

Tumwater Education Association

ADVOCATE

TumwaterEA.org

May 2025



Tumwater Education Association Athletic & Activities Director Grievance

WHAT IS THE GRIEVANCE PROCESS?

According to Article 34 Grievance Procedure in our collective bargaining agreement, “A ‘grievance’ shall mean a claim by a grievant that a dispute or disagreement of any kind exists involving interpretation or application of the terms of this Agreement or of an existing Board rule, policy or practice, or that an employee has been treated inequitably, or that there exists a condition which jeopardizes employee health or safety.”

The Association filed a Step 2 grievance, in accordance with Article 34 of our collective bargaining agreement, on February 13, 2025 because the District unilaterally decided to redefine the Athletic & Activities Director positions at Black Hills and Tumwater High Schools as administrative positions starting next school year. These four positions currently exist within the Association’s bargaining unit, which means certificated staff employees conduct the work of these positions. Not certificated administrator employees.

In fact, the District actions to remove this work from our bargaining unit are known by the Union term “skimming”.

In Union contexts, “skimming” generally refers to an employer’s practice of diverting work traditionally performed by Union members to non-Union employees or contractors. This can weaken the bargaining unit, threaten job security, and reduce the Union’s bargaining power.

Definition:

Skimming involves an employer taking work away from Unionized employees and assigning it to managers, non-Union staff, or outside contractors.

Impact:

This practice can result in Union members losing pay opportunities, control over their work environment, and potentially even leading to layoffs.

Why it's problematic:

Skimming undermines the Union’s power by reducing the number of Union members and the amount of work they perform, which weakens their negotiating position.

President’s Corner

The following Tumwater School District Board of Directors positions are up for election:

Position 1 Jill Adams
Position 3 Ty Kuehl
Position 4 Melissa Beard
Position 5 Darby Kaikkonen

Use the following website for the Director District positions map:
[Tumwater School District Director Districts Map](#)

Thurston County Candidate Filing Week is May 5-9. More information about filing as a candidate can be found at the following website:
[Thurston County Candidate Filing Week](#)

Board position candidates may use the following websites for more information about becoming a candidate:
[Thurston County Become a Candidate](#)

[Thurston County 2025 Candidate Guide](#)

The Tumwater School District Board of Directors positions are critically important for determining the governance of our community schools in Tumwater. In fact, the Board Governance Handbook states:

“The Board of Education is entrusted by the community to uphold the Constitutions of Washington and the United States, to protect the public interest in schools, and to ensure that a high-quality education is provided to each student.”



CONTINUED ON PAGE 2

DJ



Tumwater Education Association Athletic & Activities Director Grievance

Protection:

Union members often have protections against skimming through their collective bargaining agreement and labor laws.

Reporting:

If you observe someone not within your bargaining unit performing your work, it's crucial to report it to your Union representative immediately."

The Public Employment Relations Commission (PERC) defines skimming as an employer unilateral change in transfers of work which may lead to an unfair labor practice complaint filed by a union. PERC recognizes the following labor standards as they relate to the concept of skimming:

- “The union is the exclusive bargaining representative of the employees involved, and
- The employees in the existing bargaining unit have historically performed certain work or could logically be assigned to perform certain new work, and
- The employer decided upon and actually transferred/assigned claimed bargaining unit work outside the bargaining unit to other employees of another employer (contracting out) or to other employees of the employer (skimming):
- Without any notice to the union (“fait accompli”), or

- With notice that was insufficient to permit bargaining on the subject, or
- Without engaging in bargaining as requested by the union, or
- Without bargaining in good faith to agreement or impasse.”

The Association filed the grievance on behalf of the impacted Athletic and Activities Director certificated staff employees from our bargaining unit in an effort to avoid filing an unfair labor practice with PERC.

In the grievance document, the Association stated that the District was in violation of the following articles of our contract:

- Article 3 Exclusive Recognition Including Long Term Substitutes
- Article 6 Individual Employment Contracts
- Article 43 Co-Curricular Program
- Appendix B1 Co-Curricular Bargained TEA Stipends

The Association requested that the District rescind the decision to convert the Athletic and Activities Director positions at Black Hills and Tumwater High Schools effective immediately upon receipt of the grievance form. The Association also requested that the District reinstate the Athletic and Activities Director positions as certificated staff employee positions to remain in compliance with the collective bargaining agreement. The District agreed to the Association terms and settled the grievance at Step 2.

SOURCE: PERC WEBSITE

NEA RA 2025 PORTLAND, OR

“NEA’s Annual Meeting takes place during the final week of June and/or the first week of July. Various committees, constituencies, caucuses, leadership groups, and delegates from state and local affiliates gather to set policy and chart the direction of NEA business.

The Representative Assembly (RA) takes place during the final four days of the Annual Meeting. It is the primary legislative and policymaking body of the Association and derives its powers from, and is responsible to, the membership. The Representative Assembly adopts the strategic plan and budget, resolutions, the Legislative Program, and other policies of the Association. Delegates vote by secret ballot on proposed amendments to the Constitution and Bylaws. Those delegates with full voting rights elect the executive officers, Executive Committee members, and at-large members of the NEA Board of Directors, as appropriate.

The RA consists of approximately 6,000 educator delegates representing state and local affiliates, student members, retired members, and other segments of the united education profession. Further information on the RA is contained in Article III of the Constitution and in Bylaw 3. The RA is the largest democratic deliberative assembly in the world and adheres to Roberts Rules of Order.

The RA Business Site is now open, allowing delegates to submit items for consideration at the 2025 Representative Assembly using online form submission. In accordance with NEA Constitution and Standing Rule requirements for submissions of proposed Bylaw and Standing Rule amendments not later than 120 days prior to the Representative Assembly, submissions of such amendments for the 2025 RA are now closed. The form remains open for submission of Constitutional amendments and for submission of Bylaw and Standing Rule Amendments.”

SOURCE: NEA WEBSITE



TEA, TAP, TOPA, and PSE Joint Labor Tumwater School District Bargaining Units In Solidarity

The four bargaining units of the Tumwater School District include TEA, TAP, TOPA, and PSE. The presidents of all four bargaining units recently conducted a joint labor meeting at Tumwater Middle School on Saturday, April 19. The meeting was open to all members of the four bargaining units. The meeting objective was to communicate concerns regarding challenges presented to employees of the four bargaining units by the current District leadership team. The three hour meeting provided an opportunity for District employees represented by all four bargaining units to discuss these concerns and develop possible solutions for positive outcomes. The TEA, TAP, TOPA, and PSE presidents remain committed to ensuring that all four bargaining unit contracts are followed by the District leadership team. In addition, the presidents are also committed to ensuring that employees are treated with dignity, respect, and due process at every turn. The District budget deficit has created an unstable situation for members and nonmembers of all four

bargaining units as positions and programs are reduced for the 2025-26 school year and beyond. More importantly, the manner in which the position and program reductions have been administered to employees in the District has caused concern among members and nonmembers alike. Our joint labor Union solidarity has opened a communication pathway among all four presidents. We remain in constant, consistent, and communicative connection with one another at all times. The TEA, TAP, TOPA, and PSE presidents have communicated concerns with each other regarding the manner in which the District leadership team has administered the reductions. That is why we are scheduling a follow up general membership meeting on Saturday, May 17 at Tumwater Middle School to address these concerns with all members from the four bargaining units. Please watch for further communication regarding this emergent meeting as we stand in Union strength. We know that an injury to one is an injury to all when it comes to Union solidarity.



Mission

The mission of the Tumwater Education Association is to be a valuable resource and partner in our members’ personal and professional growth and in our efforts to improve teaching and learning in Tumwater’s public schools.

Goals

Strengthen our contract through bargaining and bargaining support.

Advocate for members through contract enforcement.

Build a stronger union by informing, engaging, and organizing our members.

Strengthen Tumwater Education Association relationships with the school board, community, and district administration.

Operating Principles

The Tumwater Education Association will foster a culture that values and honors member involvement.

Therefore, we agree that:

We will seek solutions that all parties can see furthering their personal and professional growth and by which all parties feel honored.

We will seek solutions in a manner that helps build working relationships based on trust, honesty, dignity, and respect.

We will exercise good communication skills, including active listening, assertive word choices, and taking ownership of our own feelings and perceptions.

We will strive to focus on the issues.

We will seek solutions at levels closest to the situation.

We will seek to provide safe, dignified, and respectful contexts within which we can address problems and explore solutions.



Tumwater School District Board Policy

3211 Gender Inclusive Schools

POLICY 3211 STUDENTS

“The board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of gender expression, gender identity, or sex. To that end, the board recognizes the importance of an inclusive approach toward transgender and gender-expansive students with regard to key terms, communication and the use of names and pronouns, student records, confidential health and education information, communication, restroom and locker room use and accessibility, sports and physical education, dress codes, and other school activities, in order to provide these students with an equal opportunity for learning and achievement.

This policy is a component of the district’s responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements are included in the accompanying procedure. The superintendent will appoint a primary contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district. The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI.

This policy and its procedure will support that effort by facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying, and discrimination.”

PROCEDURE 3211P STUDENTS

“The principal or building administrator—or an appropriate, designated school employee— is encouraged to request a meeting with a transgender or gender-expansive student upon the student’s enrollment in the district or in response to a currently enrolled student’s change of gender expression or identity. Before contacting a student’s parents, the school will consult with the student about the student’s preferences regarding family involvement and consider whether safety concerns are present for the student. The goals of the meeting are to: develop understanding of that student’s individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or that the district will provide according to Policy 3211 and this procedure and under state and federal law; and develop a shared understanding of the student’s day-to-day routine within the school so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school. The school may not require the student to attend a meeting as condition of providing them with the protection to which they are entitled under Policy 3211, this procedure, and state and federal law regarding gender expression or identity.”