

Sacramento City Unified School District  
 Pending Labor Partner Administrative Litigation  
 As of November 19, 2020

**SCTA Matters**<sup>1</sup>

<b>Case Name</b>	<b>Case No.</b>	<b>Forum</b>	<b>Date(s) of Hearing</b>	<b>Brief Summary of Case</b>	<b>Status</b>
SCTA v. SCUSD (Article 7.4 Grievance)	01-20-0000-1246	Grievance Arbitration <sup>2</sup>	Phase One of Hearing Completed October 26-27, 2020	SCTA alleges the District failed to “make every effort possible,” as referenced in Section 7.4, to reduce split classes in regard to the 2019-2020 school year. SCTA has also alleged that the District failed to make “efforts” as referenced in Section 7.4 to “keep students at their neighborhood school (i.e. avoid ConCapping)” in 2019-2020.	Phase One of Hearing Completed. Awaiting decision following parties’ submission of closing briefs.
SCTA v. SCUSD (Assessments Arbitration)	01-20-0000-2531	Grievance Arbitration	Hearing Completed	On November 30, 2016, the District and SCTA signed an MOU, agreeing to form an Assessment Committee by January 9, 2017 to develop a system for monitoring student progress. SCTA’s grievance generally alleges the District violated the MOU by unilaterally implementing an Assessment schedule “that mandated multiple District-wide assessments” in the Fall of 2019.	Hearing concluded on October 8, 2020. Awaiting decision following parties’ submission of closing briefs.
SCTA v. SCUSD	SA-CE-2971-E	PERB	October 29-30, 2020	SCTA alleges the District is contracting out child development teaching services to SETA.	

<sup>1</sup> This list includes only administrative litigation, and thus does not include the Superior Court Matter, number 34-2019-80003106, SCTA v. SCUSD in which SCTA alleges Board members improperly discussed budget matters during closed session in violation of the Brown Act. A hearing is scheduled for January 2021.

<sup>2</sup> When an employment dispute does not resolve in the grievance process, the next step is arbitration. Arbitration is a right provided through each union collective bargaining agreement.

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(Early Childhood Programs)					
SCTA v. SCUSD (FCMAT Calculator)	SA-CE-2961-E	PERB <sup>3</sup>	Hearing: November 19-20, 2020	SCTA alleges that the District did not provide information regarding potential budget cuts while it was working with SCOE to evaluate potential budget cuts and bargaining proposals.	Awaiting Hearing
SCTA v. SCUSD (Co-teaching Arbitration)	01-19-0003-6140	Grievance Arbitration	Arbitrability Hearing: December 11, 2020	SCTA alleges the District violated the CBA and an MOU when it implemented co-teaching. The District has challenged the timeliness of the grievance at Level I and Level III (arbitration).	Awaiting Hearing
SCUSD v. SCTA (District's UPC against SCTA)	SA-CO-635-E	PERB	Hearing: August 27-28, 2020 Next date is December 2, 15-17, 2020	The charge alleges SCTA violated Government Code section 3543.6, subdivision (c), by consistently failing and refusing to bargain in good faith regarding the 2019-2020 successor collective bargaining agreement.	Awaiting Hearing
SCTA v. SCUSD (Organizational)	01-20-0000-1247	Grievance Arbitration	Hearing: February 16, 2021	SCTA alleges that the District violated Section 18.12 at the Board meeting on 8/1/19 when the microphone shut off during the	Awaiting Hearing

<sup>3</sup> PERB is a quasi-judicial administrative agency that oversees collective bargaining statutes covering employees of California's public schools, as well as other similar public agencies. More information regarding PERB can be located at: <https://perb.ca.gov>.

The issuance of a complaint by PERB is not a finding of culpability, but merely a determination that the charge "meets the minimum legal standard for a violation of the statute, that is, it states a prima facie case." (PERB website FAQ: <https://www.perb.ca.gov/faq.aspx#Investigation1>).

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reports during Board meetings)				public comment section of the union's presentation in violation of Section 18.12 regarding organizational reports.	
SCTA v. SCUSD (Distance Learning)	SA-CE-3002-E	PERB	Hearing: February 16-19, 2021	SCTA alleges the District engaged in unfair practices related to the negotiations and implementation of distance learning during school closures in Spring 2020.	Awaiting Hearing
SCTA v. SCUSD (Emergency Replacement Teachers)	SA-CE-2966-E	PERB	Hearing: March 4-5, 2021	SCTA alleges the District engaged in unfair practices when (1) it hired emergency replacement teachers and compensated them at a premium pay rate in order to keep schools open on the day of the SCTA strike and (2) it required employees who were absent on the day of the strike to submit verification of their absence (as being for reasons other than the strike) in order to be paid for that day.	Awaiting Hearing
SCTA v. SCUSD (Contracting-out nursing services)	SA-CE-2778-E	PERB	Hearing Date TBD	SCTA alleged that the District contracted-out nursing services (hearing and vision screenings and services to diabetic students) without providing SCTA with notice and an opportunity to bargain. SCTA has also alleged that the District bypassed the union by discussing contracting-out with unit members.	Awaiting Hearing

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SCTA v. SCUSD (McWhorther Grievance)	SA-CE-2980-E	PERB	Informal Conference: December 16, 2020	SCTA alleges that the District violated the EERA unilaterally altered the grievance process in not having the Superintendent or Board President Ryan present at the grievance meeting and not making a settlement offer at either of two grievance meetings.	Awaiting hearing if not settled at informal conference
SCTA v. SCUSD (Budget Meeting)	SA-CE-2953-E	PERB	-	SCTA alleges that the District violated the Educational Employment Relations Act (“EERA”), specifically Government Code section 3543.5, subdivisions (a), (b), and (c), through its actions related to an informal budget meeting held between the District and SCTA on January 9, 2019.	Complaint issued November 16, 2020.
SCTA v. SCUSD (Fall Distance Learning)	SA-CE-3013-E	PERB	-	SCTA alleges the District engaged in unfair practices related to the negotiations and implementation of fall distance learning during school closures.	No Complaint has been issued.

**SEIU Matters**

Case Name	Case No.	Forum	Date(s) of Hearing	Arbitrator/ Hearing Officer	Brief Summary of Case	Status
<b>Matters Scheduled for Hearing</b>						
SEIU v. SCUSD	SA-CE-2982-E	PERB	Hearing Completed	ALJ Christine Bologna	SEIU alleges the District did not provide the “39 month rehire” list in a timely fashion upon its request.	Hearing held on November 17, 2020. Awaiting decision

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						following parties' submission of closing briefs.