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April 11, 2019

By E-Mail: dfisher@saccityta.com

David Fisher, President
Sacramento City Teachers Association
5300 Elvas Avenue
Sacramento, CA 95819

Re: Looking Forward

Dear Mr. Fisher:

As you may be aware, Sacramento City Unified School District Board President, Jessie Ryan, earlier called for the District and SCTA to set aside our differences and attempt to come together with the support of a coalition of community leaders and labor organizations to develop and implement a plan to save our schools.

While the District remains hopeful that we can resolve our differences with the Sacramento City Teachers Association (“SCTA”) and avoid any future concerted activities by SCTA, the District prepared and intended to file an unfair labor practice charge today to object to the strike and to ask that the State Public Employment Relations Board examine the facts of this case to determine when and whether this particular strike is consistent with the law. While the District understands that the right to strike after exhausting the statutory impasse and fact-finding process is a highly protected right, we are also aware that the right to strike to protest alleged unfair practices is more limited.

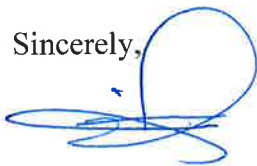
Under the Educational Employment Relations Act (“EERA”), the District and SCTA have a mutual obligation to bargain in good faith and to endeavor to reach agreement on matters within the scope of representation. The District and SCTA also have a mutual obligation to negotiate in good faith throughout the bargaining process, until all applicable impasse procedures are exhausted. In accordance with these binding principles, the District and SCTA have agreed to resolve their differences through peaceful means that expressly do not include a strike prior to exhaustion of the EERA impasse procedures, as set forth in Article 3.7 of the collective bargaining agreement (“CBA”) between the District and SCTA. The mere fact that an unfair labor practice is committed prior to a strike does not render a strike a lawful unfair labor practice strike – SCTA must prove that the District’s unfair labor practice or practices caused the strike and that the strike was the only solution to remedy those practices. (*Rio Hondo Comm. College Dist.* (1983) PERB Dec. No. 292.)

While SCTA has widely publicized its allegations that the District has engaged in anywhere from two to thirty alleged unfair labor practices, it is the vast majority of these alleged unfair labor practices have not been listed or described to the District nor has any purported causal connection between these practices and today's strike been identified by SCTA. SCTA has multiple avenues available in order to address alleged unlawful activity by the District, including to the bargaining process, grievance machinery, binding arbitration, and the filing of unfair practice charges with PERB.

We share with SCTA the goal of providing essential services to our students, with a keen awareness that for many of our students school is a safe haven and our school staff—from teachers, office clerks, custodians, bus drivers, principals—provide a critical constant to these students. While we hope to continue to work with SCTA to resolve our differences, we intended to file the aforementioned charge to ensure that any activity that has the potential to disrupt the lives of our students and employees, and impact the Sacramento community, is carefully reviewed to determine whether it is permissible under the law.

In the spirit of compromise, collaboration, and with the hope of starting in a new direction with SCTA leaders, the District will hold off from filing this charge. We echo the sentiments of Board President Ryan and agree to taking a step back to work with a group of labor, business, community, and elected partners who believe our students deserve more than a state takeover. We certainly agree that we can avoid a state takeover only by rebuilding our relationship and collaborating in the best interest of our students and the community. We hope this first gesture demonstrates this commitment.

Sincerely,



Jorge A. Aguilar
Superintendent