

**A GUIDE TO SERVING
AS REPRESENTATIVE
IN THE
CHARLOTTE-FLORIDA
EDUCATION
ASSOCIATION**

PRESENTED BY R. Wiley & C. Breiner

January 22, 2023



IN APPRECIATION

FOR HER VOLUNTARY EFFORTS IN THE
COMPOSITION, ORGANIZATION, REFINEMENT
AND PUBLICATION OF THIS REPRESENTATIVE
RESOURCE BOOKLET.

CFEA PAST and INTERIM PRESIDENT,
VICE-PRESIDENT, SECRETARY, BUILDING
REPRESENTATIVE, AND BARGAINING CHAIR...

RENEE WILEY

WHOSE EXPERIENCE, WISDOM, SKILL, AND
KNOWLEDGE ARE CENTRAL TO THE
COMPLETION OF THIS DOCUMENT. AFTER 32
YEARS OF INSTRUCTIONAL SERVICE TO
CHARLOTTE COUNTY PUBLIC SCHOOLS AND 30
YEARS TO THE CHARLOTTE-FLORIDA
EDUCATION ASSOCIATION, SHE CONTINUES TO
SERVE UNSELFISHLY IN SERVICE TO AND
SUPPORT OF CFEA MEMBERS.

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TEN MINUTE MEETING

THE ROLE OF BUILDING REPRESENTATIVE

Congratulations upon becoming a CFEA Representative and Thank You for serving as a representative for the Charlotte-Florida Education Association (CFEA). The contract between the CFEA and the Charlotte County Public School District represents the employment conditions, benefits, compensation, evaluation, and due process rights of approximately 1,100 instructional staff. About 750 of these are dues-paying members of the CFEA and, as such, are also affiliates of the Florida Education Association (FEA) and of the National Education Association (NEA) as well as of the American Federation of Teachers (AFT).

Central to your representative role is that you remain a CFEA member-in-good-standing. Your Association hopes, too, that you are:

- knowledgeable about the current contract language and bargaining agreement.
- aware of due process rights of members, including [Weingarten](#) and [Garrity](#) Rights.
- open to conversations with members about their concerns and issues.
- open to conversations with potential members about joining CFEA.
- committed to attending monthly Rep Council meetings with the CFEA Executive Board.
- communicating issues and concerns, as needed, with the CFEA Area Director to which your school connects as well as with the CFEA President and Sunset Coast Executive Director as needed.

Your job is to represent the rights and employment interests of your instructional-member-colleagues in the workplace you share. The CCPS District has about 22 school sites where instructional services are delivered. These are (pre-school) Baker Center; (elementary schools) Deep Creek, East, Kingsway, Liberty, Meadow Park, Myakka, Neil Armstrong, Peace River, Sallie Jones, Vineland; (middle schools) L.A.Ainger, Murdock, Port Charlotte, and Punta Gorda; (high schools) Academy, Charlotte, Lemon Bay, and Port Charlotte; (center schools) Charlotte Harbor and Charlotte Technical College. CFEA members also work in non-school settings, among them Families First and Murdock Central Office (MCO).

Relationships

Build a rapport with your staff at your Ten Minute Meetings and at Faculty Meetings. You represent your school site and members. Important is important that you communicate consistently with all members. Members may come with questions for which you do not have answers. The answer to those questions is, “I don’t know, BUT I will find out and get back to you.” You do not need to know everything, you just have to have the desire to search for it.

Membership Maintenance

Important for the Building Representative is that you review your school site’s membership list monthly. Report any membership changes in address, work location, or employment (i.e.retirement) to the Sunset Coast Service Unit Membership Technician, Renee Wiley (renee.wiley@floridaea.org).

CFEA Dues

2022-2023:

Annually: \$636

Per Pay: \$26.50

July 1, 2023 going forward

Dues will be indexed to the base instructional salary at 1.5%. A simple majority of the Rep Council can vote to effect changes to the dues structure and rate.

2023-2024:

| BASE | INDEX | ANNUAL | PER PAY |
|-------------|-------|----------|----------|
| \$53,057.60 | 1.50% | \$780.86 | \$ 32.54 |

CFEA COMMUNICATION

Communication is key for a successful union. Communication must flow from leadership to schoolsites, from schoolsites to leadership. Representatives are an integral part of keeping the lines open. Representatives are responsible for sharing information from CFEA Leadership with their school site members and if there are issues at the school site that need to be brought to CFEA Leadership attention it is the responsibility of the Rep to pass the information to them.

Ten Minute Meetings

Ten Minute Meetings should be held by the Lead Rep and Rep the week following the monthly CFEA Meeting. Information from the meeting should be shared with members in attendance. If any actions need to occur, then Ten Minute Meetings will allow for the organization of actions. **A record (including minutes and attendance) of your Ten Minute meeting must be kept and sent to the CFEA Secretary.**

Go to the appendix for a basic Ten Minute Meeting [Template](#). Make this meeting your own! If you come up with a better template please share it with other CFEA Reps. These meetings can be held after a staff meeting or before/after the work day. Keep the meeting to ten minutes and be willing to stay after to answer questions and gather concerns and thoughts.

Lead Rep GMAIL Accounts

Each Lead Rep is assigned a GMAIL account (see the [Leadership Tree](#)). The expectation is to check the email regularly (a bare minimum of weekly).

Each GMAIL email has storage for documents, such as monthly rep notes, monthly Ten Minute Meeting minutes/attendance.

Technology

PLEASE remember to use your personal devices for CFEA business, including emailing, calling, and texting. DO NOT use CCPS devices for any CFEA business. Do not use your school email for CFEA business.

CFEA LEADERSHIP TREE 2022-2023

| EXECUTIVE BOARD | | | |
|--|--|--|--|
| PRESIDENT | VICE PRESIDENT | TREASURER | SECRETARY |
| John Jordan | Kara Clow | Gina Morella | Kathy Casale |
| john.jordan@floridaea.org | kara.clow@floridaea.org | gina.morella@floridaea.org | kathy.casale@floridaea.org |

| AREA DIRECTORS | | |
|--|--|--|
| WEST | CENTRAL | SOUTH |
| Tim Ostrow | Julianne Sterbutzel | Claudia Nicolosi |
| west@cfeaweb.com | central@cfeaweb.com | south@cfeaweb.com |

| WORK SITES | | |
|--|--|--|
| WEST | CENTRAL | SOUTH |
| THE ACADEMY | CHARLOTTE HARBOR | BAKER |
| Lisa Pellegrino | Daniel Melvin | Claudia Nicolosi |
| acalead@cfeaweb.org | chclead@cfeaweb.org | bakercenterlead@cfeaweb.org |
| CTC | KINGSWAY ES | CHARLOTTE HS |
| Alex Jimenez | Kristen Jurowitz | VACANT |
| ctclead@cfeaweb.org | keslead@cfeaweb.org | chslead@cfeaweb.org |
| LA AINGER | LIBERTY ES | DEEP CREEK ES |
| Jennifer Harris | Michelle Stegall | Kelly Smith |
| laalead@cfeaweb.org | leslead@cfeaweb.org | dcelead@cfeaweb.org |
| LEMON BAY HS | MEADOW PARK ES | EAST ES |
| Mark Hertz | Jolie Jordan | Tammy Beauchamp |
| lbhs@cfeaweb.org | mpelead@cfeaweb.org | eeslead@cfeaweb.org |

| | | |
|--|--|--|
| MURDOCK MS | NEIL ARMSTRONG ES | PUNTA GORDA MS |
| Dakota Hoyle | Beth Morrison | Jackie Guerin |
| mms@cfeaweb.org | naelead@cfeaweb.org | pgmslead@cfeaweb.org |
| MYAKKA RIVER ES | PORT CHARLOTTE MS | PEACE RIVER ES |
| Cathy Baer | VACANT | Paola Milton |
| MRE@cfeaweb.org | pemslead@cfeaweb.org | prelead@cfeaweb.org |
| VINELAND ES | PORT CHARLOTTE HS | SALLIE JONES ES |
| Marie Martineau | Ellie Burgett | Alyssa Dalgleish |
| ves@cfeaweb.org | pchslead@cfeaweb.org | sjelead@cfeaweb.org |
| MURDOCK CO | FAMILIES FIRST | PROFESSIONAL DEVELOPMENT CENTER |
| VACANT | Marie Navarro | VACANT |
| mco@cfeaweb.org | famfirstlead@cfeaweb.org | pdlead@cfeaweb.org |
| MURDOCK ESE | | |
| VACANT | | |
| eselead@cfeaweb.org | | |

BUILDING LEVEL COMMUNICATION

Principal/Assistant Principal

Having a respectful and open line of communication with your building administration is paramount. You will be meeting with administrators throughout the school year to discuss topics and concerns. Keeping WRITTEN notes of these meetings is important. Remember to include: date, time, topic, important details.

Faculty Meetings

Building Representatives must communicate with their faculties. Be sure to share information with your faculty at the end of a meeting. Prior to the meeting you will need to request the last five (5) minutes of the meeting from your administrator. Per contract language:

4.1.3 Association Meetings Employee Meetings

Officers or other Association representatives designated by the Association may meet with Board employees who consent voluntarily to attend such meetings on school premises before the workday of the employee begins, or during the lunch period of the employee, for the purpose of conducting Association business, if such a meeting does not interfere with any employee's duties.

Faculty Meetings: The Association faculty representative from a school shall be given upon request to the principal, an opportunity at the end of a faculty meeting at least once each month to present brief reports and announcements to those employees who wish to stay for such reports and announcements. The Association may conduct additional meetings not to be scheduled to interfere with the direct instruction of the students or duties of the employees.

CFEA Bulletin Board

Each school has a CFEA Bulletin Board for posting information, events, and news. It is important to keep this board updated monthly. Information should be current, and outdated materials should be removed. Per contract language:

4.1.5 Communication: The Association shall have exclusive right to post notices of activities and matters of Association concern on designated bulletin boards, at least one of which shall be provided at each work site. The Association shall have the exclusive right to use employee mailboxes, including email, for communications to employees. The District recognizes that the Association's right to communicate with its members is not to be abridged and/or interfered with in any way except as outlined above.

MEETINGS AND TRAININGS

CFEA Rep Council

The CFEA Rep Council meets monthly. Every representative is expected to attend the monthly meetings. Meetings are held in person and via Zoom (or other virtual platform) simultaneously. A quorum is required for each meeting in order to conduct the business of the Association. This meeting is led by the President. It is during this meeting that the business of the Association is conducted, concerns and issues are recognized and discussed, and new business is brought forth to those assembled. Following these monthly meetings Building Reps will hold a meeting at their work site (often referred to as [Ten Minute Meeting](#)) to inform members of local and state information shared at the Rep Council meeting. Monthly communication with your building members is key to keeping all members informed of what is happening at the local level, as well as the state and national level.

CFEA Representative Trainings

CFEA offers at least one (1) representative training per year. Representatives will be notified of training dates and times each year. These meetings are essential to representatives as they provide information, skills, and knowledge necessary for being a CFEA Representative.

FEA Delegate Assembly

The FEA Delegate Assembly (DA) is FEA's highest decision-making body. Each year, locally-elected delegates come together to discuss and debate education issues, elect officers and chart the organization's future. Important decisions are made that impact education and association policy. In order to attend, Representatives must be nominated for the right to represent CFEA at the FEA State Delegate Assembly. Nominees are then voted for by the CFEA Membership. This election occurs in the Spring.

NEA Representative Assembly

Each summer, approximately 6,000 educators meet to debate the vital issues that impact American public education and set National Education Association policy and activities for the year ahead. These delegates represent the 3 million members of the NEA. In order to attend, Representatives must be nominated for the right to represent CFEA at the NEA Assembly. Nominees are then voted for by the CFEA Membership. This election occurs in the Spring.

CFEA ELECTIONS

CFEA Officers: Each office position is elected for a three (3) year term. Elections are held in the spring of the year. Nominees may self-nominate or be nominated by another CFEA Member at their site. Nominees must be a CFEA Member in good standing and accept the nominee.

CFEA Area Directors - Each Area Director position is elected for a three (3) year term. Area Director elections are held in the spring of the year following CFEA Officers. This cycle helps to ensure that not all leadership roles change at one time and supports a smoother transition. Nominees may self-nominate or be nominated by another CFEA Member in good standing.

CFEA Site Representatives: Each site elects its Lead Building Representative and Building Representatives annually. Elections are held in the spring of the year. Nominees may self-nominate or be nominated by another CFEA Member at their site. Nominees must be a CFEA Member in good standing and accept the nomination. If a site's elected representative is no longer at that site for the beginning of the elected year, election may be held at the beginning of the school year (for Year Round Schools that would be July).

FEA Delegate Assembly(DA): In order to attend, Representatives must be nominated for the right to represent CFEA at the FEA State Delegate Assembly. Nominees are then voted for by the CFEA Membership. This election occurs in the Spring.

NEA Representative Assembly(RA): In order to attend, Representatives must be nominated for the right to represent CFEA at the NEA Assembly. Nominees are then voted for by the CFEA Membership. This election occurs in the Spring.

REPRESENTATION-Tools/Resources

1. A helping demeanor
2. A listening ear
3. Patience with others and self
4. Caring for and about others
5. Paper and pen: taking notes: dates, times, places, attendees, major points of coverage
6. Filing system; secure storage
7. Timeliness in response
8. Knowing available resources: people and organizations
 - A. Sunset Coast Service Unit Executive Director
 - B. FEA Legal: Form A (application for representation)
9. Time (duty-free/non-instructional)
10. Follow-up on issues on behalf of members
11. [CFEA OFFICERS](#)
12. Other Building Representatives
13. [CFEA REGIONAL DIRECTORS](#):
 - CENTRAL: Port Charlotte Area Schools
 - SOUTH: Punta Gorda Area Schools
 - WEST: Englewood Area Schools
14. [CURRENT CONTRACT](#): available on CCPS website: Human Resources Department
15. [CFEA WEBSITE](#)
16. [FEA WEBSITES](#)
17. [STATE OF FLORIDA STATUTES](#)
18. [NATIONAL LABOR RELATIONS BOARD](#) (NLRB)
19. [PUBLIC EMPLOYEE RELATIONS COMMISSION](#) (PERC)
20. [WEINGARTEN RIGHTS](#)
21. [GARRITY RIGHTS](#)
22. [GRIEVANCE INFORMATION](#)

CONSIDERATIONS FOR MEETING WITH PRINCIPAL AND MEMBER

Before the Meeting

1. Is this meeting an informal meeting or is discipline expected?
2. What research do I, as the CFEA Representative, need to do?
3. When will the member and I meet prior to the meeting with the principal?
4. When responding occurs during the meeting, who will be speaking: you, the member, or both?
5. How will I be capturing the content of the meeting? It is best to take **handwritten** notes. Do you have a pen and paper/notebook? See appendix for [example template](#).
6. The member should keep a written record of the event as soon as possible to capture the events before too much time has passed. This may be updated as needed.

During the Meeting

7. Take handwritten notes.
8. As a representative, you may call a timeout during the meeting. Do you know when that time is?
9. Advocate for the member and advocate for the contract language.
10. What are the next steps?

After the Meeting

11. Debrief with the member immediately following the meeting. You may also need to plan future meetings with the member.
12. Contact a Leadership Team Member about the meeting. It may be:
 - a. letting you know this meeting occurred, no action/support needed.
 - b. heads up, I may need assistance with this member in the future.
 - c. I think this is above my representation abilities, please advise and assist.

COMMON CONCERNS FOR SUPERVISORS AS THEY SEEK MEETINGS: EMPLOYEE BEHAVIOR

Behaviors /allegations that can lead to placement on Administrative Leave:

1. Attendance: lack of accumulated sick/personal leave
2. Punctuality: absence of
3. Conflict: students, parents, administration
4. Curriculum standards: failure to adhere
5. Grading: timeliness, number, subjectivity, punitive
6. Planning, lack of
7. Parents: poor communication; conflict
8. Dangerous situations: student safety
9. Drug / alcohol / substance use/possession at work; under the influence at work
10. Harassment (sexual/workplace/stalking/space)
11. Inappropriate language: volume, content, anger, blasphemy, obscenity, lasciviousness
12. Inappropriate topics in presence of students (e.g. sexuality, relationships, politics, substance abuse, gender)
13. Inappropriate touching; contact, in or out of school
14. Inappropriate: use,technology, internet, social media (in or out of schools, photos, texts, sites, content)
15. Money: mishandling, embezzlement, theft; fundraising inconsistencies
16. Print matter: photographs, images, words, distribution, posting,
17. Relationship(s): inappropriate: students, children, adults, workplace

(BEWARE!) SELF-REPRESENTATION

Before covering the important concepts that attend any discussion of representation through the Charlotte-Florida Education Association, the choice a CCPS employee may make, as a CFEA member or as a non-member, is whether to seek a representative to respond to an administrator's suggestion that an employee behavior may be subject to investigation and/or consequences.

The critical issue for any employee is to consider what signal/message the supervising administrators is conveying to the employee, generally through an administrator's request to converse/meet about an issue. This should elicit in the employee a series of questions, allowing the employee to avoid jeopardy and protect their employment in the district.

Should an supervisor call for a meeting with an employee, these questions should arise in the employee:

1. Does this sound/feel serious in tone?
2. Has the supervisor invited me to bring a representative with me to the meeting?
3. Has the supervisor mentioned that I may face discipline as a result of this meeting?
4. What is the topic? Am I aware that I have done something inappropriate?
5. Should I know the purpose of the meeting? Has my supervisor alerted me to the topic?
6. When/where is the meeting? Has the supervisor mentioned that any other person(s) will be in attendance at the meeting?
7. Do I feel comfortable attending this meeting by myself?
8. Should I take a colleague with me to witness the meeting?
9. If I am not a CFEA member, should I consider becoming one ASAP?

(NON-MEMBERS: Please note that a member must have a 30-day history of membership before the CFEA representative can represent)

10. If I am not a member, whom might I ask to accompany me to this meeting?
11. Should I hire a lawyer? (Do I sense this topic could threaten my continuance as a CCPS employee?)
12. If I sense this topic will be discussed informally, leading to a record of conversation, a verbal warning, or a letter of instruction, am I confident that I can handle this conversation alone?
13. What does the CFEA-CCPS contract say about instructional staff discipline?
14. Do I understand the concept of listening over talking in this meeting?
15. Do I understand that I can simply listen at this first meeting and respond at a second, to-be-scheduled meeting?
16. Is there potential for this issue (conversation) being transferred to the District's offices (Human Resources)?
17. Is there potential that the issue will make me a subject of investigation?
18. Do I understand my responsibility for taking notes (time and dated including names of attendees)?

19. Should I be seeking counsel from my union (YES!) if I am a member? Who is my CFEA representative in my employee work setting?
20. If I am not a member, whose counsel will I seek? Am I prepared to fund the cost of legal representation?

The **CFEA does not recommend that employees undertake self-representation** under any circumstance, but does understand that each employee determines their own path through these supervisor-initiated conversations that may lead to or include discipline.

Each employee, regardless of affiliation or non-affiliation, should understand that there are embedded, specific behavioral expectations for all employees, but the heaviest of these expectations fall upon instructional staff. Consequences that can accrue to instructional staff include employer determined discipline. By state statute, CCPS and all other county school districts are obligated to report inappropriate behaviors to the State of Florida, Department of Education, Office of Professional Practices.

As the District makes (informal / formal) allegations about an employee's behavior, it will cite one (or more) of these sources to reference the inappropriate behavior or professional expectations:

1. Charlotte County Public Schools (CCPS) School Board Policies
(available online at the District's Home Page)
2. State of Florida (Educational) Statutes
3. Florida State School Board
4. CCPS-CFEA Contract

PLEASE NOTE, TOO, some employee behaviors can also constitute law-breaking and criminal behavior for which, if confirmed, **additional civil penalties can accrue** in addition to employer consequences.

CFEA Representatives should make a priority of providing timely consultative and representative services to **confirmed, dues-paying members** .

Should a non-member (instructional staff) approach a union representative, the building or unit rep should provide the inquiring instructional employee with an application, make clear the required 30-day history of membership, and the rep should alert the president of the CFEA to determine clear responses/directions to the non-member.

PAID ADMINISTRATIVE LEAVE

Service of Letters to Members

KEY CONCERN: The member who is placed on administrative leave will need a CFEA Representative to sit with him or her through the duration of the interview. Best practice is for the CFEA Rep to work in concert with the District investigation AND the member to determine the date and time of the interview. The CFEA Representative should:

- A. Take thorough notes as the interview progresses.
- B. Advise the member to request a pause if a question of discomfort arises during the interview. The CFEA Rep should seek a private setting for dialogue between the union member and CFEA Rep if such a situation arises. Rejoin the interviewer, once the issue has been addressed with the member.
- C. Intervene sparingly; if a concern arises about the nature or content of a question, you may advise the member to refrain from answering the question. (See [Garrity Rights](#))

When the District becomes aware of an allegation of inappropriate behavior by one of its employees, the District often decides to investigate this alleged behavior, formalizing the concern to the employee in a letter, signed by the Superintendent or the Superintendent's designee. This letter is composed at MCO, entrusted to the District's investigator (housed in the Human Resources Department), and delivered to the employee at their CCPS location of employment or to the member's home address.

The letter's primary intent is to notify the employee that s/he is being placed on Paid Administrative Leave for allegations of inappropriate behavior usually cited as in conflict with one or more of the following documents:

1. CCPS School Board Policy
2. CFEA-CCPS Contract Language
3. State of Florida Statutes
4. Professional Standards and Ethics (from the State of Florida School Board)

The following rules apply during Paid Administrative Leave:

1. A prohibition against communicating with students or employees about the allegations during the investigation
2. A prohibition against occupying school grounds, property or events during the period of the paid administrative leave.
3. An expectation of availability for communication from the district during the employee's regular work hours.
4. An expectation that regular work (lesson plans, assignments, grading, et al,) shall be completed during the paid leave.

5. Any need for communication about the employee's work shall be directed only to the office of human resources.

NOTA BENE: IMPORTANT An on-leave employee-member can be cited for additional discipline IF s/he violates the terms and conditions of paid administrative leave.

The employee who receives such a letter should accept the delivery and should sign for receipt of the letter. Signing does NOT mean or signal that the employee agrees with the content of the letter.

The employee should willingly forfeit their school keys and District identification card to the investigator for safe-keeping during the period of the paid leave.

After gathering their belongings, the employee is expected to leave the school's premises in favor of going home.

Finally, the employee is generally alerted that s/he will be expected to appear for an investigative interview by the investigator at MCO in the coming days. The employee is eligible for representation at the interview. The employee-member should request such representation from the CFEA.

IMPORTANT: The employee who has been served with a letter should, as soon as possible after the letter's receipt, arrange to meet with their CFEA Representative to share the employee's perspective about the reason for the leave-letter and to allow the representative to orient the member to the steps that will follow the member's assignment to administrative leave. A conversation between the member and the rep would also occur before and after the interview.

When two (2) or more dues-paying members are facing allegations in the same (or related) matter, the CFEA will supply a separate representative to each.

The return from leave may occur in synchrony with the completion of the District's Investigative Summary, which draws upon the Investigator's interviews of staff and students who were directly connected to the events which led to the allegations against the employee-member. IF the allegation is more serious, return to work may not occur until after the Pre-Determination Hearing. If termination results, there may be NO return.

Investigation Steps

After placing the employee who faces allegations on paid administrative leave, the Investigator arranges interviews with persons who are witnesses to the allegations or who have job-related interactions with the employee on leave or who have direct knowledge of the validity of the allegations. The investigative report's purpose is to bring the allegations forward in light of testimony and facts from others who have knowledge of them. Ultimately, the investigator must determine if the allegations are sustained or denied. That final report advances to the HR administrator (Director or Assistant Superintendent) who will serve as the due-process hearing officer for the employee who seeks return to their position from paid administrative leave. The

CFEA Rep and the on-leave member both received a copy of the final investigative report. It serves as the key document upon which the due process hearing relies for its content. Per the Florida Department of Education (FDOE) Office of Professional Practices, a District investigation must be concluded and uploaded, electronically, within 30 days of its start.

Investigative Interviews

Investigation interviews are a direct result of allegations that the District makes in the letter an employee-member receives that places that employee on paid administrative leave. Once an employee is told to remain home, “pending an investigation,” the District clock for completing its investigation begins to tick.

The District consults with administrators in the employee work place to learn who might have been a witness to the allegations against the employee. The District investigator generates a list of the names and roles of these witnesses some of whom will know you and will have interacted with you in the period before you were placed on leave. The District investigator then establishes a calendar of appointments to meet with these workplace people. The investigator also creates a preliminary list of questions that s/he will use to ascertain which details the witnesses or colleagues can supply to determine if the allegations against the member-employee are sustainable or deniable.

The interviews are generally held in the investigator’s office in the Human Resources Department at Murdock Central Office at 1445 Education Way, Port Charlotte, 33948. Interviews will vary in length, but most are under one hour, and many are fewer than 30 minutes.

1. Interviewees will be asked to identify themselves and their role/titles in the District.
2. The interviews are recorded by the District investigator on a microcassette tape. The investigator reviews these recordings to determine which pieces of witness testimony is critical to the summative report which will conclude with summative findings about the allegations.
3. Interviewees may be one or two or several more, depending upon the nature of the allegations and how many witnesses observed certain behaviors.
4. The final interviewee will be the person who has been placed on administrative leave. Typically this last interview will feature questions that emerge in the comments and points of view that other witnesses (interviewees) will have shared in their answers to the investigator’s questions.
5. The completion of all interviews will occur as quickly as a day or two but, depending upon the number of open investigations the investigator is pursuing, interviews may take as long as two weeks.
6. After all taped interviews are complete, the investigator will review the testimony, and determine what key points should be included in the summative investigative report, leading to conclusions and recommendations from the investigator.

7. Provided the CFEA Rep has supplied the district interviewer with a new (blank) thumb drive, s/he will supply the taped interviews.
8. The function of the CFEA representative is to take notes during the interview, to protect the member against inappropriate-, leading-, or rights-violating questions. The CFEA can also call a time-out during the interview to consult with a member before s/he answers a question.

The Investigative-Summary (Report)

The investigative Summary, written by the District's investigator, captures the original allegations, the names and titles of those interviewed in relation to the allegations, the interview details that support or refute those allegations, and captures which allegations are sustained or denied, in the form of recommendations to the District's hearing officer who will conduct the due-process hearing.

The investigative summary, in large measure, takes its substance from comments made by witnesses as they responded to the investigator's questions during their interview. The summary also draws upon the testimony of the employee member who faces allegations of wrong-doing.

If the weight of the facts that surface in the investigation support the allegations, the allegation(s) are confirmed/sustained and may subject the suspended-with-pay employee to discipline, per the CFEA contract (from informal conversation through termination from employment). If the facts of the testimony collected during the investigation refute (or do not support) the allegation(s), the allegations are denied; generally, this means that the suspended employee-member will be returned to their position the same day or day after the due-process (or Pre-D) hearing.

Before that hearing occurs, the suspended employee-member will receive a print (draft) of the investigative report. The CFEA Rep and the suspended employee-member should take time (together) to read and review the report, specifically noting areas of agreement and disagreement with its content, in preparation for the Pre-Determination (Pre-D) hearing. Notes and talking points should emerge from this review.

Both the CFEA Rep and the member should plan to attend the Pre-D together. Depending on the bent of the report and the anticipation that the hearing will result in findings for or against the member, the following considerations should be covered:

1. Is there a need for the member to own their behavior?
2. Is there a need to prepare an apology, to be read by the member at the hearing?

N.B.: Having a signed letter to this purpose may be suitable for reading and submitting to the Pre-Determination Hearing Officer..

3. Are there points in the investigative summary with which the CFEA Rep and/or member take exception?
4. Is there an anticipation in the CFEA Rep or member that the member may face termination (or resignation, in lieu of termination)?
5. Do the member and CFEA Rep anticipate a letter of instruction or reprimand?
6. Will the District, by statute, be sending investigative documents to the State of Florida's Department of Education, Office of Professional Practices?
 - a. Do the Parties understand that the State may initiate further consequences beyond those that the District might issue?
 - b. Will the member-employee need to access member-eligible Legal Services from FEA to protect their certification credentials?

- c. The disciplined member-employee should anticipate communication from the State Department of Education / Office of Professional Practices, noting the Office's receipt of the CCPS investigation. This correspondence will, almost always, refer to a follow up investigation by the State of Florida, especially any action the State may take on the status of the employee-member's teaching certificate/endorsements.
7. Other considerations should be discussed, those that are unique to the conditions of the original allegations.
8. If allegations are not sustained, when will the employee return (or be returned) to work? Will the employee-member return to the same position s/he held at the time s/he was placed on administrative leave?
9. Are there follow-up details that connect to the hearing, consequences, or conditions for return to work? (resignation, retirement, medical leave, leave of absence).
10. The disciplined member may also need to await any final letter(s)/action that the District, based on the District Hearing Officer comments at the conclusion of that Hearing.
11. The CFEA Rep should continue to follow up with the member-employee to keep the case file complete with copies of essential documents related to the investigation and final resolution of the allegations.
12. A final compilation/update of the investigative file, with the name of the employee-member on the file tab, shall be kept in the CFEA Office.

Due-Process Hearings

This hearing is a **LEGAL RIGHT** for the employee-member to respond to the allegations they face. This right is fiercely protected by the CFEA and a mandatory CCPS provision as allegations are made about an employee's behavior.

Key components of Due Process are 👍

1. Notice to the employee: CCPS must make clear the allegations that are accruing to the employee with specific reference to the inappropriate, offensive, illegal, immoral, or unprofessional behavior.
2. Opportunity for employee to be heard / to tell their view of events that surround the allegations.
3. Impartial judgment by hearing officer: without bias, a District official (or arbitrator) shall provide evidence/testimony to affirm the allegations or to deny the allegations.

Should the allegations be affirmed, the hearing officer will determine which consequences, if any, should accrue to the employee, especially in keeping with contractual language that specifies the steps of contract-included Progressive Discipline.

Progressive Discipline

The philosophy of progressive discipline is premised upon the severity of the offending behavior, coupled with any history of behavioral offense, should be considered in the issuing of discipline to an employee-member. The lesser the severity of the offense, the lesser should be the consequence that follows.

Article 22.3.1

Should discipline of an employee become necessary the District's intent is to do so consistent with the concept of progressive discipline. This process includes as many as six (6) steps. Employees covered by this agreement may be disciplined for just cause in the following ways;

- 1. Informal contact*
- 2. Verbal warning*
- 3. Letter of Instruction*
- 4. Written reprimand*
- 5. Suspension – with or without pay*
- 6. Demotion, involuntary transfer, or termination*

*Omission of Steps: The concept of progressive discipline **does not prevent** the omission of one or more of the steps if immediate and/or stronger action is necessary.*

Conversation after the Pre-Determination Hearing

The CFEA Rep and the employee-member who faced allegations should converse about their respective and combined assessments of the details of the hearing. This should include a review of the representative's notes from the hearing.

Topics of this hearing might include:

1. Denied or Sustained Allegations
2. Anticipated Discipline if Allegations Were Sustained
3. Resignation or Retirement
4. Counseling, Medical Consultation, Medication, Leave of Absence, FMLA
5. Sick Leave Hours
6. Voluntary Transfer: Job and/or Site
7. Certification
8. Legal Services via FEA/Form A
9. Grievance (of Discipline)

10. Other issues (the list is not comprehensive)

When a written reprimand, suspension, or demotion, involuntary transfer, or termination occur, contact your CFEA President John Jordan (john.jordan@floridaea.org) and/or Sunset Coast Uniserv Director Chuck Breiner (Cell 941-286-7616)

GRIEVANCE PROCEDURE

Members and representatives can build capacity in knowledge by reviewing CCPS-CFEA contract language, specific to the Parties' grievance provisions.

24.2 Definitions

24.2.1 Grievance An allegation by a grievant that there has been a misinterpretation or misapplication of a provision of this contract

24.2.2 Grievant The Association or a member or members of the bargaining unit

24.2.3 Days A day on which an employee is or was working or scheduled to work. For a grievant who does not work during the summer break, any workday of the Superintendent shall be considered a workday of the grievant for determining time limits for grievances occurring, but not resolved, before the start of summer break.

24.3 Time Limits

All stated time limits shall be the maximum time limits for grievance processing. In any grievance, each party shall be entitled to one (1) automatic extension of time up to a maximum of ten (10) days if a written request for an extension of time is submitted within the original time limit. Further extensions may be granted by mutual agreement at level one or two. The failure of a supervisor, principal, or other management representative to respond to a grievance with the time limits stated shall be considered a denial of the grievance at that level. The day a grievance occurred shall be counted as the first day. Actions or responses required may be taken any time before five o'clock (5:00) p.m. on the last day of any time limit or extension thereof. Failure of the grievant to comply with any time limit or extension thereof shall render the grievance untimely and shall be grounds for denial of the grievance.

24.7 Filing

Grievances must be filed by a grievant on the Grievance form within thirty (30) calendar days of the date on which the grievant knew, or should have known, of the action, or lack of action, that is the basis for the grievance. Grievance forms must be fully completed and filed with the principal or immediate supervisor who has authority to resolve the grievance. Grievances will not be prepared or processed by grievant during working hours except with the consent of the principal or Superintendent.

24.9 Procedure

Grievances that comply with the foregoing requirements shall be processed according to the following procedures.

24.9.1 Informal Level

Before a dispute enters Level One, the grievant shall have thirty (30) calendar days from the time of the alleged incident to request a conference with the appropriate administrator to discuss and attempt to resolve the problem. This conference shall precede all other steps in the grievance procedure.

24.9.2 Level One

Within ten (10) days of the receipt of the properly submitted grievance, the principal or immediate supervisor shall respond to the grievant in writing as provided on the grievance response form.

24.9.3 Level Two

If the grievant is not satisfied with the disposition of the grievance at Level One or if no disposition is timely made, the grievant may appeal the grievance to Level Two by properly completing the appeal section of the grievance form and submitting it to the Superintendent or designee within ten (10) days of the written response or lack thereof from Level One. Such appeal, if timely filed, shall be answered by the Superintendent/designee within ten (10) days. If the grievant is not satisfied with the disposition of the grievance at Level Two or if no disposition is timely made, the grievant may appeal the grievance to Level Three

APPENDIX

WEINGARTEN RIGHTS

What are members' Weingarten Rights? The Weingarten Rights date back to the US Supreme Court decision of 1975 (Connecticut Case, NLRB v. Weingarten, Inc.)

They are:

- the rights of union members to be represented by the CFEA during investigatory and pre-disciplinary meetings with an employer.
- to provide access to needed representation to and for members when they have a reasonable belief that they may face discipline from any CCPS administrator/supervisor..

When are Weingarten Rights necessary?

- When an employer (building administrator or CCPS administrator) calls a member to a meeting. [ALWAYS ASK: "Could this meeting lead to discipline?" If the answer is YES, a member has the right to (and should insist upon) a CFEA Representative in that meeting.]
- When an employee's attendance at a meeting with an administrator/supervisor is mandatory.
- When an employee has reasonable belief(s) that the meeting will lead to discipline.

When are Weingarten Rights NOT necessary?

- When instructional training or work corrections are considered.
- When the purpose of the meeting is to inform the employee about disciplinary decisions that have already been made; no information is sought from the employee.
- When the employer has notified the employee, emphatically, that no discipline or adverse consequences will result from the interview.
- When post-discipline discussion is sought by the employee, not the employer.

What about....

- A meeting to review an unfavorable evaluation. YES, representation is a must.
- The employer is seeking information from the employee or has given the employee a reasonable basis for believing that discipline or termination might result from the problems under discussion. YES, representation is needed.

The Employer must:

- Grant the request for representation
 - Delay the interview or meeting until a representative arrives and/or has an opportunity to consult privately with the employee; OR
 - Discontinue the interview or meeting; OR

- Allow the employee to choose whether to continue with the interview or meeting unrepresented or forego the interview entirely

The Representative's Role:

- to be informed about the subject matter of the interview or meeting
- consult privately with the employee prior to the interview or meeting
- to speak and be proactive during the interview or meeting (including clarifying questions and answers, so long as doing so does not interfere with the interview or meeting)
- take **handwritten** notes during the interview or meeting. Include location, time and date, and those present at the meeting, include their role/title.
- to store notes in a safe location - not your worksite.
- to counsel the employee
- to caucus as needed with the employee
- to provide additional information to the employer at the end of questioning.

Self-incrimination

- An employee does NOT have the right to remain silent, nor may the representative direct the employee to remain silent.
- If criminal implications arise in answering a question, the employee should invoke their Fifth or Fourteenth Amendment rights against self-incrimination and refuse to answer any questions. At this time, the representative needs to call the President and/or the Executive Director)
- Invoke GARRITY RIGHTS if the employer says, "Answer the question or be fired."

A member may waive Weingarten Rights: this must be done VOLUNTARILY, clearly, and unmistakably.

GARRITY RIGHTS

Garrity Rights protect **public** employees from being compelled to incriminate themselves during investigatory interviews conducted by their employers. This protection stems from the [Fifth Amendment](#) to the United States Constitution, which declares that the government cannot compel a person to be a witness against him/herself.

For a **public** employee, the employer is the government itself. When questioned by her/his employer, s/he is being questioned by the government. Therefore, the Fifth Amendment applies to that interrogation if it is related to potentially criminal conduct.

Garrity Rights stem not just from the Fifth Amendment, but also the [Fourteenth Amendment](#). While the Fifth Amendment could be said to apply only to the federal government, the "equal protection" clause of the Fourteenth Amendment makes the Fifth Amendment applicable to state, county, and municipal governments as well (determined by the United States Supreme Court in 1964's [Malloy v. Hogan](#))

Garrity Rights originate from a 1967 United States Supreme Court decision, [Garrity v. New Jersey](#).

[HIPAA](#) Privacy Rule

The HIPAA Privacy Rule establishes national standards to protect individuals' medical records and other individually identifiable health information (collectively defined as "protected health information") and applies to health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically. The Rule requires appropriate safeguards to protect the privacy of protected health information and sets limits and conditions on the uses and disclosures that may be made of such information without an individual's authorization. The Rule also gives individuals rights over their protected health information, including rights to examine and obtain a copy of their health records, to direct a covered entity to transmit to a third party an electronic copy of their protected health information in an electronic health record, and to request corrections.

Requests from your employer

Your employer can ask you for a doctor's note or other health information if they need the information for sick leave, workers' compensation, wellness programs, or health insurance.

However, if your employer asks your health care provider directly for information about you, your provider cannot give your employer the information without your authorization unless other laws require them to do so.

Generally, the Privacy Rule applies to the disclosures made by your health care provider, not the questions your employer may ask.

See 45 C.F.R. §§ 160.103 and 164.512(b)(1)(v), and [OCR's Frequently Asked Questions](#).

For employer issues, contact:

- Department of Labor: (866) 4-USA-DOL
- Equal Employment Opportunity Commission: (800) 669-4000

Websites

[CFEA](https://sites.google.com/view/charlottefea/home?authuser=0): <https://sites.google.com/view/charlottefea/home?authuser=0>

[CFEA Constitution](#): [CFEA By Laws](#): [CFEA Standing Rules](#)

<https://sites.google.com/view/charlottefea/constitution-and-bylaws?authuser=0#h.gu4zt8ghfjwa>

[FEA](https://feaweb.org/): <https://feaweb.org/>

[NEA](https://www.nea.org/): <https://www.nea.org/>

[CCPS](https://www.yourcharlotteschools.net): <https://www.yourcharlotteschools.net>

[Contract](https://www.yourcharlotteschools.net/Page/17982): <https://www.yourcharlotteschools.net/Page/17982>

[Board Policies](https://go.boarddocs.com/fla/ccpsfl/Board.nsf/Public#tab-policies): <https://go.boarddocs.com/fla/ccpsfl/Board.nsf/Public#tab-policies>

[Florida Educational Statutes](#)

[State School Board Professional Standards](#)

<https://www.yourcharlotteschools.net/domain/5670>

[Garrity Rights](http://www.garrityrights.org/basics.html): <http://www.garrityrights.org/basics.html>

CFEA Building Representative Notes

Name of Member: _____

Member Work Site: _____

Date: _____ Time: ____:____ Location: _____

Meeting Type: ___ Building ___ Interview ___ Pre-D ___ Other (_____)

Attending: _____, _____,

_____ , _____,

_____ , _____.

Key Points in Meeting:

Who? / What?

1. _____ :

2. _____ :

3. _____ :

4. _____ :

5. _____ :

6. _____ :

7. _____ :

CFEA NOTES, continued....

Who? What?

8. _____ : _____

9. _____ : _____

10. _____ : _____

11. _____ : _____

12. _____ : _____

13. _____ : _____

14. _____ : _____

15. _____ : _____

16. _____ : _____

17. _____ : _____

18. _____ : _____

Time, End of Meeting: _____ : _____

Representative Signature _____ Date: __/__/__

TEN MINUTE MEETING

DATE:

TOPIC 1:

ACTION:

TOPIC 2:

ACTION:

TOPIC 3:

ACTION:

ATTENDANCE:

REMEMBER: Keep a list of member questions and get answers for them. 😊