



The Agenda

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Budget Vote

- Tuesday
- May 15, 2007
- Errick Road Elementary School
- 8 AM to 9 PM

Official newspaper of the NWTA

The NWTA was again awarded \$100.00 from the NYSUT Member Benefits Help for the Newsletter Editor Program!

Six residents run for two board seats

Darla Bubar, Editor

In a crowded school board race, things are heating up. Six residents, including a longtime incumbent, will be competing for two 3-year terms. The May 2 Candidates Night held at West Street continued to fuel the flames. A large group gathered to hear all six candidates' points of view. **Brett Zipp** is an eight year resident with two young children attending Errick Road School. Zipp gave high marks for Timothy Demler's work in the Town of Wheatfield. He is concerned with school tax increases. He voiced his concerns that the tax increase did not match the increase in enrollment and felt that funds are not being spent wisely. He wants the district budget reduced. His goal is to be a sounding board for the community.

Daniel Maerten is a life-long Wheatfield resident. He has a son who will graduate this year from Wheatfield. He works as the plumbing inspector for the Town of Wheatfield. He also owns a plumbing and heating business. He felt the district had no connection with the board.

Russell Brumby was in the education field for 27 years. He had three children graduate from Wheatfield. He too would like to be a sounding board for the community. Brumby feels that if we cut the taxes, "more stores will come to the area and people can get jobs there."

Maureen Kaus, an incumbent, is a graduate of Wheatfield and has three daughters, all graduates of N-W. She has served twelve years on the school board and six years on the BOCES school board. She is president of both boards. She wants to continue the district down the positive path it has been going. She believes that the district is a model district as classified by the state of New York. She felt the board meetings are conducted in a professional manner with a positive

rapport. In an earlier interview, Kaus told the Niagara Gazette, "I am proud to say N-W now has greatly improved facilities and a focus on curriculum and instruction that enable all students to meet very rigorous standards. I look forward to serving the needs of the children for the next three years as much as I have for the past 12."

Kathleen Flemming, incumbent, is a fifteen year resident of Wheatfield. Flemming volunteered in many groups throughout the district. She has two children, one who currently attends at the senior high. She is a special education teacher at BOCES who works for the Lew-Port school system. She wants to be a constant positive force in the district and believes the district has been fiscally responsible. She wants to continue following the path that the district has been talking.

Bill Conrad, a graduate of Wheatfield, is in construction management with the New York State Dormitory Authority. He has three young children of his own and has cared for nearly 40 foster children as well. He has 24 years of military experience and has also taught at the college level. He wants to bring a "business sense" to the district and take out "the fluff". He would also like to see a dress code put in place for the school board.

On May 15, 2007, the public will have to decide who will fill the two vacancies. Want to help?

Get out and VOTE!

NLRB looks at use of employer e-mail to discuss union matters

Judith Sadler, Texas Lawyer
04-03-2007

An employer's regulation and monitoring of a company e-mail system is fairly unrestricted. However, a case now pending before the National Labor Relations Board (NLRB) may impose new limits on a company's ability to regulate and monitor its electronic communications systems.

On March 27, the board held a rare oral argument in a case involving employees' use of their employer's e-mail system to communicate about union and other matters such as wages, hours or working conditions. The board's decision will apply to any company's electronic communication system, because the National Labor Relations Act (NLRA) guarantees all employees the right to engage in "protected concerted activities," regardless of whether a union represents the employees.

The case initially was decided by Administrative Law Judge John J. McCarrick on Feb. 21, 2002, as *The Guard Publishing Co. d/b/a The Register-Guard and Eugene Newspaper Guild, CWA Local 37194*. It originated, according to McCarrick's opinion, when the union alleged that the company violated the NLRA by prohibiting the employees' use of the company's e-mail system to communicate about the union and union activities and by disciplining employees who used the e-mail system for that purpose.

In relevant part, McCarrick wrote, the company's written policy prohibited employee use of its communication systems "to solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations." The policy also stated that improper use of any communication system would result in discipline, up to and including termination.

At trial, employees provided undisputed testimony that they and their managers used e-mail at work for non-business purposes without being disciplined, according to the opinion. Such usage included sending and receiving e-mails regarding parties, jokes, breaks, community events, sporting events, the United Way campaign and poker games.

After reviewing the evidence, McCarrick concluded that, although the policy itself was a legitimate restriction on the use of the company's communications equipment, the company violated the employees' rights by failing to apply the policy uniformly and by disciplining an employee who sent e-mails regarding the union and union-related matters. The company filed an appeal with the NLRB, as did the board's general counsel, because the decision did not provide the NLRB all of the relief it sought regarding the policy.

Two key issues the NLRB will decide are whether an employer may prohibit employees from using a company e-mail system to communicate about union and other protected matters, and whether an employer may monitor its e-mail system if employees are permitted to use the system for transmitting information regarding the union or other protected, concerted activities. The NLRB will need to consider factors such as whether the employer permits its employees to use the system for matters unrelated to business, whether the employer allows employees to use the system to communicate with people not employed by the business, whether an employer's monitoring of an e-mail or electronic communications system constitutes unlawful surveillance under the NLRA, and whether the union has other means of communicating with the employees. It seems likely that the NLRB will, as a general rule, allow employers to restrict or prohibit the use of company e-mail and electronic communication systems by outside entities, such as a union.

However, the NLRB faces a closer question of whether an employer may prohibit its employees from communicating about the union or other protected matters over the company e-mail system, particularly if the employer permits e-mails of other matters unrelated to business and if employees send the e-mails before or after work or when they're on breaks.

One key consideration is likely to be whether the employer consistently and uniformly restricts the use of its e-mail system to business-related purposes. The NLRB held in its 2000 *Mid-Mountain Foods Inc.* decision that employees have no statutory right to use an employer's equipment or media. But in other cases, the NLRB has found company policies unlawful when they permitted employees to use the employers' property, such as e-mail systems, for matters unrelated to business while simultaneously prohibiting such use to communicate about a union or protected matters.

E-mail and electronic communication systems are complex forms of communication, intended principally to further the goals of the business. The consistent and reasonable application of company policies regulating e-mail or other electronic communication systems is critical to a company's defense of those policies. Depending on the NLRB's decision in *Guard Publishing*, employers should be prepared to quickly implement policies or modify their existing policies to ensure compliance with the NLRA.

Judith Sadler is a partner in Sadler & Sykes in Houston. She is board certified by the Texas Board of Legal Specialization in labor and employment law.

TWO POINTS

The NLRB heard oral

The NWTA Sick Bank is looking for donations

If you have accumulated more than 200 days please consider donating days in excess of 200 to the Sick Bank. Any member of the Sick Bank who has contributed days in excess of his or her personal total of 200 days may have all or part of the excess returned upon retirement, if the days contributed will help that teacher reach or approach the 200 day limit for buy back purposes. Days in excess of 200 will be lost if you do not donate them. You may not begin the year with more than 200 days.

If you are thinking of retiring within the next three years you should not donate any days to Sick Bank. You may receive a bonus at retirement if you use five or less days. Check out the contract.

If you are leaving the district please consider donating all of the days you have left. Term substitutes are in a position to donate. Any member who is laid off and contributes their remaining accumulated days to the Sick Bank will have these days returned if he or she is reinstated. Otherwise sick days are lost when you are laid off.

Please contact Karl Heilemann, NWTA Sick Bank Chairman, if you would like to donate days. (X5180, kheilemann@nwcsd.org).

Wit and wisdom from our president

Kevin Rustowicz, President

NWTA

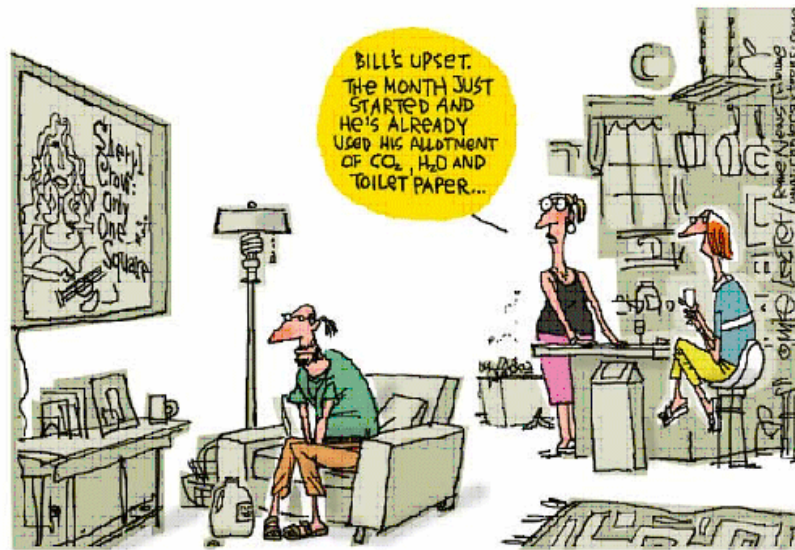
Famous last words... "That could never happen to us." That was the first thought that occurred to me after speaking to a teacher from New Orleans at the RA. This teacher told me that the city of New Orleans fired every teacher after Hurricane Katrina and dissolved the union. The city proceeded to establish three school districts and began to hire "new teachers" without a collective bargaining agreement. Not only did Katrina kill and destroy, it now dissolved the union. I was in awe after speaking to this woman teacher. Now, I admire her and her union's tenacity in fighting back to establish a professional and public education system that puts the interest of the students first. The next two weeks are crucial, not only to the NWTA, but to the Niagara Wheatfield School District. The school budget vote and election of trustees will be held on May 15. Don't be mistaken in thinking that this does not affect you.

Our budget plays a major role in all of our programs as well as our collective bargaining agreement. The winds of change have been upon us for some time now. There is a destructive force blowing from the Town of Wheatfield. This personal vendetta will do no good for anyone. We must take this opportunity to seriously consider the two incumbent candidates for re-election in order to continue to help the district move in a positive direction. It would be wise to actively participate at this time. Please get out to vote and remind and encourage your friends and families to do the same!

"The next two weeks are crucial... don't be mistaken that this does not affect you"



The lighter side





Let us help put you on the MAP!

In efforts to expand communications with members, NYSUT Member Benefits Trust is introducing MAP, the Member Assistance Program. Just as maps assist by providing direction, MAP team members will assist Member Benefits and vice versa.

By joining MAP, you'll be among the first to hear about new, endorsed programs and program updates. You'll receive special offers from Member Benefits or its endorsed program providers. You'll help Member Benefits test potential new programs and provide feedback. Your opinions will be solicited on new programs under consideration.

MAP is an e-mail based program. Member Benefits will not share your e-mail address with outside interests other than endorsed program providers and only under controlled circumstances. Member Benefits will oversee the frequency of e-mail communications to ensure you will not be bombarded.

MAPpers will receive e-mail communications from Member Benefits and occasionally from its providers of endorsed programs. Once a program provider receives approval from Member Benefits to send you an offer or information, the vendor will be required to destroy the e-mail listing after sending the communication.

This exciting, new program allows you to help shape future programs and services exclusively available to you and your colleagues.

Join by July 2, 2007 and you will be entered into a drawing to receive one of two Kodak Easy-Share digital cameras. To join, log on to www.memberbenefits.nysut.org, or call **(800) 626-8101**. You will be asked to provide your name, address, local association, e-mail address and NYSUT Member ID number, found on your membership card or by calling Member Benefits.

Help make a difference. Become a MAP team member.

For information about this program or about contractual expense reimbursement/endorsement arrangements with providers of endorsed programs, please call NYSUT Member Benefits Trust at (800) 626-8101, e-mail benefits@nysutmail.org, visit www.memberbenefits.nysut.org, or refer to your NYSUT Member Benefits Trust Summary Plan Description.



From where I stand... Rewarded

Darla Bubar, Editor

Last week I traveled to Washington, DC to take part in the NYSUT RA Convention as a journalism award winner. The entire experience gave me the opportunity to reflect on how the past two years as *Agenda* Editor have unfolded. What an amazing adventure. I am glad to have become so involved in this union. And—as far as acceptance speeches go, I have many people to thank; starting with my dad who made me realize that teaching was the coolest profession in the world and that Wheatfield was the best district to teach in. To my mom for teaching me that strong women are incredibly important and that anything is possible. Of course, I would be remiss if I didn't mention Barb Koester who encouraged me to run for Building Rep all those years ago and my friend and mentor, Fig, who told me to run for this office. It was nice that she was in DC to share in the honor of winning. I think she was more proud of the award than me! Thanks, Fig! Also, to my colleagues at ETMS, especially our Building Reps, who work hard every day to keep the boat from rocking... too much. To Charlie Donner who helped me strengthen my backbone and find my big mouth, and Donna Larson—the best convention roommate ever! To Lee Galmbacher who constantly reminds me to stay on top of issues and ideas and to Rich Tilyou who I can vent to when I need to spin a story idea (or whatever else I need to

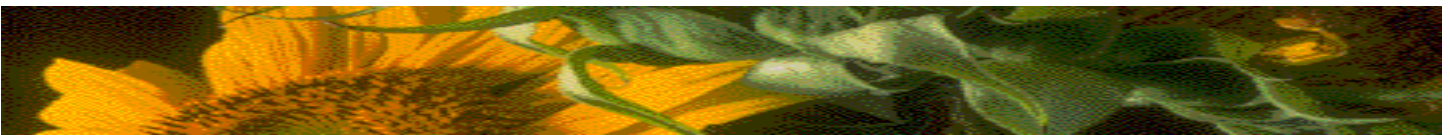


Author: Susan Amato
 First Award, Best Feature Story
 Author: Susan Amato
 Award of Merit, Best Editorial or Column
 Author: Susan Amato

CLASS III
Local Membership - 301 to 650

The Agenda
 Niagara Wheatfield Teachers Association
President: Kevin Rustowicz
Editor: Darla Bubar
 First Award, General Excellence - Local
 Membership Publication

complain about.) To Don Szatkowski, our Webmaster, for letting me send him a million emails with the subject heading, "This is the final version—I promise!" To Mike Silverman, Gina Merlo, and Kathy Wanderlich—the former Editors I used as references and inspiration for many of my early editions. To our entire membership for believing in solidarity and to Rusto for bringing me the entry form and telling me we could win this—also for being my official photographer in DC. To the district and my students who keep my career alive and exciting. To everyone who has ever contributed an article or story idea. And finally to my wonderful family—my husband, Mike, and my children, Allie and Michael, who serve as my compass through life reminding me that the best thing in life isn't winning—the best thing is just plain living—and enjoying every minute of it!
 Enjoy May!



Announcing

The Sixth Annual Errick Road Art Show

Thursday, May 10, 2007 from 6-8 pm

All students from K-5 will be exhibiting 2 pieces of art work. We will have displayed a wide variety of media, including: painting, ceramics, digital art (Photoshop), printmaking, and oil pastel to name a few!

Note: The show is a month earlier than it normally is.

Thank you!
 Kristen Raimondi and Ari Tylec
 Art Teachers

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WE'RE ON THE WEB NwTA-UNION.ORG



Niagara Wheatfield Teachers' Association

We stand for education

*We remember those who died for our freedom
Memorial Day
May 28, 2007*



What's good on the bookshelves...

Guest Reviewer Charles Donner, ETMS

When The Wind Blows, by James Patterson

Murder and modern genetic science run amok. If kids in danger and/or getting hurt bothers you, you might want to skip this one.

Promise Me, by Harlan Coben

Missing girls and a couple of promises. This one has interesting characters, action and a lot of fun dialogue. Highly recommended.

If you are interested in submitting a review, please contact Darla Bubar at ETMS or email her at dbubar@nwcsd.org.



Reading takes you places...

We are pleased that our history dates back to 1971 when The New York State Teachers Association certified our union. Today we are proudly affiliated with The New York State United Teachers (NYSUT) and The American Federation of Teachers (AFT). We are also honored to be a part of The American Federation of Labor and the Congress of Industrial Organizations (AFL-CIO).
