



December 16, 2021

James Coffey, Senior Regional Attorney
Public Employment Relations Board
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4124

Mr. Coffey:

Upon review of the Sacramento City Unified School District's 207-page Request for Impasse Determination, the Sacramento City Teachers Association does not oppose SCUSD's request with the following conditions:

First, SCUSD's "Statement of Facts," purported to be a "clear and concise description of the negotiations which have occurred," grossly misrepresents the bargaining history between the parties and cannot be accepted as an accurate description.

Second, it is SCTA's contention that throughout these negotiations, SCUSD has bargained in bad faith in a number of ways, including, most significantly its refusal to negotiate with a bargaining team that has the authority to make decisions. This includes the failure of SCUSD to include on its bargaining team a representative from the Sacramento County Office of Education (SCOE) even though SCOE has direct decision-making authority over matters that affect the wages and working conditions of SCTA-represented employees. Accordingly, we are not waiving our right to pursue legal remedies against SCUSD related to its bad faith bargaining, including whether its effort to declare impasse is itself an unfair practice.

Third, the SCUSD framing of the issues in dispute do not accurately describe the issues that separate the parties. SCUSD does accurately distinguish the issues in dispute from the successor contract negotiations, which are not part of the impasse request. However, SCUSD presents the outstanding issues primarily from its own point of view and in the process distorts the open issues.

Broadly described, the matters in dispute are as follows:

1. The certificated staffing crisis in SCUSD, including but not limited to:
 - a. Overall certificated vacancies, including recruitment and retention of certificated staff;
 - b. Substitutes;
 - c. Independent study.
 - d. Extra work and additional compensation for nurses and other staff

2. Health and Safety Issues Related to the Re-opening and Continued Operation of Schools to In-Person Learning, including but limited to:
 - a. Overall health and safety concerns;
 - b. Vaccinations and COVID testing;
 - c. Social distancing and other mitigation measures;
 - d. Air filtration and ventilation;
 - e. COVID leave;
 - f. Remote work opportunities;
 - g. Agreement enforcement, including an indemnity clause.
3. Independent Study:
 - a. The Instructional Day;
 - b. Short-term Independent Study;
 - c. Independent Study for Students with Disabilities;
 - d. Professional Development.

With this understanding, SCTA does not oppose SCUSD's request for impasse determination.

Sincerely,



John Borsos
Executive Director, SCTA