

Labor/Management Relations

How to get along with your NEA-NH UniServ Rep

1. Workplace Demeanor
 - a. Labor relations among many administrators is mostly theoretical and limited to the practice of union avoidance.
 - b. Labor relations is mostly reactive by many union leaders and resolving issues limited to creative litigation.
 - c. Credibility and integrity are the two factors to develop to maintain trust, respect and courtesy. Avoidance and creative litigation diminish these.
 - i. Traditional labor relations that focuses on compliance clearly defines winners and losers, is commonly adversarial, and relatively expedient.
 - ii. However, it has its drawbacks: litigation can be costly in time and money, trivial issues can contribute to long lasting union resentment, and can seriously damage the ability to communicate effectively with each other.
 - iii. Winning and control potentially become more important than strategic goals and can become detrimental to progress.
 - d. You cannot have too much knowledge about your Collective Bargaining Agreement, New Hampshire and U.S. labor law.
 - e. Consider compliance through collaboration as opposed to compliance through litigation
2. Relationship building logistics
 - a. Meaningful Labor/Management meetings: What is working well, what is not, and what obstacles do we face? Give union leadership and the UniServ Rep a heads up.
 - b. Relationship building through:
 - i. Grievances: When an issue is elevated to arbitration or advanced through the grievance process, it is not a failure of collaboration, it is a necessary and appropriate way to handle truly divisive issues.
 - ii. Negotiations: try collaborative problem-solving through information sharing
 - iii. Bargaining unit member representation (Weingarten) and due process rights
 - c. Documentation of employee performance
 - i. Fair, factual and balanced
 - ii. Statutes of Limitations not with employee personnel files
 - d. Making unilateral changes to District policies that impact working conditions
3. Anticipate issues: Much of labor relations is reactive, with little or no planning involved. Collectively anticipate a change to this dynamic. Some ongoing or upcoming issues
 - a. New student restraint and seclusion law: Training and procedures
 - b. FLSA
 - i. Hourly wage earners and equalized pay, overtime, lunch breaks
 - ii. New overtime rules for salaried non-teaching positions (possibly May 16): the current minimum salary a worker has to be paid to be exempt from overtime is \$455 per week or \$23,660 per year. Under the proposed rules, it would increase to \$970 a week or \$50,440 per year. The total annual compensation requirement needed to exempt highly compensated employees would climb to \$122,148 from \$100,000.

- iii. Para-educators are not salaried employees.
 - c. FMLA : Clearly define when the eligibility year begins, communicate to employees who is ineligible.
 - d. Employee Improvement Plans:
 - i. Develop and track clear, measureable outcomes
 - ii. Assistance during a reasonable time period
 - iii. Ongoing assessments
 - e. Non-Renewals: The employee equivalent to the death penalty
 - f. Medical Insurance changes: Marin v. Dave and Buster's Inc. regarding reduction below 30 hours/week under ERISA Section 510
<http://hr.cch.com/ELD/MarinDB020916.pdf>
- 4. Workplace environment
 - a. Retaliation remains the number 1 complaint (44.5% of all complaints of discrimination) by employees with EEOC experiencing a 5% increase in complaints in fiscal year 2015.
 - b. EEOC resolved 92,641 charges in FY 2015, and secured more than \$525 million for victims of discrimination in private sector and state and local government workplaces through voluntary resolutions and litigation.
 - c. Reasonable accommodations for employees with disabilities
 - d. When employees cannot get along
- 5. Employment trends coming to a school district near you
 - a. The number of workers voluntarily quitting their jobs hit a nine-year high in December, according to the DOL's monthly [Job Openings and Labor Turnover Survey \(JOLTS\)](http://www.bls.gov/news.release/jolts.nr0.htm).
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 - b. Why are they quitting? (<http://www.bamboohr.com/>)
 - i. Lack of opportunities for advancement
 - ii. A lack of work-life balance
 - iii. Money

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