



Training 2018

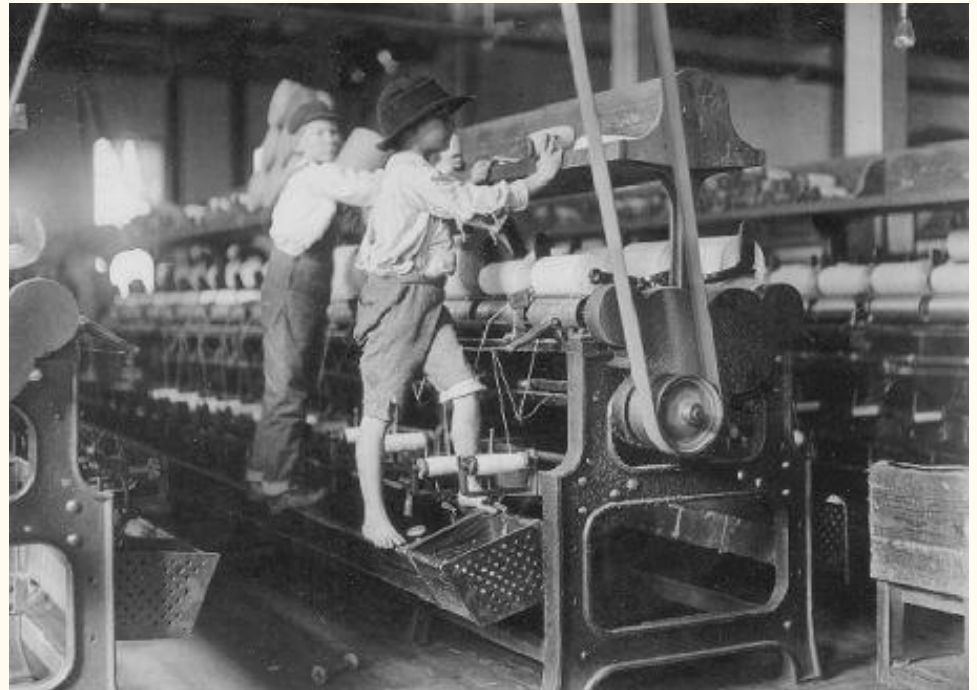
Know Your Rights

Classified



Fair Labor Standards Act

**Federal law
establishes basic
entitlements
concerning hours
and pay.**



For Hourly Employees:

If you work more than
40 hours

In a given work week,
you are entitled to
overtime pay or comp
time off.



Whether pay
or Comp
time, the rate
is time and a
half.

Education Austin Classified Consultation Victories

VICTORY!



“At-Will” Employment



Hired and
fired
“at will” of
school
district



Won Due Process Rights

Termination Appeal Process

- 1. Notification of Potential Termination**
- 2. Review of Proposed Termination**
- 3. Meeting with Employee**
- 4. Legal Review**
- 5. Approval of the Termination**
- 6. Notification of Termination of Employee**
- 7. Appeal Hearing**
- 8. Filing a Grievance**

Education Austin Consultation Agreement



Timeline for Reprimand

“Any incident that requires a written reprimand, or that will be used as part of the employee’s evaluation, **must be shared with the employee within 10 workdays of the occurrence**, or supervisor’s knowledge.”

Education Austin Consultation Agreement



Reprimand & Evaluation Translation

- Many non-native English speaking employees were being given written reprimands only in English.
- Any reprimands, write-ups, and evaluations **must be translated** into the employee's primary language.



Evaluations for 9 and 10-Month Employees

The evaluations “will be completed no later than 10 work days prior to the end of the employee’s last scheduled workday.”



Work Breaks

- No law requires time off for lunch or breaks.
- However, Education Austin won **two paid fifteen-minute breaks** for every eight hours worked.



Certified



Three Year Contracts

3

1

2

3

three

Can our principal make us meet during our planning and prep?

“Each classroom teacher is entitled to at least 450 minutes within each 2-week period for instructional preparation, including parent-teacher conferences, evaluating students’ work, and planning.”

Tex. Educ. Code Section 21.404



Can our principal cut short our duty-free lunch?

- **No.** Classroom teachers or full-time librarians are entitled to at least a **30-minute lunch period** free from all duties and responsibilities connected with the instruction and supervision of students.
- The district **may not** require the teacher to have their lunch in the cafeteria or even on school property.

Tex. Educ. Code Section 21.405



Except...

“A school district may require a classroom teacher or librarian to supervise students during lunch not more than one day per week:

1. Because of a personnel shortage;
2. Extreme economic conditions; or
3. An unavoidable or unforeseen circumstance.”

Tex. Educ. Code Section 21.405



Can I permanently remove a student from my classroom?

Yes. A teacher can *permanently remove* a student:

- Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.
- Whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

Tex. Educ. Code Section 37

The principal **may not return the student to that teacher's class** without the teacher's consent unless the school's **Placement Review Committee** determines that such placement is the best or only alternative available.

Tex. Educ. Code Section 37.009



Appraisal Rights

Rebuttal – “**Within 10 working days** of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation associated with the teacher's appraisal.”

Tex. Admin. Code Title 19, Ch. 150



An important appraisal rule:

Any external “documentation that will influence the teacher’s evaluation **must be shared in writing** with the teacher within **10 working days** of the appraiser’s knowledge of the occurrence.”

Tex. Admin. Code Title 19, Ch. 150



Do I have to pay for lost or stolen textbooks?

AISD “may **not** require an employee to pay for a textbook, electronic textbook or technological equipment that is damaged, misplaced, stolen or not returned.”

Tex. Educ. Code § 31.104(e).



Duty Day Rights

- There are no laws limiting the length of teacher duty days.

However:

- “The duty day for **elementary** teachers begins **fifteen minutes prior** to the student day and **ends forty-five minutes after** students are dismissed.”
- “The duty day for secondary teachers begins twenty minutes before the student day and ends thirty minutes after students are dismissed.”

Education Austin Memorandum on Time, Dec. 4, 2000



What about meetings outside the duty day?

“**Discretion** should be used, to every extent possible, to **limit the frequency and duration** of meetings held outside the duty day. **The parties should take the initiative to work with each other** on reducing meetings using memos, e-mail or other information distribution methods.”

Education Austin Memorandum on Time, Dec, 4, 2000



Directive Regarding Meetings:

As of 9/15/15:

1. “The time that teachers can be required to attend meetings after the duty day should be **limited to 4 hours per month**” (1 hour per week).
2. “Teachers will be **notified of any required meetings 48 hours in advance** of the meeting.”
3. “Any **required meeting** will be accompanied with an **agenda and allotted time** for each agenda item.”
4. “This does not include meetings that are called due to campus or district emergencies...”
5. “To every extent possible, a **24 hour meeting cancellation notice** will be provided.”

Teacher Intervention Plans

- “The certified appraiser and the teacher’s supervisor shall, in consultation with the teacher, develop an intervention plan.”
- Plans should have clear goals and benchmarks, beginning and end dates, and a way to document when a teacher finishes the plan.

Tex. Admin. Code, Title 19, Ch. 150



Certified and Classified



Right to File Grievances



Technology Tips

- AISD laptops and e-mail accounts are district property, as well as any information you download or write.
- Avoid communicating with students via electronic media.
- Social Media is accessible to everyone.
- Don't post student identification information.
- Don't post any compromising photos of yourself.
- Don't take pictures of students without a signed waiver from parents.

Leave Days

- Five **state** leave days (“Personal”)
- Four–six **local** leave days (“Sick”)
- State leave will follow you from one Texas ISD to another.
- You have a right to choose which leave you use first.



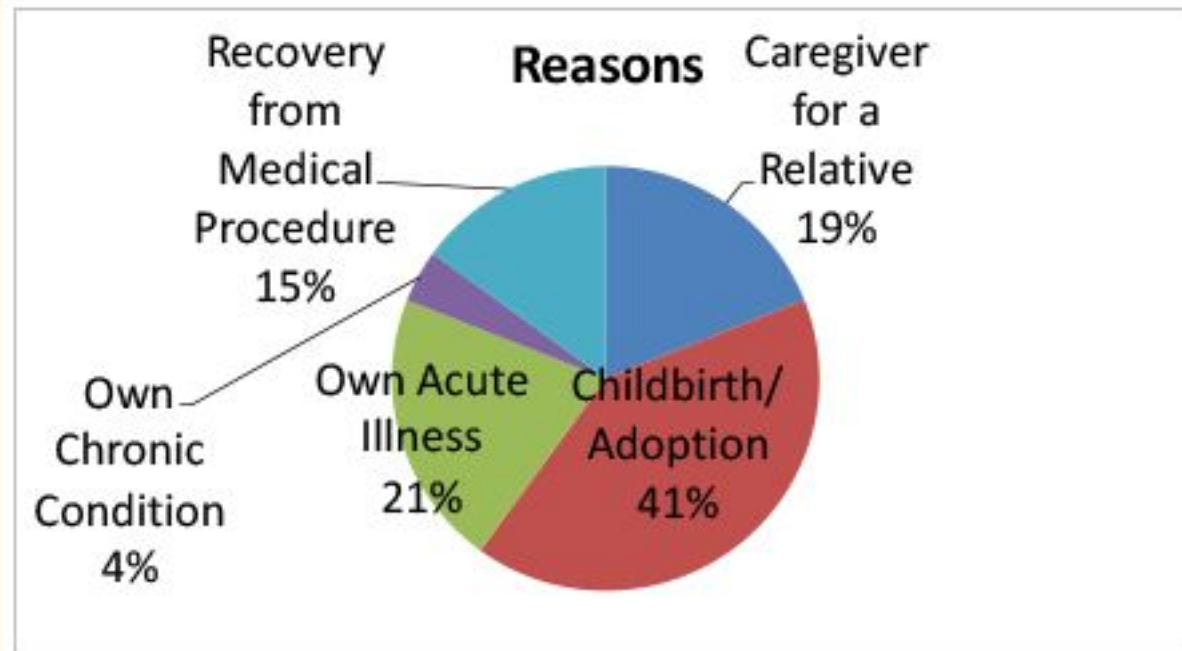
Paid Parenting Leave

- Local Education Austin victory for up to 30 days paid or unpaid leave for parents of children up to one-year old.
- Applies to both mothers and fathers.



Family Medical Leave Act

Eligible employees are entitled to up to 12 weeks **UNPAID** leave during any 12 month period



Assault Leave

- Any employee who is physically assaulted while performing their regular duties is entitled to the number of days necessary to recuperate from any injuries sustained.
 - Income benefits during leave will equal 100% of the employee's weekly rate of pay.
 - Days of assault leave cannot be deducted from personal leave.

Know Your Rights and Use Them!



EDUCATION
austin 

 TOGETHER WE EDUCATE AUSTIN



Respect
Now

Education Austin