



December 18, 2020
LeighAnn Blackmore
Director, Labor Relations
Orange County Public Schools
445 West Amelia Street
Orlando, Florida 32801

RE: Grievance #C-020-096 / Orange County Classroom Teachers Association

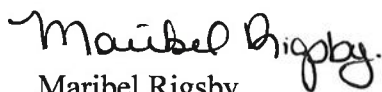
Dear Ms. Blackmore,

Pursuant to Article III, Section C.3. of the Master Contract between the Orange County Classroom Teachers Association and the School Board of Orange County, the enclosed **grievance is being sent to Step 3 for Issue Resolution.**

The grievant is represented by Orange County Classroom Teachers Association, and copies of all decisions and all notices of meetings should be forwarded as below:

Orange County Classroom Teachers Association
1020 Webster Avenue
Orlando, Florida 32804

Sincerely,


Maribel Rigsby

1020 Webster Avenue
Orlando, Florida 32804
Office: (407) 298-0756 Fax: (407) 290-8799
www.orangecta.com

GRIEVANCE

REGISTER NUMBER: C – 020 - 096

ORANGE COUNTY CLASSROOM TEACHERS ASSOCIATION (OCCTA)
SCHOOL BOARD OF ORANGE COUNTY, FLORIDA

The parties agree to use the following form to resolve disputes in good faith.

NAME: Orange County Classroom Teachers Association HOME PHONE: 407- 298 - 0756

IMMEDIATE SUPERVISOR: _____ WORK LOCATION: _____

OCCTA CONTACT: Maribel Rigsby

DATE OF VIOLATION: 12/18/2020 - Ongoing

DATE OF STEP 1 MEETING: N/A

DATE OF STEP 1 RESPONSE: N/A

ATTACH A STATEMENT CONTAINING THE FOLLOWING:

1. Statement of the facts upon which the grievance is based:
2. A reference to the specific section(s) of the Contract allegedly violated
3. An explanation as to how the employee believes each cited section was violated
4. A suggested remedy by the employee

STEP 2: SIGNATURE OF GRIEVANT

SIGNATURE: M.R. on behalf of OCCTA

DATE: 12/18/2020

STEP 2: RESPONSE BY IMMEDIATE SUPERVISOR

DENIED: N/A GRANTED: N/A REASON: Sent to Step 3

SIGNATURE: N/A

DATE: N/A

STEP 3: RESPONSE BY SUPERINTENDENT OR DESIGNEE

DENIED _____ GRANTED _____ REASON: _____

SIGNATURE: _____

DATE: _____

STEP 4: ASSOCIATION DECISION RE: APPEAL TO MEDIATION

- () ACCEPT SUPT. / DESIGNEE'S RESPONSE
- () WAIVE APPEAL WITH PREJUDICE
- () APPEAL TO MEDIATION
- () MOVE DIRECTLY TO STEP 5

FOR THE ASSOCIATION: _____

STEP 5: ASSOCIATION DECISION RE: APPEAL TO ARBITRATION

- () ACCEPT MEDIATION DECISION
- () WAIVE APPEAL WITH PREJUDICE
- () APPEAL TO ARBITRATION

FOR THE ASSOCIATION: _____

Orange County Classroom Teachers Association

Statement of Facts

On December 8, 2020, the Orange County Classroom Teachers Association (OCCTA) and The School Board of Orange County, Florida (SBOC) signed a Memorandum of Understanding (MOU) related to safely reopening schools for the 2020 – 2021 School Year. The MOU section 3.d has the following provision:

“Informing OCCTA and all employees at the worksite whenever a student, employee, or visitor at a worksite has tested positive for COVID-19, OCCTA will be provided with a weekly update of these worksites. The OCPS “dashboard” may be utilized for his purpose provided the OCPS immediately updates all incidents.”

OCCTA has not received an update about worksites with COVID-19 positive cases. Moreover, the dashboard cannot be used to provide updates as it’s not updated immediately.

The SBOC failed to honor the Memorandum of Understanding. This grievance seeks a remedy on behalf of all affected certified non-administrative personnel that are part of the OCCTA bargaining unit.

Contract Provisions Violated

Article I. Recognition

- A. The Board hereby recognizes and acknowledges the Orange County Classroom Teachers Association, Inc., as the exclusive bargaining agent and agrees to negotiate with the Association’s designated representative pursuant to the provisions of Chapter 447, Florida Statutes, for all certified non-administrative personnel as defined herein including employees on Board-approved leave of absence.

The SBOC violated contract articles including but not limited to Article I.A when it failed to honor the Memorandum of Understanding by not providing OCCTA with weekly updates of worksites with COVID-19 positive cases.

Article II. Negotiations Procedures

- J. During the term of this Contract the Association and the Board recognize that events may arise which require a mutual interpretation or modification of this Contract that does not constitute a substantive change in employees’ salaries or benefits. Under these circumstances, the parties are authorized to enter into a settlement agreement or memorandum of understanding expressing these interpretations or modifications. If such are entered into during the term of this Contract, they will remain in effect until

expiration of the Contract, until superseded by the Contract, or until mutually withdrawn by the parties.

The SBOC violated contract articles including but not limited to Article II.J when it failed to honor the Memorandum of Understanding by not providing OCCTA with weekly updates of worksites with COVID-19 positive cases.

Article XXI. Management Rights

The Board, on its own behalf and on behalf of the District, hereby retains and reserves unto itself all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the laws and the Constitution of the State of Florida and the United States except as modified by the specific terms and provisions of this Contract.

The SBOC violated contract articles including but not limited to Article XXI when it failed to honor the Memorandum of Understanding by not providing OCCTA with weekly updates of worksites with COVID-19 positive cases.

Memorandum of Understanding

3.d Informing OCCTA and all employees at the worksite whenever a student, employee, or visitor at a worksite has tested positive for COVID-19, OCCTA will be provided with a weekly update of these worksites. The OCSP “dashboard” may be utilized for this purpose provided the OCPS immediately updates all incidents

The SBOC violated the Memorandum of Understanding when it failed to honor the agreement by not providing OCCTA with weekly updates of worksites with COVID-19 positive cases.

Remedy Sought

- Provide OCCTA with weekly updates of worksites with COVID-19 positive cases.
- Include OCCTA in all calls and/or messages that go out to teachers and parents informing them of COVID-19 positive cases.
- Enforce the MOU language.
- Any other remedy deemed appropriate to make certified non-administrative personnel that are part of the OCCTA bargaining unit whole.