Progressive discipline is one of the pillars of unionism – it is one of the first gains a union should seek, and it is one of the best measures of a relationship between a bargaining unit and an employer.

If your employer respects progressive discipline, it is a sign that your relationship is strong. It means you can look your employer in the eye and speak with parity, free from the fear that some minor issue or trumped-up charge will end with you, as a leader, on the unemployment line.

If your employer does not respect progressive discipline, your employer does not respect you as a union member.

Black’s Law Dictionary defines Progressive Discipline as, “A gradual increase in punishment in accordance with the frequency of crime commitment.” The concept is simple – people don’t get fired for minor issues; instead, discipline is used to correct the behavior of employees when needed.

“A progressive discipline system is the best way to correct employee performance problems,” according to Business Management Daily. “It’s also the best way to protect against wrongful termination lawsuits. It allows you to ensure that any employee fired because of inferior performance was treated fairly and in accordance with your company’s policies.”

That is from a business management publication. In the school setting, we regularly fight for an even more forgiving and progressive environment. CTA seems to agree – when it is talking about teacher discipline. As it fights the Vergara v. California lawsuit, CTA is fighting hard to protect the progressive discipline and due process rights of educators in California.

In recent cases with its own employees, however, it appears CTA has taken a different tack. In recent incidences, CTA managers have acted to terminate California Staff Organization and California Associate Staff members in a way that calls into questions whether they even understand that spirit of progressive discipline – in a most recent case, firing the president of CAS.

You may see CAS and CSO members wearing black shirts or ribbons at this conference – please ask them why, and have a conversation about what constitutes a fair progressive discipline policy, and whether CTA management is following your values when it comes to disciplining its employees.
Restorative Justice: Common sense for kids, for teachers and for CSO and CAS staff

“It’s time to return to common sense,” said CTA Secretary-Treasurer Mikki Cichocki-Semo, in the May 2013 edition of the “Educator,” CTA’s magazine for members. “Kids, as well as teachers, are entitled to due process.”

Ms. Cichoki-Semo was talking about restorative justice programs, programs that are replacing draconian “zero-tolerance” policies in schools around California and around the country.

CSO members agree that restorative justice, which focuses on problem solving, is far superior to more punitive approaches to discipline in schools. It sees people and situations as more than good vs. evil, right vs. wrong.

We believe this is also right for educational employees who may find themselves in trouble with their employers. As CTA staff who regularly fight for the rights of educators, we often have to defend educational employees who have been accused of relatively minor offenses, yet threatened with dismissal or long-term suspension. It seems like a game to some administrators. The better path is to work with valued employees in a supportive manner.

In recent years, we are sad to report to you that our experience with CTA management has been at times been like our experiences with hard-hearted, zero-tolerance administrators. CSO members were shocked to learn of the termination of the President of our sister union, CAS. Management actions like this send the message that we all should be more cautious than courageous, and that our managers and supervisors are out to catch us rather than to help us to our best work. This is not just bad for CSO and CAS. It is bad for CTA, as it demoralizes the employees who do the work of CTA, who stand with you in the trenches and provide that protective line between educators and those short sighted administrators who might do you harm.

I encourage you to talk to your CTA Board Members and let them know that the principles of restorative justice, due process, and progressive discipline are not just good for students, not just good for teachers. Those principles should be applied to the people who stand with you every day to make your union stronger.

For some background on the issue of restorative justice in schools, go to www.transformingconflict.org.

To read about what CTA says regarding progressive discipline and due process for CTA members, you can go to the CTA website and read about the Vergara v. California lawsuit.