

FIGHTING FOR THE SCHOOLS OUR COMMUNITIES DESERVE



MEMBERSHIP INFORMATION

EDUCATION SUPPORT PROFESSIONALS

2025 - 2026



A DIVERSE UNION
of EDUCATION
WORKERS

Welcome!

In joining the Massachusetts Teachers Association, you are becoming a part of a community of education workers with a deep commitment to the well-being of our students and our Commonwealth — and to the vital role of unions in supporting public education and workplace democracy.

The MTA is here to work with you now and through your retirement years. Here are some of the ways we work together:

Contract Bargaining: Students' learning conditions are your working conditions. Contract bargaining is where we fight for both. We have worked extensively with our ESP members to discuss workplace issues and concerns. One outcome is the development of the MTA PreK-12 ESP Bill of Rights, as well as two Bills of Rights that apply to higher education members. The PreK-12 ESP Bill of Rights outlines specific bargaining goals to greatly improve the work lives and dignity of our ESPs. The Classified Staff and Adjunct, Contingent and Part-Time Faculty Bills of Rights address issues including pay, job security, retirement, recognition and resources for our higher education members.

Political Action: As public education workers, we have a responsibility to build our collective power to defend public education, workplace rights and the social and economic well-being of our communities. Now more than ever, we need to protect funding for our public schools, colleges and universities. We also must demand that we have access to paid family and medical leave laws, as private-sector workers do, and that we be guaranteed a true living wage.

Professional Development: You will discover that you need to continually update your own skills. The MTA offers professional learning opportunities and holds a statewide ESP Conference each spring. In addition, the MTA offers recorded webinars, live online learning opportunities, and regional workshops tailored to ESPs, whether in preK-12 classrooms or on higher education campuses.

Contact your local president to learn more about how you can be active in the MTA. In addition, please visit our website, massteacher.org, the ESP section of our website, massteacher.org/esp, and our Facebook page, facebook.com/massteacher.

Become an active member of the MTA family!

Sincerely,



Max Page, President



Deb McCarthy, Vice President

BUILDING OUR UNION POWER

In the months leading up to the U.S. Supreme Court's anti-union *Janus* decision in 2018, the MTA initiated the *All In* campaign to proactively respond to the ongoing attack on the collective power of working people and their organizations. The success of the *All In* campaign demonstrates that our 117,000 members see union membership as essential to their professional respect and to their quality of life.

We are demonstrating every day that when we fight, we win!

Since then, MTA members, leaders and staff have broadened the contours of *All In* with the MTA Blueprint Project, helping us continue to grow our collective power even more.

Five strategic priorities are central:

#1: Connect Members to the Life of the Union

#2: Cultivate and Support Leadership at All Levels of the Union

#3: Maximize Our Bargaining Power

#4: Advance Policy Solutions and Campaigns

#5: Lead on Economic, Social and Racial Justice

All members — including those new to the MTA — are strongly encouraged to be active in the union. For information, please consult your local president or field representative and visit massteacher.org.

Working together, we can make a difference and help shape a bright future for our students, our members and public education.



Visit the MTA at:

» massteacher.org

» massteacher.org/esp

» massteacher.bsky.social

» facebook.com/massteacher

» youtube.com/massteacher

» instagram.com/massteacheresp

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Reasons to Join Your Association

As you begin the year in education, one of the actions you should take right away is to join your local association, the MTA and the NEA.

Here are some of the reasons:

Local Support. Your local association represents you and your interests at the school, district and campus levels. It advocates for you at the state level, as well. For example, it bargains your contract and represents members who have grievances with management. It is your first line of defense.

If you have a problem or a question, this is where you begin. A strong and viable local association is essential. We encourage you to get involved in your local association. In addition, we encourage you to get involved in the MTA. Please consult your local leaders about participating in the MTA Annual Meeting of Delegates, which sets the association's course each year.

Networking. Through the MTA's website, massteacher.org, and NEA's website, nea.org, you will be connected to other school employees from across the state and nation. Information specifically for ESPs is at massteacher.org/esp and on Instagram at [instagram.com/massteacheresp](https://www.instagram.com/massteacheresp).

Information. The MTA is your best source of accurate, timely information. It keeps on top of all current laws, regulations and policies about education. Information is as close as a toll-free telephone call for any member (800-392-6175 within Massachusetts). Information is also provided on MTA's website and is updated on a regular basis. Please also subscribe to our weekly newsletter of union news at massteacher.org/mtanews.

Legal Assistance. MTA members receive legal assistance on employment-related matters in accordance with MTA's Legal Services Policy. MTA's full-time attorneys argue hundreds of cases each year on behalf of individual members and local associations. Visit massteacher.org/legal for more details.

Local Field Representation. Each local has an MTA field representative/organizer to assist the local leadership and its members on any issue dealing with employment. Any time you have a question about your employment rights or benefits, ask your local president, who can contact your field representative for assistance. If your local president is unavailable, you may contact your representative directly. Contact information for MTA's regional offices is printed at the end of this guide. It also is available at massteacher.org/contact-us/offices.

Specialty Organizers, Regional Organizers, Bargaining Specialists.

The health and safety, new member, retired and ESP organizers are specialty organizers who also are available to help members. They work with members to organize around working and living conditions and identify and help organize actions around unhealthy work sites. The ESP organizer provides a series of learning opportunities, such as the four-weekend ESP Leadership Weekends program. This supports members who want to learn about union leadership development and become more engaged with the union. Regional organizers provide support to locals and members around campaign strategies. The bargaining campaigns and strategy specialist team offers members bargaining certification.

Discounts. Your MTA membership comes with more than 50 benefit programs and services offered through MTA Benefits. MTAB has programs to meet most of your everyday needs, from debt management and retirement planning assistance to auto insurance and travel. You'll be amazed at how quickly your savings add up when you take advantage of your benefits. In addition, MTAB's extensive discount programs enable you to stretch your hard-earned dollars, saving more than the cost of your dues. Visit mtabenefits.com today.

Liability Insurance. All MTA members are protected by up to \$1 million in coverage if they are sued for liability arising out of educational employment activities.

Lobbying. The 117,000-member MTA is recognized as the most effective voice on Beacon Hill for employees of the state's public schools, colleges and universities. The NEA represents the interests of 3 million members on Capitol Hill.

Professional Development. The association provides its members with training in all aspects of education: human and civil rights, political action, communications, negotiations, professional learning and almost any other area of concern to members. Our workshops and conferences are of consistently high quality and are offered at no cost or low cost to members. The MTA holds a conference just for ESPs each spring, and there are numerous workshops designed specifically for ESPs at the annual MTA Summer Conference. Visit massteacher.org/tpl for more information.

Public Relations. We work continuously to enhance the image of public education and those who work in it through an aggressive public relations campaign throughout the state. Public relations assistance also is provided to local associations upon request. We are advocates for public education in all media.

Publications. All association members receive the award-winning MTA Today with the latest information about education developments, news of interest and feature stories. The MTA also communicates with its members through direct

mail, email and on our website concerning issues such as privatization, political action, budget crises, collective bargaining and education-related legislation.

Representation. Wherever statewide decisions are being made — through a legislative committee, the state Board of Elementary and Secondary Education, the state Board of Higher Education or an educational coalition — and whenever decisions about school employees and students are being made, MTA members are there representing educators' views.

Fair Labor Standards Act

Education Support Professionals are covered by the federal Fair Labor Standards Act, which sets the federal minimum wage, overtime pay and other workplace standards for school employees.

The FLSA mandates that an employee must be paid for the entire “workday” even if it extends beyond the scheduled duty day set by the employer. “Workday” is defined as the time between when the employee begins their principal activity and when they cease such activity. For example, if you work time that is not part of your regular schedule, such as “bus duty,” you should still be paid for that time.

It is important to note that the FLSA sets the *floor* for workplace standards, not the *ceiling*. It is quite possible that your employer — through employment policies or a union contract — is providing more favorable standards, in which case the employer's standards prevail.

In addition, covered employees under the FLSA are eligible for overtime pay at a rate of 1.5 times the regular rate of pay. Overtime pay is based on work performed beyond 40 hours a week. However, some union contracts base it on daily hours as well. Coverage for overtime purposes under the FLSA is not guaranteed; in fact, many school employees are not covered under the FLSA for overtime purposes, which means they are not eligible for those benefits.

To qualify for overtime pay, employees must pass a two-part test. The first part examines the type of work the employee performs as a primary function of their job duty. The second test reviews the salary amount an employee earns. Employees who perform qualifying job duties and who do not earn a salary above a specified amount will be eligible for overtime. Due to the complexity and specificity of these rules, it is best to consult your union representative to determine whether your job is the type for which overtime pay is mandated under the FLSA.

Protect Yourself: Make a Professional Papers File

You never know when something unforeseen could affect your position, salary, reputation or financial status. It is always a good idea to have a file of items related to your employment. You may be required to produce any or all of the documents listed below. Once a problem occurs, there usually is not enough time to search for all of your records.

Members are urged to keep an up-to-date "Professional Papers" file of documents related to employment. This information provides an organized record if a crisis arises. If a problem does arise, you should contact your local association president immediately. Check the items once they are complete.

- ☐ Your letter of employment.
- ☐ Record of educational background, including certificates and licenses.
- ☐ Records relating to retirement benefits.
- ☐ Your salary schedule and yearly salary notice.
- ☐ Any letters of praise or reprimand.
- ☐ All evaluations.
- ☐ Records of any job-related seminars, workshops or conferences you attended.
- ☐ Brief accounts of conferences arising out of your employment.
- ☐ Proof of your membership in your local association, MTA and NEA.
- ☐ Job history.
- ☐ Your employment contract and any supplemental contracts.
- ☐ Sick leave records.
- ☐ Copies of your work schedule, job description and assignments.
- ☐ Any correspondence to or from the school administration.
- ☐ Documentation of awards, honors or commendations you receive.
- ☐ Record of any incidents that may increase liability, such as disciplinary actions, accidents, etc.
- ☐ Your local association's negotiated contract.
- ☐ Documentation of any student behavioral incidents and communication to parents or administrators.

In addition to saving these papers, you may want to read and file your employer's personnel policies and any other general policies that have been issued. Many of these documents probably will be in your personnel file. You should review your personnel file on a regular basis.

Weingarten Rights: The Right to Representation

Weingarten rights, as established in a 1975 United States Supreme Court decision — *NLRB v. Weingarten, Inc.* — guarantee an employee the right to union representation during an investigatory interview when the worker so requests. The Massachusetts Department of Labor Relations has adopted the Weingarten rules for public employees covered by Massachusetts General Laws, Chapter 150E. These rights are based upon private- and public-sector collective bargaining laws.

Which situations give rise to Weingarten rights?

- > Weingarten rights arise when the employer is investigating an incident or an allegation and the employee being questioned has a reasonable expectation that the investigation may result in their own discipline.
- > An employee is entitled to union representation if the employer is investigating an employee's alleged misconduct or inadequate work performance and convenes a meeting to elicit facts or get the employee's "side of the story."
- > Or, the employer may be investigating a situation in which the "wrongdoer" is unknown. If an employee believes their participation in the investigation could lead to discipline, the employee is entitled to union representation.
- > Weingarten rights can arise at any stage of an investigation. The employer may not have gathered any facts yet, may have some facts but not yet know whether discipline is warranted, or may have enough facts to know that some form of discipline is likely. What matters is that as soon as the employer seeks to discuss the issues or allegations with an employee who reasonably thinks they could be disciplined as a result of the investigation, the employee is entitled to have a union representative.

Which situations DO NOT give rise to Weingarten rights?

- > The meeting or discussion is merely for the purpose of conveying work instructions, training or needed corrections.
- > The purpose of the meeting is simply to inform the employee about a disciplinary decision that already has been made and no information is sought from the employee.
- > The employer has clearly and overtly assured the employee prior to the interview that no discipline or adverse consequences will result from the interview.
- > The employee initiates the discussion after the employer has made it clear that the matter may have disciplinary consequences.

YOUR WEINGARTEN RIGHTS

An employee in a unionized workplace who is called into a meeting with their employer that may lead to disciplinary action is entitled to union representation upon request. Because the law does not specifically require a supervisor to inform employees of this right at or before such a meeting, the employee must state that they want a union representative present. Once the request is made, the meeting must terminate until a representative is present. Faculty and staff cannot lawfully be disciplined for invoking this or any other union right.

For a Q&A on Weingarten rights, go to massteacher.org/weingarten.

Insurance: Protection Is Automatic with Your MTA/NEA Membership

The Educators Employment Liability Insurance Program gives you financial protection and expert legal representation in the event that you are faced with a lawsuit related to your employment. The program provides:

- > \$1 million in liability insurance.
- > \$300,000 in liability insurance for civil rights claims.
- > Up to \$35,000 in reimbursement for attorney fees if you are charged in an employment-related criminal proceeding, if you are exonerated.
- > \$1,000 per bond in bail bond protection in the event you are jailed in connection with your employment.
- > \$500 for damages to your personal property when damages are caused by an assault in the course of your employment.

There is an exclusion in this liability protection for transportation employees. While driving a school vehicle, the transportation employee is covered by the school district's vehicle insurance policy, not by this coverage. However, the employee is covered by this policy when a school bus is stopped — for example, when students are entering or exiting the bus.

NEA Complimentary Life Insurance

This free insurance is a guaranteed benefit to active members who are employed in the field of education. Your coverage is completely automatic and provides four levels of coverage. (1) Basic life insurance coverage of \$1,000. (2) Accidental death and dismemberment insurance coverage equal to five times the basic life insurance coverage, up to \$5,000. (3) A special benefit that pays \$50,000 for accidental death or dismemberment that occurs on the job or while acting on association business in the capacity of an association leader. (NEA Retired members are now also eligible to receive a \$50,000 benefit for covered events while acting on association business in the capacity of an association leader.) (4) A \$150,000 life insurance benefit if you become an unlawful homicide victim while at work.

All you have to do is register the name of your beneficiary to enroll in the program. Call toll-free: 800.637.4636 or visit neamb.com/products/nea-complimentary-life-insurance.

Grievance Basics

1. What is a grievance?

The exact definition of a grievance is set out in the grievance procedure of your collective bargaining agreement (contract). Only those matters that are contained within this definition constitute a grievance. Most commonly, a grievance is defined as a violation, misinterpretation or misapplication of the collective bargaining agreement. It is important to review the grievance definition before filing a grievance.

2. Who can file a grievance?

The collective bargaining agreement generally defines who can file a grievance. Typically, a grievant is defined as an employee, a group of employees or the local association. A grievance filed on behalf of a group is normally called a class action grievance.

3. Why grieve?

Filing a grievance allows an employee or the local association to address problems affecting the work environment. The local association has a strong interest in enforcing the negotiated terms of the contract and does so through the grievance process.

4. When do you file a grievance?

Timelines for filing a grievance are set forth in the collective bargaining agreement and must be strictly followed. Often there is only a short time in which to investigate and file the grievance. Make sure you contact your local association grievance officer in a timely manner to see if you should file a grievance to protect your rights. Failure to file a grievance within the contract's time limits can result in the claim being lost as "untimely filed." You can always withdraw a grievance if new information is learned.

5. How do you file a grievance?

Timeliness is of the essence. First of all, do not "go it alone." Contact your local association president or grievance officer. Also, sometimes a local contract requires a certain form or particular information to be contained in the filing. Look in the contract as a first step to see whether it specifies how the grievance is filed and what information should be included in the filing. Also check the grievance procedure in the contract to determine who gets the grievance and when.

6. What are the grievance steps?

A grievance procedure usually contains steps or levels at which grievances are processed. Examples of steps in a public school are: immediate supervisor

or principal, superintendent, school committee and arbitration. In a higher education institution, the steps may be: supervisor, intermediate supervisor, campus chief executive officer or designee, president or designee and arbitration.

7. If it is not a grievance, what are the alternatives?

If it is determined that there is no grievance, a remedy may be found in one or more of the following ways:

- > Organizing activities (community action, political action, lobbying school board members, etc.).
- > Unfair labor practice.
- > Mediation.
- > Civil action.
- > Equal Employment Opportunity Commission, Department of Labor and other agencies.
- > Bargaining (either midterm or wait for successor bargaining).

8. What information is needed for a grievance?

Remember to review the entire grievance procedure and follow it. Check the time limits and use the appropriate form(s). If there is no form, consult with your local association president or grievance officer regarding filing procedures.

The actual grievance should include the following basic information:

1. Date of the incident.
2. Date the grievance is filed.
3. Sections of the contract violated.
4. Description of the complaint.
5. Remedy requested.
6. Anything else required by the grievance procedure.

9. Do all grievances result in arbitration?

No. The grievance procedure is an extension of the collective bargaining process. Many grievances can be “worked out,” or settled through bargaining. A grievance reflects a problem. Problems can often be resolved. What is the nature of the problem? Is it a contract dispute? Is it a personality conflict? Is it a power struggle? Does the organization need to send a message to the employer? Is the grievance winnable? Is it a “frivolous” grievance? Is it really necessary to take this specific grievance to arbitration?

Safety Data Sheets

The Massachusetts Right-to-Know law applies to public-sector employees in Massachusetts, including school and higher education employees. The Right-to-Know law is similar to the federal Hazard Communication Standard administered by the Occupational Safety and Health Administration (OSHA), which regulates private-sector workplaces. The Right-to-Know law requires that information on chemical hazards be given to employees who may be exposed to toxic or hazardous chemicals in the workplace. The law requires employers to label containers of chemicals, provide written instructions or training to employees on chemical hazards and safe work procedures and give employees access to Safety Data Sheets (SDSs).

SDSs are the primary instruments for transmitting detailed information about any and all chemicals used in the work environment. Many Education Support Professionals will work with or handle chemicals in the course of their employment. SDSs will be sent to the employer by the company producing the chemical. These sheets should be sent with the first shipment of any chemical and with the first shipment after an SDS has been updated. These SDSs must be kept on file and be readily available at all regular work sites and storage facilities.

Many employers are remiss when it comes to providing training and making this information readily available for viewing by employees. However, this should not prevent you from asking your supervisor to show you a copy of all SDSs. Carefully look through all of those sheets and determine which chemicals are used by you or other employees in your work area. Ask for a copy of all those data sheets.

If a student is exposed to a chemical for which you are responsible or that is used in your work area, and that student suffers an adverse reaction, you are legally immune from liability under state law for any negligent or wrongful acts, as long as you were working within the scope of your duties and pursuant to school directives, unless your conduct is deemed grossly negligent or reckless.

YOUR RIGHT TO A SAFE WORKPLACE

As an Education Support Professional, you have the right to a safe and healthy workplace. In the Commonwealth, all public-sector employers are required to provide employees with at least the level of protection provided under the federal Occupational Safety and Health Act of 1970. Learn more about MTA efforts to ensure environmental health and safety in schools and on campuses at massteacher.org/ehscommittee.

An SDS often contains important information you should know, according to an OSHA brief, including safe handling practices and emergency control measures:

1. **Name of product**, including the name of the chemical and/or trade name and its recommended use.
2. **Hazard identification**, including the appropriate warning information and hazard symbol.
3. **Composition and information on ingredients**, including impurities and stabilizing additives.
4. **First-Aid measures**, including initial care that should be given by untrained responders to a person or persons who have been exposed to the chemical.
5. **Firefighting measures**, including recommendations for suitable extinguishers and advice on specific hazards, such as combustion created by chemical burns.
6. **Accidental release measures**, including recommendations on the appropriate response to spills, leaks or releases, including containment or cleanup practices.
7. **Safe handling and storage**, including precautions and recommendations for handling incompatible chemicals.
8. **Exposure controls and personal protection**, including protection measures that can be used to minimize exposure to workers.
9. **Physical and chemical properties**, including those associated with the substance or mixture, such as odor, appearance, the melting or freezing point and flash point.
10. **Stability and reactivity**, including whether the chemical is stable or unstable at normal ambient temperature and a list of conditions to avoid, i.e. static discharge or vibrations.
11. **Toxicological and health information**, including the routes of potential exposure, i.e. ingestion, inhalation or skin and eye contact, and a description of delayed, immediate or chronic effects from exposure.

In addition, the company that manufactured the chemical will often have information at the bottom of the SDS regarding how to make contact with the company in an emergency medical situation. The chemical company will often include a cover letter reviewing information on how best to use this product. Take the time to ask for and to read all SDSs for any chemicals for which you are responsible or that may be used in your work area.

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MTA Offices and Service Centers

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