

# NSO CONTACT

The pride, commitment, tradition and advocacy to lead, promote, defend and secure the rights of its members.

December, 2006

Chuck Agerstrand, President

## NSO Winter Advocacy Retreat Lands on West Coast *Fantasyland...Adventureland...Tomorrowland...*

For the first time in 19 years, the annual NSO Winter Advocacy Retreat will be held on the west coast. Participants will participate in a variety of training opportunities, share 'WAR' stories and build unity at the annual Solidarity reception. The Retreat kicks off with the annual president's meeting to be held at 3:30 p.m. on Thursday, Jan. 11 and concludes on Saturday, Jan. 13.

"NSO provides the best training for union advocates in the country," said NSO President Chuck Agerstrand. "I encourage state affiliates to take advantage of this outstanding opportunity."

The registration deadline was Nov. 15, but for information on reserving hotel rooms or the proposed agenda, log on [www.nationalstaff.org](http://www.nationalstaff.org), click on Winter Advocacy in the menu then follow the directions listed. Hotel reservations should be made directly with the Hyatt Regency Orange County by clicking on the passkey link available on the NSO Website Winter Advocacy page.

NSO and its Affiliates are experiencing so much change—demographics and issues are rapidly shifting. We are living in a "whitewater world" and, together we can create our future if we dream and work in unity.

**Fantasyland...** let's dream BIG of what we want the future to look like, what our goals are—a National union?...A national strategy?...National Goals and Standards?

**Adventureland...** let the adventure of getting there begin! How will we do it?

**Tomorrowland...** the future of the NSO, its Affiliates and all of our members; Fantasyland come true!

This year's Retreat will give all attendees the opportunity to network, learn, experience and have fun doing it. See you in January!



Hyatt Regency Orange County

## NSO Leadership Academy Set for April 2007 *Affiliate presidents and emerging leaders to meet in St. Louis*

NSO President Chuck Agerstrand recently announced that the NSO Leadership Academy will be held April 13-14, 2007, at the Hyatt Union Station in St. Louis, MO. Each affiliate is encouraged to send both their president and one newly involved or 'emerging' leader.

"We want NSO to continue in its tradition of advocating for its members," said Agerstrand. "To be effective we must build a leadership base that will carry us into the future."

The proposed agenda includes a Friday night session on basic unionism and a networking reception. On Saturday, a variety of training sessions will be offered geared toward building a strong leadership base not only at the national level but at the state level as well. NSO will reimburse one night's lodging, double occupancy, unless the two people are not the same gender.

"This is an exciting addition to the NSO training program," said NSO Vice President for Program Lynn Adler. "Please make plans to join us for this first of its kind training event."

More information will be available at the NSO Winter Advocacy Retreat or after the first of the year from your NSO Regional Director or through the NSO website.



[nationalstaff.org](http://nationalstaff.org)

# 2006 NSO National CBC

NSO members from 43 state affiliates gathered at the Dallas Hyatt Regency, Saturday, Nov. 11, for the 2006 NSO National Coordinated Bargaining Council.

Participants attended training sessions, met with their respective CBCs and discussed the impact of the national NSO bargaining goals and standards.



**Western States CBC: AK, AZ, CA, CO, HI, ID, MT, NM, NV, OR, UT, WA, WY**  
**Co-Chairs: John Stephens, Region 4 and Rosemary Wolf, Region 7**



**Corridor States CBC: CT, DC, DE, IL, IN, MA, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WI, NEASO, AFSE**  
**Co-Chairs: Robert Blackwell, At Large and Butch Santicola, Region 2**



**Southern States CBC: AL, AR, FL, GA, LA, MS, NC, SC, TN, WV**  
**Co-Chairs: Emmitt Jimmar, Region 3 and Cheryl Singleton, Region 1**

## NSO Coordinated Bargaining Councils



**Central States CBC: IA, KS, KY, MD, MN, MO, ND, NE, OK, SD, TABCO (Baltimore), TX**  
**Co-Chairs: Kathy Hill, Region 5 and Michael Coleman, Region 6**

# CEASO Arbitration Restores Bargaining Unit Position

## *Management's unilateral move prompted action*

Submitted by Jeanne Beyer, President - [jbeyer@nea.org](mailto:jbeyer@nea.org)

Colorado Education Association Staff Organization

The Colorado Education Association Staff Organization (CEASO) is proud of an arbitration decision that restored a position to the bargaining unit.

Management unilaterally removed an associate staff member from the bargaining unit after two years of employment in an IT job, declaring his position "confidential." CEASO filed a class action grievance and an unfair labor practices charge. When

management denied the grievance, the Union proceeded to arbitration.

Arbitrator Fred Dichter heard the case in under five hours on March 10, 2006.

Management argued its right to exclude the employee from the unit based on its contention that the employee was both confidential and supervisory — despite not having presented evidence on these two points at the grievance hearing. The Arbitrator ruled that management's new evidence was not allowable at arbitration.

Management cited two cases to support its decision to pull the position from the unit: *United Professionals of Vermont v. Vermont State Teachers* (not an NLRB case) and a case involving Missouri NEA and the Missouri Staff Organization. Arbitrator Dichter found

that CEA's evidence did not rise to the level of the evidence in either case nor did management's evidence support its contention that the employee was confidential under the NLRB. Dichter said, "There simply was no evidence that he was required as part of his duties to see Labor Relations communications or that he did see them or have any other involvement in labor relations. That is the key. He is not part of the team that handles labor relations matters and his role in that regard is minimal at best."

While the parties were waiting for the Arbitrator's award, CEA filed a unit clarification (UC) petition with the NLRB in Denver. The hearing was held May 1 and the hearing officer planned to issue a ruling within the month. Then, on May 22, the arbitration decision arrived, declaring the grievance sustained and placing the IT position back in the unit.

Shortly after that, management informed CEASO that it wanted to withdraw its UC petition and implement the arbitration award. The employee returned to the unit and eventually, both parties withdrew their pending requests.

NSO Advocate Jack Schamel (New York) represented CEASO in the arbitration. Jack said, "This was a good case and the staff union did a great job. A number of states are facing the issue of confidential or managerial designations in order to get people out of the unit. This is a case where the good guys won."

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## Help Your Case With Informational Request

### *NSO Advocate Jack Schamel offers words of wisdom*

Submitted by Jack Schamel, NSO-R

There is no real discovery in the arbitration process so we have to use the tools that are available. The key is to request early. If you request after the decision to go to arbitration has been made you will not be successful before the NLRB.

Making requests for information when processing a grievance can not only place a burden upon management but can also make them very defensive. Most employers do not like to turn over information to the union. If management doesn't turn over material it could lead to the filing of a ULP.

When making requests it is important to be as detailed as possible. State in the letter that you are making the request in accordance with your rights under the NLRA and your contract if you have such a contract provision.

A reasonable time for a response is two weeks and you should follow up with a letter saying you have not had a response to the attached letter and give the employer an additional week. After that I would suggest a grievance if you have contract language to support the grievance and the filing of a ULP after the grievance is underway.

It is not for the employer to determine what is relevant or necessary. The NLRB has ruled that information that is even remotely relative to your grievance must be produced. Confidentiality is not an automatic bar to getting information. If the need is there for proper representation more than likely you will get the information.

The best course is to give thought to any information that might help in the grievance and present it when filing the grievance. You are entitled to information even before you file a grievance but I suggest that you file the grievance and make your initial request for information at the first stage of the grievance procedure. You can always file a follow up request.

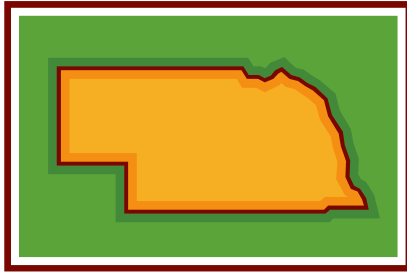
# Nebraska Local Option's Vision Becomes Reality

## Local option applauds NSO vision plan as a benefit fo all affiliates

Submitted by Mary Freel, Nebraska Staff Association - [mary.freel@nsea.org](mailto:mary.freel@nsea.org)

### Local Option

Working in a small Local Option Unit presents some challenges in seeking employment benefits. We are fortunate that our Local Option recognized many years ago that our salaries and benefits should be equivalent to that of the State Education Association employees. However, the small number of employees in our Local Option has made some benefits absolutely unattainable. Sometimes we struggle to find insurance carriers to provide benefits already obtained in our contract for a group our size. Other times, we can't get an item into our



Meet and Confer discussions because—even if a carrier could be found—the benefit premium, regardless of the type of coverage, may be far too expensive for a group our size.

When the NSO Health Insurance Task Force began its work a couple of years ago, I didn't know much about it. My thoughts drifted to the assumption that their work would primarily be about the cost of health insurance, diminishing coverage, or rising co-pays. I did not feel an immediate connection to their work. But, then I heard a report at an NSO Representative Assembly and realized that the NSO, through the work of this Task Force, was seeking a group arrangement for vision insurance coverage with a company called VSP for all NSO members. I paid attention! Our efforts to obtain vision insurance coverage—a benefit available to headquarters staff for some time—had always been thwarted because of the small number of employees in our group. Now, hope was on the horizon!

Last year, when the Nebraska Staff Association (state NSO affiliate), chief negotiator announced at an all-member meeting that their employer was going to switch their existing vision insurance coverage to the plan sponsored by NSO, I jumped on the chance to bring this benefit to our Local Option employees. I immediately introduced the subject at our Meet and Confer for contract renewal; but this time, I could say we knew of a carrier that would accept our small group with absolute certainty.

Because of our affiliation with a NATIONAL organization — NSO — we have a benefit that otherwise would never have been available to us. “Thank You” to NSO, and “Thank You” to the members of the NSO Health Insurance Task Force for your tireless work for the betterment of our members.



# South Dakota Professional Staff Pickets Headquarters

## Management's 'final' offer viewed unacceptable

Submitted by Sue Nipe, Secretary-Treasurer - [Sue.Nipe@sdea.org](mailto:Sue.Nipe@sdea.org)

### Professional Staff Organization-South Dakota

The Professional Staff Organization of South Dakota (PSO-SD) reacted to management's “final” offer regarding issues relating to salary, mileage, supervision and evaluation of staff by picketing state headquarters, Thursday, Oct. 26.



The SDEA building, located in Pierre, is across the street from the state capitol. According to the local press, crowd control wasn't necessary since the number of employees have been reduced to six from ten during the past three years.

PSO-SD President Scott Allen pointed to this reduction in force as a major issue with union members. “It's been a difficult three years,” said Allen, “We've had a lot more work with a lot less people.”

On Nov. 17, PSO-SD filed an unfair labor practice with the NLRB against SDEA, alleging SDEA has engaged in a pattern of behavior that violates the National Labor Relations Act.

According to chief negotiator Michael Brubaker, mediation has been set for Weds., November 29th.



**PSO-SD Picket Headquarters: Rich Mittelstedt (Watertown), Diane Kummer (Sioux Falls), Scott Allen (Aberdeen), Michael Brubaker (Rapid City), Laura Haug (Pierre) and Sue Nipe (Sioux Falls)**

# 2006 NSO National CBC November 11 Dallas, TX



Lynn



Ruth



Kathy & Michael

Mary



Chuck

## NSO Executive Committee

- Chuck Agerstrand, President
- Marius Ambrose, VP for Defense
- Lynn Adler, VP for Program
- Mary Henson, Secretary
- Ron Goldenstein, Treasurer
- Regional Directors**
- Cheryl Singleton, Region 1
- Butch Santicola, Region 2
- Emmitt Jimmar, Region 3
- John Stephens, Region 4
- Kathy Hill, Region 5
- Michael Coleman, Region 6
- Rosemary Wolf, Region 7
- Robert Blackwell, At-Large A
- Ruth Ivory, At-Large B



Rosemary



Marius & Robert



John & Ron



Cheryl



Emmitt



Butch



Vera

- Vera Stafford, Financial Advisor
- Marty Bull, NSO Communications Editor
- Donette Ramey, Webmaster