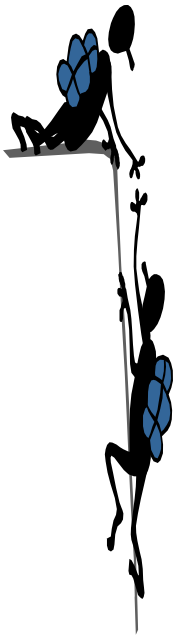


The LEA Insider



The LEA Insider is your **monthly** guide to information about what is happening around the district. It includes information about member concerns (without betraying the confidentiality of any member) upon which the Association is acting, important dates for members to be aware, and other information that can be crucial to members in order to meet their responsibilities as a professional and/or avoid problems with their employment.

THIS IS A COMPLIMENTARY ISSUE OF *THE LEA INSIDER* FOR ALL CERTIFICATED STAFF. LEA MEMBERS WILL CONTINUE TO RECEIVE *THE LEA INSIDER* ON A MONTHLY BASIS. IF YOU AREN'T ALREADY A MEMBER, PLEASE CONSIDER JOINING LEA AND BE BETTER INFORMED, BETTER PROTECTED, AND ALLOW YOUR VOICE TO BE HEARD!

You may join the LEA/NSEA/NEA by contacting Teresa Greve at teresa.greve@nsea.org or by going on-line to the LEA web site at:

<http://www.lincolneducationassociation.org/JoinLEA.html>

“It Ain’t Necessarily So!”

Other than being one of the “hit” songs from George and Ira Gershwin’s famous *Porgy and Bess*, “It Ain’t Necessarily So!” was also the theme of the Member Rights presentation to Faculty Representatives at the annual FR Workshop on August 11th. The presentation focused upon misstatements, rumors, and myths that are sometimes handed to members which members, in good faith, often accept as true when those statements “Ain’t Necessarily So!”

Included in this issue of *The LEA Insider* is a condensed version of just some of the issues and points (in no particular order) discussed with FR’s at the presentation. The issues from the presentation all were issues with which LEA dealt with members just last school year. **More** issues from the presentation at the FR Workshop will be made available to members **in the next issue of *The LEA Insider***. Additional, new issues and concerns that “Ain’t Necessarily So!” will be presented at the monthly FR Councils and in LEA publications. See the end of this issue of *The LEA Insider* to see how you can help LEA get the word out on what “Ain’t Necessarily So!” so all LEA members can be better informed of their rights!

“It Ain’t Necessarily So”:

I. Administrators are friends in which one can confide.

- Regardless of personal relationships you might have, administrators have roles and responsibilities they must perform. Administrators must report to Human Resources (Human Resources or Risk Management) any situation that could potentially place a child or employee(s) in potential harm.
- There is no such thing as an “off the record” comment to a supervisor.
- Volunteering information (especially information pertaining to personal problems or health concerns), or asking advice of a personal nature (especially on a repeated basis) places administrators in a difficult, uncomfortable position and is likely to raise red flags about a teacher’s well-being or performance. Likewise, sharing too much information of this nature can raise the level of concerns of colleagues and, often with the best of intentions, will lead those colleagues to take their concerns to the site administration.

II. LPS must provide medical accommodations to an employee when mandated by a doctor.

- LPS will make accommodations they believe are “reasonable.” Cost effectiveness is a key factor to LPS making accommodations as is student and employee safety. Another important factor in determining accommodations is whether or not the request for accommodations is temporary or permanent.
- Employees with multiple areas of endorsement, may be assigned in an area of endorsement in which they have not been working as an accommodation regardless of whether or not the employee wishes to be placed in that assignment.
- Accommodations for the same condition may vary from individual to individual according to a person’s assignment and job description.
- Employees whose doctors place too many restrictions upon their patients and/or request too many accommodations run the risk of LPS deciding LPS cannot provide adequate accommodations as well as possibly ruling that the employee is no longer capable of fulfilling their responsibilities altogether. The employee, then, could be faced with taking leave until accommodations are no longer needed, going on disability, or finding alternative employment.

III. If I'm out of annual and accumulated leave, I can always take unpaid leave.

- LPS must allow certificated employees leave as outlined in the *LEA-LPS Professional Agreement* and must follow federal guidelines as outlined in the Family Medical Leave Act when those provisions are triggered by a medical event. However, all employee "unpaid leave" must be approved by LPS Human Resources; it is not a leave certificated employees can request and automatically expect it will be granted.
- Certificated employees are on contract for 191 days. To allow employees to take unrestricted "unpaid leave" would, in effect, make the 191 contract days for certificated employees meaningless.
- LPS (both building administrators and central administration) have concerns about individuals who utilize too much leave (sometimes regardless of the reason) because teacher absences have an effect upon job performance and student performance. Utilization of "unpaid leave" raises red flags and the level of concern of LPS HR regarding job performance. For further information, see the March 2009 *LEAdvocate* on-line at http://lincolneducationassociation.org/files/Advocate_12_2008-09.pdf

IV. I have the same freedom of speech as any other American citizen.

- Plain and simple, like it or not: Because certificated employees work with students, teachers are held to a higher standard of accountability than employees in other professions. Teachers do not have to behave as though they live in Puritanical America and as if they have no rights, but caution must be exercised when it comes to public behavior.
- Modern technology, with all of its potential blessings, poses new risks and challenges:
 - ✓ People must not and cannot assume that communications they make to others or information they make available to others via email or the Internet is protected, anonymous, or can be limited to just the specific individuals to whom the poster grants permission to view.
 - ✓ There is no guarantee that once a picture or comment has been posted (i.e. on Facebook) that it will not be copied by others and posted elsewhere without the original owner's consent or even knowledge. Employers as well as the public can and will arrive at perceptions based upon comments made by or posts created by individuals, especially those in education; inviting "friends" who include students or minors onto a Facebook page is not recommended; nor is posting pictures of students or minors on one's personal page(s).

V. My principal/coordinator/school secretary knows the contract since they need to meet the requirements on a daily basis and they are a reliable source of accurate information.

- Alas, administrators often do not have a clear, specific, working knowledge of the *LEA-LPS Professional Agreement*.
- Administrators, even if they consult the *LEA-LPS Professional Agreement*, may not know the historic application of the language or be looking at **all** of the pertinent portions of the contract or other documents. Some people can practice, consciously or not, to "cherry pick" provisions of the contract that appeal to one's needs or wishes while ignoring other provisions of the contract/document(s) or how the language has been interpreted according to "past practice" in the district.
- Administrators also sometimes forget to consult other binding documents such as LPS Board Policy, the *LPS Personnel Handbook*, the *LEA-LPS Best Practices of Student Discipline Handbook*, or state law.
- Members are always advised to consult the *LEA-LPS Professional Agreement* and other documents for themselves rather than rely upon information given to them by administrators, secretaries, etc.
- **Better yet**, members should contact the LEA staff when you are not sure about what you have been told or when you have specific questions or concerns.

What Else "Ain't Necessarily So"?

Is there a common practice in your building, commonly repeated rumor or statement that you have heard from members or administrators in your building or the district that was not covered in the above information (with more to come next issue) that you have wondered about, but haven't had the time, patience, or motivation to check into?

If so, what is it that you have heard or been told that you are wondering about?

Please take a few moments and e-mail your concern so we can respond to you at a future FR Council and LEA publication and let you know if "It Ain't Necessarily So," or not! If questions arise throughout the year, you can always send us your question when it arises.

Please get your questions to Dan Studer, LEA UniServ Director, at LEA via e-mail at: dan.studer@nsea.org.