

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT,

Charging Party,

v.

SACRAMENTO CITY TEACHERS
ASSOCIATION,

Respondent.

Case No. SA-CO-635-E

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3543.6, the General Counsel of the Public Employment Relations Board (PERB), pursuant to California Government Code sections 3541.3(i) and 3541.5 and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Charging Party is a public school employer within the meaning of Government Code section 3540.1(k).
2. Respondent is an exclusive representative, within the meaning of Government Code section 3540.1(e), of a unit of certificated employees.
3. From November 2018 through at least March 2019, Respondent and Charging Party were meeting and conferring pursuant to Government Code section 3543.3, over a successor collective bargaining agreement.
4. During that period of time, Respondent engaged in the following conduct:
 - a) In November, 2018, after “sunshining” its initial proposal for a successor agreement, Charging Party invited Respondent to initiate the bargaining process in dates in November and December 2018, but by December 11, 2018, Charging

Party had not received any response from Respondent regarding dates to begin negotiations.

- b) On or about December 13, 2018, Respondent took that position that: (1) it would not begin negotiation until after the salary structure and health plan change are “settled”; and (2) it would not submit a sunshine proposal until February 2019.
- c) On about mid-January 2019, Respondent had failed to respond to Charging Party’s December 21, 2018 request to schedule negotiation dates in February 2019.
- d) On or after January 2019, Respondent failed to respond to Charging Party’s multiple requests to establish negotiation norms and ground rules, to negotiate for full days to allow for more in-depth discussions, to use a facilitator for negotiations, to learn the identity of the team that will represent Respondent in negotiations, and to engage in pre-negotiations session to discuss these issues.
- e) Respondent delayed until February 7, 2019 to submit its sunshine proposal for a successor agreement.
- f) Respondent’s February 7, 2019 proposal includes a conditional offer that Respondent “reserves the right to delay making an initial proposal” on compensation, employee benefits, and class size articles “until the issue of the [Charging Party’s] refusal to abide by” specific Articles “and the Mayor’s Framework Agreement has been resolved.” On February 7, 2019, Respondent’s President David Fisher also informed Charging Party that it was refusing to bargain until outstanding issues relating to salary, health benefits and class size were “resolved” for an indefinite amount of time.

- g) On February 20, 2019, Respondent stated, among other things, that it is refusing Charging Party's demand to bargain and conditioned future negotiations on a meeting with participants of its choosing.
- h) On March 11, 2019, in response to Charging Party's offer of new dates for negotiations, Respondent stated that is was refusing to come to the table, and again conditioning its agreement to negotiate on resolution of the salary structure and "the implementation of our agreement to redirect health plan savings to achieve our mutually-agreed upon staffing goals that direct resources to the classroom."
- i) On March 15, 2019, Respondent again refused to begin negotiations over a successor contract.

5. Based on the totality of the circumstances of the acts and conduct described in each subparagraph of paragraph 4, Respondent failed and refused to bargain in good faith with Charging Party in violation of Government Code section 3543.6(c).

6. By the acts and conduct described in subparagraph f) of paragraph 4, Respondent engaged in a "per se" failure to bargain in good faith with Charging Party in violation of Government Code section 3543.6(c).

7. By the acts and conduct described in subparagraph g) of paragraph 4, Respondent engaged in a "per se" failure to bargain in good faith with Charging Party in violation of Government Code section 3543.6(c).

8. By the acts and conduct described in subparagraph h) of paragraph 4, Respondent engaged in a "per se" failure to bargain in good faith with Charging Party in violation of Government Code section 3543.6(c).

9. By the acts and conduct described in subparagraph i) of paragraph 4, Respondent engaged in a “per se” failure to bargain in good faith with Charging Party in violation of Government Code section 3543.6(c).

Any amendment to the complaint shall be processed pursuant to California Code of Regulations, title 8, sections 32647 and 32648.

DATED: October 4, 2019

J. FELIX DE LA TORRE
General Counsel

By _____
Yaron Partovi
Regional Attorney