



## OFFICE OF THE SUPERINTENDENT

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*Jorge A. Aguilar, Superintendent*

October 17, 2019

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Sent via email: [dfisher@saccityta.com](mailto:dfisher@saccityta.com)

Mr. David Fisher  
Sacramento City Teachers Association (SCTA)  
5300 Elvas Avenue  
Sacramento, CA 95819

Re: Request to Commence Negotiations for 2019-20 Successor Contract

Dear Mr. Fisher:

The District received your October 11, 2019 letter in response to the District's October 3rd request that SCTA leaders agree to begin negotiations for a 2019-20 successor contract. We are disappointed that SCTA leaders are again refusing to begin negotiations, instead conditioning negotiations on items that are either resolved or in the process of being addressed through arbitration.

You state that our reference to the fifteen prior requests that you begin negotiations is "provably false on its face." [Attached for your review are copies of the fifteen letters detailing the district's previous requests that SCTA begin negotiations with the District, offering possible meeting dates and sharing proposals.](#) There is nothing false about that statement in our letter. Moreover, the Public Employment Relations Board ("PERB") has now [issued a complaint against SCTA related to the continued refusal to bargain in good faith \(PERB Case No. SA-CO-635-E\).](#)

You also state that because the District has not fully implemented the salary restructure by paying the retroactive salary earnings to employees for the 2018-19 school year, SCTA cannot negotiate wages going forward. This is simply not true. [The new salary schedule structure is fully in effect for current 2019-2020 certificated employees' salary payments and the District has already implemented one of the two 2018-2019 retroactive payments to eligible employees, and anticipates issuing the next payment in November 2019.](#) We have shared the calculation and methodology we would be using for both calculations with you during several meetings in August and September 2019. We also previously shared an implementation agreement with you on September 4, 2019 and requested that both the District and SCTA leaders sign off on such agreement to ensure we were in agreement going forward. You refused to sign the agreement and did not offer any alternative language. As we move toward applying the calculations for the second retroactive payment related to base salary, we intend to provide you with documents that you requested once they are completed as well as provide you with an updated implementation agreement.

Additionally, as previously stated, the District has already included these retroactive payments in its 2019-2020 Budget and is committed to issuing base salary retroactive payments in November. There is nothing about the salary restructure implementation that should delay our ability to return to the bargaining table.

Furthermore, as you know our budget has been disapproved by the Sacramento County Office of Education. They have also encouraged the District to begin negotiations with SCTA to address our current \$27 million dollar structural deficit that will allow the District to have a budget that is not negatively certified and reduce the oversight by the Sacramento County Office of Education and its Fiscal Adviser. In its [letter of September 11, 2019](#), SCOE urged the District and SCTA to commence negotiations, stating:

*“Although there have been delays in this process, we see that the district has submitted an initial Negotiations Proposal to the Sacramento City Teachers’ Association. We again encourage the district and its bargaining units to immediately accelerate the negotiations process so that all possible savings to the budget can be realized.”*

In terms of our disagreement over the interpretation of Article 13.1 related to health benefits, we have agreed to proceed with arbitration of your grievance on this issue as spelled out in the [August 21, 2019 agreement between the District and SCTA](#). This issue will be resolved through arbitration and does not preclude the parties from beginning negotiations. If the arbitrator agrees with SCTA’s interpretation of Article 13.1 and determines that some amount of savings are to be used for purposes agreed upon by the District and SCTA, we will meet to discuss how and where to apply those savings.

Finally, you have stated that the District has backtracked on other open issues that are mandatory subjects of bargaining. You list as examples permanent status for CTE teachers, implementation of retroactive practices including implicit bias training for all certificated staff, implementation of multi-tiered systems of support (MTSS), and potential changes to the school calendar. We are pleased that SCTA shares the District’s interest in discussing these important topics that are critical to improving educational opportunities for all of our students and believe that these are part and parcel of our various proposals that have been and will be passed to SCTA electronically while we await your agreement to begin bargaining.

Related to the school calendar, as [I communicated in our August 2, 2019 letter](#), the District has been attempting to implement changes to the school calendar since our 2017 Tentative Agreement, which required the District and SCTA leaders to meet within fifteen (15) days of the date of the approval of the November 5, 2017 agreement to meet and confer regarding calendars for the 2018-19, 2019-20, and 2020-21 school years with the goal of offering “opportunities and enrichment for students to attend local institutions of higher education”. Despite the District offering a number of dates to discuss calendar changes for the 2018-19 and 2019-20 school years, SCTA leaders did not meet with the District, propose an alternative to the District’s proposed calendars, or agree on any changes to the proposed calendars. On August 2,

2019, the District made a proposal relative to the 2020-21 and 2021-22 school calendars. To date, SCTA leaders have not agreed to meet with the District to discuss this proposal nor has it offered any alternative to the District's proposal. We believe this issue demands our respective attention sooner, rather than later, so that any changes agreed upon can be shared with our students, parents, and community as soon as possible to allow for maximum planning for the start of the school year in August of 2020.

In short, nothing about the issues you have described as impediments to us beginning our work at the bargaining table actually stand in the way of that work. We again urge SCTA leaders to come to the table to begin successor contract negotiations. Our District, our community, and most importantly, our students deserve to have the District and SCTA leaders working together to address our structural deficit and enhance learning opportunities for all of our students. Our team is available to begin these important discussions, so please provide us with dates that your team is available to begin negotiations.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Aguilar', with a large loop and a dot above the 'i'.

Jorge A. Aguilar  
Superintendent