

## LAPCS In Brief: Unions & Charter Schools (Recap)

On April 19, 2013, LAPCS hosted a panel of legal experts to discuss unionized charter schools & what Louisiana could learn from charter school communities like Chicago and New York. This *In Brief* provides a summary of that presentation as a guide for schools.

In general, there are 2 types of unionized charter schools (when not required by law):

1. **Voluntary:** where school leaders support unionization as part of the school's design for employee relations.
2. **Involuntary:** where school leaders are “unaware” of their employees' unhappiness & are “surprised” when presented with employees' unionized status
  - In truth, there are usually many signs that indicate employee dissatisfaction & union vulnerability. The key is to recognize the red flags & to be proactive by taking the steps necessary to ensure your school is both a great place to learn *and* work!

### Why Employees Unionize:

Typically, charter school employees will seek unionization as a means to remedy a bad work environment in which (for example):

- There are poor communications between employees & administrators
- School discipline policies & performance evaluations are unclear & non-transparent
- School leaders act arbitrarily & employees do not have a strong sense of job security
- There are unfair wages & benefits
- Employees (& their opinions) are not respected
- Triggering events - e.g., the firing of a popular teacher or implementation of an unpopular policy

### Assessing your Vulnerability

Schools leaders should be thoughtful about the school's culture from an employee's perspective & pay close attention to:

- Personnel policies & procedures
  - Are they uniformly applied/enforced?
  - Are you compensating your staff with competitive wages & benefits?
- Training & professional development programs
  - Are they regularly offered to staff & supervisors?
  - Are they effective & empowering for staff?
- Feedback & evaluation protocols
  - Are they fair, transparent, & disclosed to staff?
  - Are staff concerns quickly addressed?

### **Signs Employees May Be Considering Unionization**

Union campaigns usually work quickly & with stealth in order to capitalize upon a vulnerable/poor work environment. The following are often viewed as “red flags” that employees may be considering unionizing:

- Emergence of employee spokespersons or new employee “cliques”
- Stilted or discontinued communications with administration
- Confidential meetings
- Emergence of new employee demands with new vocab (e.g. “just cause,” “benefits,” “due process,” “grievances,” etc.)
- Sudden signs of resentment

### **General Union Do’s & Don’ts For Employers**

Each situation, school, & work environment will differ – so you should always contact an employment/labor law attorney if you have any major concerns on how to specifically handle a HR or union issue at your school. But here are some common best practice tips shared by our panel of legal experts:

- **Do**
  - **Talk to your staff about your school’s work environment!**
    - Find out what they think & if they have any observations or suggestions. If you are not comfortable having an in-person discussion on this topic, then ask your employees to fill-out a survey or questionnaire.
      - Your goal is to have an accurate depiction of what it is really like to work at your school.
  - **Know your competition!**
    - Charter schools are schools of choice for employees, too! Learn about other schools in the area & compare your policies, practices, & compensation to theirs. The best teachers will be drawn to the schools that have transparent policies, respect their staff, & provide competitive compensation.
    - Also, be sure to research local & national unions in order to familiarize yourself with union marketing campaigns. It’s important for you to know what messages your employees may be receiving about unions.
  - **Talk to your staff about unions!**
    - It’s ok to demystify unions & discuss the impact unions may have on your school & the charter movement... *but there is a fine line between having a discussion about unions & interrogating staff about unions – so tread this area with great caution & care.*
- **Don’t**
  - In general you cannot ***Threaten, Discriminate, Interrogate, Spy, Bribe or Retaliate, etc.*** against any employee inquiring about or engaged in union activities. Legal action can be taken against you if do otherwise.
    - *Remember:* it’s an employee’s protected legal right to join a union if he or she chooses, and that right must be respected.