

CBLT Bargaining Minutes

8/6/20

Virtual: ZOOM

1. CTA Opening

- a. The president read an opening statement (see document), describing the most recent COVID data, including Florida's positivity rate being twice as high as suggested for large gatherings. Examples of locations throughout the country making more reasonable decisions-based science, transparency, honesty, and respect for health, safety and lives were shared. CTA stressed that negligent decisions that cost even one life could not be tolerated. CTA reiterated that District needed to get to work with them and bargain in good faith as it was a matter of life and death. This union would fight to defend their contract, as well as members' rights and lives.
- b. CTA counsel emphasized that time to develop a safe reopening agreement was running out. It remained unclear which doctors were telling the superintendent that it was safe to reopen schools with a COVID positivity rate above 10%. It was stressed that ethics, morality, and science should be the emergency order that guided our choices. The District was asked to reconsider their reopening decisions as well as their refusal to included CDC guidelines in our agreements.

2. Voices of the Members

- a. CTA read several emails from members describing their concerns as they returned for the 2020-2021 school year.

3. District Response

- a. There were legal cases that currently existed between the two parties and they would not be commenting on any of those.
- b. District wanted to remind the group of the requirements of the Executive order and they read several sections aloud, including seven assurances.
 - When the Board submitted their innovative plan to FLDOE one of the assurances included the guarantee that brick and mortar would be available to students.
 - The demand for teachers instructing students face-to-face varied from 30-50% depending upon the location. There were many students who have had no instruction in months, and some were still missing.
- c. District also spoke to their COVID manual and stated that it was reviewed by health experts who had not indicated that, based upon implemented safety measures, it was not unsafe to reopen schools.
 - CTA disagreed. Based on directives from the Governor's spokesperson, the superintendent and School Board had the authority to make decisions based on guidance from local health officials, not lack of guidance.
 - District adamantly replied that students needed to get back in front of live teachers if it was their parents' choice.
 - CTA stated that teachers wanted to come back too, but you wouldn't permit 30% of students to come into a school with a measles outbreak or a fire. Other district superintendents were making local decisions and CTA believed it was unfair for the District to leverage their students against them. Teachers wanted to return to classrooms with students when it was safe.
 - District disagreed and said they were not using students as leverage but reminded CTA that Orange County had a vulnerable portion of their population and the feedback they have received was that many wanted to come back to buildings. With their safety measures in place, the District believed that students and staff would be safe.

- CTA stated that there were vulnerable students everywhere and we could not put health behind learning losses which could be made up. One lost life could not be repaired. CTA did not believe that the District administrators were facing reality and should considering coming into school buildings and see why teachers were panicking.

4. CTA Counterproposal: Reopening Schools

- a. CTA shared that they would only be highlighting certain suggested revisions, as most language was self-explanatory (see document).
 - Opening Section: CTA added references to the District’s COVID manual, as well as references to CDC Guidelines. In order to address concerns that CDC was “too general,” CTA added exact applicable quotes from CDC Guidelines.
 - #6) Suggested that high risk employees should have a choice for instructional assignment not a preference. While District had voiced to CTA that it was not their intent for teachers to lose jobs, CTA added language to codify this.
 - #21) While the District had crossed through language that was in the contract, CTA added it back in as school sites were already giving directives that violated lunch provisions.
 - #30) This language was put back in to assure clear training stipulations before expectations had to be implemented.
 - #44) This was new language to provide a clear framework for cameras.
 - #48) & #49) provided legal references for disciplinary provisions related to video recordings.
 - District did not believe that legal references should be included in an MOU.
 - CTA was open to the District offering alternate language that would capture the expectation.
 - #61) New language was added to assure teachers time to prepare for students between classes.
- b. District observed that CTA had re-proposed gating criteria that they could never agree to. While their team needed to caucus before they could offer a formal response, they offered a few observations.
 - District principals had already shared that they have been working with teachers to make sure that face-to-face classes were covered by teachers in the buildings.
 - CTA stated that while teachers were being given a “preference,” parents were being given a “choice.” Past practice would be to inform a parent when their elective choice, for example, was full. However, amid a pandemic the District was agreeing to every parental choice and this was not safe. Teachers were being forced to make life or death decisions.
 - District did not agree. They believed safe solutions were being offered to teachers with ADA accommodations, such as providing a smaller class size or crafting a creative schedule with a combination of classes.
 - CTA stated that that teachers did not get to pick students and there would be circumstances where students were not being safe. Furthermore, many teachers were still waiting for a response after submitting a request for accommodations, some have reported waits as long as several weeks.
- c. CTA asked about any recent meetings or discussions with medical advisors, specifically what community positivity rate they would be using to advise the District when it would be unsafe to open school buildings. While CTA knew what CDC suggested, they were unaware of what metrics Dr. Pino would be using.
 - District was unable to speak for Dr. Pino but reminded CTA what he told the Board at a July workshop and that was that if he had concerns, after reviewing the District’s COVID plan, he would let them know. Furthermore, the District had established a Medical Advisory Committee.

12:00pm – 1:30pm CAUCUS

5. District Response to CTA Questions from 8/4/20 (see document)

- a. District provided a list of groups, documents, and individuals that offered advice within their COVID manual. They added that their Medical Advisory Committee would not be offering advice about the safe reopening of schools, as such was not their role, based upon the School Board 5-3 vote.
 - CTA requested the names of every person on the Medical Advisory Committee and meeting dates.
 - District was not aware of any meeting that had been held.
 - District will try to get CTA an answer today.
- b. Industry guidance was primarily a review of websites from organizations listed and there could be more.
 - CTA asked if the District spoke to people from these organizations.
 - District subject matter expert, Jennifer Fowler, clarified that she primarily looked at websites.
- c. Fort Gatlin's water condensation issues were handled in the same way as all building sites, as a top priority and are all resolved.
- d. 1,022 teachers did not respond to the preference survey at the deadline on 7/27/20.
- e. 78% of parents responded to the survey and schools were asked to reach out to every parent that did not respond.
 - CTA asked if the District would be contacting principals to find out the final number of parents that never relayed their choice?
 - District will investigate.
- f. Workman's Comp could be considered if it were established that an employee contracted the virus on campus.
- g. Procedures were in place for activating devices when they were checked out to new students.
 - CTA pointed out that CTE students were not issued devices and these adult students must wait 24 hours to have accounts activated.
 - District stated that this had to do with security, but they would follow-up.
- h. If there were any parts of the evaluation process that needed to be changed, the District would get with CTA.

6. District Response to CTA Counterproposal: Reopening Schools

- a. Opening: District could not agree to the new language as they would periodically be making changes to their COVID manual.
 - CTA wanted to know who decided when things needed to be changed, and formally requested the names of not only the specific health professionals, but also the names of OCPS employees and the departments they worked for.
 - District also pointed out that when CDC was inserted into the MOU, CTA was incorporating gating criteria that they could never agree to.
 - CTA retorted that the gating criteria could not be ignored as CDC was the leading authority on the virus.
 - CTA asked if the District experts were willing to provide a statement that said, "Given the current data, it is safe to reopen schools."?
 - CTA also pointed out that their Medical Advisory Committee had no voice in the District's position to open schools, they were only given the charge of advising individual school sites.
 - District did not expect to get a new statement from Dr. Pino based upon what he already said on the record.

- b. #2) District stated that buses fell under OESPA jurisdiction and did not belong in CTA's MOU.
- CTA recognized this but maintained that the students from buses would interact with everyone in a school building. CTA believed this safety issue applied to their bargaining unit.
 - District disagreed and offered to have a subject matter expert attend the next session.
 - CTA noticed that the OESPA president, Mr. Ron Pollard, was listed as a participant on the Zoom call and asked if he wanted to comment.
 - Mr. Pollard voiced that they were amid negotiations and could not discuss details at this time.
- c. #3) & #4) District stated that they could not agree to the mention of CDC guidelines.
- CTA asked the District to note that all CDC references did not pertain to gating criteria and that they had quoted specific CDC references to specific topics.
 - District understood.
- d. #6) District asked what CTA would be recommending for at-risk teachers who could not be offered their "choice."
- CTA stated that these teachers would have to make their own decision, such as to filing for ADA allowances or perhaps filing for leave. Teachers lives must be put before perceived learning losses.
 - District understood but also stated that they did not think that CTA wanted teachers to have to file for ADA.
- e. #7) District stated that this violated School Board policy if teachers chose to go on leave.
- CTA recalled that there had been employees who were granted the ability to seek employment while on leave, for example while working for FLDOE.
 - District would investigate this.
- f. #8) District stated that there were provisions within this section that could change, and this language could not be agreed to.
- g. #9) District stated that they had a leave policy already in place.
- h. #13) District stated that physical barriers might be occurring at some locations, but they would need to investigate.
- CTA voiced that there were some school districts that purchased these for every classroom.
 - District subject matter expert, Mike Winter, indicated that "wellness guards" had been placed in every school lobby.
 - CTA would like them in classrooms.
- i. #16) District asked for clarification of new language about N95 masks.
- CTA replied that the District's COVID manual mentioned that some students might not be able to wear masks, therefore the teachers need higher grade masks, or the students should not be in the teachers' rooms.
- j. #20) District asked for clarification about class size.
- CTA stated that after it was safe to reopen schools, they would still have concern for 20 VPK children in a classroom.
 - District responded that if CTA were tying the CDC gating criteria to each item in the MOU then the two sides had a major problem.
 - CTA clarified that the tenets of the entire Reopening proposal reflected implementation after it was safe to reopen buildings.
- k. #21) District asked about the re-insertion of contract language already in existence.
- CTA voiced that there had already been reports of elementary teachers stating that children would be eating in their classroom.
- l. #28) District need more information.

- CTA stated that new employees had to wait 59 days for insurance coverage, and they proposed that these individuals have COVID related costs paid for by the District.
 - District will get back to CTA about this request.
- m. #44) District stated that if a teacher saw something related to a virtual student that was inappropriate, they would need to report this, which was already covered in #51.
- CTA cautioned that there might be circumstances where the teacher did not witness the offense, but other students might have.
- n. #48) - #49) District could not agree to this language based upon the advice of their legal counsel.
- CTA suggested that the District propose other language. Teachers must be protected as they embarked on unprecedented expectations entailing virtual instruction.
 - District understood and might try to reword.
- o. #53) District stated that they already spoke to their concerns related to teachers instructing virtually and face-to-face simultaneously.
- CTA asked why the District was not willing to craft creative solutions as they had seen other districts create. Two classes at once was not simply a workload issue, but a safety issue, as well.
 - CTA asked why the District continued to classify this request as a “non-starter” rather than a starting place for the two sides to brainstorm solutions.

7. Discussion Related to Significant Differences

- a. CTA stated that our differences were philosophically based. CTA believed that health and safety were more important than anything else that the District brought up. Teachers loved their students, but their families came first. Teachers felt like disposable labor units and that their employer did not have their backs.
- b. District replied that unfortunately students would show up on campus August 21st.
- c. CTA asked if 100% of students asked to enter an unsafe situation, would the District permit them?
- d. District refused to answer hypothetical questions.
- e. CTA voiced an intention to reach out directly to Dr. Pino and ask him if he was really willing to put his credentials on the line and say that Drs. Fauchi and Birx were wrong, as well as the schools who had opened and then had to close. Why could teachers not get an answer about when it was unsafe to open? Orange County was under the same executive order as Miami and Palm Beach.
- f. District contented that since CTA did not like their answers, all they wanted to do was debate.
- g. CTA disagreed and was simply looking for an answer to “if X happens, schools would not open.”
- h. District stated that CTA was operating under the predicate that it was unsafe to open and they were operating on a different page. What would CTA suggest when schools opened their doors on August 21st?
- i. CTA stated that schools should continue virtual instruction until science indicated that it was safe.
- j. District stated that Miami was still in Phase 1 and therefore the two school systems could not be compared.
- k. CTA replied that the District continued to say the same things over and over....and yes, they too continued to say the same things over and over. CTA maintained that it was not just Miami that was following science, but also Chicago, NY, Maryland, and Hillsborough County. For weeks CTA has read emails from terrified teachers. CTA needed to enforce Article XI. K. Other districts were referencing CDC guidelines in their agreements.
- l. District stated that they were consulting with numerous health experts.
- m. CTA responded that while their plan might include many good procedures, it lacked metrics, which were contained in other school district plans. “When is it safe?”
- n. District disagreed.

- o. CTA reiterated that Dr. Pino would never say it was unsafe to reopen schools because he worked for the governor who had an economic and political agenda. CTA had no respect for this doctor who refused to stand up for the safety of the community.
- p. District asked CTA that based upon their significant differences, what next steps would CTA suggest.
 - CTA asked to review their new proposal covering the first nine days of virtual instruction.

8. CTA's 9 Day Proposal

- a. Since students would be home for the first nine days, CTA proposed that teachers have the choice to work in school buildings or remotely.
- b. District requested to caucus.

3:55pm – 4:15pm CAUCUS

- c. Principals spoke to their concerns about the proposal:
 - High Schools – non-classroom teachers were needed in buildings to help prepare for the opening of face-to-face instruction, such as campus flow and procedures, as well as “other duties as assigned.”
 - Middle Schools- offered examples such as the media specialists’ need to be in the building to provide technical help to staff and students, counselors to address scheduling and safe coordinators availability to trouble shoot.
 - Elementary Schools- described same concerns as well as the need to support families with new technology.
- d. At this point the District had to reject this proposal.

9. Final Comments

- a. District asked if CTA was prepared to discuss additional bargaining dates.
- b. CTA voiced being professionally frustrated with OCPS administration, the arguing, and the tension. They never thought it would come to this but had no choice but to declare Impasse. CTA believed that the District was not ready to open their doors to students and that they were operating under a flawed decision-making process. CTA remained open to continuing the bargaining process, however due to the state of emergency, CTA hoped the District would permit the special magistrate to be waived. CTA believed that this case should go directly to the Board.
- c. District understood and asked CTA to provide their request in writing.

10. Next CBLT meeting:

- TBD. District would provide available dates.