



STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE:

Case No:

Date Filed:

INSTRUCTIONS: File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE?

YES

☐

If so, Case No.

NO

☐

1. CHARGING PARTY:

EMPLOYEE

☐

EMPLOYEE ORGANIZATION

☒

EMPLOYER

☐

PUBLIC¹

☐

a. Full name:

Association of Clovis Educators

b. Mailing address:

c/o CTA - Legal Department, 11745 E. Telegraph Road, Santa Fe Springs, CA 90670

c. Telephone number:

(562) 478-1351

d. Name and title of
person filing charge:

Megan L. Degeneffe, CTA Staff Counsel

E-mail Address: mdegeneffe@cta.org

Telephone number:

(562) 478-1351

Fax No.: (562) 478-1434

e. Bargaining unit(s)
involved:

Initial Organizing Campaign of Certificated Educators—No Unit Determined.

2. CHARGE FILED AGAINST: (mark one only)

EMPLOYEE ORGANIZATION

☒

EMPLOYER

☐

a. Full name:

1) Clovis Teachers Organization and 2) Faculty Senate

b. Mailing address:

1450 Herndon Ave, Clovis, CA 93611

c. Telephone number:

(559) 327-9000

d. Name and title of
agent to contact:

Stacey Schiro, Faculty Senate President and CTO Rep

E-mail Address: StaceySchiro@clovisusd.k12.ca.us

Telephone number:

(559) 327-9000

Fax No.:

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name:

b. Mailing address:

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Government Code section 18524.)

a. Full name:

b. Mailing address:

c. Agent:

¹ An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569.

5. GRIEVANCE PROCEDURE

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes ☐

No ☒

6. STATEMENT OF CHARGE

a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)

☒ Educational Employment Relations Act (EERA) (Gov. Code sec. 3540 et seq.)

☐ Ralph C. Dills Act (Gov. Code sec. 3512 et seq.)

☐ Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code sec. 3560 et seq.)

☐ Meyers-Miliias-Brown Act (MMBA) (Gov. Code sec. 3500 et seq.)

☐ Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code sec. 99560 et seq.)

☐ Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code sec. 71630 – 71639.5)

☐ Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code sec. 71800 et seq.)

☐ In-Home Supportive Services Employer-Employee Relations Act (Gov. Code, § 110000 et seq.)

b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are:
Government Code Section 3543.6 (a) and (b)

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are *(a copy of the applicable local rule(s) MUST be attached to the charge)*:

d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. *(Use and attach additional sheets of paper if necessary.)*

See attached Statement of Charge to Unfair Practice Charge

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on October 18, 2021
(Date)

at Santa Fe Springs, California
(City and State)

Megan L. Degeneffe
(Type or Print Name)

Megan L. Degeneffe
(Signature)

Title, if any: Staff Counsel

Mailing address: CTA Legal Services Department
11745 E. Telegraph Road, Santa Fe Springs, CA

Telephone Number: (562) 478-1351 E-Mail Address: mdegeneffe@cta.org

STATEMENT OF CHARGE

PERB has found reasonable cause to find the District has violated the EERA by providing support to its preferred, dominated employee organization, Faculty Senate, based on the Association's previously filed charges and related evidence. In this charge, the Association seeks to hold accountable the Faculty Senate (FS) and its recently announced newest iteration, Clovis Teachers Organization (CTO), for its own related violations of EERA, including its solicitation of unlawful assistance from the District and its acceptance of unlawful assistance and preferential treatment, which conduct interferes with employees' rights. The District's anti-union strategy of supporting a company union could only succeed with the cooperation of that company union, accepting unlawful assistance and—as the District has represented to ACE—soliciting further assistance from the District. The Faculty Senate also assists the District in surveilling ACE. Faculty Senate must be held accountable for continuing interference and coercion in its attempt to undermine independent employee organizing by misleading and confusing teachers regarding the status of Faculty Senate.

The Parties

1. CTO/FS refers to Faculty Senate and its related alter ego and/or successor organization, Clovis Teachers Organization.¹ As detailed in Case No. SA-CE-3040-E (attached as Exhibit A), Faculty Senate is not an employee-led organization, but instead an employer-dominated group designed to discourage unionization. The District also dominates and gives assistance to the Faculty Senate, as explained below. At all times relevant herein, the Faculty Senate is an organization that fits within the definition of Government Code section 3540.1(d). The Faculty Senate acts as an agent of the District, for the reasons described in Case No. SA-CE-3040-E (and incorporated herein by reference). CTO/FS and its agents are also independently responsible for the below violations of the EERA.
2. The District is a public school employer within the meaning of 3540.1(k).
3. The Association of Clovis Educators ("the Association") is an employee organization within the meaning of Government Code section 3540.1(d). As detailed in Case No. SA-CE-3040-E, teachers throughout the District went public with their support for forming ACE in an open letter on or about April 5, 2021.

Solicitation and Acceptance of Unlawful Assistance from the District

4. Throughout the last six months, CTO/FS has caused the District to violate EERA section 3543.5(d) through its requests for and acceptance of unlawful assistance. The acceptance of unlawful assistance is part of CTO/FS collaborating with the District to undermine

¹ CTO appears to currently be operated by the same individuals operating Faculty Senate, does not appear to have bylaws at this time, and is simply the name under which Faculty Senate is currently organizing. At this time, it is unclear if CTO and FS are independent legal entities, however, FS voted to move forward with PERB filing under the name CTO and has represented that it would dissolve upon CTO gaining representational rights at the District. ACE may amend this charge should its understanding of the relationship between CTO and FS change.

support for a truly independent teachers' organization—ACE. But for CTO/FS accepting unlawful assistance, the District would not be able to provide it and unduly dominate and influence CTO/FS in violation of EERA section 3543.5(d). Further, CTO/FS is knowingly accepting benefits not provided to other organizations, further causing the District to violate its duty of strict neutrality, all in violation of EERA section 3543.5(d).

5. **Direct Payments and Benefits** - Throughout the last six months, CTO/FS has accepted from the District both stipends for work done for FS by Faculty Senators and unlawful release time for up to three Faculty Senate Executive Board members. Release time including salaries and employee benefits (including fringe benefits, leave, and return rights). The Faculty Senate lobbies for increases to these funding streams through the ECC. In the 2021-22 school year, stipends have increased to \$938.00 per Faculty Senator and \$1,623.00 per Executive Board Member. These forms of unlawful assistance are described in paragraphs 5, 6 & 18 of the charge filed in Case No. SA-CE-3040-E (incorporated herein by reference). The acceptance of unlawful assistance constitutes a violation of EERA section 3543.6(a), as it is the proximate cause of the District's violation of section 3543.5(d).
6. **Solicitation of Additional Funding** - In or around the week of April 18, 2021, CTO/FS through President Schiro solicited the Clovis Unified School District's administration to secure additional funding for employee stipends for work in Faculty Senate and to secure release time for employees to work on the organization's bylaws. (Exhibit B – Faculty Senate Minutes of April 26, 2021). President Schiro subsequently informed Faculty Senators that the District would not provide additional funding for stipends or additional release time, as the District had questioned if it is legal. The request for expanded unlawful financial assistance constitutes a violation of EERA section 3543.6(a), as it is an attempt to get the District to violate section 3543.5(d).
7. **Budget & Accounting Services** - Within the last six months, CTO/FS has accepted a discretionary budget and use of an "open purchase order" for a local grocery store. Attached as Exhibit C is the budget provided to Faculty Senate in the 2020-21 school year. Faculty Senate's expenditures are also verified and tracked by the District's Accounting Department. Acceptance of and use of the District's funds and services (on a non-neutral basis) is the proximate cause of the District's violation of section 3543.5(d) and constitutes a violation of EERA section 3543.6(a).
8. **Proposed Amendments to Bylaws Subjecting FS to District Control** – Within the last six months, CTO/FS has attempted to amend the FS bylaws to bring it further under control of the District's administration, seeking to, *inter alia*, expand the number of positions receiving compensation from the District and refer internal FS issues to the District's Human Resources Department, as outlined in the Association's charge in Case No. SA-CE-3040-E (incorporated herein by reference). The attempt to amend the bylaws to increase district oversight and unlawful financial assistance constitutes a violation of EERA section 3543.6(a), as it is an attempt to get the District to violate section 3543.5(d).
9. **Election Assistance** - On April 28, 2021, CTO/FS through Faculty Senate Executive Board Member Gillen contacted the District asking for the District to use the District's

survey program to host its elections. The request for assistance constitutes a violation of EERA section 3543.6(a), as it is a request to get the District to violate section 3543.5(d). A true and correct copy of the email requesting assistance is attached as Exhibit D.

10. **District Vehicle** - Within the last six months, CTO/FS through FS has accepted from the District use of a District vehicle for FS business. Acceptance of and use of the District's resources (on a non-neutral basis) is the proximate cause of the District's violation of section 3543.5(d) and constitutes a violation of EERA section 3543.6(a).
11. **Office Space** - Within the last six months, CTO/FS through FS has accepted from the District an office located in the District's administration building in or near the Human Resources Department, as described in Case No. SA-CE-3040-E. On or about October 1, 2021, the Faculty Senate accepted from the District a new office located in a classroom at Community Day School. Acceptance of and use of the District's facilities (on a non-neutral basis) is the proximate cause of the District's violation of section 3543.5(d) and constitutes a violation of EERA section 3543.6(a).
12. **Unlawful Minority Union Recognition** – Within the last six months, the District has provided CTO/FS *de facto* recognition as the bargaining representative of certificated staff, as evidenced by its statements and maintenance of agreements reached with CTO/FS regarding subjects within the scope of representation, as described in paragraphs 22-24 of the charge filed in Case No. SA-CE-3040-E (incorporated herein by reference). The Faculty Senate has negotiated these agreements governing terms and conditions of all teachers, despite the fact that it was not the exclusive representative of all teachers. Acceptance of and use of the District's recognition (as demonstrated by the statements below in paragraph X regarding CTO/FS's claims to represent and/or bargain for all teachers) is the proximate cause of the District's violation of section 3543.5(d) and constitutes a violation of EERA section 3543.6(a).
13. **Technology Resources** - Faculty Senate continues to have access to the District's technology resources, including access to the District's webpage, a phone line supplied by the District, the District's videoconferencing software, and a CTO/FS organization email setup on the District's server (facultysenate@cusd.com). Acceptance of and use of the District's resources (on a non-neutral basis) is the proximate cause of the District's violation of section 3543.5(d) and constitutes a violation of EERA section 3543.6(a).

Other Unfair Labor Practices

14. **Interference – Attempt to Abuse PERB Processes to Hinder Organizing** - On or about October 11, 2021, CTO/FS voted to begin collecting signatures from employees, ostensibly to form some variety of an organization that would emerge from Faculty Senate and act as an exclusive representative. The effort seeks to leverage support gained through the use of unlawful assistance, domination, and recognition from the District in an effort to prevent other employees from organizing a truly independent teachers' organization. The vote was taken during a Faculty Senate meeting, for which the District paid Faculty Senators and Executive Board Members' to attend (as attendance is a condition of holding such positions). As such, it is an employer-sponsored effort. The

vote was also taken despite no announcement in advance on the organization's agenda or opportunity for teacher input. In an announcement the following day, CTO/FS claimed that members would continue to receive stipends “just as Faculty Senate is paid,” implying CTO/FS would continue to solicit and accept financial assistance from the District. While collecting signatures, FS representatives have also stated CTO will not collect dues and that they will negotiate with the District to have attorneys represent CTO/FS that are paid for by the District. The employer-sponsored effort is transparently an attempt to prevent independent teacher organizing, as the flyer also states: “[w]e will be the sole organization that represents Clovis Unified teachers, exactly how it has been in the past.” Faculty Senate President Schiro and Senators collecting signatures have informed teachers that the goal in collecting signatures is to prevent ACE from organizing. As such, it violates EERA section 3543.6(b). A true and correct copy of this flyer is attached hereto as Exhibit E.

- 15. Interference – Illegitimate Claims to Exclusive Representative Status & Bargaining Rights** - Within the last six months, CTO/FS has informed employees that Faculty Senate is their representative, that it represents all teachers, and that it is the sole bargaining representative of teachers. These statements—bolstered by the District’s unlawful assistance—also interfere with the rights of teachers to organize with ACE. Faculty Senate has never gone through the PERB process to become an exclusive representative and has never produced legitimate proof of majority status to the District. Despite its lack of exclusive representative status, Faculty Senate has interfered with employees’ rights to choose their own representation by claiming it is the sole representative of teachers, that it represents all teachers (even when they have chosen alternative representation) or that it is the negotiating/bargaining agent for teachers (as described, *inter alia*, in paragraph 28 of the charge filed in Case No. SA-CE-3040-E (incorporated herein by reference)). Faculty Senate’s bylaws claim it is “the voice of the teaching staff individually and collectively.”² Such statements violate EERA section 3543.6(b). Specifically, within the last six months:

- a. CTO/FS issued a public statement on or about May 19, 2021, stating that FS should “remain the sole representative and negotiating body of the teachers of Clovis Unified School District.” Charge in Case No. SA-CE-3040-E, ¶ 28(f) (incorporated herein by reference). The statement was made at a time that FS knew it was not the sole representative of teachers, as many teachers had chosen to be represented by ACE, and when it had no rights to negotiate on behalf of teachers at the District. FS continued to publish the interfering statement in its Weekly Wrap Up to teachers in the District.
- b. On August 11, 2021, Faculty Senate President Schiro made a presentation to the District’s governing board where teachers were in attendance, and which was publicly available on YouTube. At that time, to discourage employees from seeking to authorize exclusive representation, she stated, “We the faculty senate

² The bylaws make other references to representing faculty that have never authorized Faculty Senate representation, including claiming that “All Senators shall be elected by the faculty members they represent,” that senators have “school site constituents” and

do not feel that unionization is needed. Nor is a teachers union required for an educational organization to function properly. To assert that Clovis Unified teachers are required to have a union in order to effectively represent teachers is a fallacy. [...] We want to be very clear on this we do not need a union to be effective. We support our teachers and negotiate on behalf of these teachers that we represent. We are the established voice of Clovis Unified teaching faculty. And furthermore, until a majority of Clovis Unified's teachers determine otherwise we will continue to be the legitimate representative body for Clovis Unified school district teachers." This statement was made at a time FS was not the designated exclusive representative, lacked rights to negotiate with the District, and was not the representative body of Clovis teachers, many of whom had authorized ACE representation.

- c. On or about August 22, 2021, Faculty Senate President Schiro emailed coworkers, claiming that "the teachers still want Faculty Senate be [sic] their voice" and that Faculty Senate would "continue to be the [...] voice" of teachers. The email further called ACE's attempts to cease Faculty Senate's unlawful relationship with the District "a shame," taking away benefits from "our elected teacher representatives," and an attempt to "silence" Faculty Senate. As Faculty Senate is a District-sponsored organization and acting for the District, these statements are a coercive attempt to interfere with the employees' use of PERB's processes. The communications are another example of FS attempting to claim that it is the representative for all teachers (although teachers generally had never authorized FS representation and many teachers have chosen to be represented by ACE). A true and correct copy of this email is attached as Exhibit F.
 - d. On October 13, 2021, as a part of the above-referenced effort to collect signatures, Faculty Senator Salinas emailed coworkers, claiming that signatures would solidify Faculty Senate's ability to "continue to be the sole representative body that represents [...] CUSD Teachers." The statement was made at a time that FS knew it was not the sole representative of teachers, as many teachers had chosen to be represented by ACE.
16. **Surveillance of ACE Members for the District** - In or around April 26, 2021, CTO/FS collaborated with the District to engage in coercive surveillance of coworkers, including ACE supporters. Faculty Senate's bylaws include that it will serve to gather information for the District, including that "Senators [...] may be asked to facilitate the gathering of data on issues of interest to the [...] District from time to time." This surveillance involving the Faculty Senate is described in paragraphs 7(b) and 25 of the charge filed in Case No. SA-CE-3040-E and paragraph 29 of the charge in Case No. SA-CE-3047-E (both incorporated herein by reference). The Faculty Senate's participation in gathering information for the District is a violation of EERA section 3543.6(a), as it is a proximate cause of the District's violations of EERA section 3543.5(a).

Remedy Requested

The Association requests as a remedy for the above unfair labor practices that CTO/FS and its agents be ordered to cease and desist its unlawful actions, post a notice informing employees of its violations and their rights under the EERA, and provide any additional relief as may be appropriate.

EXHIBIT A



STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE: Case No: SA-CE-3040-E

Date Filed: 6/1/2021

INSTRUCTIONS: File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES ☒ If so, Case No. NO ☐

1. CHARGING PARTY: EMPLOYEE ☐ EMPLOYEE ORGANIZATION ☒ EMPLOYER ☐ PUBLIC¹ ☐

a. Full name: Association of Clovis Educators

b. Mailing address: c/o CTA - Legal Department, 11745 E. Telegraph Road, Santa Fe Springs, CA 90670

c. Telephone number: (562) 478-1351

d. Name and title of person filing charge: Megan L. Degeneffe, CTA Staff Counsel

E-mail Address: mdegeneffe@cta.org

Telephone number: (562) 478-1351

Fax No.: (562) 478-1434

e. Bargaining unit(s) involved: Initial Organizing Campaign of Certificated Educators—No Unit Determined.

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION ☐ EMPLOYER ☒

a. Full name: Clovis Unified School District

b. Mailing address: 1450 Herndon Ave, Clovis, CA 93611

c. Telephone number: (559) 327-9000

d. Name and title of agent to contact: David Moreno, Attorney

E-mail Address: damoreno@f3law.com

Telephone number: (559) 860-4701

Fax No.:

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name:

b. Mailing address:

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Government Code section 18524.)

a. Full name:

b. Mailing address:

c. Agent:

EXHIBIT A

¹ An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569.

5. GRIEVANCE PROCEDURE

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes ☐

No ☒

6. STATEMENT OF CHARGE

a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)

☒ Educational Employment Relations Act (EERA) (Gov. Code sec. 3540 et seq.)

☐ Ralph C. Dills Act (Gov. Code sec. 3512 et seq.)

☐ Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code sec. 3560 et seq.)

☐ Meyers-Miliias-Brown Act (MMBA) (Gov. Code sec. 3500 et seq.)

☐ Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code sec. 99560 et seq.)

☐ Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code sec. 71630 – 71639.5)

☐ Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code sec. 71800 et seq.)

☐ In-Home Supportive Services Employer-Employee Relations Act (Gov. Code, § 110000 et seq.)

b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are:
Government Code Sections 3500; 3543.1 (a) and (b); 3543.5(a), (b), (d) and (g)

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are *(a copy of the applicable local rule(s) MUST be attached to the charge)*:

d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. *(Use and attach additional sheets of paper if necessary.)*

See attached Statement of Charge to First Amended Charge

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on August 6, 2021

(Date)

at Santa Fe Springs, California

(City and State)

Megan L. Degeneffe

(Type or Print Name)

Megan L. Degeneffe

(Signature)

Title, if any: Staff Counsel

Mailing address: CTA Legal Services Department

11745 E. Telegraph Road, Santa Fe Springs, CA

Telephone Number: (562) 478-1351

E-Mail Address: mdegeneffe@cta.org

Statement of Charge to First Amended Charge

UPC NO. SA-CE-3040-E

Thirty-eight years ago, PERB ordered the Clovis Unified School District to cease and desist from, among other things, “providing the Faculty Senate with financial assistance and support...” and “meeting and conferring exclusively with the Faculty Senate.” *Clovis Unified School District* (1984) PERB Decision No. 389, p. 21. The Order came after one of multiple times the District has—over decades—used its ability to support and influence the Faculty Senate to stifle union organizing by its educators. This union avoidance strategy has involved the District providing benefits to employees only after hearing that employees are organizing, crediting the Faculty Senate with achieving those gains, and then eroding working conditions after the union drive concludes. The District proudly promotes its non-union history to its employees to this day, including introducing every new employee to the District by informing them of the District’s philosophy, which includes that the employees are purportedly “proud that we do not have collective bargaining.”

Unfortunately, the District is not complying with PERB’s order today. After the Faculty Senate failed to meaningfully represent teacher interests during the pandemic and multiple employees complained, a wave of Faculty Senate resignations eliminated its previous leadership within the last six months. During the same time, Clovis teachers worked to organize a union. In response, the District has supervised new elections, is providing new Faculty Senate leadership with increasing levels of support and is working with the Faculty Senate to change its procedures, all in the hopes of expanding the role of the group’s impact on the District’s anti-union messaging aimed at convincing employees not to unionize. The District has similarly begun granting or alluding to improvements in working conditions, including providing employees a shorter workyear—the very same benefit the District previously provided in PERB Case No. 389.

The District provides essentially all the resources needed for the Faculty Senate to operate, including paying employees to engage in Faculty Senate activities, paying the organization’s expenses, providing office space, and providing professional services. In addition to the material assistance, the District now completely dominates the workings of the Faculty Senate. Not only did the District administer its elections, but the District also exercised oversight of Faculty Senate’s representational functions, and prompted Faculty Senate to revise its bylaws which, in their current proposed form, would increase District control and assistance to the organization. As the Faculty Senate is fully funded and dominated by the District, the Faculty Senate Executive Board acts as agents for the District in dealing with employees.

This dominated organization then, in turn, campaigns against teachers attempting to truly have a voice by gaining the right to collectively bargain through the appropriate PERB-administered process. Instead, the District and Faculty Senate make claims that they are the sole representative of *all* teachers, despite employees putting them on notice that they have authorized representation by the Association of Clovis Educators (ACE). In response to ACE’s organizing campaign, the Faculty Senate and District have repeatedly claimed that they negotiate or bargain,

reaching agreements that then impact all employees, despite having no legal rights to collectively bargain for all employees. These statements lead to employees who are confused about whether Faculty Senate is already their representative, whether it has bargaining rights, and what role a union would play.

The law prohibits the misinformation propagated by the District and the favoritism shown by the District must be addressed by PERB as it interferes with employees' rights to make informed choices about their representation options. Further, the unlawful support and domination of the Faculty Senate—as well as the District's direct statements—are chilling employee organizing as the District's heightened favoritism does not go unnoticed by its employees.

The Parties

1. The District is a public school employer within the meaning of 3540.1(k). At all times relevant herein, Eimear O'Farrell has been the Superintendent; Norm Anderson has been the Deputy Superintendent; Barry Jager has been the Associate Superintendent of Human Resources, Corrine Folmer has been the Associate Superintendent of School Leadership. All are agents of the District. The District also dominates and gives assistance to the Faculty Senate, as explained below. At all times relevant herein, the Faculty Senate is an organization that fits within the definition of Government Code section 3540.1(d). The District has represented to ACE that the Faculty Senate is not the exclusive representative of teachers. For over a decade to approximately January 2021, Duane Goudy served as the President of the Faculty Senate. From February 2021 to March 2021, Stacy Schiro has served as the Interim President of the Faculty Senate. From March 2021 to present she has served as the President of the Faculty Senate. As explained *infra*, the Executive Board of the Faculty Senate acts as agents of the District.
2. The Association of Clovis Educators ("the Association") is an employee organization within the meaning of Government Code section 3540.1(d). Teachers throughout the District went public with their support for forming ACE in an open letter on or about April 5, 2021. A true and correct copy of the letter is attached as Exhibit A. The Association also provided Superintendent O'Farrell with a letter informing the District of its rights under the EERA and notifying the District of many of the concerns listed below. A true and correct copy of the letter is attached as Exhibit B. Despite this notice, Assistant Superintendent Jager responded, arguing the District's practices are "simply a fact of how business has been conducted," claiming that Faculty Senate benefits are "not something new," and making the claim that the District does not manage the Faculty Senate President's time or communications. The facts demonstrate otherwise.

The Faculty Senate Is Dominated by the District and the Executive Board of the Faculty Senate Acts as Agents and Representatives of the District.

Background

3. The Faculty Senate is not an employee-led organization, but instead an employer-dominated group designed to discourage unionization. Employees that attempted to engage in advocacy for teachers within the Faculty Senate were actively discouraged

from doing so by the District. Human Resources Director Jager has informed an employee on the Faculty Senate that employees should not unionize because the District provided access to administrators that unions do not have and that the District can get things done faster without a union. When a Faculty Senate representative met with multiple teachers at a school site to discuss reopening for in-person instruction, the District called the representative in and asked who went to the meeting, telling the Faculty Senate representative that there should not be meetings at the school site, as it represents a breakdown in communication with the school site administration. District administration supervises communications from the Faculty Senate to employees, including informing Executive Board members that they should not answer certain employee emails inquiring into compensation issues.

4. On July 21, 2020, after teachers discussed union organizing following decisions made regarding their working conditions during the pandemic, The Fresno Bee quoted Superintendent Eimear O'Farrell as saying: "I don't believe a union would give our employees more access to the decision-making process than they have right now and, [...] a union would likely reduce the free and open access our employees currently have to their site leadership and our administration and reduce their space in the decision-making process that we cherish as part of our philosophy of teamwork and trust."

The District Exercises Control Over the Faculty Senate Executive Board and Uses the Faculty Senate Executive Board to Speak for the District.

5. The Faculty Senate President ("the President"), the Faculty Senate Vice President, and Secretary of the Faculty Senate are employees of the District. The current Faculty Senate bylaws state that: "All officers shall be permanent teachers of the district." The District compensates the below three employees as if they were working full time as teachers at the District. They all receive all benefits of teaching employees, including retirement benefits through CalSTRS.¹
 - a. The President does not perform any teaching duties and instead works full time on his or her duties as President of the Faculty Senate at the expense of the District, without reimbursement and without the legal authorization provided for exclusive representatives. The District has published organizational charts as recently as 2019-2020 demonstrating that the President of the Faculty Senate is subordinate to and reports to the District Superintendent. The Superintendent of the District evaluates the Faculty Senate President and the District decides whether and when to provide leaves of absence to employees from their Faculty Senate duties.
 - b. The Vice President does not perform teaching duties for 40% of his or her workday and instead works during that time as Vice President of the Faculty Senate at the expense of the District, without reimbursement and without the legal authorization provided for exclusive representatives.

¹ To the extent the District has provided similar assistance outside of the 6-month statute of limitations, ACE's charge relates only to the assistance provided within the last six months as each new occurrence is a continuing violation of the EERA.

- c. The Secretary does not perform teaching duties for 40% of his or her workday and instead works during that time as Secretary of the Faculty Senate at the expense of the District, without reimbursement and without the legal authorization provided for exclusive representatives.
- 6. In addition to payments made for salary compensation for time worked on Faculty Senate duties, the Faculty Senate Executive Board receives an additional \$1,538.00 stipend for work during the year. These stipends are reflected in the Miscellaneous Salary Schedule that the Board maintains as part of an exhibit to Board Policy No. 6403. A true and correct copy of the exhibit to the board policy is attached as Exhibit C.
- 7. The District oversees the work of the Faculty Senate Executive Board. Complaints regarding the internal workings of the Faculty Senate, including the adequacy of its representation of teachers, are addressed by Human Resources, which has informed employees that they are also reviewed by Attorneys for the District. The complaint responses to employees claim that the District has high expectations for the professionalism and conduct of its Faculty Senate Executive Board and refers to issues with the Executive Board's actions as "personnel matters." The conduct of the Faculty Senate Executive Board is therefore treated as workplace conduct by the District. The District then issues conclusions and recommendations to the Faculty Senate regarding changes that include the District increasing oversight and providing resources as it judges appropriate to improve the Faculty Senate's function. Other instances of the District directing and influencing Faculty Senate affairs include:
 - a. After an ACE leader emailed teachers at her school on April 5, 2021—the day the ACE campaign went public, Associate Superintendent Jager forwarded the email from ACE to the Faculty Senate president. The email from the ACE supporter raised concerns that the Faculty Senate was not adequately representing teachers. Associate Superintendent Jager directed the Faculty Senate president to "[s]top by and see [him]." Associate Superintendent Jager sent the email at 3:20pm. Four minutes later, he forwarded the same email to two administrators, criticizing the email, and saying that he was "[m]eeting with [the Faculty Senate President] now."
 - b. The District has also used the Faculty Senate Executive Board to engage in surveillance of ACE supporters. On April 5, 2021, the Faculty Senate president emailed Assistant Superintendent Jager, with the subject line "ace." She wrote "Now at 45 members." Assistant Superintendent Jager replied, stating "Roger that Ventura" one minute later.
 - c. After the President of Faculty Senate invited a speaker to come to the District, Community Relations Coordinator Saul Salinas wrote to various administrators saying "not sure if yesterday is worst [sic] than bringing an individual like Larry Sand to speak to our staff. . . . [I]t sounds like he is a white supremacist. . . . Does he have some information around unions? Yes This is getting out of hand, let me know how I can help reset, please." In response, Associate Superintendent Jager said only hours later "FS canceled this event!" In response, Coordinator Salinas wrote "how you even consider putting this racist bigot in front of staff is

still a concern.” Superintendent O’Farrell said, “I am so confused as to how [the Faculty Senate President] even thought about sending that email, and I know you realize none of us had any idea. The whole thing is a major concern for all of us.” The communications demonstrate the administrator’s expectation that they are to be kept informed ahead of time about Faculty Senate activities, such as bringing an outside speaker to campus.

- d. The District requires Faculty Senate to report on its activities to receive reimbursement for perishable food purchases. On May 14, 2021, the District’s Accounting Department sought from Faculty Senate its meeting agendas and attendee sign in sheets in order to receive reimbursement for food purchases. Such policies permit the District to monitor participation in Faculty Senate and the content of its meetings.
8. The President of the Faculty Senate appears to act for the District as the office for Faculty Senate is in the administration building in or near the Human Resources Department to facilitate District oversight of the Faculty Senate’s activities.
9. The Faculty Senate receives access to employees during worktime, regularly serving as the representative of ostensibly all teachers on District committees and for District communications. The Faculty Senate representatives make appearances throughout the District with Superintendent O’Farrell to communicate with teachers regarding the District’s positions. The Faculty Senate also regularly uses the Clovis Unified logo in its communications.

The District Unlawfully Provides Resources to Only Faculty Senate, Despite Its Notice of Other Non-Exclusive Representatives Acting on Behalf of Clovis Educators.

10. **Salaries and Benefits** - As noted above, the District provides salaries and benefits for multiple Executive Board members of the Faculty Senate, despite that Faculty Senate is not an exclusive representative of teachers per Government Code section 3543.1(c). The Faculty Senate also does not provide the District with reimbursement as required by Education Code section 44987. These benefits include, among others, insurance, and retirement benefits.
11. **Office Space** – The President of the Faculty Senate is provided with an office in the District’s administration building, in or near the Human Resources Department of the District. The Faculty Senate’s offices were moved in or around December 2020.
12. **Vehicle** – The President of the Faculty Senate is provided with a vehicle at the cost of the District which may be used for Faculty Senate activities.
13. **Discretionary Budget/Resources** – The District provides the Faculty Senate with resources to implement its programs, including providing a credit card to a local grocery store, which the Faculty Senate uses to make purchases which are reviewed by the District and paid for by the District. The District Superintendent’s office also permits Faculty Senate to use its funds for various expenses, such as office supplies, by clearing purchases with the Superintendent’s secretary. The District’s 2020-21 budget provided a \$3,764.00 to Faculty Senate, which the Faculty Senate was permitted to spend on food, supplies, conferences, and travel, a phone and other operating costs.

14. **Access and Time with Governing Board** – The District provides Faculty Senate preferential access to the District’s Governing Board and leadership, including Superintendents’ Cabinet, and considers Faculty Senate proposals and updates in its official business.
15. **Professional Services** – Faculty Senate receives advice and guidance from the District’s legal counsel, which the District offered to assist with the most recent review of the Faculty Senate’s bylaws. The District also manages the financial services necessary for the Faculty Senate to operate, tracking and approving expenditures for the Faculty Senate.
- a. On or about March 9, 2021, the Faculty Senate President emailed senators informing them that she had spent the morning “working with HR (legal)” on election related matters.
 - b. On or about May 14, 2021, an Accounting Department employee emailed an employee to reach Faculty Senate representatives because she needed receipts as there were past due charges on the credit card for Faculty Senate.
16. **Facility Access** – Faculty Senate is provided preferential access to District facilities, including access to classrooms during worktime to connect with teachers. On or about May 25, 2021, an organizing employee attempted to access an elementary facility of the District and was told that visitors are not allowed on school campuses at this time. Despite these limits, the Faculty Senate continues to visit sites regularly, including during the workday. **Election Administration** – The District administers elections for Faculty Senators and the Executive Board of the Faculty Senate through Human Resources in a process developed with Human Resources.
- a. The District oversees nominations for Executive Board positions, most recently in a March 2021 election. On February 26, 2021, Associate Superintendent Jager emailed Faculty Senate representatives that “I have included a timeline as well as a job description for the Faculty Senate Executive Board positions. I want to ensure you that this process will be taken with tremendous pride and all necessary provisions are in place for a fair and accurate voting process.”
 - b. On March 3, 2021, Associate Superintendent Jager emailed Faculty Senate, announcing the results of the Faculty Senate nominations. Subsequently, Associate Superintendent Jager emailed out the link for voting in the election.
 - c. The most recent round of Faculty Senator elections occurred May 10-14, 2021. Exhibit D is a true and correct copy of information distributed to employees by the Faculty Senate President regarding Faculty Senator elections.
17. **Web Hosting/Content Distribution** - The District provides hosting for the Faculty Senate’s webpage on the District’s webpage. The District’s webpage has a section for employees called “Employee Representation” and the “Faculty Senate” has a webpage, which includes information regarding the Faculty Senate. No other certificated employee organization has similar access to the District’s webpage. Per District Policy No. 1113 regarding “District and School Websites,” the Superintendent of the District shall “assign staff to review and approve content prior to posting.”

18. **Right of Return & Access to District Leave** - Upon the conclusion of the Faculty Senate President's term, the employee serving in the position continues to have a right to return to employment with the District. In or around January 2021, the former president of the Faculty Senate began receiving a paid leave of absence from the District. Other employees who have resigned from release positions have received approval from administration to return to full time work as an employee of the District. Former officers have been told the District "takes care of" employees with respect to returning to the District when their Faculty Senate terms are concluded.
19. None of the above resources are provided to ACE or any other nonexclusive representative organization. The District's response when ACE raised its concerns by letter was not that the benefits would be provided equally, but that "the District has worked collaboratively with the Faculty Senate" and the benefits given are "not something new."

The District Unlawfully De Facto Recognizes the Faculty Senate as the Exclusive Representative, Providing Preferential Representational Opportunities to Faculty Senate and Interfering with Employee Rights to Unionize.

20. District representatives regularly attend Faculty Senate meetings and receive space on the Faculty Senate agenda to provide presentations and updates to teachers.
21. The District works to define how the Faculty Senate operates through review of its bylaws, both by District Human Resources' Department and Attorneys for the District. Within the last six months, the District has worked with Faculty Senate representatives on review of the organization's bylaws. The current proposed bylaws would make changes to the Faculty Senate to bring the Faculty Senate further under the control of the District. The amendments would:
 - a. Refer disciplinary issues to the District's Human Resources Department, with the proposed amendment stating, "CUSD has established policies that define and describe unprofessional conduct. If a Faculty Senator has habitually behaved contrary to these expectations despite council from Parliamentarian, the matter will be referred to HR. Possible disciplinary actions include: warning, censure, expulsion from the Faculty Senate."
 - b. Prohibit the President from serving as a classroom teacher, stating, "The serving President must serve in office full time, and shall not retain a position as a classroom teacher or Teacher on Special Assignment while serving as President of the Faculty Senate."
 - c. Expand release time for additional officer positions, including a Vice President of Elementary for the Faculty Senate.
 - d. Require minimum meeting frequency with the District, stating, "The officers shall meet and confer at a minimum of twice per month, and with the District Administration at a minimum of once per month. These meetings will include but are not limited to: Area, Division, Superintendent's Cabinet, and Superintendent's Board and include designated Executive Board members."

22. The District has repeatedly told employees that the Faculty Senate is their representative, regardless of whether they have in fact chosen to be represented by Faculty Senate, and despite Faculty Senate failing to go through a process to demonstrate majority support.
- e. The District's Board Policy No. 4118 states under the heading "Teacher Representation" that "The Clovis Unified School District Faculty Senate is **the representative body** for teachers of the District. When a teacher is called to a meeting with his/her administrator(s), irrespective of the purpose of the meeting, the teacher may request to have a Faculty Senate representative or other person of his/her choosing present at the meeting." (emphasis added). No other employee organizations are mentioned in the policy. A true and correct copy of this policy is attached as Exhibit E.
 - f. Employees are informed upon their entry into the District that the District is nonunion and that the Faculty Senate instead represents all teachers.
 - g. When ACE raised the concerns regarding the relationship with the Faculty Senate, the District responded in writing on May 19, 2021. In its response letter, the District quoted the Faculty Senate bylaws that claim the Faculty Senate "represent[s] the voice of the teaching staff individually and collectively and will serve as their advocate." The District relying on the Faculty Senate's bylaws—rather than on the PERB process or employee's stated choices—to claim that the Faculty Senate is the employees' representative constitutes defacto recognition of the Faculty Senate as the exclusive representative.
23. The District provides representational opportunities for the Faculty Senate to ostensibly represent all teachers. In the last six months and after ACE publicly announced its representation of employees, the District has given Faculty Senate the following representational roles:
- a. Faculty Senate is represented on the Employee Compensation Committee (ECC)—a committee that makes recommendations regarding employee compensation for all teachers.
 - i. On April 20, 2021, the ECC recommended a \$4,000 one-time bonus to employees. On April 21, 2021, the District's Board acted on the recommendation from the Employee Compensation Committee. Under the title "Collective Bargaining Related to Employee Groups," the District's School Board "[a]pproved the Employee Compensation Committee proposal."
 - ii. On May 27, 2021, Superintendent O'Farrell emailed employees an update regarding the Employee Compensation Committee. She stated that the \$4,000 per full time employee payment was a "result of their work." She went on to state the EEC was:

able to finalize this month a recommendation for on-going salary schedule adjustments that I will carry to the Governing Board at their June 9 meeting. Included in the recommendations below are priorities that Faculty Senate, Classified Unit Business Support Senate (CUBSS), and CSEA Chapter 250 identified on behalf of their

employee groups. At their June 9 meeting, members of the Governing Board will consider the following:

- Increasing salary schedules by 5.5% including co-curricular and other schedules [...]
- Moving forward with a market study in 2021-22 that would evaluate the District's salary structure. Recommendations resulting from this study would then become part of future discussions of the Employee Compensation Committee.
- Reducing all 188 Duty Day certificated employees to 186 Duty Days (without a decrease in pay) to reduce extra professional development days that were added in recent years.
- An additional \$1 million annual contribution to the District's health benefits fund to help avoid additional out-of-pocket costs for health-benefitted employees.

A true and correct copy of this email is attached as Exhibit F.

- b. The Faculty Senate is provided with representation on the District's Employee Benefits Committee (EBC). The committee manages and decides the content and type of benefits available to certificated staff, the services, and the cost of the benefits. The Faculty Senate's webpage currently has posted that it is represented on the committee by the current Faculty Senate President. As noted in the Superintendent's email in paragraph 24(a)(ii), increased District contributions to the health benefit fund are actively being considered this semester.
- c. The Faculty Senate is provided with representation on the District's Calendar Committee, which has input into employees' work years. As noted in the Superintendent's email in paragraph 24(a)(ii), changes to the calendar are being actively considered this semester.
- d. The Faculty Senate is provided with representation to give feedback on the District's Expanded Learning Opportunities Grant Plan, and LCAP. The most recent LCAP review was on May 11, 2021. In seeking approval of its LCAP, the District represents to the state that its consultation with Faculty Senate constitutes consultation with the organization representing teachers.
- e. The Faculty Senate has been provided with representation in various committees formed in response to the COVID-19 pandemic, including engaging in consultation regarding the District's Safety Plan, Return to Campus Task Force/Reopening Committee, Waiver for Elementary Instruction, and CARES Committee, which consults regarding how to use funds received via the CARES Act. In seeking approval of its reopening waiver, the District represented to the state that its consultation with Faculty Senate constitutes consultation with the organization representing teachers.
- f. Under the Parent/Student Handbook and Board Policy No. 5125 and Administrative Regulation No. 7101, the Faculty Senate (and only the Faculty

Senate) may appoint an individual to serve on the committee that hears any appeal of challenges to contents of a student's educational record.

24. The Faculty Senate reaches agreements with the District regarding subjects within the scope of representation, including class size and evaluations, that apply to employees regardless of whether they choose to be represented by the Faculty Senate. These agreements continue to be in effect in the last six months.
- The Evaluation Guidelines for the 2020-21 school year note that "we have agreed with Faculty Senate to postpone formal evaluations for permanent teachers during the Fall with the understanding that it will be reviewed in January."
 - The most recent LCAP Annual Update Draft for the 2021-2024 describes that "CUSD made an agreement with Faculty Senate to have an alternative ratio that will not exceed 27:1 for grades K-3."

The District's and Its Agents Discourage and Interfere with the Exercise of Protected Rights.

25. The District and Faculty Senate jointly develop a Climate Assessment Survey. The survey is sent out to all teachers by the Human Resources Department of the District to employees' work emails, including teachers who have never opted to participate in the Faculty Senate or receive representation from the Faculty Senate. Teachers are permitted to work on the survey during worktime. Faculty Senators are required to encourage employees to complete the assessment. The survey gives employees the false impression that the Faculty Senate is the exclusive representative of certificated employees at the District. It also improperly seeks information regarding the protected activities of employees. The District receives the results of the survey, but Faculty Senators do not have access to the full results and are restricted in how the data may be reviewed and distributed. Faculty senators then meet with principals of the individual school sites to review the results. The survey this year was distributed in March and April of 2021 and includes, *inter alia*, the following questions:
- "To what extent/degree: Does Faculty Senate support teachers?"
 - "To what extent/degree: Do I have access to Faculty Senate through my Senator?"
 - "To what extent/degree: Does my Senator represent our staff without personal bias?"
 - "To what extent/degree: Does my Senator keep our staff informed?"
 - "To what extent/degree: Do I want Faculty Senate to continue as my representative group?"
26. The District displays throughout its facilities copies of "Doc's Charge," which is a statement from a former superintendent that includes "The professionals who work in our district are proud that we do not have collective bargaining." The charge implies that teachers who unionize do not care about children anymore as they are busy fighting about the "rights and benefits of adults"—a false and offensive claim to make about teachers fighting for improvements to not only teaching conditions, but also learning conditions for their students. Doc's charge is available to download from the District's webpage, is displayed in the District's Board Room, and is in the District's "Principles of Leadership"

publication for “Building Leaders the Clovis Unified Way”. A true and correct copy of Doc’s Charge is attached as Exhibit G.²

27. Candidates for new positions in the District receive a copy of Doc’s Charge in their initial interview—a powerful signal to educators finding their place in the District. As Superintendent O’Farrell has previously explained in an article published in the District’s newsletter, teaching candidates’ final interview is “an opportunity for [her] to share the vision and values [the District has] for education. One way this is shared is through Doc’s Charge, what we in Clovis Unified Consider our core values spelled out in a single document.”

28. The Faculty Senate Executive Board—funded and supervised by the District—interferes with employees’ rights to choose their representation by informing employees that the Faculty Senate speaks for all employees with administration and has rights to represent all employees in dealing with administration, despite never having demonstrated majority support.

a. On April 12, 2021—days after ACE went public—the Faculty Senate President emailed teachers that they should “limit ‘reply all’ emails, especially to ‘all sites’ and ‘teachers’ during the school day.” The email then went on to imply that teachers should not sign cards to support ACE by noting that teachers have the right to “make clear they are not signing in support of any petition at this time” in a Q&A section.

b. On April 13, 2021, the Faculty Senate President communicated to employees—regardless of whether they had chosen Faculty Senate as their representative, stating:

[W]e DO have input on every decision that affects us, in every area. YOU make a difference as well as constituents. Your site/program has collectively voted for your fellow teacher(s) to fulfill their role as a Senator to represent your needs among Faculty Senate, our Executive Board, and our district administration. EBC (Employee Benefits Committee) and ECC (Employee Compensation Committee), as well as additional subcommittees in the district are made up of TEACHERS. YOU select/vote for our benefits. We have a voice at the table that makes decisions that impact YOU.... **I am asking you to support FACULTY SENATE as your representative bargaining group.**” (emphasis in original)

The email then listed a variety of work that the Executive Board had done, ostensibly on behalf of all teachers, including “[p]ushed for a large one time compensation for all teachers” and “[m]ade sure our voice is heard, and we are AT THE TABLE at every meeting, including our Superintendent’s Cabinet.” The message both implies that Faculty Senate represents all employees and that it has a right to *bargain* with the District (which it does not, as nonexclusive representatives lack bargaining rights).

² Links are available on the District’s webpage at <https://www.cusd.com/LeadershipTrainingHome.aspx>.

- c. On or around April 14, 2021, the Faculty Senate President invited employees to a meeting with an anti-union organization leader, noted that she would be donating to the organization, and included in the body of the email an article published by the organization titled “No Teachers Union in Clovis.” The email was sent from her District email, included in her signature block “Faculty Senate President” and included the District’s logo.
- d. On April 16, 2021, the Faculty Senate President communicated to employees that: **“The one-time compensation amount will be recommended for approval at the Governing Board Meeting on Wednesday, April 21st”** (emphasis in original). In addition to announcing a recommendation for a bonus, the Faculty Senate President informed employees of the myriad of benefits given to the Faculty Senate from the District, including pay and stipends, benefits, and use of a District vehicle. The District’s governing board did receive the recommendation for a one-time \$4,000 bonus on April 21, 2021, and approved the recommendation.
- e. On March 5, 2021, the Faculty Senate distributed the Senator Elections notice. The document included the Clovis logo. Above the logo, at the very top of the notice, was a statement from a former Superintendent, stating: “The professionals who work in our district are proud that we do not have collective bargaining.” The document announces the duties of the senators and the stipend senators receive. A true and correct copy of this document, referenced in paragraph 17(c), is attached as Exhibit D.
- g. On April 30, 2021, in a Weekly Wrap Up published by the Faculty Senate, the Faculty Senate announced to teachers in an “Our View from the Table” segment that “Employee Compensation Committee (ECC) actively working on adjustment to the salary schedule” and “Members of Faculty Senate are currently meeting weekly as part of ECC as they actively work to make positive adjustments to the salary schedule.” The update included a question regarding “What steps are being taken by our Governing Board and administration to make our Faculty Senate a true representative body?” The document then listed steps that the District was taking to modify the Faculty Senate. In the same update, it asked, “What are the various committees CUSD has to make sure that teachers have a seat at the table and are heard?” and included both District committees and Faculty Senate committees, listing the Employee Compensation Committee as “Higher ratio of teachers and FSEB members than any other group.” A true and correct copy of the update is attached as Exhibit H.
- f. On May 19, 2021, in an email titled “public statement,” the Faculty Senate President noted that the faculty senate made a motion to release a public stance on unionization that reads:

Whereas the aim of Faculty Senate is to equitably represent all teachers and whereas Faculty Senate is not influenced by anyone other than our fellow Clovis Unified teachers, it is our sincere belief that Faculty Senate advocates for all CUSD teachers better than any potential union.

It is therefore the view of Faculty Senate that it remain the sole representative and negotiating body of the teachers of Clovis Unified School District. (emphasis in original)

Again, the statement incorrectly claims the Faculty Senate is the exclusive representative and that it has the right to negotiate on behalf of the teachers, illustrating how District resources are being used to oppose unionization and how the misinformation regarding how teachers are represented has permeated throughout the District.

The Violations

Interference

By the above acts, within the last six months, the District has violated Government Code section 3543.5(a) by:

- Informing employees repeatedly that a nonexclusive representative speaks for them both directly and through their agents on the Faculty Senate Executive Board, and maintaining policies that communicate the same;
- Negotiating, reaching agreements and publicizing those agreements with a nonexclusive representative that are binding on employees that have chosen other representation or no representative;
- Interrogating employees regarding their representation preferences via a survey regarding their representation preferences;
- Requiring employees to reveal their preferences regarding employee organization leadership to their employer via election administration by the District;
- Distributing to employees and displaying messages opposed to unionization, collective bargaining, and representation by any organization other than that of the Faculty Senate;
- Implying that the District does not support employee organizing by (a) informing new employees, particularly new employees as they join the District or employees seeking to join District leadership, that the District's employees purportedly do not approve of collective bargaining, (b) implying employees should not sign authorization cards, (c) informing employees of the District's support for the Faculty Senate, and (d) allowing the District's imprimatur on explicitly anti-union communications to employees;
- Implicitly promising increased teacher voice in decisions of the District and improved working conditions, including providing increases in compensation, additional money to prevent increases to benefit costs, and shorter work year, if teachers support Faculty Senate by crediting Faculty Senate with negotiating such benefits; and
- Providing teachers an off schedule pay raise.

Domination and Unlawful Assistance

By the above acts, within the last six months, the District has violated Government Code section 3543.5(d) by:

- Providing the assistance outlined in paragraphs 5, 6 and 10 through 19, *supra*, and by setting the terms of the Faculty Senate's activities by putting regulations on the use of such assistance;
- Engaging in oversight and direction of the Faculty Senate, as outlined in paragraphs 7-9, 21-24, 26, 29(g), *supra*; and,
- Failing to provide neutrality with respect to any lawfully provided benefits, as required by *Santa Monica Community College District* (1979) PERB Decision No. 103.

Deterring and Discouraging Union Activity

By the above acts, within the last six months, the District has violated Government Code section 3550 by:

- Permitting and enabling agents of the District to engage in a campaign against union membership using District resources and under District supervision, and
- Engaging in violations of section 3543.5(a) and 3543.5(d) during an initial organizing campaign when employees are deciding whether to become members of ACE, which constitute derivative violations of Section 3550 under these circumstances.

Violating ACE's EERA Rights

By the above acts, within the last six months, the District has violated Government Code section 3543.5(b) by:

- Preventing ACE from representing its members pursuant to Government Code section 3543.1(a) by providing preferential treatment to Faculty Senate in violation of the requirement that it maintain neutrality, as outlined *supra*;
- Preventing ACE from reasonable access to the facilities and email pursuant to Government Code section 3543.1(b) by providing preferential treatment to the Faculty Senate, as outlined in paragraph 16 and 29(a), *supra*; and,
- Preventing ACE from representing its members pursuant to Government Code section 3543.1(a) by failing to provide notice and an opportunity to meet and discuss regarding proposed changes to fundamental employee working conditions, including salary, benefits, class size, evaluations, and workyear, as outlined in paragraphs 24(a)-(e), 25(a), and 29(b), (d), and (g), *supra*.

Remedy Requested

The Association requests as a remedy for the above unfair labor practices that the District and its agents be ordered to cease and desist its unlawful actions, post a notice informing employees of its violations and their rights under the EERA, and be required to provide any additional relief as PERB finds appropriate.



Dear Clovis Unified Community,

For over 60 years, Clovis Unified educators have dedicated themselves to providing our community's students with a first-class education. Through our hard work and unwavering determination to do what is best for ALL children, we have sustained the high standards our district is known for and have succeeded in educating the whole child - in mind, body and spirit. We are the people who cultivate students who will one day connect to and invest in their community as our fellow citizens. As Clovis educators, we know that it truly is "people, not programs," because our daily interactions with students matter immensely and ensure that every kid "gets a fair break."

We also know that change and innovation are necessary for us to remain true to our district's core values and to maintain the excellence for which we are known. Through careful analysis and deliberation, we have identified areas for growth and improvement in our district, including, but not limited to, educator representation and inclusion in decision making, district transparency and communication, diversity in our representation, both in culture and in subject area, and productive dialogue and collaboration. The continued success of Clovis Unified, its students, and its educators depends upon our addressing these needs immediately and effectively. In order to play an integral role in effecting the changes we wish to see, we are establishing ACE, Association of Clovis Educators, a *recognized* community of teachers, psychologists, itinerant specialists, school counselors and other educational professionals.

We acknowledge that educators in our district hold varying opinions regarding unionization. Some are concerned that a union will make it difficult to remove ineffective teachers, cause budget strains, and create an "us vs. them" mentality on school campuses; some worry that teachers will stop putting students first. These attributes are not reflected in the spirit or design of our union. The members of ACE do not aim to work against the values or standards of Clovis Unified, but rather, to better support them. In order to do our important work as educators, we need to stay true to the roots of our traditions, but not let habits and stale systems hamper our commitment to innovation and accountability.

We believe our work requires a culture and structure that gives our diverse voices equal footing and decision-making power in the collaborative conversations among district stakeholders about issues that impact our students and our district as a whole. With opportunities for genuine dialogue, transparency, and inclusivity, we can advocate meaningfully for decisions that respect the unique perspectives we gain from our day-to-day interactions with our students, their families, and our community. In a decision-making climate where advocacy is welcomed as a positive catalyst for improving students' educational experiences, we aim to uphold the important values on which our district was founded.

We are not abandoning our strong relationships with our district's stakeholders; instead, we are offering a new path to create a truly *unified* district. We are proud to be Clovis educators, and we have created ACE because we want to see our schools, students, teachers, staff, and administrators thrive. To this end we have been organizing for several months. During this time, the district has become fully aware of our efforts and in response has begun producing discussions around bonuses and other incentives. These, and other recent gestures, reveal that our efforts to organize are making a positive difference. Going forward, we ask Clovis Unified to respect our legally protected, collective decision to unionize and to not exercise influence, interference or intimidation around our efforts, but instead, to work with us to make our district the best place in our nation to teach and to learn.

EXHIBIT A



Sincerely,
ACE Organizing Committee

Amy Kilburn, Reyburn Intermediate

Kristin Heimerdinger, Buchanan High School

Tamara Soemali, Clovis Unified Psychologist

Mike Khus, Clovis East High School

Laura Andrew, Alta Sierra Intermediate

Kaylee Laub, Alta Sierra Intermediate

Shauna Everson, Alta Sierra Intermediate

Jeannette Pires, Clovis High School

Dan Dritz, Mountain View Elementary

Kevin Slater, Mountain View Elementary SPED

Mark Mushegan, Mountain View Elementary

Scott Garvis, Reyburn Intermediate

Donna K. Lutjens, Buchanan High School

Melissa Ferdinandsen, Clovis North HS

Korine Minyard, Kastner Intermediate

Steve Elsberry, Granite Ridge Intermediate

Silvia Berst, Boris Elementary

Laura Riley Buchanan High School

Amanda Ramirez, Tarpey Elementary

Jason Roche, Clovis East High School

Rosario Sánchez Mayoral, Clovis East High School

Adrian Cárdenas, Miramonte Elementary

Aimee Blackstock, Jefferson Elementary

Aneltra Davis, Reyburn Intermediate

Haylie Weakley, Weldon Elementary School SPED

Jennifer Appleby, Clovis High School

Katie Green, Clovis High School

Emily Johnson, Elementary Music Clovis High Area

Moirá Harada, CART

Susan Currier- CART

Amy Scott, Elementary Music Clovis High Area

Stacey Taniguchi, Sierra Vista Elementary

Sarah Perkovich, Clovis High School

Susan Arkelian, Cole Elementary

Michele Niehoff, Gateway High School



Elizabeth Henderson, Maple Creek

Lynn Paape, Buchanan High School

Amy Munkers, Buchanan High School

Joel C. Abels, Clovis North High School

Janet Ryska, Clovis Unified School Psychologist

Andy Kilburn, Reagan Elementary

Laurel Hager, Fugman Elem

Ken Canales, Kastner Intermediate

Jenna Arkelian-Brown, Reyburn Intermediate

Scotland McGregor-Moore, Boris Elementary

Nancy Welch, Adult Transition Program

Anna Capper, Clovis East High School Teacher

Melissa Saunders, School Psychologist / Mental Health Support Provider

Jason Hamel, TK Elementary

Crystal Logue, Student Services and School Attendance

Paula Prendergast, Young Elementary teacher

Laura West, REC teacher

Linda García, Virginia Boris Elementary

Sara Murray, Virginia R. Boris Elementary

Suja George, School Psychologist

Vu Wagenlitner, Reagan Elementary

Barbara Kilburn, Miramonte Elementary

Tyler Akers, Clovis East High School

Nathan Pantoja, Reyburn Intermediate

Debbie Hawk, Red Bank

Lisa Scott, Red Bank

Suzanne Ruiz, Freedom Elementary

Elvira Frantz, school psychologist

Robert Prado Granite Ridge Intermediate

Amy Grannis, Granite Ridge Intermediate

Doug Crumpton-Murray Dry Creek Elementary

Michael Perales - Buchanan High School

Peter Tragitt, Clovis High School

Ladene Rios-Reagan Elementary

LaShaye Leopold, Clovis North High School

Erin Prieto, Temperance Kutner Elementary

Suzanne Streeter, Buchanan High School

Chad Hayden, Clovis North High School



www.cloviseducators.org
Email: ace@cloviseducators.org

April 30, 2021

Superintendent Eimear O'Farrell
Clovis Unified School District
1450 Herndon Ave.
Clovis, CA 93611

Dear Superintendent O'Farrell,

It has been almost a month since educators from across our district [announced](#) the formation of the Association of Clovis Educators (ACE). Since our announcement, we have had thousands of incredible conversations with colleagues, parents, administrators, and community members. These discussions reinforce our enthusiasm and confidence that establishing ACE is of critical importance. Together we can build upon the great history of Clovis Unified by collaborating to make the improvements necessary to support our students and educator community and truly ensure we are lifting up people not programs.

In the months to come, we look forward to filing for union recognition with the Public Employment Relations Board (PERB). At that time, we will contact you about beginning the process of negotiating our first union contract with CUSD. In the meantime, as an employee organization representing many Clovis educators, we are writing to inform you of certain important rights that ACE has at this stage of the process.

Under the Educational Employment Relations Act (EERA), employers are required to provide employee organizations, such as ACE, notice and the opportunity to meet and discuss contemplated changes to terms and conditions of employment before reaching a final decision regarding them. Administration is also required to listen and consider any of ACE's proposals in good faith. *See, e.g., Alliance College-Ready Public Schools et al. (2020) PERB Decision No 2716-E.* This is important, given not only the legal requirements, but also because we value working together to ensure the best outcomes for our students. We anticipate numerous areas where such discussions will be important, including Fall 2021 school safety plans, ensuring American Rescue Plan Act funds are best used to support our schools, as well as other issues important to our classrooms. The best way to provide notice to ACE of potential changes is by sending an email to ace@cloviseducators.org. We will then inform you if we wish to discuss the issue.

Additionally, we are concerned that the District and Faculty Senate have been incorrectly representing to employees that the Faculty Senate is the representative of Clovis educators. As an advisory body that is largely controlled by administration, the Faculty Senate cannot legally collectively bargain on behalf of all Clovis educators. Under EERA, "It is unlawful for a public school employer to [...] Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another" (Government Code § 3543.5). We are concerned that the clear favoritism shown to the Faculty Senate in District policies and practices makes it unduly beholden to

EXHIBIT B

April 30, 2021
Page 2

administration, and not truly representative of educators. We believe independence is an important precondition for collaboration as equals.

Finally, we are also concerned that CUSD resources are being improperly used to oppose independent representation by ACE. As you are readily aware, under Government Code § 16645.6(a), "A public employer receiving state funds shall not use any of those funds to [...] deter union organizing." There have been numerous examples of this over the last four weeks, such as the district providing fully paid release time to employees that, as the district is well-aware, regularly spend their worktime sending out emails to educators that incorrectly state opinion as fact in a clear attempt to deter Clovis educators from exercising their legally protected rights to unionize. Public education dollars should be used in the classroom to benefit our students, not to illegally deter educators from exercising their protected rights to engage in union activities.

Thank you for your time in considering these urgent issues. We realize this has been a difficult year and look forward to continue working with all stakeholders in our CUSD community to protect all that is great about Clovis and make the improvements necessary to help our students thrive. If you have any questions or would like to discuss any of these issues further, please email us at ace@cloviseducators.org.

Sincerely,

ACE District Organizing Committee

cc: Clovis Educators

**CLOVIS UNIFIED
SCHOOL DISTRICT****Miscellaneous Salary Schedule
2020-2021****I. CERTIFICATED***A. STIPEND ASSIGNMENTS*

Job Class	Title	Pay Rate
9401/9401	Data Assessment Trainer	\$500.00/Semester*
9404/9404	Extra Teaching Period Stipend-Credit	\$8,403.00/Annual
9405/9405	Extra Teaching Period Stipend-Non-Credit	\$6,050.00/Annual
9406/9406	Faculty Senator Stipend	\$889.00/Annual
9427/9418	Executive Faculty Senator Stipend	\$1,538.00/Annual
9407/9407	National Board for Professional Teaching Standards Cert.	\$650.00/Annual
9410/9410	Student Assistant Program (SAP) Facilitator Cert.	\$225.00/Per Group*
9411/9411	Tech Trainer Stipend	\$100.00/Stipend*
9430/9430	Class Coverage	\$27.20 Per Class
9396/9405	Early Start Coordinator	\$6,050.00/Annual
9395/9401	ISC Leadership Camp	\$500.00/Stipend*
9394	Special Education Assessment Stipend	\$800.00/Stipend*
N/A	Program Specialist Sr. Educational Stipend	\$2,311.00/Annual

B. Special Education Credentialed Teacher Annual Stipend[±]

Level I	Level II	Level III	Level IV
\$525.00	\$788.00	\$1,261.00	\$1,576.00

Levels are for experience credit, matching Certificated Salary Schedule A step placement.

[±]Stipends are subject to future salary schedule increases.

C. CURRICULUM, INSTRUCTION & ACCOUNTABILITY

Job Class	Title	Pay Rate
9400/9400	Paired Induction Mentor	\$2,100.00/Annual*
9397/9400	Clinical Fellowship Year (CFY) Supervisor/Mentor	\$2,100.00 Annual*
9413/9413	Curriculum Writing	\$100.00/Daily*
9402/9402	Welcome to Clovis (WTC)	\$100.00/Daily*
9408/9408	Peer Assistance and Review (PAR) Mentor	\$2,300.00/Annual*
9409/9409	Perfecting Educational Practice (PEP) Mentor	\$1,000.00/Annual*
9431/9409	Intern Mentor	\$1,000.00/Annual*
9428/9416	Academic Lead Teacher	\$5,100.00/Annual*
9423/9423	Seminar Presenter	\$33.10/Hour*
9398/9398	Special Ed Supplemental Mentor	\$510.00/Annual*

**CLOVIS UNIFIED
SCHOOL DISTRICT****Miscellaneous Salary Schedule****2020-2021**

9429/9426	Curriculum Guide Development	Step I (1-2 years on CDT Experience) \$30.60 / Hour*	Step II (3-4 years on CDT Experience) \$32.64 / Hour*	Step III (5+ years on CDT Experience) \$36.72 / Hour*
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9432/9432	Curriculum Design	Step I \$500.00*	Step II \$1,000.00*	Step III \$1,500.00*	Step IV \$2,500.00*	Step V \$5,000.00*
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D. HOURLY ASSIGNMENTS

Job Class	Title	Pay Rate
9415/9420	Classroom Teacher-Intervention Programs- (Gr.K-12, Extended Day/Push-in/Saturday School/ CAHSEE/Online School)	\$33.62/Hour
9422/9422	Home-Hospital Teacher	\$31.07/Hour
1275/1300	Psychologist Intern (contracted)	\$21.89/Hour
9423/9423	Seminar Presenter	\$33.10/Hour*
9424/9424	Sophomore Counseling	\$37.31/Hour
9425/9425	Workability Supervisor	\$42.15/Hour

E. SUBSTITUTES

Job Class	Title	Pay Rate
9450/9440	Substitute Administrative/Management	\$210.00/Daily*
9441/9441	Substitute Teacher (Day to Day)	\$125.00/Daily*
9442/9442	Substitute Teacher (Long Term)	\$140.00/Daily*
9441/9442	Substitute Teacher (High Need)	\$155.00/Daily**

II. CLASSIFIED**A. SOS Intern Salary Schedule***

	Range 1	Range 2	Range 3	Range 4	Range 5	Range 6	Range 7	Range 8
Level I	\$48.00	\$96.00	\$144.00	\$192.00	\$240.00	\$288.00	\$336.00	\$384.00
Level 2	\$432.00	\$480.00	\$528.00	\$576.00	\$624.00	\$672.00	\$720.00	\$768.00
Level 3	\$816.00	\$864.00	\$912.00	\$960.00	\$1,008.00	\$1,056.00	\$1,104.00	\$1,152.00
Level 4	\$1,200.00	\$1,248.00	\$1,296.00	\$1,344.00	\$1,392.00	\$1,440.00	\$1,488.00	\$1,536.00
Level 5	\$1,584.00	\$1,632.00	\$1,680.00	\$1,728.00	\$1,776.00	\$1,824.00	\$1,872.00	\$1,920.00
Level 6	\$1,968.00	\$2,016.00	\$2,064.00	\$2,112.00	\$2,160.00	\$2,208.00	\$2,256.00	\$2,304.00

**CLOVIS UNIFIED
SCHOOL DISTRICT****Miscellaneous Salary Schedule
2020-2021***B. HOURLY ASSIGNMENTS*

Job Class	Title	Pay Rate
9460/9460	Accompanist	\$26.50/Hour*
9461/9461	Casual Labor (Minimum Wage)	Minimum Wage*
9462/9462	Campus Events Monitor	\$13.50/Hour
9463/9461	Child Care Provider	Minimum Wage*
9421/9421	CPR Instructor	\$19.07/Hour
9557/9465	LVN/RN Substitute	\$31.54/Hour
9468/9468	Production Assistant I	\$16.02/Hour
9478/9478	Production Assistant II	\$18.66/Hour
9476/9476	Oral Translation	Grade 109, First Step or current step for BIA or IA II
9469/9469	Sign Language Oral Interpreter (Freelance)	\$44.68/Hour
9470/9470	Sierra Outdoor School (SOS) Bus Driver	\$35.00/Hour*
9471/9461	Silk Screening Assistant	Minimum Wage*
9472/9472	Silk Screening Assistant, Sr.	\$14.00/Hour*
9479/9479	Silk Screening Supervisor	\$15.00/Hour*
9459/9459	Silk Screening Director	\$20.00/Hour*
N/A	Substitute Employees	First Step on Grade of Vacant Position
9473/9473	Test Proctor	\$20.00/Hour*
9477/9477	Therapeutic Intervention Clinical Intern	\$26.63/Hour
9474/6910	Workability Student/Clovis Youth Program (Minimum Wage)	Minimum Wage*

C. STIPEND ASSIGNMENTS

Job Class	Title	Pay Rate
9490/9490	Ag Mechanic	\$3,733.00/Semester
9481	Bus Driver Mentor	\$1000.00/Stipend*
9480/9480	Certified Educational Interpreter Mentor	\$1,200.00/Annual*
9899	COVID Student Testing	\$200.00/Week*
NA/9430	CPR/FA	\$27.20 Per Class
9488/9488	Home Hospital Coordination	\$1,500.00/Semester*
9481/9481	Sierra Outdoor School (SOS) Parent Presentation	\$65.00/Presentation*
9484/9484	Student Assistant Program (SAP) Facilitator	\$225.00/Per Group*
9485/9485	Tech Trainer Stipend	\$100.00/Stipend*
9486/9486	Written Translator	\$40.00/Per Page*
9493/9493	Special Education Sports Participation Support - Elementary	\$651.00/Season
9494/9494	Special Education Sports Participation Support - Intermediate	\$779.00/Season
9495/9495	Special Education Sports Participation Support - High School	\$910.00/Season

**CLOVIS UNIFIED
SCHOOL DISTRICT****Miscellaneous Salary Schedule
2020-2021****III. BEFORE AND AFTER SCHOOL PROGRAM***A. HOURLY ASSIGNMENTS*

Job Class	Title	Pay Rate
6583/6552	Teacher	\$33.62/Hour
4797/6561	Lead Instructor (Certificated or Classified)	\$17.91/Hour
4795/6560	Instructional Assistant	\$15.51/Hour

B. STIPEND ASSIGNMENTS

Job Class	Title	Pay Rate
6580/6555	Site Coordinator/Director	\$2,927.00/Semester Stipend
6581/6554	Family Literacy Coordinator/Director	\$1,551.00/Annual
6582/6553	Eight (8) Week Unit	\$930.00/Stipend
6586/6586	Four (4) Week Unit	\$465.00/Stipend

* Any salary listed that falls below CA minimum wage will be paid at the current CA minimum wage.

* Not Subject to Salary Scheduled Adjustments

**Effective as designated by the District

Approved: 7/1/01
Amended: 9/5/01
Amended: 1/30/07
Amended: 8/10/09
Amended: 9/29/09
Amended: 5/4/10
Amended: 6/1/10
Amended: 9/22/10
Amended: 7/14/11
Amended: 7/1/12
Amended: 12/10/12
Amended: 4/15/13
Amended: 7/1/13
Amended: 7/1/14
Amended: 10/1/14
Amended: 7/1/15
Amended: 9/9/15
Amended: 11/13/15
Amended: 12/30/15
Amended: 4/12/16

Amended: 1/1/16
Amended: 7/1/16
Amended: 7/27/16
Amended: 11/10/16
Amended: 1/1/17
Amended: 3/24/17
Amended: 7/1/17
Amended: 8/30/17
Amended: 9/12/17
Amended: 11/3/17
Amended: 11/30/17
Amended: 1/1/18
Amended: 7/1/18
Amended: 7/1/19
Amended: 8/27/19
Amended: 12/9/19
Amended: 1/2/20
Amended: 1/15/20
Amended: 7/1/20
Amended: 9/24/20

Amended: 1/14/21
Amended: 3/25/21

"The professionals who work in our district are proud that we do not have collective bargaining. We are the only large school district in the state where the teachers and the administrators can still publicly say they like each other. I say that tongue in cheek, but my goodness, it's amazing how often you read the in paper of adults fighting over the rights and benefits of adults. Does anybody remember children anymore?" – Doc Buchanan

FACULTY CLOVIS UNIFIED SCHOOL DISTRICT SENATE

← SENATOR ELECTIONS: 2021-2022 →

- ➔ The position of Faculty Senator comes with a stipend.
 - ❖ Current stipend amount: \$889.00 (Senator)
 - ❖ Paid on June 30
- ➔ Meetings are ZOOM meetings (until guidelines permit in person meetings)
- ➔ Meetings should work with your coaching schedule

ELECTION PROCESS

- Candidates are elected by the faculty members they represent
- Elections are held during odd numbered years
- Elections: completed during the first full week of May
- Election by ballot (electronic) is conducted by the end of the following week
 - Nominations: April 26-30, 2021
 - Elections Completed by: May 7, 2021

TERM OF SENATORS

- 2 years
- Term begins at the start of the next school year
- NO term limits for Senators

DUTIES OF SENATORS

- Working with site and area administration to facilitate conversation, problem solve, and provide teacher voice in District decisions
- Attend all meetings, or find a sub to attend in your place
- Accurately report findings and information to your constituents
- Assist teachers at your sites in finding answers to questions or reaching solutions when problems arise
- Contact Officers when necessary
- Participate in Faculty Senate Sub-committees
- Possible facilitation of gathering of data on issues of interest to the Faculty Senator or District on occasion
- Facilitate the administration of HR's annual Climate Assessment at their respective sites

**CLOVIS UNIFIED
SCHOOL DISTRICT****PERSONNEL****Certificated****DISMISSAL/SUSPENSION/DISCIPLINARY ACTIONS - CERTIFICATED
EMPLOYEES**

PURPOSE: To provide guidelines for disciplinary action against certificated employees.

A. General

The Board expects all employees to exhibit professional and appropriate conduct and serve as positive role models both at school and in the community. A certificated employee may be disciplined in accordance with law, board policies, and administrative regulations.

B. Disciplinary Action

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved and based on the severity of the misconduct. Disciplinary actions may include, but are not limited to, verbal warnings, written warnings or reprimands, suspension, or dismissal. Any disciplinary action taken by the Superintendent or designee shall be in accordance with all applicable state and federal law, including, but not limited to Education Code section 44932 et seq.

The Superintendent or designee shall ensure that disciplinary actions are taken in a nondiscriminatory manner.

C. Teacher Representation

The Clovis Unified School District Faculty Senate is the representative body for teachers of the District. When a teacher is called to a meeting with his/her administrator(s), irrespective of the purpose of the meeting, the teacher may request to have a Faculty Senate representative or other person of his/her choosing present at the meeting.

D. Notice to Commission on Teacher Credentialing

In accordance with law, the Superintendent or designee shall notify the Commission on Teacher Credentialing when the status of a credentialed employee has been changed as a result of alleged misconduct.

Adopted: 04/29/2009

Amended: 10/21/2020 (BP 6318 renumbered as BP 4118)

**CLOVIS UNIFIED
SCHOOL DISTRICT****EDUCATION CODE**

- 44008 Effect of termination of probation
- 44009 Conviction of specified crimes
- 44010 Sex offense; definitions
- 44011 Controlled substance offense; definitions
- 44242.5 Reports and review of alleged misconduct
- 44425 Conviction of a sex or narcotic offense
- 44660-44665 Evaluation and assessment of performance of certificated employees
- 44830.1 Criminal record summary certificated employees
- 44929.21 Notice of reelection decision; Districts with 250 ADA or more
- 44930-44988 Resignations, dismissal, and leave of absence
- 45055 Drawing of warrants for teachers

HEALTH AND SAFETY CODE

- 11054-11056 Schedule I, II, and III, substances included
- 11357-11361 Marijuana
- 11363 Peyote
- 11364 Opium
- 11370.1 Possession of controlled substances with a firearm

PENAL CODE

- 291 School employees arrest for sex offense

CODE OF REGULATIONS, TITLE 5

- 80303 Reports of change in employment status
- 80304 Notice of sexual misconduct

Doc# 42341-6 (08/2020, 12/2014)

From: Eimear OFarrell <EimearOFarrell@clovisusd.k12.ca.us>

Sent: Thursday, May 27, 2021 1:00 PM

To: CUSDSender <CUSDSender@clovisusd.k12.ca.us>

Subject: Message from your Superintendent: Employee Compensation Committee recommendations announced

Dear Clovis Unified Team,

I wanted to take this moment to extend once again my thanks to this incredible team of people for your work over the past year. There is no doubt that it's a year that has demanded much from everyone, and in a word, we're all tired.

During our annual State of the District update in March, Deputy Superintendent Norm Anderson and I shared with you early details of the yearly work of our Employee Compensation Committee (ECC) on salary-related topics of importance to our employee groups. The one-time off-schedule adjustment that you are receiving tomorrow is one result of their work, and on the eve of your receipt of this \$4,000 per FTE payment, I wanted to share with you the additional outcomes of the ECC's annual process.

Because the Governor and Legislature have released proposals for large increases to the education budget for 2021-22, our ECC members were able to finalize this month a recommendation for on-going salary schedule adjustments that I will carry to the Governing Board at their June 9 meeting. Included in the recommendations below are priorities that Faculty Senate, Classified Unit Business Support Senate (CUBSS), and CSEA Chapter 250 identified on behalf of their employee groups. At their June 9 meeting, members of the Governing Board will consider the following:

- Increasing salary schedules by 5.5% including co-curricular and other schedules as noted on the respective schedules (e.g. sixth period, academic stipends, longevity, etc.). The recommendation for employees represented by CSEA Chapter 250 is dependent on ratification by union members.
- Moving forward with a market study in 2021-22 that would evaluate the District's salary structure. Recommendations resulting from this study would then become part of future discussions of the Employee Compensation Committee.
- Increasing the current longevity stipend for non-management classified employees.
- Reducing all 188 Duty Day certificated employees to 186 Duty Days (without a decrease in pay) to reduce extra professional development days that were added in recent years.
- An additional \$1 million annual contribution to the District's health benefits fund to help avoid additional out-of-pocket costs for health-benefitted employees.

As I stated in early March, I am proud to carry forward these recommendations that benefit our employees to our Governing Board for consideration because it is this team who has carried us through the challenges we've faced over the past year. It is my deepest hope that every employee in our District feels valued and appreciated for the significant role you play serving our students. During a time of extreme pressure, when under fire, and with the ground constantly shifting under our feet, it was our people who shone brightest, like that diamond in our 60th anniversary logo.

As you prepare for the final week of the school year, I hope that you are making plans for this summer that will restore and rejuvenate you. I, along with the leaders of our employee groups, will update you following the June 9 meeting as to the action of the Board on the above recommendations. The Governing Board and our District leadership continue to embrace the truth that it is people, not programs, who make Clovis Unified a special place in our community.

With my appreciation,

Eimear O'Farrell

Doc's Charge

We believe in high standards in Clovis schools. We believe competition is an ingredient of high standards and an important motivational tool. We recognize three levels of competition. First, we want you to make sure that all of our students learn to compete against themselves; that's the toughest competition of all. Second, we want you to encourage our students to compete in specialty areas to help them build on their strengths and overcome their weaknesses, because that's the way they get jobs and that's the way they have to perform in life. Third, we want you to teach our students to work in groups and to compete in groups because we think that students who can't work in groups are going to have trouble in tomorrow's world.

Competition does not start with schooling. Competition starts with little children just wanting to play – to catch or hit or kick a ball. Eventually, they learn a few skills and all of a sudden one of them looks at the others and says hey, let's keep score. Now they're interested in winning and losing, which is mostly what life's all about.

While you are working with our children in Clovis we want you to remember the heart of the Clovis program: We want you to teach students to win with class and to lose with dignity. But we also want you to teach them that there is a lot more to being a winner than the final game score. We want you to teach them to root for their team to win, not for their other team to lose. We want you to teach our kids what to do when they lose. We want you to get them off their duffs and get them back in the fight. Don't you let them give up. And if we can teach them not to be quitters by the time they finish the twelfth grade in the Clovis schools, they will probably make it through life.

Our philosophy is very simple: A fair break for every kid. We believe the schools and the students belong to the people. If our community wants their children to read, write, do arithmetic, sing, dance, play in the band, or compete in forensics – whatever our community wants, we are going to do – but we're going to do it first class.

The professionals who work in our district are proud that we do not have collective bargaining. We are the only large school district in the state where the teachers and the administrators can still publicly say they like each other. I say that tongue in cheek, but my goodness, it's amazing how often you read in the paper of adults fighting over the rights and benefits of adults. Does anybody remember children anymore?

In Clovis, we still like children. We make no bones about it. We've got a Clovis image to keep up, and we're looking for people a cut above the average. We're concerned about your appearance, your attitude, your teaching skills, your ability to work with students, but most of all we're concerned about your character and your values. You are going to be around our children when nobody else is there. You are going to see and do things with them that nobody else will ever know about.

We're looking for role models, and we've learned an interesting thing – if you really want to develop winners you've got to surround children with winners. And a lot of people think you are a winner or you wouldn't be sitting here. Nobody gets this far without being recommended by a building administrator. And that administrator's reputation is on the line because he or she has recommended you and hopes you reciprocate a little bit by trying to make his or her judgment look good.

So what we're really saying to you is we think education revolves around teamwork and trust. We want you on our team, and we want to know that you want to be there. So we spend a lot of time telling you about the people and facilities you are going to work with and in – the school staff, the community, and the children, as well as the supplies, equipment, and materials – so from the first day of school it's all forward. We don't want you to look around at the beginning of the school year and say, "My Gosh, if I'd known it was like this I would never have signed with this district."

If you are still interested in working at Clovis under those conditions, we'd like to offer you a contract. We people in Clovis get excited when teachers and students do things nobody thought they could do. As long as you work in Clovis don't you ever lose that spirit...and never forget our motto, "*Sic 'em!*"

Hot Topic

Climate Assessment and Quality Improvement Team (QIT) Process

Thank you to everyone who participated with their input on the Climate Assessment! It will be used to validate the *successes of our sites, teachers, and staff*. The utilization of the *comments is to reaffirm the data or to address areas that will allow for QIT discussions and positive work* to build in the areas that have been identified as growth opportunity.

In respect of our employees and the CUSD Climate Assessment process, results and comments aren't available to the public or to be disaggregated (or parcelled out) for non QIT purposes out of *fidelity and professionalism*. We appreciate your solution-oriented growth mindset!

Hey Coach!

Save Mart REALLY is the store in our neighborhood!

SAVE MART COOLER PROGRAM

Coaches ONLY, with the proper credentials (badge) can receive a cooler of ice from Save Mart! They also will fill it with a few sports drinks!

A HUGE shout out to David (our Willow/Nees manager) who let us know about this incredible program. He also donated to our Teacher Appreciation Week giveaways next week (we love his competitive spirit . . . he wanted to give us more than others!). Thank you, Save Mart, and thank you David!

MAKE NOTE: forms are attached for your convenience!

Faculty Senate Updates

Site senator elections kick off next week!

FSEB will facilitate elections by area/site/program

Nominations May 3rd-May 7th at 5pm

Election May 10th- May 14th at 5pm

Good luck to all nominees!

Our View from the Table:

Employee Compensation Committee (ECC) actively working on adjustment to the salary schedule

Members of Faculty Senate are currently meeting weekly as part of ECC as they actively work to make positive adjustments to the salary schedule.

Check out Page 3 to see all the places where Faculty Senate has a seat at the table!

Teacher Updates



Class Size Reduction (CSR)

FSEB is advocating for class size reductions in upper and lower grades!
(also being considered in CARES Committee)

Last Day of School Release Time

FSEB is **advocating** for clear and consistent last day of school release times.
Stay tuned for updates!

Please contact FSEB if you'd like ideas for your elementary site!

Teacher

Appreciation Week

May 4th-7th

Faculty Senate Executive Board is celebrating **you!**

ALL CUSD TEACHERS

will be entered into a computer generated drawing for a

\$10/\$15/\$25 giftcard

3 winners every day!

We Appreciate You!

Friday Feel-Good

"My teacher is so smarter than my mom"

-CUSD second grader

Find Support

Halcyon Employee Assistance Program (EAP)

[CLICK HERE](#) for information on no-cost, confidential, Counseling, Legal, Financial, and Family assistance.

Halcyon CUSD Portal:

[CLICK HERE](#) password: "CUSD"

[Positive Thinking](#)

[Coworker in Distress](#)

[Working Caregiver Balancing Act](#)

Faculty Around the District



Freedom

Alicia Groom and Vikki Swain
Teaching their hearts out!!
Amber McCutchen and her
daughter!



Clovis Adult

A quick visit to Clovis Adult, just in time for a bee
adventure! Senator Lila Young and Barbara Hansen
watched the beekeepers as they rescued these
important critters! Stacey Schiro (a former
beekeeper) watched in awe!



Leanne Lewis, English

Clovis High



Megan Hamilton, Drama



Coach Jackson &
Coach Lake

A stop by Clovis High to visit some incredible teachers!
Looks like life in the Cougar Den is exemplary!

Congratulations!

**April Faculty Senate Meeting
Starbucks Gift Card Raffle Winners**

Sabrina Mills-Clovis East
Ellen Nielsen-Granite Ridge

Next/Last meeting: Monday, May 17th; We'll
get to meet our new Senator's there, too!

Faculty Senate Support

Resolved (with Positive Teacher Outcomes): 1

Ongoing: 1 site, 2 employee



Clovis Unified Teachers

Two-Week Overview

Monday	Tuesday	Wednesday	Thursday	Friday
26 CUSD Board Appreciation - Site Visits Standing Superintendent's Staff Site Visit: Clovis High 3:30 Faculty Senate Open Session 4:00 Faculty Senate General Mg	27 CUSD Board Appreciation - Site Visits Calendar Committee	28 CUSD Board Appreciation - Site Visits 10:00-3:00 FSEB Climate Survey Data Distribution 3:00 CARES Committee	29 CUSD Board Appreciation - Site Visits Standing:Employee Groups Standing: Area Standing: Division Site Visit: Clovis Adult 3:00 Executive Cabinet & FSEB 4:00 ECC	30 CUSD Board Appreciation - Site Visits Standing: Human Resources 1:30: Site Visit: Freedom Elementary 2:15 FS Executive Board Meeting
3 Standing Superintendent's Staff	4 9:00 Boris Elementary 2:00 Educational Services 3:30 ECC	5 9:00 Sports/Rec 3:00 CARES Committee 3:30 Stakeholder 5:30 FS Executive Board 6:30 Governing Board Mtg (FSEB)	6 8:00 Fancher Creek Standing:Employee Groups Standing: Area Standing: Division 4:00 ECC	7 8:00 Site Visit: Sierra Vista Standing: Human Resources 2:15 FS Executive Board Meeting

May 3-7th Nomination Window for Site/Program Senators! Ends Fri. @ 5pm

Happy Teacher Appreciation Week!

Q: What are target areas that Faculty Senate is focusing on at this time? In what ways do you hope to grow FS? What steps are being taken by our Governing Board and administration to make our Faculty Senate a true representative body?

Organization, Updates & Improvements

- Improving the structure and strength of Faculty Senate for our teachers
- Providing an easy to navigate organizational chart for teachers to utilize and access to Faculty Senate support
- Revising and strengthening our Faculty Senate Bylaws and Standard Operating Procedures to reflect the autonomy and influence of Faculty Senate in CUSD decision making
- Streamlining complaint and reporting procedures for teachers- not only by being present, but having a clearly defined action plan for this process.
- Increasing teacher representation on Faculty Senate with additional senators
- Aligning senator representation with administrators, such as SPED senators aligned with Program Specialists versus areas.

Transparency & Communication

- Clearly defining the role of Faculty Senate as an autonomous representative body for certificated teachers in CUSD
- Streamline and define the methods for all avenues of communication for teachers with their site/area senators and FSEB.
- Be present, for teachers, at all decision making tables:
 - provide teachers clear information of what types of decisions are being made
 - Gather input from teachers related to the information shared, regarding the priorities and concerns for Faculty Senate to advocate for.

Ensuring the Protection of Teachers

- Supporting and representing our diverse teachers and employees
- Be physically present on request for any teacher with a concern for reprisal
- Uphold and reinforce the federal laws that protect employees
- Uphold, reinforce, and ensure accurate and appropriate CUSD board policies that truly protect employees

Q: What are the various committees CUSD has to make sure that teachers have a seat at the table and are heard?

CUSD Committees

- Employee Benefits Committee
- Employee Compensation Committee (ECC)
Higher ratio of teachers and FSEB members than any other group
- CUSD Calendar Committee
- COVID/Reopening Committee
- LCAP Committee
- CARES Committee

Faculty Senate Exec. Board Standing Meetings

- Biweekly Executive Cabinet (whole FSEB)
- Weekly Superintendent's Staff (FS Pres, VP, Secretary)
- Weekly Human Resources (Pres)
- Weekly Employee Groups (FS Pres, CUBBS, CSEA)
- Weekly Area Meeting (FS Pres and area Superintendents)
- Weekly Division (Pres and all area superintendents, LDs, and Principals)
- Quarterly SPED (1 FSEB, SPED Senators, and SPED admin)

Existing Faculty Senate Committees

- Bylaws Committee

Faculty Senate Committees To be Added or Re-Instated:

- Diversity- to collaborate with CUSD Advisory Committees: African American, Latinx, LGBTQ+, Asian (pending)
- Special Education
- Technology
- Co-Curricular
- HR
- Facilities
- Curriculum

Contact Us

Faculty Senate Office: 327-9847

Email: FacultySenate@cUSD.com

Website: www.cUSD.com/facultysenate

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Los Angeles,
State of California. I am over the age of 18 years. The name and address of my
Residence or business is CTA-Legal Department, 11745 E. Telegraph Road, Santa Fe Springs,
CA 90670.

On 08/06/2021, I served the First Amended Charge
(Date) (Description of document(s))
in Case No. SA-CE-3040-E
(Description of document(s) continued) (PERB Case No.)

on the parties listed below by (check the applicable method(s)):

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by
the United States Postal Service or private delivery service following ordinary business
practices with postage or other costs prepaid;

personal delivery;

facsimile transmission in accordance with the requirements of PERB Regulations 32090
and 32135(d).

☒ electronic service (e-mail) - I served a copy of the above-listed document(s) by
transmitting via electronic mail (e-mail) to the electronic service address(es) listed below
on the date indicated. (May be used only if the party being served has filed and served a
notice consenting to electronic service or has electronically filed a document with the Board. See
PERB Regulation 32140(b).)

(Include here the name, address, e-mail address and/or fax number of the Respondent and/or any other parties served.)

David Moreno, Attorney
Fagen Friedman and Fulfroft LLP
30 E. River Park Place W. Suite 400
Fresno, CA 93420
Email: damoreno@f3law.com

Ronald Pearson, Supervising Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811-4124
Email: rpearson@perb.ca.gov

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct and that this declaration was executed on 08/06/2021 at
(Date)

Santa Fe Springs CA
(City) (State)

Nelia C. Lara

(Type or print name)



(Signature)

EXHIBIT B

FACULTY SENATE MINUTES

April 26, 2021/ Open Forum: 3:30, General Meeting 4:00- 5:30 PM/ Zoom

Audio Recording:

https://cusd.zoom.us/rec/share/-gFah2GMfXn_YO2V8miQpWmz65tnDcXdLfaiQp8ZYCX_tNcUw5qbD0SBZ2bCCYk.OV4kr_TJINeLoyjo?startTime=1619478161000

Call to Order: Parliamentarian Kathy Gulseth called the general meeting to order at 4:02 PM.

Roll Call/ Attendance: Secretary Erica Robinson completed attendance via Zoom. The following site senators were present at the meeting:

Buchanan Area: Glenda Haux, Leah Balch, Jamie Westra, Kristin Heimerdinger, Pat Geil, Jennifer O'Meara, Christine Tessler, Dianne Oller, Shaunna Harris, Robert Watson

Clovis High Area: Lauri Vaughn, Leslie Cox, Pam Cruz, Thomas Craig, Cynthia Huerta, Cassidy Salinas, Allison Glaser, Jacqueline Sales, Jenny Boris, Diane Mooneyham, Jennifer Linares

Clovis North Area: Sara Hall, Melissa Ferdinandsen, David Hobbs, Matthew Holcomb, Josh Olson, Andrea Saunders, Julie Rapier, Ellen Nielsen, Dan O'Hara, Heather Rice, Karyn Schiebelhut

Clovis East Area: Silvia Berst, Jaime Arredondo, Sabrina Mills, Carol Vandekerkhoff, Laura Cooper, Suzanne Ruiz, Ricci Ourique, Kristin Lofgren, Sabrina Mendez, Seth Batty, Madalena Romero, Kristen Moore, Katie Williams

Clovis West Area: Andrew McElroy, Ara Kuyumjian, Erin Garcia, Kristen Cole, Karen Gonzales, Stephanie Barcellos, Melissa Campama, Elyssa McCoy, Lori Kuipers, Kristin Ormond, Penny Ciolkosz, Jamie Dominguez

Alternative Education: Verne Farley, Dawn McNair, Lila Young, Chris Fisher, Eric Cymanski, Gary Gleason, Antonina Cardinalli, Toni Beltra, Michelle Melkonian, Lori Grossman, Harriet Huggins

Executive Cabinet: Stacey Schiro, Bill Buettner, Erica Robinson, Aubrey Gillen, Kim Mongelli, and Kathy Gulseth

Approval of Agenda: Agenda was presented by Parliamentarian Kathy Gulseth. Motion to approve agenda made by Senator Jennifer O'Meara and seconded by Melissa Campama. Discussion of agenda offered. No discussion regarding agenda; agenda approved.

Approval of Minutes: Minutes from March 22, 2021 were presented by Parliamentarian Kathy Gulseth. Motion to approve the minutes made by Senator Shaunna Harris and seconded by Dianne Oller. Discussion of minutes offered. No discussion regarding minutes; minutes approved.

Welcome / Announcements – FSEB President Stacey Schiro

- Starbucks drawing winners: Sabrina Mills (Clovis East) and Ellen Nielsen (Granite Ridge)

FACULTY SENATE MINUTES

April 26, 2021/ Open Forum: 3:30, General Meeting 4:00- 5:30 PM/ Zoom

Audio Recording:

https://cUSD.zoom.us/rec/share/-gFah2GMfXn_YO2V8miQpWmz65tnDcXdLfaeiQp8ZYCX_tNcUw5qbD0SBZ2bCCYk.OV4kr_TJINeLovjo?startTime=1619478161000

- Last week FSEB President Stacey Schiro made the request to administration to provide extra compensation to site senators for the additional meetings attended this year. Waiting for approval; will share once she hears back.
- Working to provide a sub day to Bylaw Committee members so bylaws can be completed before the start of the 2021 school year.
- Discussed concern shared from site senator regarding half-day on last day of school (some sites are not doing a noon release). She will bring up the concern at Area Superintendent meeting Tuesday.
- Review of Friday Wrap-Up email; email will be sent to all teachers (not site senators) to address concern from teachers that they were not receiving updates and information.

Presentations: Site Senator Elections - FSEB VP Bill Buettner

- Nomination window May 3rd-7th
 - Nominations need to be emailed to FSEB member facilitating election
 - Nomination window closes May 7th at 5:00 PM
- Election window May 10th-14th
 - Election voting will take place through Google Form
 - Election window closes May 14th at 5:00 PM
- New senators introduced at May 17th general meeting (2021-2023 term)
- FSEB has been assigned areas to facilitate elections:
 - Clovis North Area- Erica Robinson
 - Clovis East Area- Kathy Gulseth and Erica Robinson
 - Clovis West Area- Bill Buettner
 - Alt Ed and Buchanan Areas- Aubrey Gillen
 - Clovis High Area- Kim Mongelli
- Question: Does a nominee need to be an employee of the district for three years?
 - Correct; per bylaws, a nominee must be an employee of the district for three years.
- FSEB has received communication from teachers concerned that FS communications are not making it to site faculty when it is given to Site Senators to disseminate information. Be sure you are willing to serve Senate and faculty if running.

Committee Report:

CARES Committee- FSEB Communications Officer Aubrey Gillen

FACULTY SENATE MINUTES

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Audio Recording:

https://cusd.zoom.us/rec/share/-gFah2GMfXn_YO2V8miQpWmz65tnDcXdLfaeiQp8ZYCX_tNcUw5qbD0SBZ2bCCYk.OV4kr_TJINeLoyjo?startTime=1619478161000

- Presentation shared by CARES committee member and FSEB Communications Officer Aubrey Gillen (presentation attached)
- No decision on how to spend CARES dollars has been made; looking through over 300 suggested items and putting "dots" on items as votes (each committee member received 50 dots)
- Dot votes are due by Tuesday, April 27th at midnight
- Reach out to CARES area representative if you have questions
 - FS Senators: Chris Fisher (Alt Ed), Kristin Lofgren (CE), Robert Watson (BHS), Matthew Holcomb (CN), Jason Anderson (CHS), Stephanie Davidson-Barcellos (CW), Aubrey Gillen (SPED)
 - FS Executive Board Members: FSEB President Stacey Schiro and FSEB Communications Officer Aubrey Gillen

Bylaw Committee- Facilitator Jenn O'Meara

- Presented where senators can find current bylaws on Faculty Senate website, along with proposed revisions
- Discussed reformatting Executive Committee to include an Executive Area representative; one area senator who is elected by all other area representatives.
- Next bylaw meeting is May 13th
- Goal is to present fully revised document in the fall
- See attached report provided by Jenn O'Meara for more details.

New Business

SB 95 Updates- FSEB Secretary Erica Robinson

- FSEB Secretary reviewed SB 95 updates and info sheet (see attached).
- FFCRA provided 80 hours of COVID leave in 2020. SB 95 provides 80 hours of COVID leave in 2021.
- All forms are available on the HR website: [Human Resources \(cusd.com\)](https://cusd.com/human-resources)
- Email your area HR rep if you have questions about SB 95:
 - Clovis East area: Mark Borjas (559) 327-9312
 - Clovis High: Megan Hopkins (559) 327-9316
 - Clovis North area elementary: Shanonn Hemmingson (559) 327-9311
 - Clovis North secondary: Marsha Reyes (559) 327-9310
 - Clovis West area: Megan Quillen (559) 327-9313
 - Buchanan Area: Nancy Porter (559) 327-9305

FACULTY SENATE MINUTES

April 26, 2021/ Open Forum: 3:30, General Meeting 4:00- 5:30 PM/ Zoom

Audio Recording:

https://cusd.zoom.us/rec/share/-gFah2GMfXn_YO2V8miQpWmz65tnDcXdLfaiQp8ZYCX_tNcUw5qbD0SBZ2bCCYk.OV4kr_TJINeLoyjo?startTime=1619478161000

- CART, Community Day, Online, Enterprise, Gateway: Vanessa Rodriguez (559) 327-9318

Climate Assessment- FSEB Communications Officer Kim Mongelli

- Climate Assessments will be sent to site senators by FSEB this week
- Timeline:
 - By April 30th, site senators will receive Climate Assessment results for their site/program
 - By May 27th, site senators need to complete the Quality Improvement Team (QIT) process (Administration should not be involved in QIT team meetings; only involved in first meeting. May be invited later for action plan discussion.)
 - QIT PROCESS:
 - 1. Site senator(s) and principal meet to review Climate Assessment data
 - 2. Site senator(s) facilitate meeting with QIT team (determine who is on QIT team; any combination of senators and/or teachers)
 - 3. QIT team identifies three items to work on and creates an action plan for top three areas of concern
 - 4. Site senator(s) present Climate Assessment results, top three, and action plan to staff in staff meeting
 - By June 4th: Site senators submit action plans to FSEB
- Question: When/how can teachers see results at our site:
 - A: FSEB Secretary Erica Robinson shared idea from another teacher of leaving the climate assessment in a safe, monitored location so teachers can read it. Make sure teachers are aware that photographs/copies cannot be made of climate assessment results.

Unfinished Business/ Questions - FSEB President Stacey Schiro

Union discussion:

- At the March 22, 2021 Faculty Senate meeting, it was asked if a conversation could be had about union/non-union items. The item was tabled until FSEB could get clarification on what could be discussed during a senate meeting. FSEB President Stacey Schiro confirmed we could have a conversation about union/non-union concerns within senate.

FACULTY SENATE MINUTES

April 26, 2021/ Open Forum: 3:30, General Meeting 4:00- 5:30 PM/ Zoom

Audio Recording:

https://cusd.zoom.us/rec/share/-gFah2GMfXn_YO2V8miQpWmz65tnDcXdLfaeiQp8ZYCX_tNcUw5qbD0SBZ2bCCYk.OV4kr_TJINeLoyjo?startTime=1619478161000

- FSEB Parliamentarian Kathy Gulseth invited senators to share thoughts and ask questions related to union and non-union topics. Senators who wanted to speak were asked to put their name in the chat and were given one minute to share thoughts and ask questions. Senators asked questions and shared their opinion on the topic.

Adjournment: Parliamentarian Kathy Gulseth called for a motion to adjourn the meeting at 5:17 PM. Motion made by Senator Eric Cymanski and seconded by Senator Lauri Vaugn. Discussion offered; no discussion about adjournment. Meeting adjourned.

EXHIBIT C

PERB Filed
07/23/21



1550 Hendon Avenue • Clovis, California 93611 • 559-327-9000

VI1.3 LIVE DATABASE Jan 29 2018
YEAR-TO-DATE BUDGET REPORT

1P
19lytduad

FOR 2021 13

	ORIGINAL APPROP	TRANSFERS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0000 UNRESTRICTED							
0400 SUPERINTENDENT							
7120 FACULTY SENATE							
430005 FOOD/IN-HOUSE MEETINGS	804.00	.00	804.00	164.26	335.74	304.00	62.2%
430008 SUPPLIES NON-CLASSROOM	200.00	.00	200.00	.00	.00	200.00	.0%
520000 CONF/TRAVEL	356.81	.00	356.81	.00	.00	356.81	.0%
571040 DIRECT COST/GAD	100.00	.00	100.00	45.00	.00	55.00	45.0%
571050 DIRECT COST/COPIER	53.19	.00	53.19	1.60	.00	51.59	3.0%
571052 DIRECT COST/SCANSACK	10.00	.00	10.00	.00	.00	10.00	.0%
571070 DIRECT COST/TEACH CTR	80.00	.00	80.00	.00	.00	80.00	.0%
590001 PHONE CERTIFICATED	2,160.00	.00	2,160.00	990.00	.00	1,170.00	45.8%
TOTAL FACULTY SENATE	3,764.00	.00	3,764.00	1,200.86	335.74	2,227.40	40.8%
TOTAL SUPERINTENDENT	3,764.00	.00	3,764.00	1,200.86	335.74	2,227.40	40.8%
TOTAL UNRESTRICTED	3,764.00	.00	3,764.00	1,200.86	335.74	2,227.40	40.8%
0150 DISTRICT OFFICE ADMIN							
0400 SUPERINTENDENT							
1000 INSTRUCTION							
430005 FOOD/IN-HOUSE MEETINGS	4,200.00	.00	4,200.00	.00	.00	4,200.00	.0%
430008 SUPPLIES NON-CLASSROOM	2,805.34	.00	2,805.34	963.14	.00	1,842.20	34.3%
560005 RENTAL	2,000.00	.00	2,000.00	.00	.00	2,000.00	.0%
580001 CONT FOR PER SERV/INDIVID	5,400.00	.00	5,400.00	.00	.00	5,400.00	.0%
TOTAL INSTRUCTION	14,405.34	.00	14,405.34	963.14	.00	13,442.20	6.7%
7110 BOARD							

PERB Received
07/23/21 15:53 PM

EXHIBIT C

EXHIBIT D

From: Barry Jager
Sent: Thursday, April 29, 2021 8:05 AM
To: Aubrey Gillen <AubreyGillen@clovisusd.k12.ca.us>
Subject: RE: FS Elections: LimeSurvey vs. Google Forms

I will connect you with Technology and trust me Admin will remain out of the process. It will be FS driven, as it should be.

Barry Jager
Associate Superintendent,
Human Resources and Employee Relations
Voice: (559) 327-9308 Fax: (559) 327-9338
barryjager@cusd.com

"Human Resources is Defining Excellence"

From: Aubrey Gillen <AubreyGillen@clovisusd.k12.ca.us>
Sent: Thursday, April 29, 2021 7:57 AM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Subject: Re: FS Elections: LimeSurvey vs. Google Forms

That would be fabulous!

Would we just get access and be able to set it up and run it ourselves? I think there was some concern if it was run by anyone in admin or other than FS.

We have the game plan for format & all emails by site ready and just need to make the actual electronic ballots.

Aubrey Gillen

Early Intervention Teacher
Communications Officer/BHS SPED Senator

[CITI Kids](#) | [Faculty Senate](#) | [Clovis Unified](#)

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From: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Sent: Thursday, April 29, 2021 7:42:10 AM
To: Aubrey Gillen <AubreyGillen@clovisusd.k12.ca.us>
Subject: RE: FS Elections: LimeSurvey vs. Google Forms

This was the response I received from Technology:

I think we should use limesurvey if they want it anonymous and only want people to vote once

Do you need assistance in setting up the voting process from them or is the FSEB good to go?

Barry Jager
Associate Superintendent,
Human Resources and Employee Relations
Voice: (559) 327-9308 Fax: (559) 327-9338
barryjager@cusd.com

"Human Resources is Defining Excellence"

From: Aubrey Gillen <AubreyGillen@clovisusd.k12.ca.us>
Sent: Wednesday, April 28, 2021 7:04 PM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Subject: FS Elections: LimeSurvey vs. Google Forms

Question!

We are gearing up for our Senator Elections and weighing our options on the best method to do so electronically. Our original plan was to use Google Forms, however it is limited in anonymity- we have to collect emails when we restrict users to 1 response.

Would there be a chance we could access/use LimeSurvey? If I remember correctly it anonymized each voter, correct?

Let me know your thoughts on this. Thanks!

Aubrey Gillen

Early Intervention Teacher
Communications Officer/BHS SPED Senator
[CITI Kids](#) | [Faculty Senate](#) | [Clovis Unified](#)



**CITI
Kids**



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EXHIBIT E

THE ALTERNATIVE TO A UNION

CTO TEACHERS ORGANIZATION

Will we be charged dues?

No. The only way that can happen is if the CTO, (the teachers) vote to have dues. We are against this and will put it in the bylaws, but it could be changed by future members.

Will the board and representatives be appointed or elected?

Elected just as they are in Faculty Senate. The only way that can happen is if the CTO, (the teachers) vote to have them appointed. We are against this and will put it in the bylaws, but it could be changed by future members.

Will we ever have to strike?

We are against this and will put it in the bylaws, but it could be changed by future members.

Will we be tied to outside representation or other influences?

No. CTO will not be tied to CTA, NTA, or any other association. It would be run by the teachers just as Faculty Senate is.

Will we still get stipends?

The CTO will continue to pay stipends for its elected members, just as Faculty Senate is paid. There is always the option of negotiating for more pay for our efforts.

Will our salary or benefits change?

We don't anticipate that currently. In the future we will negotiate for our salary and benefits.

What will our working relationship look like?

We will continue to reform areas in need just in collaboration with our administration. We will have the difficult conversations and hold policy makers accountable by representing those who elected us to serve them.

Will the Executive Board still receive release time?

As with stipends, release time will also be one of the things we will negotiate for.

What will change?

We will be the sole organization that represents Clovis Unified teachers, exactly how it has been in the past.



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CLOVIS TEACHERS ORGANIZATION

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EXHIBIT E

EXHIBIT F

From: Stacey Schiro <StaceySchiro@clovisusd.k12.ca.us>
Sent: Sunday, August 22, 2021 8:17 PM
To: CUSDSender

Cc: Aubrey Gillen; Bill Buettner; Erica Robinson; Kathy Gulseth; Kim Mongelli; Stacey Schiro

Subject: FS UPDATE

Good evening Senators,

I'd like to get right to the point. It's very obvious that ACE has not generated the teacher support it was hoping for, because the Faculty Senate has been doing it's job and the teachers still want Faculty Senate be their voice. Due to this lack of support for ACE, they are now trying to silence our voice and our work. **They are working to have Faculty Senator's stipends taken away and the release time of the Faculty Senate Executive Board revoked.**

It is a shame that while our teachers and Faculty Senate are most worried about bringing students and employees back safely to get through these first weeks of school, ACE is creating further division by having CTA (a group they initially claimed distance from) sponsor their work in Sacramento to take our District to Superior Court.

Our teachers have spoken for years saying they don't want a union. Now ACE wants to have Doc's Charge removed from all of our walls. The stipends taken away from our elected teacher representatives, and again our voices silenced.

We will continue to be the support/voice and do the job our teachers elected us to be/do.

-your Executive Board

Stacey Schiro, Bill Buettner, Erica Robinson, Kathy Gulseth, Kim Mongelli

Stacey Schiro

Faculty Senate President

(559) 327-9847



CUSD Clovis United Director

All-Star Cheer



PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Los Angeles,
State of California. I am over the age of 18 years. The name and address of my
Residence or business is CTA-Legal Department, 11745 E. Telegraph Road, Santa Fe Springs,
CA 90670.

On 10/18/2021, I served the Unfair Practice Charge
(Date) (Description of document(s))

(Description of document(s) continued) in Case No. TBD
(PERB Case No.)

on the parties listed below by (check the applicable method(s)):

☒ placing a true copy thereof enclosed in a sealed envelope for collection and delivery by
the United States Postal Service or private delivery service following ordinary business
practices with postage or other costs prepaid;

personal delivery;

facsimile transmission in accordance with the requirements of PERB Regulations 32090
and 32135(d).

☒ electronic service (e-mail) - I served a copy of the above-listed document(s) by
transmitting via electronic mail (e-mail) to the electronic service address(es) listed below
on the date indicated. (May be used only if the party being served has filed and served a
notice consenting to electronic service or has electronically filed a document with the Board. See
PERB Regulation 32140(b).)

(Include here the name, address, e-mail address and/or fax number of the Respondent and/or any other parties served.)

Clovis Teachers Organization and Faculty Senate
c/o Stacey Schiro, President
1450 Herndon Avenue
Clovis, CA 93611
Email: StaceySchiro@clovisusd.k12.ca.us

Erica Robinson, Secretary
Faculty Senate Custodian of Records
1450 Herndon Avenue
Clovis, CA 93611
Email: EricaRobinson@clovisusd.k12.ca.us

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct and that this declaration was executed on 10/18/2021, at
(Date)

Santa Fe Springs CA
(City) (State)

Nelia C. LARA

(Type or print name)



(Signature)