



PERB
California Public Employment
Relations Board

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December 9, 2021

Megan Degeneffe, Staff Counsel
California Teachers Association
11745 East Telegraph Road
Santa Fe Springs, CA 90670

Stacey Schiro, President
Clovis Unified Faculty Senate
1715 David E. Cook Way
Clovis, CA 93611

Re: *Association of Clovis Educators, CTA/NEA v. Clovis Unified Faculty Senate*
Unfair Practice Charge No. SA-CO-655-E
COMPLAINT

Dear Parties:

The Office of the General Counsel has issued the enclosed COMPLAINT in the above-entitled matter. The Respondent is required to file an **ANSWER** within twenty (20) calendar days from the date of service of the COMPLAINT, pursuant to PERB Regulation 32644.¹ The required contents of the **ANSWER** are described in PERB Regulation 32644(b).

If you have not filed a Notice of Appearance form, one should be completed and returned with your **ANSWER**. Please be aware that once legal counsel is designated, PERB will only correspond with that individual(s).

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned. Designated legal counsel who do not attend the Informal Conference for any reason, must designate in writing consent that the meeting go forward in their absence, including, but not limited to the execution of a settlement agreement.

¹ PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. The text of PERB's Regulations may be found at www.perb.ca.gov.

Unfair Practice Charge No. SA-CO-655-E

December 9, 2021

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Brendan P. White". The signature is stylized and somewhat cursive, with a large initial "B" and "W".

Brendan P. White

Senior Regional Attorney

BPW

Enclosure

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



ASSOCIATION OF CLOVIS EDUCATORS,
CTA/NEA,

Charging Party,

v.

CLOVIS UNIFIED FACULTY SENATE;
CLOVIS TEACHERS ORGANIZATION,

Respondent.

Case No. SA-CO-655-E

COMPLAINT

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

1. Clovis Unified School District (District) is a public school employer within the meaning of Government Code section 3540.1(k).

2. Charging Party is an employee organization within the meaning of Government Code section 3540.1(d). Charging Party's organizing committee is comprised of multiple certificated employees at the District. Effective April 2021, Charging Party announced its intent to organize and petition to represent the District's certificated employees.

3. The Clovis Unified Faculty Senate and its alter ego and/or successor "Clovis Teachers Organization" (collectively or individually, "Respondent") is also an employee organization within the meaning of Government Code section 3540.1(d). Respondent's alleged status as a District-dominated organization—as described in

Association of Clovis Educators v. Clovis Unified School District, PERB Case No. SA-CE-3040-E—is subject to pending litigation.

4. Beginning April 2021, during Charging Party’s organizing campaign, Respondent engaged in the following conduct:

A. Respondent, through its agents, solicited and accepted the following benefits or assistance from the District as follows:

- 1) Respondent accepted stipends for work done for the Faculty Senate by Faculty Senators, release time for Respondent’s Board members, and salaries and employee benefits.
- 2) In April 2021, Respondent’s President Stacey Schiro (“President Schiro”) solicited from the District additional funding for President Schiro and others to conduct Faculty Senate work.
- 3) Respondent accepted a discretionary budget and use of an “open purchase order” for a local grocery store.
- 4) Respondent attempted to amend its bylaws to bring it within the District’s control, including by seeking to expand the number of positions receiving compensation from the District and referring internal Faculty Senate issues directly to the District management.
- 5) On April 28, 2021, Respondent’s Executive Board member Aubrey Gillen requested to use the District’s survey program to host Respondent’s elections.
- 6) Respondent accepted District-issued vehicles to conduct Faculty Senate business.

- 7) Respondent has accepted and used District facilities, including an office located with the District administration building and a new office located in a classroom at the Community Day School.
- 8) Respondent has accepted the District's recognition of Respondent as the *de facto* bargaining representative of certificated staff, and used such status to negotiate with the District over terms and conditions of certificated staff.
- 9) Respondent has accepted and used the District's technology resources (e.g., webpage, phones, videoconferencing software, and e-mail set up on the District's server) for its own benefit and advantage in the midst of Charging Party's organizing campaign.

B. In or about October 2021, without providing advance notice on its agenda and without teacher input, Respondent—while receiving support from the District as describe above—voted to begin collecting signatures from employees, ostensibly to form some variety of an organization that would emerge from the Faculty Senate and act as the exclusive representative. Respondent stated that members would receive stipends “just as Faculty Senate is paid,” that no dues will be collected, that Respondent will negotiate for District-paid legal representation of Respondent. Respondent also issued a flyer stated “[w]e will be the sole organization that represents [District] teachers, exactly how it has been in the past.” Additionally, President Schiro and Respondent's Senators that collected signatures informed teachers that the goal in collecting signatures is to prevent Charging Party from organizing.

C. Respondent, an organization which has not officially demonstrated proof of majority support—and which received support from the District as described above—has claimed that it is the sole representative of teachers as follows:

- 1) Respondent's bylaws claim it is the "voice of the teaching staff individually and collectively."
- 2) In May 2021, Respondent published a statement that it should "reman the sole representative and negotiating body of the teachers of the [District]."
- 3) During an August 2021 presentation to the District management and teachers, President Schiro stated:

"We the faculty senate do not feel unionization is needed. Nor is a teachers union required for an educational organization to function properly. To assert that [District] teachers are required to have 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 [District] teachers determine otherwise we will continue to be the legitimate representative body for [District] teachers."

- 4) In an August 22, 2021 e-mail message to co-workers, President Schiro claimed that "the teachers still want Faculty Senate be [sic] their voice" and that Faculty Senate would "continue to be the [...] voice" of teachers. The e-mail message further called Charging Party's attempts to terminate Respondent's relationship with the

District "a shame," taking away benefits from "our elected teacher representatives," and an attempt to "silence" Respondent.

- 5) On October 13, 2021, as a part of the above-referenced effort to collect signatures, Respondent's "Faculty Senator Salinas" emailed a message to coworkers, claiming that signatures would solidify Respondent's ability to "continue to be the sole representative body that represents [. . .] CUSD Teachers."

D. In or about April 2021, Respondent collaborated with the District to engage in surveillance of teachers, including Charging Party's supporters as follows:

- 1) Respondent and the District jointly developed a Climate Assessment Survey, distributed by District's Human Resources Department, requesting teachers respond to questions about their preferences regarding Respondent's representation of teachers.
- 2) President Schiro communicated with District management information regarding Charging Party's organizing campaign including the number of teachers that showed support for Charging Party.

5. By the acts and conduct described in each subparagraph of paragraph 4, Respondent interfered with employee rights guaranteed by the Educational Employment Relations Act in violation of Government Code section 3543.6(b).

6. By the conduct described above, Respondent caused or attempted to cause the District to violate Government Code section 3543.5, in violation of Government Code section 3543.6(a).

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

DATED: December 9, 2021

J. FELIX DE LA TORRE
General Counsel

By  _____
Yaron Partovi
Senior Regional Attorney

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, Los Angeles Regional Office, 425 W. Broadway, Suite 400, Glendale, CA, 91204-1269.

On December 9, 2021, I served the Complaint Cover Letter regarding Case No. SA-CO-655-E on the parties listed below by

I am personally and readily familiar with the business practice of the Public Employment Relations Board for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Los Angeles, California.

Personal delivery.

Electronic service (e-mail).


Megan Degeneffe, Staff Counsel
California Teachers Association
11745 East Telegraph Road
Santa Fe Springs, CA 90670
Email: mdegeneffe@cta.org
(via EMAIL ONLY)

Stacey Schiro, President
Clovis Unified Faculty Senate
1715 David E. Cook Way
Clovis, CA 93611
Email: staceyschiro@cusd.com
(via U.S. MAIL and EMAIL)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 9, 2021, at Glendale, California.

Michael Friedlander

(Type or print name)



(Signature)