

REMINDER  
***KSFA GENERAL  
 MEETING***

ELEMENTARY DINING HALL  
 THURSDAY, 5/16 3:45 p.m.

**WHAT'S WRONG WITH THIS PICTURE?**

As a child, I enjoyed puzzles with this title wherein a seemingly normal picture, upon closer inspection, contained many contradictions. William Hogarth's famous 1753 painting, "False Perspective," has many fascinating illusions and is one of my favorites. These illusions are contradictions in that they appear to be possible but are in fact impossible. I like the illusion of the six foot long sign from the inn hanging over a bridge about a quarter mile away.

As an old man, I am still addicted to identifying contradictions, but the joy has changed. The thrill of discovery is still there, but the responsibility of making things right is often frustrating. When I see something wrong, I feel a moral obligation to at least identify it. Otherwise, my silence could be assumed to mean support or acceptance of the situation. Furthermore, I know no other first step in the problem solving process than to identify the problem.

The picture of the seemingly normal school we work in appears to me to have many contradictions. But I and other KSFA leaders are reluctant to trust our perceptions without checking first with the membership to see if you agree with our assessment and the necessity of doing something about it. To start, here are three illusions made apparent by the grievance we just lost which create an ambiguous pic-

ture of our KS leadership and beg answers to many questions:



The Illusion of Just

Cause: Up until a few months ago when KS attorney, Bob Katz, filed the Employer's argument in defense of their termination action, teachers believed that all disciplinary actions, including non-renewals, were subject to the seven tests of just cause (the most important tests being prior notice and the promise of evenhanded treatment). But the Employer now maintains that while we do indeed have the right to grieve discipline for just cause in the middle of our one year contract, at the end of the school year they can terminate us for disciplinary reasons and that non-renewal (for any or no reason) is not grievable.

What's wrong with this picture? (Partial answer: There are many contradictions. An obvious

one is that the threat of non-renewal makes a mid-contract grievance based on just cause moot. Before a grievant could reach the third step (arbitration) and appeal the case to a neutral third party, the grievant could be non-renewed for no reason at all and with no appeal. Another is that the grievance process is painful to the employer. Therefore, initiating a grievance increases the likelihood of non-renewal. Why attempt to correct a minor injustice when it may provoke the

## What's wrong, continued

ultimate discipline?)

The Illusion of Having a Grievance Process: The grievance procedure is a dispute resolution process used to resolve contract violations. It's the reason-based peaceable way to enforce the contract. Buddy and Bob (KSBE "healers" and original contract strategists) put so many "land mines" in our first contract that it was doubtful that an arbitrator could either hear or do anything to correct a contract violation. Our third contract removed these barriers, but now that we have access to a neutral third party, the threat of non-renewal makes the grievance process too risky to be employed.

What's wrong with this picture? (Partial answer: Again, there are many contradictions. A major one is that while KS has many highly-qualified leaders and lawyers, it doesn't trust exposing its judgement or decisions to the judgement of a neutral third party. Why aren't they ready to be judged on the merits of their case? Another contradiction comes from the fact that a union has only two legal ways to resolve disputes: It can grieve or it can strike. Why is the leadership removing the reason-based alternative?)

The Illusion of Institutional Honor: KS professes to be a moral institution governed by noble values with *pono* being a driving force behind every decision. Rightly so, we are a school and a trust. We should expect and require our leaders to act honorably. Yet, the employer's behavior during the grievance raises doubts about their intent to do the right thing.

a. Was it right for KS to take extreme measures to delay the arbitration of a long-standing disciplinary grievance and expedite the processing of the non-renewal grievance so that the results of the first grievance could not be used as evidence in the non-renewal grievance? Was it *pono* for KS to refuse to hear the grievance that occurred first, before the non-renewal grievance, by having its attorneys represent that they were only authorized to proceed with the non-renewal grievance? Is it honorable to make such decisions for the sake of a perceived tactical advantage?

b. Was it right for KS to distance itself from all the unfair actions taken by the majority trustees except those imposed upon the teachers in the form of the first contract and to continue to employ the architects of that document so that all its "land mines" can continue to be exploited?

c. Was it right for KS to insist under oath at the arbitration hearing that the KSFA negotiation team agreed with their interpretation of a critical sentence in the first contract when we categorically denied ever making such agreement?

d. Was it right for KS to claim under oath during the arbitration that the administration did not give much weight to the parents' input when KS set up the meeting so

that they could provide input? Does anybody believe that if the input had supported their position that it would not have been given much weight?

e. Was it right for KS to claim under oath that the rules supposedly violated by the grievant were evenly enforced? Is it really true that every time any employee is unkind or exercises bad judgement that they are disciplined and possibly terminated after 18 years of dedicated service?

What is wrong with this picture? (Partial answer: Aside from the obvious absence of *pono* by the direct participants, the silence to date of the rest of the KS leadership is wrong. There isn't a leader in the entire KS organization that isn't aware of this grievance and cannot see something wrong with this picture. Surely there is enough evidence of questionable behavior by KS leaders to inspire a thoughtful response.)

I am sorry that the three illusions just described aren't amusing like those in Hogwarth's painting. KSFA needs to know if you agree that these illusions are problems you want us to pursue. If so, how far do you want us to go in our efforts? We are a representative body. Your input will be given a lot of weight. In fact, it will determine our response. Discuss these issues with your KSFA representative and favorite administrator. They need to know your thoughts. The KSFA leadership can do nothing without your support.

— Bill Follmer, UInit 9/10

## **KSFA'S GRIEVANCE**

### **More at stake here than you realize**

I believe one of the most powerful benefits provided by a union is a grievance process that ultimately settles disputes by giving a neutral third party, an arbitrator, the authority to decide and, potentially, overturn management's decision. I also believe that the union's transparency in the workplace, where the union's presence is not visible because management is making fair decisions, is our ultimate goal. Substantial progress towards this goal remains to be achieved, however, as evidenced by the recent grievance arbitration.

Fundamental fairness was at issue when a sixth grade teacher was disciplined last year over certain language contained in two assignments, occurring separately in the Fall and Spring semesters. The first "offense" was the basis for a letter

**More at stake here... (continued from page 2)**

of reprimand. The second became the basis for the non-renewal of the teacher's employment, after 18 years at Kamehameha Elementary School.

The administration claims that two work rules were violated by these assignments: (1) "You should always conduct yourself in a professional and appropriate manner" in the third paragraph on page 52 of the Employee Handbook; and (2) an unwritten rule - teachers are expected to use good judgment in the classroom. In support of these work rules, the administration verified that it expects teachers to conduct themselves and communicate "at all times in ways that are kind, respectful and professional," that this rule is "consistently and evenly enforced," and that "whenever there are examples of behavior or communication that is not kind, not respectful or not professional that employees are disciplined as a result."

Did you know you could be disciplined for breaking these rules? Did you know the administration consistently and evenly enforces these rules? Do you understand what behavior is proscribed by these rules so that you can avoid discipline? On the other hand, are these rules vague, ambiguous, and amenable to subjective interpretation and application?

Initially, the administration claimed that the language it found objectionable in the assignments had a clearly negative impact on the students. The administration, however, made no investigation of the impact of the assignments on the students nor did the administration specify any remedial measures to be taken to mitigate the perceived negative impact. No one observed how these assignments were taught in the classroom. In fact, it had been three years since the administration had even visited this teacher's classroom.

On the other hand, the administration's investigation produced unanimously positive feedback from parents regarding this teacher's ability to motivate and educate their children. Since this positive feedback was contrary to its reasons for discipline, the administration "put very little weight on what the parents had commented on regarding

that particular assignment." This position is particularly anomalous in light of the fact that a University of Hawaii professor, a high school teacher, and a public school sixth grade teacher were among the parents who spoke so favorably of this teacher.

KSFA, as well as certain members of the administration, went the extra mile, and then went the extra mile again, in an exhaustive effort to settle this dispute prior to arbitration. Obviously, these efforts were unsuccessful. Apparently, the ace-in-the-hole relied upon by the administration is its conviction that it has "absolute discretion" and an "unfettered right" regarding the employment renewal decision. The administration believes that KSFA's arguments challenging the rules relied upon and the investigation conducted are meaningless because the renewal of a teacher's employment agreement is solely and completely at the administration's discretion. The administration believes that if it wants to impose the ultimate discipline of discharge against a teacher, at worst, it simply has to wait until the end of the academic year and not renew that teacher's employment agreement. Under such circumstances, according to the administration, KSFA would have no basis to grieve under the union contract. In response,, KSFA maintains that the bargaining history behind the union contract shows that the "just and sufficient cause" standard applies when an employment agreement is not renewed for disciplinary reasons.

Obviously, high stakes affecting every teacher are presented by this grievance. If successful, the administration will be in a position to discipline based upon its perception whether "good judgment" or "professionalism" is occurring in the classroom. The administration will also be in the position to refrain, with impunity, from renewing a teacher's employment agreement for any unfair reason.

Unfortunately, these positions are not historical artifacts. These positions are being advocated and defended by the present administration. The only thing that stands in the way of the administration simply implementing these positions

is KSFA and its diligence in defending fair treatment to the faculty. I understand that some faculty members still do not pay any dues to KSFA.

Please understand that KSFA defends your rights as well and that you should support KSFA.

— *Dean Choy, attorney for KSFA*

## LEADERSHIP FOR DUMMIES

As the title implies, this article is a basic level course on leadership. It is my hope that it will be a useful self-evaluation tool and encourage better leadership. I believe that leadership skills can be taught and acquired. The skills themselves vary somewhat with the demands of the mission.

Unlike life-threatening missions where there is no second chance, the education mission's leadership skills should promote creativity and problem solving rather than conformity and standardization. The following tips should produce better leadership:

1. **Motivation and Morale:** You can't be a leader if no one wants to follow you. In the education field, employees with high morale are more creative and productive than unhappy workers. Motivating your team and inspiring cheerful cooperation requires satisfying the tips listed below.

2. **Power and Authority:** Good leaders don't use or depend on either. They get a thrill from persuading people to accomplish the mission because they believe in it rather than fear consequences. Supervisors who enjoy the power and authority of making "hard" decisions generally have too much faith in themselves and not enough in the judgement of others.

3. **Direction:** You can't lead if you don't know where you would like to go or how to get there. Vision is fine for eye doctors or prophets, but otherwise it helps to have tentative plans with specific goals and methods.

4. **Change:** Change per se is neither good nor bad, but it is always costly in terms of training and draining energy from the primary mission. If the means and ends are good, the change is good. Otherwise, it's counterproductive. Most changes involve trade-offs of positive and negative results. Overall, the ends are good if the change helps significantly more than it hurts. Change without evaluation of trade-offs is a thoughtless gamble with other people's futures. Prior to implementing a change, the expected benefits of the change should be compared to the status quo and a criteria for failure (and abandoning the

change) established.

5. **Decisions:** Good decisions are easy to follow, justified by rationale, weigh trade-offs carefully, and produce the intended effect.

When decisions affect the classroom, they would benefit from teacher input and acceptance.

6. **Rationale:** Good decisions are justified by arguments and evidence. A rationale is not an excuse that is plausible and politically acceptable. Rather, it is the compelling force that actually caused the decision.

7. **Evidence:** Evidence is more than facts that support a decision. Virtually any decision can be supported. Evidence used to make a decision is the set of facts that eliminated the other alternatives.

8. **Ego:** Leaders who are concerned about their legacy have misplaced their concerns. Doing the right thing today is the best guarantee of being fondly remembered.

9. **Employee Advocacy:** Every employee notices when a leader recognizes or ignores their achievements. All employees notice when their leader declines to defend their interests. It's an unmistakable signal that there is no top-down respect.

10. **Integrity:** "If you have integrity, nothing else matters. If you don't have integrity, nothing else matters." Integrity creates credibility and trust. It is the ultimate communications tool and leadership skill. Everybody thinks they have it. Few will tell you if you don't. Some of the danger signs of lost integrity include: changing what you say to fit your audience, taking advantage of the ignorance of others, and withholding information that may hurt your argument.

No course would be complete without an exercise to see if you have mastered the concepts. I have attached a form on the last page of this newsletter for you to practice your skills. Use the form to evaluate the leadership of your boss, your boss's boss or anyone whose performance has been exceptional. It would be especially nice to hand to a leader that is doing something right. They need encouragement too.

— *Bill Follmer, Unit 9-10*