

Independent Community of Educators – ICE

Phase One of ICE's Plan to Fight Back Against the Givebacks: Win Back the Right to Grieve Negative Evaluations & File Letters

Since December, ICE has been trying to raise a motion at the Delegate Assembly calling upon the UFT to reopen the Contractual provision so we can win back the right to grieve material in our files. Unfortunately, in December we didn't get called on and in January there was no new motion period.*

We urge every delegate to support our call to win back the right to grieve material in our files and to have the right to challenge supervisory judgment. We intend to bring this up at today's new motion period. It would need a majority vote of delegates to be placed on the UFT DA agenda in March.

If you hear the argument that it is dangerous to reopen the contract, let's make it clear: ICE is asking for this one provision to be reopened as per labor commissioner Hanley's written agreement with Weingarten, not the entire Contract.

City Labor Relations Commissioner James Hanley wrote to the union stating that the city agreed to negotiate on the issue (reopening the letters in the file provision) "if there is a disproportionate increase in the number of letters to the file."

– NY Teacher, October 20, 2005

Letters in the File Grievances: Resolution to Reopen the Contractual Provision

WHEREAS, in selling the 2005 Contract to the members, UFT President Randi Weingarten answered objections to the removal of the right to grieve letters in the file by claiming the Contractual provision eliminating grievances for unfair and inaccurate letters could be reopened if there is a spike in letters to the file; and

WHEREAS, The Chief Leader reported recently that there was a 36% increase in teachers receiving unsatisfactory ratings in 2006-07 (the first full year under the 2005 Contract), a 39% increase in tenured teachers receiving U ratings, a fourfold increase in the number of teachers forced to extend their probation and a doubling of teachers denied tenure; and

WHEREAS, the UFT reported that there has been a dramatic increase in the number of teachers resigning compared to just a few years earlier; and

WHEREAS, it is reasonable to conclude that the spike in unsatisfactory ratings and resignations would not have been possible without a huge increase in negative letters to the file; be it therefore

RESOLVED, that the UFT reopen the Contract provision on letters in the file as per James Hanley's 2005 agreement with Randi so this provision can be modified to allow members to grieve negative material in a timely manner and include the right to contest supervisory judgment to an impartial party, in addition to demanding that any material removed from a file can never be used in any proceeding of any kind against any UFT member.

Turn to the back to read our rationale

Randi visited our school before the '05 contract and stated that she spoke with the mayor about a possible spike in LIFs, and he told her that they would renegotiate that provision.

– Comment on the ICEUFT Blog

**In the past 10 years, the New Motion time, the only opportunity for non-leadership positions to be presented, has been moved around the agenda or ignored altogether. Throughout the history of the Delegate Assembly under Al Shanker and Sandy Feldman, the New Motion time was always the 3rd item on the agenda after the President's report and the Question period. Let's preserve that long-standing UFT tradition. Roberts' Rules of Order calls for members to have an opportunity to bring new motions before a body. Support our efforts to uphold Roberts' Rules.*

Why Support Our Resolution?

The NY Teacher stated the following in the October 20, 2005 issue: “*City Labor Relations Commissioner James Hanley wrote to the union that the city agreed to negotiate on the issue (reopening the letters in the file provision) ‘if there is a disproportionate increase in the number of letters to the file.’*”

The evidence on increased discipline of teachers is in and for the first year under the 2005 Contract it is not a pretty picture:

1,333 Unsatisfactory ratings in 2006-07 compared with 981 in 2005-06. U rating increase of 36%;
(Source: Chief Leader)

918 tenured teachers rated U last year up from 662 the year before. U rating increase of 39%;
(Source: The Chief-Leader)

The number of teachers denied tenure more than doubled last year compared to the year before.
(Source: The Chief-Leader)

The number of teachers forced to extend their probation increased almost fourfold in 2006-07 compared to 2005-06. (Source: The Chief-Leader)

The UFT’s own figures show that 4,606 teachers resigned last year, up from 2,544 who resigned just a few years earlier; it is sensible to conclude that many of those 4,606 were forced to resign.

Chancellor Klein in 2007 created a “gotcha squad” of lawyers and retired administrators to help build cases against tenured teachers.

There had to be a disproportionate spike in negative file letters to support all that increased discipline. We have to fight back now. The November 26, 2007 candlelight vigil was a good start but it was not enough. Let’s demand a letter in the file grievance process that is better than what we had before so we can challenge supervisory judgment. This Delegate Assembly should take a giant leap toward winning back our rights by putting this resolution on the DA agenda for March. Tell Hanley and Klein we mean business. Klein’s “gotcha squad” makes it “open season” to hunt teachers; we say close the hunt down now!

We are fully aware that if a letter stays in the file for three years, it can be removed if disciplinary charges haven’t been filed. However, the DOE keeps a copy and can still try to use it against you. Three years is too long to wait. Material that is over three years old is not normally admissible in 3020A cases against tenured teachers, but the DOE doesn’t have to wait three years to go after us. Finally, non-tenured teachers can easily be terminated at any point in their first three years of service and having a grievance procedure for unfair letters is their only hope for fighting back against abusive administrators.

If you hear the argument that it is dangerous to reopen the contract, let’s make it clear: ICE is asking for this one provision to be reopened as per labor commissioner Hanley’s written agreement with Weingarten, not the entire Contract.

*Published: February 6, 2008
Labor donated*

Today’s vote is not over the motion itself. A YES vote adds it on the agenda at the March DA, allowing delegates to discuss it in the schools in advance.

School Chapters Signal Support

I informed my school and chapter leader at a meeting we held last Friday. I asked for a vote of support and everyone raised their hands (thank g-d).

I’m going to make copies of the resolution and hand it out at our chapter meeting on Friday.

–Comments on the ICEUFT Blog

Independent Community of Educators

ICE monthly meetings are held on Friday afternoons and are open to all

To learn more about ICE:

**<http://iceuftblog.blogspot.com/> <http://www.ice-uft.org/>
(917) 992-3734**

To contribute send checks to: 2939 Quentin Road, Brooklyn, NY 11229 c/o Goldfine
Make checks out to “Independent Community of Educators”