

CAUSE ADVISORY

CUSD Pursues IN-PERSON Reopening WAIVER Employee Options

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CUSD Colleagues,

Thank you for contacting Union leadership and responding to our recent Union ADVISORIES. Our CAUSE team shares your concern about the questionable decision-making associated with the pursuit of an elementary reopening WAIVER. At the upcoming CUSD Board meeting (September 15, 2020), we will learn if CUSD Board members place the HEALTH & SAFETY of District students, employees, and their families first; or if they suffer from the same politically inspired impulsivity we are seeing across the state and the nation.

In the inquiries CAUSE has received on this topic, there is a theme:

**What do employees do
if the District returns to IN-PERSON learning
before it is prepared or is SAFE to do so?**

Beyond going on STRIKE, the following options exist:

1.) **Employees may continue to prioritize the HEALTH and SAFETY of students, district personnel, and their families.**

* Employees are entitled to openly communicate their professional experiences and interests, which is a protected activity by both the Ed. Code and various labor laws. It is permissible to openly share your concerns and professional experiences with District administrators, parents, and community members. This can be done via letters, emails, or direct conversations, as well as statements at the upcoming Board meeting (September 15, 2020) and in other public forums.

* Continue to follow and support the work of your employee union representatives and leadership, who struggle to inform the CUSD's reopening conversations. We remain an engaged participant in the IMPACT BARGAINING process. In the event the District can not demonstrate it has resolved its HEALTH & SAFETY obligations associated with COVID-19, the Union will not be able to provide an endorsement for said WAIVER.

* Employees can also assist CAUSE leadership as it performs its increasingly critical oversight role. This can be done by documenting and reporting any concerning

HEALTH & SAFETY conditions to Union leadership, District leadership, District parents, and to external agencies, if required. Because it is clear that CUSD can not honestly attest that it is prepared to reopen IN-PERSON, your participation will be of critical importance.

[Of significance, the bar for submitting the WAIVER is very low. CUSD must attest to having resolved it's HEALTH & SAFETY obligations in writing. That said, we are all aware that "attesting" is not the same as "demonstrating." For this reason, the Union hopes the bar for granting the WAIVER is a much more rigorous and evidenced based process. In the event it isn't, District employees will be the best positioned to document and share front-line experiences associated with the CUSD's HEALTH & SAFETY posture.]

2.) Employees may consider taking LEAVE :

In the absence of properly resourced, demonstrable, and transparent reopening actions, the District places employees in a very difficult position. Many will be forced to consider available LEAVE options, versus continuing to provide remote service in a SAFE & HEALTHY way.

Two examples of LEAVE are:

(A) The Families First COVID Relief Act [FFCRA]: This option provides District employees up to 12 weeks of leave, as long as the employee is eligible for FFCRA. The attached document clarifies eligibility. Once you have confirmed you are eligible, you needn't request FFCRA-LEAVE, but rather, simply notify the District of your intent to pursue your right to FFCRA.

(B) All other standard leave options cited in the contract remain available to District employees. We've attached the CERTIFICATED & CLASSIFIED Collective Bargaining Agreements (CBAs / aka. Contracts). Moving forward, Union leadership continues to encourage ALL District employees to seek clarification regarding your LEAVE eligibility. This can be done by formally requesting this data from the HR Director, Ms. Diana Zapata (dzapata@cusd.net).

Specifically, we encourage that you confirm:

1. your total LEAVE provided during the 2020=21 Instructional year
2. your total ACCUMULATED LEAVE from previous service years
3. your eligibility for FFCRA - LEAVE.

We encourage you to initiate this inquiry immediately, so as to be prepared for any further impulsive or abrupt actions taken by the District. Of course, the Union is here to support you through this process.

In Unity,

- CAUSE Leadership

* **C.A.U.S.E.** - Yes We Can *

[Please feel free to visit
to CAUSE website: <http://cause2216.org/>]

