

SDEA Negotiations Update

September 1, 2009

OUR PATIENCE HAS BEEN REWARDED

With the passage of the District's 2009-2010 budget, the most draconian portions of the District's notorious spring budget proposals were determined to be unnecessary (as SDEA correctly predicted). This means that members will start the school year with no changes in the following core areas:

- **NO layoffs!**
- **NO furlough days!**
- **NO salary cuts!**
- **NO changes in healthcare!**

We have held our ground on these critical issues, demonstrating that a bargaining strategy of patience rather than panic is proving to be effective.

As we move forward into a new school year, despite our successes, the fact remains that we will be entering the fifteenth straight month of working under an expired contract. In preparation for a new round of negotiations with the District, it is important for all SDEA members to understand how we got to where we are, and what we need to do next to ensure a fair contract for San Diego's educators.

PHASE ONE: A TALE OF TWO BARGAINING TEAMS

Prior to the expiration of our contract, SDEA members, leaders and staff conducted over 170 Bargaining Listening Sessions, involving over 4,000 members in establishing bargaining priorities for our new contract. SDEA focused on crafting good contract language that reflects **What It Takes** for SDEA members to do our best work in educating San Diego's children. The District responded to our proposals with vague language that focused entirely on taking things away — not on building a stronger District, and certainly not on what is best for our students.

PHASE TWO: HIDING BEHIND THE BUDGET

Despite SDEA's readiness and willingness to engage in substantive contract negotiations, the District instead chose to use budget news from the state to avoid bargaining altogether. The District spent the year of 2008 engaging in a series of deliberate actions designed to induce panic among educators and parents, and to create the false impression that the only two options for the District were massive and permanent concessions from SDEA members or financial insolvency.

In the most egregious example of the District overreacting to budgetary predictions, in March of 2008 the Board issues layoff notices to over 900 educators — roughly one out

of ten SDEA members. After wasting hundreds of thousands of dollars on the process, the District ultimately determined all of the layoffs to be unnecessary and rescinded them.

In the process of avoiding negotiations, the District committed a series of labor law violations based on their unwillingness to engage in collective bargaining. SDEA responded by filing a series of Unfair Labor Practice (ULP) charges for the following:

- **First ULP:** Trustee Luis Acle and Superintendent Terry Grier attempted to bypass SDEA and negotiate salaries directly with members. Acle and Grier offered a partial rollback of layoffs in exchange for across-the-board salary cuts — a mandatory subject of bargaining.
- **Second ULP:** The District engaged in bad-faith bargaining through a pattern of cancelling bargaining sessions, refusing the give counter-proposals to SDEA's written proposals, and repeatedly changing the composition of their bargaining team (including nominating for different spokespersons, one of whom was a former Bersin appointee with a history of being an obstructionist).
- **Third ULP:** The District unilaterally imposed 15:1 K-2 class sizes at selected schools without consulting the community or SDEA members, and ignored the "Demand to Bargain" SDEA filed over the issue.
- **Fourth ULP:** The District again attempted to bypass SDEA on a mandatory subject of bargaining, this time trying to negotiate with members directly to lengthen the school year and impose other changes in selected District clusters.

By filing these Unfair Labor Practices charges, SDEA compelled the District back to the table to engage in good faith bargaining. The pending ULPs prevent the District from calling an end to negotiations and imposing their "last, best and final offer" — an aggressive act which is occurring in other districts throughout the state.

PHASE THREE: THE EARLY RETIREMENT PACKAGE

As every SDEA member knows, our salaries are far from comparable with those of other districts in San Diego County. A joint task force comprised of SDEA and District representatives recommended that any savings from an early retirement package, or SERP, be used to raise our wages to a level closer to comparability.

SDEA members demonstrated a willingness to make sacrifices and work constructively with the District to address budgetary concerns, in the hopes that the District would engage in similar good-faith negotiations. In the midst of slow-going negotiations and a murky budget scenario, SDEA agreed to a SERP package that would allocate all savings towards plugging the District's budget holes.

PHASE FOUR: DÉJÀ VU ALL OVER AGAIN

Despite SDEA's willingness to work with the District to find budget solutions that don't damage students or teachers, in the spring of 2009 the District yet again exhibited a Chicken Little approach to budget news coming down from the state. Under Superintendent Grier's supervision, the District crafted two budget proposals, Plans A and B, and presented them to the community as the only possible ways that the District could balance its budget. One plan relied on significant concessions from educators in the form of cuts to salaries and health care, furlough days and class size increases. The other plan proposed cutting beloved District programs, including arts education and high school athletics. These dueling proposals were clearly designed to pit school employees against parents — and neither reflected the needs of our students.

SDEA responded to the District's proposals with skepticism, insisting that patience and careful analysis of the budget would yield financial alternatives. We had seen the District claim it had to lay off nearly 1,000 teachers to balance their budget the year before, only to rescind 100 percent of the layoffs. Once again SDEA's patience proved wiser than the District's manufactured sense of panic. The District "discovered" \$115 million dollars between March and June, shrinking the deficit from \$180 million to \$65 million. Despite their dire warnings that it simply could not be done, the District ultimately discarded Plans A and B and passed a budget for the 2009-2010 school year that neither attempts to gut the SDEA contract nor decimates District programs.

While the District focused on the budget, SDEA continued to focus on bargaining **What It Takes** for SDEA members to do our jobs. In addition to refusing to accept the District's demands for concessions, SDEA successfully negotiated better Special Education working conditions. The District has agreed to work with SDEA in moving from a caseload to workload model in Special Education — a major step for our District.

PHASE FIVE: THE COMING FIGHT

Our negotiating strategy to this point has emphasized patience, which has proven to be an effective tactic. We must now build on our patience and take a more dynamic approach that includes all of our members.

We are more than 8,000 strong — but our bargaining team will only be as successful as the involvement of our members. Now is the time for us to get educated, to get active, and to raise our 8,000 voices together. Changes in District leadership and looming state budget issues are not an excuse to avoid bargaining with us in good faith. If we want contract language that protects our health care, that prevents the District from piling duty after duty onto our already full plates, that meets the needs of our students by limiting class sizes, then we need to let our five elected Board members know now.

Upcoming bargaining sessions:

- Friday, Sept. 11 — 1 p.m. to 5 p.m.
- Tuesday, Sept. 15 — 9 a.m. to 1 p.m.
- Friday, Sept. 18 — 1 p.m. to 5 p.m.