

CBLT Bargaining Minutes

7/29/20

Virtual: ZOOM

1. CTA Opening

- a. The president read an opening statement (see document), pointing out the lack of teacher voice being considered for the safe reopening of our schools. Science was being ignored to pursue political agendas. The District's lack of transparency, such as refusal to disclose sites impacted by positive COVID cases, was unsafe. As was their lack of urgency to negotiate a safe reopening plan. CTA finds it irresponsible that the District struck through all references to CDC guidelines in their reopening proposal. A recent lawsuit filed by FEA demanded that authority be returned to district school boards and CTA was encouraged when our school board members stood up to the commissioner and governor requesting a waiver. If no waiver is received, CTA will not sit back and allow a reckless move to reopen schools. Every educator wants to get back to the classroom, as soon as it is safe to do so, but we have a moral obligation to protect every student, teacher and employee.
- b. CTA's counsel concurred that our negotiation process for planning the safe reopening of schools, amidst the worst pandemic of our century, was taking entirely too long. He observed that this team could not even agree on Ground Rules that were proposed by CTA on June 22nd because the District was afraid to lose its control. In the meantime, people are getting sick and CTA hears the District saying, "We'll get back to you."
- c. While CTA acknowledged that this bargaining team had reached a few agreements and District staff generally returned calls and emails, the only thing that really counted was getting a safe reopening plan completed. History will be the judge of our success and point to which human beings were stuck in bureaucracies and which ones spoke up for the welfare of all.
- d. District thanked CTA for their comments, stating that they understood their position and that they too wanted to reach agreements. In reference to the Ground Rules, they appreciate the movement that CTA countered within their most recent submission. District believed that they could come to some consensus on page two of the Ground Rules today.

2. Voices of the Members

- a. CTA read several emails from members describing their concerns including teachers who had experienced unsafe conditions during summer school.

3. CTA Counter-Proposal: Ground Rules

- a. See document. CTA presented their suggested revisions to the District's Counter-Proposal regarding CTA's recommended Ground Rules for Maintaining Learning Excellence and a Safe Reopening of Schools.
- b. New language was suggested on page one and the word "readily" was added to the rate District responded to record requests on page two. CTA also added that the District "will" not "may" seek input from stakeholders so that critical decisions, affecting these parties, were not first heard about from News You Can Use and the press.
- c. District responded that they did not see the need to add items 1-7 on the first page since these topics were included in CTA's fifteen-page Reopening proposal. They were in agreement with including the term "readily" on page two but wanted to change the "will" back to "may" for seeking stakeholder input.
- d. CTA maintained that they had no intention of removing any items from page one as lives were at risk. Summer school procedures in school buildings were excessively lax.

- e. District clarified that they were not striking out 1-7 just for the sake of striking them out. These provisions were more specifically addressed within the longer Reopening MOU being proposed by CTA and District found this duplication unnecessary.
- f. CTA retorted that these 7 tenets were a “mutual north star” to guide our discussions and could not believe that the superintendent and chief negotiator would not quickly sign an agreement such as this.
- g. District understood CTA’s position but disagreed. The superintendent wanted a safe reopening and it was unfair to use her name and suggest otherwise. Dr. Jenkins had the best interest of every employee and child in mind, as well as the entire community.
- h. District asked if CTA would be willing to sign page two if they agreed to “will” instead of “may” for seeking stakeholder input.
- i. CTA responded that they would not sign without including 1-7.
- j. District suggested that CTA go through their larger Reopening Proposal and together determine which items reflected agreement from both sides. If any of these aligned with 1-7 on the Ground Rules proposal, the District could possibly agree to these items today.
- k. CTA voiced that there was an urgency for speed and dedication and asked if the District was willing to work night and day to come to an agreement within the next 48 hours.
- l. District had full availability next week, as early and as late as needed, for three or four days. The District added that they found it helpful when the two sides sent documents back and forth on off days.

4. CTA Counter-Proposal: Reopening Schools

- a. #1) Health and Safety is a priority and CDC guidelines will not be struck, even though they have been watered down for political reasons.
- b. #2) Distancing on transportation is critical, otherwise spread will be brought into buildings.
 - District commented that buses fall under OESPA jurisdiction
 - CTA recognized this but maintained concern for bus drivers, related staff and students who will be inter-mixing with school building staff.
- c. #3) Health checks must be conducted, not “may” and clear guidelines are needed because every school does not have a nurse.
- d. #4) Limiting the number of people conducting walkthroughs is essential to reduce the spread.
- e. #5) Emergency planning for positive COVID cases:
 - District expressed concern that the proposal usurped their ability to create an emergency plan.
 - District counsel voiced that it was their intent to protect all employee but when cases are confirmed, they will work to contact individuals who may have had close contact. They cannot disclose sites because this would lead to the privacy of the affected individual “inadvertently” becoming public knowledge.
 - CTA counsel stated that their interpretation of public record laws differs, and that the two sides may have to agree to disagree. However, other school districts, as well as many public and private entities disclose locations with positive cases for community safety. It is impossible to know everyone who had contact with a positive case over a fourteen-day period. CTA believed in privacy, but also believed in public health.
- f. #6) Flexibility for high risk employees:
 - District stated that the demand for face-to-face instruction and LaunchEd@home will differ from school to school and there will be a need for flexibility.
 - District questioned how CTA was proposing no face-to face instruction while their surveys depicted 30% of teachers and 30-40% of parents wanted this model.
 - CTA responded that in some limited cases face-to-face was acceptable such as individual students coming in for work with therapists or counselors.
 - CTA is opposed to teachers being moved around to positions for District convenience.

- District questioned CTA's opposition to accommodations being processed through the ADA office. This was their mechanism to understand teachers' needs.
- CTA voiced that there are teachers uncomfortable sharing their personal information to get accommodations and the volume of teachers applying will be a logistical nightmare. Furthermore, there will be an increase in psychological problems, including the possibility that teachers come back, find it unsafe and then develop mental health complications.
- CTA did not think that the District was being realistic in their expectation that they will have enough teachers to execute their plan. Teachers are scared they will be moved. School site inequities for remote assignments exists, such as Title 1 locations having a greater demand for face-to-face, thus offering fewer remote options for teachers. Instructors will walk if told they are not high risk enough for a remote assignment.
- District acknowledged that there will be a mix, as every site was different, with several variables in play. CTA was asked how they would suggest identifying high risk teachers if staff did not go through the ADA office?
- CTA stated that it has been reported that after going through the ADA office, administrators then asked teachers for additional details about their health conditions.
- District acknowledged that they should not do that. The ADA office does everything they can to maintain confidentiality, even keeping files separate from personnel files. Staff should find comfort in knowing their supervisors will not be privy to health information.
- CTA went on to ask who would be deciding which teachers were more at risk when there were multiple teachers seeking a limited number of remote instructional assignments?
- District voiced that it depended on certification, as well as research by District staff to cover instructional needs throughout the county. They would try to accommodate staff preferences as best they could.
- CTA replied that "doing the best you can" was not reassuring and was like spinning a wheel.
- District asked how CTA would address the request of families who want face-to-face? Their priority was to accommodate teachers at risk but at some point, they must have teachers in the building to serve children needing face-to-face as many have not received instruction in months.
- CTA understood that parents needed to get back to work. The fact that schools were needed for childcare and nutrition was a societal problem that this pandemic was bringing to a new light. As suggested by a School Board member, our community could consider setting up churches and other locations to offer students distance learning. If the District had been open to crafting plans sooner, we would not been in such a last-minute crisis.
- District explained that if teachers were asked to go to a different site and they agreed, they would go, with the intent that it was not permanent.
 - If a teacher said "no," they would rather stay at their current site and teach face-to-face, they would not be asked to sign a waiver even though they had already identified themselves at high risk.
 - In response to CTA asking about the steps for seeking accommodations, the District indicated that a teacher would start by emailing Michael Graf and report being at risk or living with a person at risk.
 - The teacher would be asked for more information, as well as the accommodations they were seeking.
 - If determined eligible for accommodations, direct supervisors would be notified, and they would then see if a LaunchEd@home position was available.
- CTA asked if medical verification would be required as there will also be psychological issues and mental stress that take longer to validate. What will the dispute process entail? CTA suspected

that requests may come in huge volumes and the District may find that it efficient if teachers did not have to go through the ADA office.

- The District stated they were operating with “all hands-on deck” to respond to requests quickly. The District has had staff falsify information in the past and they must verify all requests. Teachers are given additional time, as needed to provide documentation.
 - CTA asked how the District could ever deny remote work being a reasonable accommodation when remote work had been successfully executed in the spring, particularly if two similarly at risk employees needed remote when and only one remote position was available.
 - District replied that remote work may no longer be “reasonable” with the executive order that mandated face-to-face instruction. If CTA wanted to present a proposal on how to break a tie in that scenario suggested, the District would consider the proposal.
- g. #8) CTA stated that they could not have staff contact Professional Standard when they suspected or confirmed that they had contracted COVID.
- District said that this was the department handling the process.
 - CTA said that they disagree with that process.
- h. CTA continued reading their suggested language for items #9 - #31
- i. #32) Preplanning
- District stated that teachers will be afforded the option to conduct all six days of preplanning virtually, if they wished.
 - CTA asked if this was applicable to all members of the bargaining unit.
 - While initially stating that they would need to investigate this, District quickly retorted that the remote preplanning option would only apply to 10-month instructional staff.
 - CTA did not agree with the District unilaterally making this decision, maintaining that it should be bargained and that all members of CTA should be treated equally.
- j. CTA continued reading their suggested language for items #33 - #67

5. Closing Comments

- a. District stated that there were portions of CTA’s proposal that could be agreed to off-line. This would permit the next session to focus on the remaining sections that needed to be negotiated.
- b. District asked CTA to think about what they would want to do with additional time if the District were to trim some instructional minutes from the first nine days of LaunchEd@ home instruction.
 - CTA asked the District to send them a breakdown of instructional hours and they would consider this.

6. Next CBLT meetings:

- Tentative: Tuesday August 4th and Thursday August 6th (all day)