the Board and its team at meetings. The following individuals will be representing your

interests during negotiations:

**N.J.E.A. Uni-Serv Negotiator:**

Rena Kallio

**V.E.A. Negotiation Team Chairperson:**

Sal Emburgia

**Elementary Representatives:**

Rosa Mendez

Yolanda Gutierrez

**Intermediate Representative:**

Angela Calakos

**High School Representatives:**

Louis Russo

Eileen Bosco

**Clerical Representatives:**

Marion Ostrowski

Marjorie Holt



# WHAT'S NOT NEGOTIABLE?

Members often wonder why we don't negotiate a better school calendar or smaller class size. The reason is we can't. **These items have been determined to be illegal topics of bargaining because they involve matters of educational policy or inherent management prerogatives.**

- Absenteeism and tardiness policies.
- Academic calendar.
- Affirmative action plans.
- Assignment - other than extracurricular.
- Audio-visual equipment - use of.
- Budget formulation.
- Class size.
- Curriculum.
- Decision to assign bus, cafeteria, corridor, and playground supervision. Compensation is, however, negotiable.
- Decision to reschedule snow days during teacher vacation period. (Impact is negotiable.)
- Decision to go to split sessions.
- Design of students' school day.
- Dress code.
- Evaluation:
  - selection of evaluator.
  - advance notice of observation.
  - application of criteria.
- Facilities relating to the education process.
- Impact of non-negotiable decisions.
- Instructional materials.
- Lesson plans:
  - format of.

- scheduling of submission.
- Number of employees and deployment of personnel.
- Parent-teacher conferences:
  - decision to schedule.
  - changes in number of evening conferences for policy reasons (subject to negotiations over compensation).
- Productivity studies.
- Qualifications for:
  - employment.
  - increment.
  - promotion.
  - Sick leave - verification of.
- Staffing - number of employees.
- Streamlined Tenure – Charter school teaching staff, janitors, and secretaries.
- Student-related issues:
  - discipline.
  - grading.
  - grievance procedure.
  - safety.
  - testing.
- Subcontracting - decision to.
- Supervision of employees by department chairperson.
- Teacher aides – use of.
- Tenure-certificated employees.
- Transfer – decisions and criteria (other than disciplinary transfers of school employees).

**These items have been determined to be illegal topics of bargaining** *because they contravene specific statutes or regulations.*

- Composition of the bargaining team.

- Decision to RIF.
- Discipline - procedures ending in binding arbitration for non-school employees with other statutory appeals procedures.
- Early retirement incentives.
- Evaluation criteria.
- Extended sick leave.
- "If/When" clause.
- Impact of RIF on remaining teachers and on RIFed teachers when there is no significant increase in work load.
- Maintenance of membership clauses.
- Non-renewal of non-tenured teachers.
- Parity.
- Pensions.
- Religious leave - paid (if not charged to general personal leave or vacation).
- Seniority provisions inconsistent with Title 18A.
- Sick leave:
  - unlimited blanket.
  - use of for other than statutory purposes.
- Smoking in school buildings.
- Student grievance procedures.
- Sunshine bargaining as a precondition to negotiations.
- Withholding of increments - procedures established by statute or regulation.

Hopefully this will help you better understand what we can and cannot do during negotiations. Your team will work long, hard hours during the school year and summer to get the best possible contract for all its members. Member support is always appreciated.

# HAVE YOU READ YOUR CONTRACT LATELY?

Evaluations are always an issue if the member disagrees with what was written. In our first issue we talked about the pre and post conferences. In this issue we will be discussing the report and rebuttals

**Article 13  
TEACHER EVALUATION  
Section 2  
Page 20**



*Knowing your Contract gives you superpowers!*

(d) All observations/evaluations shall be based on the Professional Evaluation Criteria/Rubric and reported on the Professional Evaluation Performance Report. At the sole discretion of the superintendent and/or his/her designee, additional information from the evaluator may be provided in narrative or other form. **No additional information may be added after the post-conference.**

(e) Following the conference a written report in quadruplicate shall be prepared by the supervisor and signed by the supervisor and the teacher

within ten (10) school days of the conference.

(f) The teacher shall have the right to make additional comments or explanations concerning the observation/evaluation report within ten (10) school days. Such comments shall be attached to and be made a part of the formal evaluation.

If you do not agree with something on your evaluation, your only recourse is to write a rebuttal. Signing your evaluation does not mean that you agree with the contents. It only means that you are aware of what is written.

When writing a rebuttal, make sure to stick to the issues. Ranting and raving will not help your cause. Remember that you have ten school days to have your rebuttal attached to the evaluation in question. If you need additional information on writing a rebuttal contact your Building Rep. immediately.

## I DIDN'T KNOW THAT!

The following questions have been asked by members.

Question 1. If I have to go back into the classroom can I go back to the grade and room I originally left?

Answer: Seniority only entitles you to a job within your certification area. Where you are placed is up to the administration. You are not entitled to a particular grade, position, room or building.

Question 2. What is the difference between seniority and bumping rights?

Answer: This is complicated because individuals must realize that seniority is only used to bump a non-tenured or tenured individual when there is a Reduction In Force (R.I.F.).

In the event of a R.I.F. circumstances arise in which tenured staff members will have to be placed into positions currently occupied by non-tenured or tenured members with less seniority. The district must examine their employment records and create a seniority list among all members listing years in the district and years worked under all certifications. For example, John Doe began working in the district as a elementary school teacher in 1990.

In 1995 he switched to intermediate science. John then decided to get his certification in guidance and switched jobs again in 2000. Now the district is going to eliminate positions due to budgetary cuts. The following is John's seniority:

17 years of seniority in elementary.

12 years of seniority in intermediate science.

7 years of seniority in guidance.

The important thing to remember is that you are not the one who gets to decide if you are going to bump a 6th year guidance counselor or a non-tenured science teacher. The Association does not hire, fire or evaluate; that is the administration's legal right through the New Jersey Employer-Employee Relations Act.

Question 3. What is PERC?

Answer: PERC stands for the Public Employment Relations Commission. PERC is a quasi-judicial administrative agency. It is charged with administering the New Jersey Employer-Employee Relations Act. The agency deals with labor relations issues involving public employers, public

employees, and unions that represent public employees. Such issues include representation matters, the scope of negotiations, unfair practices, mediation, fact-finding and arbitration.

*When in doubt, ask. The only dumb question is the one not asked...*

Question 4: Do non-tenured teachers have any type of seniority?

Answer: No. There is no difference between a one year, non-tenured and a three year, non-tenured employee when it comes to rehiring. The administration has the right to keep a first year employee and let a three year employee go. Believe it or not, some districts have dismissed their soon-to-be-tenured employees in order to save money. Is it fair? No, but it's legal and not our call.

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## Negotiations Update:

The V.E.A. and the Vineland Board of Education met on March 26th for their first session of negotiations.

The VEA presented the V.B.O.E. with its initial proposal and discussed procedures for negotiations. The next scheduled meeting is set for April 24th.

During the summer, negotiations updates will be posted on the V.E.A. web-site: [www.vinelandea.org](http://www.vinelandea.org).

## **N.J.E.A. P.A.C.**

NJEA-PAC is NJEA's political action fund, and it helps elect pro-education candidates in races for Governor and the NJ Legislature. It endorses candidates based on their positions and voting records on education and labor issues of concern to you.

**As a school employee, you need law makers who support NJEA's efforts to:**

- Protect tenure
- Protect your rights
- Protect school funding

Face it, every decision—from pensions and privatization, to salaries and benefits—is a decision made by people who hold public office. The only way to influence these decisions is to elect candidates who support our public schools and you, our public school employees.

One of the best ways to make sure we elect the right candidates is to give them the financial support they need to win. In turn, to be effective, NJEA PAC depends on your voluntary contributions.

### **Help us help you**

Here's how easy it is to make that investment:

- Request an APD (that means "automatic payroll deduction") form from the V.E.A. office or your Building Rep. This will allow your contribution to be deducted automatically from your paycheck each month.
- Figure out an amount you can afford to give. We're asking for a contribution of at least \$3.00 a month. Remember, many of us pay five dollars for a cup of coffee at Starbucks!
- Fill it out, sign it, and give it back to your Rep.

