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08/06/21 16:25 PM

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD

UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE: Case No:

Date Filed: 08/06/2021

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 - SFS Legal Department, 11745 E. Telegraph Road, Santa Fe Springs, CA 90670
- c. Telephone number: (562) 478-1351
- d. Name and title of agent to contact: Megan Degeneffe, Staff Counsel E-mail Address: mdegeneffe@cta.org
Telephone number: (562) 478-1351 Fax No.: (562) 478-1434
- e. Bargaining Unit(s) involved: Certificated

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: Eimear O'Farrell, Superintendent E-mail Address: eimearofarrell@cusd.com
Telephone number: (559) 327-9000 Fax No.: (559) 327-9109

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 Gov. Code, § 18524.)

- a. Full name:
- b. Mailing Address:
- c. Agent:

5. GRIEVANCE PROCEDURE

¹An 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

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

Yes No Unknown

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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, § 3540 et seq.)
- Ralph C. Dills Act (Gov. Code, § 3512 et seq.)
- Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
- Meyers-Milias-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
- Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code, § 99560 et seq.)
- Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
- Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)

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

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.*)

Please see attached Statement of 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. (A Declaration will be included in the e-mail you receive from PERB once you have completed this screen. The person filing this Unfair Practice Charge is required to return a properly filled out and signed original Declaration to PERB pursuant to PERB Regulations 32140 and 32135.)

(Type or Print Name)

/s/
(Signature)

08/06/2021
Date



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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: Eimear O'Farrell, Ed.D., Superintendent E-mail Address: eimearofarrell@cusd.com
Telephone number: (559) 327-9000 Fax No.: (559) 327-9109

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 Sections 3543.5(a), (b) and (d)

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 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

Attachment to Unfair Practice Charge

Introduction

1. Charging Party Association of Clovis Educators (“ACE”) is composed of teachers employed by the Clovis Unified School District (“CUSD” or “the District”), and has been engaged in a campaign to organize teachers in the District since the summer of 2020. Since ACE announced its organizing campaign publicly in early April of 2021, the District has engaged in an unlawful campaign to stifle ACE’s efforts. Some of the District’s unlawful conduct, including its support for and domination of the Faculty Senate, is the subject of Unfair Practice Charge No. SA-CE-3040-E, which was filed on June 1, 2021.

In the time since ACE filed the original charge against CUSD, the District has engaged in further unlawful conduct, including retaliation against teacher [REDACTED] a former Faculty Senate representative, who has been one of the most vocal and visible ACE organizers. ACE has also recently learned that CUSD has engaged in unlawful surveillance of its organizing activities. Finally, and notwithstanding ACE’s good faith efforts to engage with the District at meetings, the District has dealt in bad faith with ACE during those meetings.

As detailed herein, within the past six months, CUSD has violated Sections 3543.5(a), (b), and (d) of the Educational Employment Relations Act, Government Code §§ 3540 *et seq.* (“EERA”).

Parties, Jurisdiction, and Background

2. ACE is an employee organization within the meaning of Government Code § 3540.1(d) and the non-exclusive representative of certificated employees of the District.
3. The District is a public school employer under Government Code section 3540.1(k).
4. PERB has jurisdiction over this matter under Government Code section 3541.5.
5. As detailed in Charge No. SA-CE-3040-E, over the summer of 2020, teachers in the District realized that the employer-dominated Faculty Senate did not truly represent their interests, and so began to organize an independent union, ACE, that would truly represent them.
6. On or about April 5, 2021, ACE publicly announced its organizing campaign among teachers in the District by means of an open letter to the Clovis Unified Community. This letter was signed by dozens of teachers on behalf of the ACE Organizing Committee. ACE also published a copy of this open letter on Facebook. A true and correct copy of this letter is attached as Exhibit A.

Allegations

A: Retaliation Against ACE Supporter [REDACTED]

7. [REDACTED] has been a teacher in the District for approximately 20 years, and has been active in ACE's organizing efforts in the District. Prior to organizing ACE, from 2012-2020 [REDACTED] served on the Faculty Senate. She is currently a teacher at the Reyburn Intermediate School, which is a part of the Reagan Educational Center ("REC").¹ Hers was the first signature on behalf of the ACE Organizing Committee on the letter of April 5, 2021.
8. On or about April 5, 2021, CUSD REC Deputy Principal Sonia Torossian saw ACE's open letter as it had been posted on Facebook when Kelli Hinojos, the Learning Director at REC, emailed it to her.² Deputy Principal Torossian forwarded the email with ACE's post to CUSD Associate Superintendent Debbie Parra with the comment: "This makes me sick." Shortly thereafter, Associate Superintendent Parra responded: "Me too." She further commented that "teachers need to step up if they believe in what we have accomplished and hope to accomplish." A true and correct copy of this email thread is attached as Exhibit B.
9. For the past 15 years, CUSD has paid [REDACTED] an additional stipend of approximately \$8,400 each year to compensate her for teaching an extra class during what would otherwise be her prep period. In each year prior to 2021, CUSD had simply assigned this extra class to [REDACTED] without asking first or requiring [REDACTED] to take any steps to receive the assignment. As recently as September of 2020, [REDACTED] had reminded CUSD administrators that she relied on teaching the Keyboarding class and receiving the stipend.
10. Typically, when CUSD has planned to change a teacher's schedule from one year to the next at the REC, CUSD has given that teacher notice of the change approximately one month before the end of the school year. At that time, the master schedule for the coming year has been set for the site, and the advance notice allows the teacher and CUSD to discuss any concerns about the changed schedule before the end of the school year.
11. On or about February 4, 2021, Learning Director Hinojos asked [REDACTED] if she would like to work on the yearbook, and [REDACTED] declined, explaining that she was working on her Keyboarding class. Ms. Hinojos indicated that was fine and did not indicate that there would be any changes to the Keyboarding class assignment or the \$8,400 stipend.

¹ The Reagan Educational Center includes both the Reyburn Intermediate School and the Clovis East High School. CUSD has described it to [REDACTED] and other teachers as both the largest and fastest growing school site in the District.

² Learning Director Hinojos is [REDACTED]'s direct supervisor at Reyburn Intermediate.

12. On or about June 3, 2021, the day before the final day of the school year, Learning Director Hinojos presented ██████████ with her schedule for the coming school year that did not include the extra Keyboarding class, but simply provided for ██████████ to have a prep period instead. This was the first time in 15 years that ██████████ had not been assigned an extra class, and meant that for the first time in 15 years, she would not receive the \$8,400 stipend. CUSD had not provided ██████████ with any advance notice of this change.
13. When ██████████ asked Learning Director Hinojos why she was not scheduled to teach Keyboarding, Ms. Hinojos indicated that Deputy Principal Sonia Torossian had created the schedule. ██████████ objected both to the fact that the District had not assigned her to teach the Keyboarding class, and to the fact that it had not given her notice in time to arrange to teach another class to make up for the lost income. Ms. Hinojos told ██████████ that the only other option would be for ██████████ to seek approval from Deputy Principal Torossian to give up one of her other classes, Peer Counseling,³ to another teacher, and take yet another teacher's class to make up for the gap. Ms. Hinojos also explained that she had already told the other teacher that he would have the extra class and the stipend, implying that ██████████ would have to take the responsibility for depriving him of money that he had been promised. This option was unacceptable, because it would have forced ██████████ to give up one of her most desirable classes and attempt to deprive her colleague of his stipend.
14. When ██████████ continued to express her dissatisfaction, Learning Director Hinojos told her that she would discuss the situation further with Deputy Principal Torossian.
15. On or about June 7, 2021, ██████████ emailed Learning Director Hinojos to follow up, and Ms. Hinojos told her only that she has spoken with the Deputy Principal, that the numbers did not support the need for an additional class, and that stipends "are not a guarantee."
16. On or about July 5, 2021, ██████████ emailed Assistant Superintendent Jennifer Thomas to express her concern that CUSD was retaliating against her and to ask for information about the decision to not schedule her for her extra class. On or about July 7, 2021, Assistant Superintendent Thomas replied that she would reach out to Learning Director Hinojos and Deputy Principal Torossian and get back to ██████████. On July 30, 2021, Assistant Superintendent Thomas called ██████████ and informed her that all teachers had been given their schedules for the upcoming school year at the same time, and that stipends are year-to-year and based on need.
17. On or about July 29, 2021, ██████████ accepted an offer to transfer from Reyburn Intermediate to Clovis East High School. The offer that she accepted does not include any additional stipend for teaching an extra class, and if CUSD had not retaliated against her by taking away her extra class at Reyburn Intermediate, ██████████ would not have accepted the transfer without a stipend.

³ Peer Counseling is a very desirable class for teachers.

18. CUSD has knowledge that [REDACTED] has engaged in extensive protected activity in support of ACE, including by virtue of the fact that her signature is at the top of the list on ACE's open letter of April 5, 2021. Both Learning Director Hinojos and Deputy Principal Torossian saw copies of that letter, and the Deputy Principal commented that it made her "sick."
19. CUSD's conduct in taking away [REDACTED]'s extra Keyboarding class and the stipend associated with that class constitutes an adverse employment action. That Learning Director Hinojos offered [REDACTED] the possibility that she could ask for a different option (subject to approval by Deputy Principal Torossian) does not alter this, because that other possibility would also have constituted an adverse employment action: [REDACTED] would have had to agree to give up teaching one of her most desirable classes, and be responsible for depriving her colleague of his stipend. That [REDACTED] later accepted a transfer to another location without a stipend also does not alter the analysis, because she would not have accepted the transfer without a stipend if CUSD had not already taken her stipend away in retaliation for her protected activity.
20. The District would not have taken the adverse employment action of changing [REDACTED]'s schedule to deprive her of her stipend but for [REDACTED]'s protected activity. In the 15 years before [REDACTED] became involved in ACE, the District had never before treated her as it did after it learned of her support for ACE.
21. The District's anti-union animus is plain from the statement of Deputy Principal Torossian that ACE's letter made her "sick," and from Assistant Superintendent Debbie Parra's agreement with that statement. The Assistant Superintendent's email also encouraged action to stop ACE's organizing campaign, suggesting to the Deputy Principal the need for those opposed to ACE to "step up." The District's other unfair labor practices, outlined in Charge No. SA-CE-3040-E, also demonstrate the District's animus towards employees that have worked to form ACE.
22. The District's anti-union animus also appears more generally in "Doc's Charge," which is Exhibit 0100 to CUSD Board Policy 0100, "District Philosophy." That policy states that "[t]he professionals who work in our district are proud that we do not have collective bargaining." A true and correct copy of Exhibit 0100 to CUSD Official Board Policy 0100 is attached as Exhibit C.
23. By its conduct, CUSD has unlawfully retaliated against [REDACTED] in violation of Section 3543.5(a) of the EERA.

B: Unlawful Surveillance of ACE Emails

24. Many of the emails that ACE and its supporters have sent have not been addressed to CUSD administrators. CUSD administrators have nevertheless engaged in unlawful surveillance of such ACE emails that were not addressed to them, including by soliciting other CUSD employees who received ACE emails to forward them to the administration. *See Nat'l Captioning Inst., Inc.* (2019) 368 NLRB No. 105, at p. 7 (employer violated NLRA by soliciting employee to pass on information posted on Facebook).

25. For example, on April 22, 2021, Associate Superintendent Michael Johnston received an email from a library technician at Riverview Elementary asking if she could respond to an email about ACE, and forwarding it. The Associate Superintendent advised the library technician not to respond to email from ACE supporters but to “just stay quiet.” He further stated “I am glad you get the emails you can share with me. Thanks!” A true and correct copy of this email exchange is attached as Exhibit D.
26. On May 11, 2021, Associate Superintendent Barry Jager received an email from a teacher asking if ACE could be required to stop sending her emails. The Associate Superintendent responded by requesting that the teacher send ACE’s email to him so that he could “look in to their language.” A true and correct copy of this email exchange is attached as Exhibit E.
27. CUSD’s efforts to surveil the content of employee emails are out of the ordinary for the District, which does not ordinarily concern itself with the content of specific employee emails, or ask employees to forward such emails to administrators. *See Nat’l Captioning*, 368 NLRB No. 105, at p. 7 (“It is well settled that an employer commits unlawful surveillance if it acts in a way that is out of the ordinary in order to observe union activity.”).
28. In addition to surveilling the content of ACE emails, CUSD has also engaged in out-of-the-ordinary surveillance of the times at which ACE supporters send emails. Specifically, CUSD has been monitoring for whether such emails are being sent during work hours. True and correct copies of emails in which CUSD administrators have engaged in surveillance of the times at which ACE supporters sent emails are attached as Exhibit F. This surveillance of emails is out of the ordinary because CUSD does not ordinarily monitor whether employee emails are sent during work hours. It is also out of the ordinary because CUSD employees regularly email about the other employee organization in the District (i.e., the Faculty Senate) during working hours without those emails being subjected to scrutiny.
29. The District has also engaged in (and solicited) surveillance of support for ACE in other ways. For example, on April 5, 2021, Faculty Senate President Stacey Schiro emailed Associate Superintendent Jager that support for ACE was “[n]ow at 45 members.” A true and correct copy of this email is attached as Exhibit G. On April 6, 2021, Associate Superintendent Jager, responding to an email about a completely different subject, asked “why so many Boris [school site] folks sign that ACE?” A true and correct copy of this email is attached as Exhibit H. On April 12, 2021, Associate Superintendent Jager learned of events at the Miramonte site related to ACE and the Faculty Senate, and asked for a breakdown of support for those organizations at that site. A true and correct copy of this email is attached as Exhibit I.
30. Inasmuch as CUSD’s foregoing conduct attempting to gather information about ACE’s organizing efforts is out of the ordinary for CUSD in terms of monitoring employee’s emails and other activity, the conduct constitutes unlawful surveillance in violation of Section 3543.5(a) the EERA. The District’s conduct in regard to monitoring and enforcing a rule against communicating about ACE during working hours also violates its duty of neutrality between ACE and the Faculty Senate, by discriminating in favor of the

employer-dominated Faculty Senate. *See County of Orange* (2018) PERB Dec. No. 2611-M.

C: Failure to Meet and Discuss in Good Faith and Interference with Teachers' Rights

31. As described in Unfair Practice Charge No. SA-CE-3040-E, following ACE's public announcement of its representation of its members in the District, CUSD announced and implemented changes to the terms and conditions of teachers work without first providing ACE with notice or an opportunity to bargain over those changes. On the same day ACE filed the first charge, Associate Superintendent Jager reached out to the Association, offering to meet and discuss the planned changes. ACE agreed to meet, and on June 4, 2021, it requested "to have any financial information shared with the ECC and EBC that was used to develop the recommendations." A true and correct copy of ACE's request for this information is attached as Exhibit J. ACE then met with CUSD on June 7, 2021 to discuss the changes, but by the time of that meeting CUSD had already made a firm decision to proceed and the changes were by that time a *fait accompli*. The meeting therefore did not cure the District's violation.
32. At its June 7 meeting with CUSD, ACE requested to be included in any and all CUSD meetings that the Faculty Senate attends. ACE also once again requested from the District information that the District had relied on reaching its decision to proceed with the changes, including financial information shared at meetings of the committee that had made the decision from April 5, 2021 through the date of that meeting. The District stated that the financial information changes regularly, and declined to provide it. To date, CUSD has failed to provide the information requested, in violation of Section 3543.5(b) the EERA. *See Regents of the University of California* (1999) PERB Dec. No. 1354-H, at pp. 46-47.
33. ACE sought a follow-up meeting with CUSD in late June, and met with CUSD on July 13, 2021. In advance of that meeting, to provide the District with a specific list of items that ACE was aware that the District needed to address in order to afford ACE the same representational rights that the Faculty Senate enjoyed,⁴ ACE sent CUSD a letter setting out several issues that needed to be resolved. A true and correct copy of ACE's letter to CUSD is attached as Exhibit J.
34. At the July 13 meeting, the District failed and refused to address any of ACE's concerns regarding the unlawful policies the District maintains, the material resources provided to the Faculty Senate, and the statements indicating that Faculty Senate and the District engage in collective bargaining. In response to the stated issues regarding the support and other preferential treatment CUSD affords the Faculty Senate, the District failed to go beyond vaguely stating that it recognized the concerns and would address at some time and

⁴ Inasmuch as CUSD has a duty to maintain neutrality between ACE and the Faculty Senate, the burden is on CUSD to identify and eliminate instances of non-neutral treatment of the organizations, regardless of whether ACE is aware of, or has specifically demanded an end to, the non-neutral treatment. CUSD's numerous violations of its duty of neutrality are the addressed more fully in Unfair Practice Charge No. SA-CE-3040-E.

in some manner. A fair and neutral process for organizing is of fundamental concern to teachers, yet CUSD refused to discuss these issues beyond that bare statement. CUSD thereby failed to fulfill its duty to meet and discuss issues of fundamental concern with ACE in good faith. *See Alliance College-Ready Public Schools (2020) PERB Dec. No. 2716-E, pp. 19-24.*

35. At the July 13 meeting, the District indicated that it would only afford ACE access to meetings or employee orientations in situations where the Faculty Senate had first indicated that it intended to participate. For example, the District indicated that the Faculty Senate would no longer participate in new employee orientations and governing board meetings, and that ACE would therefore not be permitted to either. This further indicated CUSD's bad faith during the meeting to discuss ACE's rights during its campaign.
36. By eliminating access for the Faculty Senate, rather than affording ACE such access as the Faculty Senate had previously enjoyed, CUSD also interfered with teachers' rights in violation of Section 3543.5(a) of the EERA. For the District to respond to ACE's campaign by cutting back on access for the Faculty Senate in order to deny such access to ACE would tend to discourage any teacher from exercising their rights, out of concern that the District would respond by scaling back opportunities for the meaningful exercise of those rights. The District's conduct unlawfully interferes with ACE's representational rights as well, in violation of Section 3543.5(b) of the EERA. Further, it is another example of the District's failure to maintain neutrality in violation of Section 3543.5(d), as the District previously afforded these representational opportunities to the Faculty Senate and only became hostile to doing so after teachers organized ACE.
37. By all of the foregoing conduct, CUSD has violated section 3543.5 (a), (b), and (d) of the EERA.

Requested Remedies

The Union requests that PERB order the following remedies for the above unlawful conduct:

1. That the District restore [REDACTED]'s Keyboarding class without requiring her or any of her colleagues to lose classes for which they have been scheduled or any associated stipends and, if necessary, make [REDACTED] whole for any subsequent losses related to her loss of the extra class stipend;
2. That the District cease and desist from retaliating against [REDACTED] for engaging in protected activity;
3. That the District cease and desist from surveilling teachers who are engaged in protected activity;
4. That the District immediately provide the Union with the information requested by ACE in the June 7 meeting;
5. That the District engage with ACE in good faith discussions over representational and other issues of mutual concern;

6. That the District immediately cease interfering with the rights of CUSD teachers and ACE under EERA;
7. That the District post and electronically distribute notice of its unlawful conduct, that it has been directed to cease that unlawful conduct, and that it will cease that unlawful conduct; and,
8. Any other appropriate remedy.

Expedited Procedure

Because this case arises during an ongoing organizing campaign that CUSD is attempting to nip in the bud, and because early resolution of the questions presented here are likely to improve labor relations between ACE and the District, ACE requests that this case be expedited in all phases, including the investigation, issuance of complaint, scheduling of a hearing, and decision by the ALJ and, if necessary, the Board.



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
Aneitra 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
Moira 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

From: Debbie Parra
Sent: Monday, April 5, 2021 7:46 PM
To: Sonia Torossian
Subject: Re: We are ACE. Join us!

Me too. Daniella responded on Facebook. She quoted Doc's CHARGE about the union. She is also going to post Joanie's email. This is so sad for our District. Not too much in their discussion about student learning. Our teachers need to step up if they believe in what we have accomplished and hope to accomplish.

Thank you for sharing this with me,
Deb

Sent from my iPad

On Apr 5, 2021, at 6:16 PM, Sonia Torossian <SoniaTorossian@clovisusd.k12.ca.us> wrote:

This makes me sick.

From: Kelli Hinojos <KelliHinojos@clovisusd.k12.ca.us>
Sent: Monday, April 5, 2021 5:55 PM
To: Ryan Eisele <RyanEisele@clovisusd.k12.ca.us>; Sonia Torossian <SoniaTorossian@clovisusd.k12.ca.us>; Omar Hemaidan <OmarHemaidan@clovisusd.k12.ca.us>
Subject: Fwd: We are ACE. Join us!

Sent from my iPhone

Begin forwarded message:

From: Amber Ford <AmberFord@clovisusd.k12.ca.us>
Date: April 5, 2021 at 5:34:14 PM PDT
To: Kelli Hinojos <KelliHinojos@clovisusd.k12.ca.us>
Subject: Fwd: We are ACE. Join us!

Nina sent this to me so I'm forwarding to you!



We are excited to introduce you to ACE!

We are coming together for our students, our schools, and our community. We know that our historic effort to build the Association of Clovis Educators will help protect what we value at Clovis Unified and help us make the improvements our students and colleagues need. [An important letter from our ACE organizing committee to our community can be found below.](#)

How you can get involved and stay informed:

1. [Sign up for updates from ACE.](#)
2. Follow us on social media. [Instagram](#), [Twitter](#), [Facebook](#).
3. Join our [closed Facebook group community](#).
4. [Check out our website](#) (and our very own podcast - [the ACE Pod](#))

Please feel free to forward this to colleagues and friends.

In unity,

Your fellow Clovis Educators building ACE

--

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 undying determination to do what is best for ALL children, we have sustained the high standards for which 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 our community as our fellow citizens. As Clovis educators, we know that it truly is "programs," because our daily interactions with students matter immensely and every kid "gets a fair break."

We also know that change and innovation are necessary for us to remain true to our core values and to maintain the excellence for which we are known. Through careful planning and deliberation, we have identified areas for growth and improvement in our dis

including, but not limited to, educator representation and inclusion in decision making, transparency and communication, diversity in our representation, both in culture and area, and productive dialogue and collaboration. The continued success of Clovis 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 in 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, create budget strains, and create an "us vs. them" mentality on school campuses; some believe that teachers will stop putting students first. These attributes are not reflected in the values 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 bureaucratic 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. By providing opportunities for genuine dialogue, transparency, and inclusivity, we can advocate meaningfully for decisions that respect the unique perspectives we gain from our interactions with our students, their families, and our community. In a decision-making process 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; 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, and administrators thrive. To this end we have been organizing for several months. In the time, the district has become fully aware of our efforts and in response has begun discussions around bonuses and other incentives. These, and other recent gestures, show 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 exert 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.

Sincerely,

ACE Organizing Committee

Amy Kilburn, Reyburn Intermediate

Kristin Heimerdinger, Buchanan High School

Tamara Soemali, Clovis Unified Psychologist

Mike Khus, Clovis East High School

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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

Sent via [ActionNetwork.org](https://www.actionnetwork.org). To update your email address, change your name or address, or to stop receiving Clovis Educators (ACE), please [click here](#).

**CLOVIS UNIFIED
SCHOOL DISTRICT**

**PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS
DISTRICT PHILOSOPHY**

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 the 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 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.

**CLOVIS UNIFIED
SCHOOL DISTRICT**

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, staff 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!"

Adopted: 04/29/2021

Doc# 43881-2 (04/2021, None)

From: Michael Johnston
Sent: Thursday, April 22, 2021 8:15 AM
To: Joanna Johnston
Subject: RE: ACE is more than a bonus. ACE is the answer.

Just stay quiet I am glad you get the emails you can share with me.

Thanks!

From: Joanna Johnston <JoannaJohnston@clovisusd.k12.ca.us>
Sent: Thursday, April 22, 2021 8:07 AM
To: Michael Johnston <MichaelJohnston@clovisusd.k12.ca.us>
Subject: Fw: ACE is more than a bonus. ACE is the answer.

Can I please respond to him? I want to say Did Ace also have something to do with the stipends offered at Fresno Unified?

Joanna Johnston

Riverview Elementary

Library Technician

From: Dan Dritz <DanDritz@clovisusd.k12.ca.us>
Sent: Thursday, April 22, 2021 7:24 AM
To: All Mountain View Teachers <All Mountain View Teachers@clovisusd.k12.ca.us>; All Riverview Teachers <All Riverview Teachers@clovisusd.k12.ca.us>
Subject: FW: ACE is more than a bonus. ACE is the answer.



EXTERNAL MESSAGE - Think Before You Click

[REDACTED]

From: Barry Jager
Sent: Tuesday, May 11, 2021 8:40 AM
To: [REDACTED]
Subject: RE: Employee Message from Human Resources

Are you comfortable sending their response my way so I can look in to their language.

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: [REDACTED]
Sent: Tuesday, May 11, 2021 8:38 AM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Subject: RE: Employee Message from Human Resources

Thanks Barry –"should" and "must" are two different things. The reply I received was, "Sorry Mary, we have established a legal right to send emails to all teachers just like Faculty Senate. Please feel free to just delete any emails you do not wish to receive – thanks!"

[REDACTED]

From: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Sent: Tuesday, May 11, 2021 8:36 AM
To: [REDACTED]
Subject: RE: Employee Message from Human Resources

Good morning,

They should honor your request since you have formally requested to be removed from their emails.

Have a great day.

Barry

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

"Human Resources is Defining Excellence"

From: [REDACTED]
Sent: Tuesday, May 11, 2021 7:35 AM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Subject: RE: Employee Message from Human Resources

Hi Barry,

I've asked to be removed from further ACE emails by the person sending them to me. Must they stop sending if I request so, or is it just that, a request?

From: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Sent: Friday, April 9, 2021 1:38 PM
Subject: Employee Message from Human Resources

Good afternoon,

I've fielded a few questions from employees asking about recent emails from those seeking outside representation for teachers and those opposed to it. Please know that it is legal for these groups to use email to reach out to teachers, though the emails must be sent during non-work hours. Our administrative teams understand and respect the legal right for this dialogue between our employees. If you do not wish to receive their communication you may reply to the email and ask to be removed from their email list. If you don't mind receiving the emails, then no action is necessary.

I wish all a restful weekend. Thank you for taking care of CUSD.

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

"Human Resources is Defining Excellence"



As part of our regular updates to Clovis educators, we want to reemphasize that we are building ACE to be a transparent and inclusive union.

Since we publicly launched our campaign on April 5, 2021, we have had hundreds of ongoing conversations with colleagues about why we are building ACE to have a real voice in CUSD. For far too long, Clovis educators have only had advisory input in CUSD decisions that affect us, our students and classrooms.

But since we launched ACE, CUSD administration has begun to offer stipends and other incentives to educators. Is it coincidental that CUSD has suddenly seen the light and is trying to honor and respect Clovis educators in concrete ways beyond mere platitudes? **While incentives and bonuses are welcome, including educators' input into all major CUSD decisions that affect our classrooms should not be subject to the whim of CUSD administrators.** Our voices should be respected and heard in a joint and formal process including educators and administration meeting at the bargaining table as equals. That is the ACE difference. [Join us!](#)



Learn more & take action:

1. We continue to update cloviseducators.org with information and opportunities to learn more.
2. **Get social with ACE:** be sure to follow and engage with the content we've been putting out to our community. We are on [Facebook](#), [Instagram](#) & [Twitter](#). We'll be posting the graphic above soon - shares/likes/comments appreciated!

Together we will win!

In unity,

ACE Organizing Committee

From: Debbie Parra
Sent: Thursday, April 8, 2021 6:18 PM
To: Barry Jager
Subject: Fwd: The Unionization Process

FYI

Not sure if this is her "lunch hour".

Deb

From: Kristin Heimerdinger <KristinHeimerdinger@clovisusd.k12.ca.us>
Sent: Thursday, April 8, 2021 1:02 PM
Subject: The Unionization Process

Good Afternoon, CUSD Colleagues –

It has been an exciting couple of days with the launch of our ACE petition and an impressive presentation to the CUSD Board by representatives of our organizing committee last evening. We appreciate all of you reaching out to offer support or ask questions. If you haven't heard back already, you should expect to hear from an ACE organizing committee member shortly. If you haven't yet, check out our [website](#) and our social media (on all platforms @cloviseducators). We are updating content frequently about why we are building ACE to make positive change in our district.

One question we are hearing is "What is the legal process for unionizing?" Unfortunately, there has been some misinformation regarding the unionization process being spread.

California public school educators unionize by demonstrating that a majority of their colleagues support unionization by signing a union support petition. This unionization process is overseen by the Public Employment Relations Board (PERB) which is a California state agency. The California state law that protects our rights to unionize is the Educational Employment Relations Act (EERA).

Here in Clovis, once a strong majority of our eligible colleagues sign our union support petition, we will submit our petitions to PERB. Though the minimum support legally necessary to unionize is 50% +1 of eligible educators, our goal for ACE is to have stronger majority support. PERB will then verify whether majority support exists. Following PERB's verification, our union will be certified and we will begin the process of our union contract negotiations. EERA Sections [3544a](#), [3544b](#) describe how this process works. ***Under no circumstances will administration see who signed our union support petitions.***

Unfortunately, there have been some recent reports of a few administrators and other individuals stating that the unionization process requires 30% support to initiate an

PERB Received
08/06/21 16:25 PM

election. That is simply not accurate. Furthermore, some of these same people have implied that administration will verify the union support petition signatures. That is also categorically false.

Differences of opinion about the best way to support our students and schools can be a sign of a healthy educator community. Spreading misleading information about this important process is not. Contact us to find out more information about how to get involved to help build ACE at <https://www.cloviseducators.org/get-involved.html>

Sincerely,

Kristin Heimerdinger and Laura Riley on behalf of ACE Organization

Kristin Heimerdinger
Buchanan High School
AP Macroeconomics
Social Science Department Chair
Testing Coordinator
Categorical Coordinator
504 Coordinator

From: Corrine Folmer
Sent: Friday, April 16, 2021 4:45 PM
To: Barry Jager
Subject: RE: Weekly Update

Says 3:20. Probably right outside of her hours.

From: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Sent: Friday, April 16, 2021 4:41 PM
To: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>; Norm Anderson <NormAnderson@clovisusd.k12.ca.us>; Kelly Avants <KellyAvants@clovisusd.k12.ca.us>; Michael Johnston <MichaelJohnston@clovisusd.k12.ca.us>; Robyn Castillo <RobynCastillo@clovisusd.k12.ca.us>
Subject: RE: Weekly Update

Sent during Work hours?

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: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>
Sent: Friday, April 16, 2021 4:09 PM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>; Norm Anderson <NormAnderson@clovisusd.k12.ca.us>; Kelly Avants <KellyAvants@clovisusd.k12.ca.us>; Michael Johnston <MichaelJohnston@clovisusd.k12.ca.us>; Robyn Castillo <RobynCastillo@clovisusd.k12.ca.us>
Subject: FW: Weekly Update

From: Jennifer Thomas <JenniferThomas@clovisusd.k12.ca.us>
Sent: Friday, April 16, 2021 3:44 PM
To: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>
Subject: FW: Weekly Update

FYI

From: Silvia Berst <SilviaBerst@clovisusd.k12.ca.us>
Sent: Friday, April 16, 2021 3:20 PM
To: Silvia Berst <SilviaBerst@clovisusd.k12.ca.us>

PERB Received
08/06/21 16:25 PM

Cc: All Boris Teachers <AllBorisTeachers@clovisusd.k12.ca.us>

Subject: Weekly Update

Hello Chargers,

I promised information about salaries and benefits gathered by ACE. I'm sending this to all teachers because no one requested to be kept out of the conversation.

I appreciate the support from our admin to allow our conversation. The fact that we feel valued, respected, and supported by our admin team says a lot about Boris. Having a visionary leader and admin team that promotes a growth mindset and the belief that other people matter makes our school a great working environment.

ACE is working hard to earn your trust and support. If you have questions about anything shared, or if you would like to know how you can help us build the Association of Clovis Educators, please ask.

Silvia

From: Barry Jager
Sent: Monday, April 5, 2021 4:08 PM
To: Stacey Schiro
Subject: RE: ace

Roger that Ventura

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: Stacey Schiro <StaceySchiro@clovisusd.k12.ca.us>
Sent: Monday, April 5, 2021 4:07 PM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Subject: ace

Now at 45 members

From: Barry Jager
Sent: Tuesday, April 6, 2021 7:24 AM
To: Jennifer Thomas
Subject: RE: Young Formal Complaint: Nursing/PALS

Send away. When it is personnel related, I'm the lucky one. 😊

Fun times..... why so many Boris folk sign that ACE?

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

"Human Resources is Defining Excellence"

From: Jennifer Thomas <JenniferThomas@clovisusd.k12.ca.us>
Sent: Tuesday, April 6, 2021 6:25 AM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Subject: FW: [REDACTED] Formal Complaint: [REDACTED]

Good morning,

Am I good to send this? Also, am I supposed to run these by you or Maiya?

Thanks, Barry! Hope you enjoyed some time off!

Jennifer

From: Jennifer Thomas
Sent: Friday, March 26, 2021 5:19 PM
To: Jeanne Prandini <JeannePrandini@clovisusd.k12.ca.us>; Theresa Pafford <TheresaPafford@clovisusd.k12.ca.us>;
Carrie Carter <CarrieCarter@clovisusd.k12.ca.us>; Barry Jager <BarryJager@clovisusd.k12.ca.us>; Roxanne Braswell
<RoxanneBraswell@clovisusd.k12.ca.us>; Kacey Gibson <KaceyGibson@clovisusd.k12.ca.us>
Cc: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>; Robyn Castillo <RobynCastillo@clovisusd.k12.ca.us>
Subject: [REDACTED] Formal Complaint: [REDACTED]

Good afternoon,

Attached please find the following:

1. [REDACTED] Formal Complaint
2. Response to Formal Complaint

Your feedback is appreciated.

Have a wonderful vacation!

Jennifer

From: Corrine Folmer
Sent: Monday, April 12, 2021 8:28 AM
To: Norm Anderson; Barry Jager
Subject: Re: 4/14 2:30-3:30 Optional Informational Staff Meeting

The second

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From: Norm Anderson <NormAnderson@clovisusd.k12.ca.us>
Sent: Monday, April 12, 2021 8:26:26 AM
To: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>; Barry Jager <BarryJager@clovisusd.k12.ca.us>
Subject: RE: 4/14 2:30-3:30 Optional Informational Staff Meeting

25/75 FS/U or 25/75 U/FS

From: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>
Sent: Monday, April 12, 2021 8:24 AM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>; Norm Anderson <NormAnderson@clovisusd.k12.ca.us>
Subject: Re: 4/14 2:30-3:30 Optional Informational Staff Meeting

25/75

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From: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Sent: Monday, April 12, 2021 5:40:33 AM
To: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>; Norm Anderson <NormAnderson@clovisusd.k12.ca.us>
Subject: RE: 4/14 2:30-3:30 Optional Informational Staff Meeting

What is the breakdown at Miramonte? 50/50 60/40 70/30?

Stacy came from CHS and was legit.

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: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>
Sent: Sunday, April 11, 2021 8:57 PM

To: Barry Jager <BarryJager@clovisusd.k12.ca.us>; Norm Anderson <NormAnderson@clovisusd.k12.ca.us>
Subject: Fwd: 4/14 2:30-3:30 Optional Informational Staff Meeting

FYI

Get [Outlook for iOS](#)

From: Jennifer Thomas <JenniferThomas@clovisusd.k12.ca.us>
Sent: Sunday, April 11, 2021 6:00:59 PM
To: Corrine Folmer <CorrineFolmer@clovisusd.k12.ca.us>
Subject: FW: 4/14 2:30-3:30 Optional Informational Staff Meeting

One way two opposite sides have come together for staff.

Just an FYI.

From: Stacy Graves <StacyGraves@clovisusd.k12.ca.us>
Sent: Sunday, April 11, 2021 5:06 PM
To: All Miramonte Teachers <All_Miramonte_Teachers@clovisusd.k12.ca.us>
Subject: 4/14 2:30-3:30 Optional Informational Staff Meeting

Hi Team,

Adrian and I have been collaborating on ways to share information while fostering our amazing campus culture. Miramonte is special and our relationships with each other are so important in the work we do each and every day. We have big decisions and difficult conversations before us and Adrian and I would like to facilitate this dialogue and information sharing. We love kids and we love this community. We invite you participate in the following optional meeting:

We hope to share information and address any specific questions you may have.
Please share any questions you wish for these groups to speak to in the following google form.
<https://forms.gle/XDxy5DBU5mYpR1iSA>

Clovis Teachers for Clovis-Faculty Senate

Wednesday 4/14 2:30pm-3:00pm

Ricci has reached out to the executive board and they will all be on and available during this zoom to introduce themselves and answer any questions we have.

Topic: Clovis Teachers for Clovis & ACE Miramonte Site Meeting

Time: Apr 14, 2021 02:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/94033584672?pwd=SWEzOW43bHU0eC9aL0p6TzhCN2duZz09>

Meeting ID: 940 3358 4672

Passcode: EQgM6f

ACE (Association of Clovis Educators) Union

Wednesday 4/14 3:00pm-3:30pm

Immediately following Faculty Senate, we will introduce ACE leadership to present and answer questions Adrian has reached out and Jason Roche, Barbara Kilburn, Amy Kilburn and Silvia Berst will be on and available during this zoom to introduce themselves and answer any questions we have.

Stacy Graves

School Counselor
Miramonte Elementary
559.327.7400
stacygraves@cusd.com



PERB Received
08/06/21 16:25 PM

----- Original Message -----

Subject: RE: Meet & Discuss with ACE - Proposed Changes 21-22 School Year

Date: 2021-06-07 12:59

From: Barry Jager <BarryJager@clovisusd.k12.ca.us>

To: "weareace@cloviseducators.org" <weareace@cloviseducators.org>

Good afternoon ACE Organizing Committee,

We will meet in the District Office East Large Conference Room at 4:00.

Sincerely,


Barry

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"

-----Original Message-----

From: weareace@cloviseducators.org <weareace@cloviseducators.org>
Sent: Monday, June 7, 2021 11:51 AM
To: Barry Jager <BarryJager@clovisusd.k12.ca.us>
Subject: Re: Meet & Discuss with ACE - Proposed Changes 21-22 School Year

 EXTERNAL MESSAGE - Think Before You Click

Hello Barry,

Thank you for your response. We are available today from 4:00 - 4:45. We will have five people in attendance. Let us know which meeting room at the district office.

Sincerely,

ACE Organizing Committee

On 2021-06-04 15:46, Barry Jager wrote:

> Good afternoon,
>
> I can make sure we are available on Monday, June 7 from 4:00 - 4:45.
> Please let me know if that date and time works for you. Please let me
> know how many individuals will be in attendance so that proper
> reserving of a conference room can be made for this meeting. Thank
> you in advance.
>
> Sincerely,
>
> Barry Jager
>
>
>
>
>
> Barry Jager
> Associate Superintendent,
> Human Resources and Employee Relations

PERB Received
08/06/21 16:25 PM

> Voice: (559) 327-9308 Fax: (559) 327-9338 barryjager@cusd.com
>
> "Human Resources is Defining Excellence"
>
> -----Original Message-----
> From: weareace@cloviseducators.org <weareace@cloviseducators.org>
> Sent: Friday, June 4, 2021 3:15 PM
> To: Barry Jager <BarryJager@clovisusd.k12.ca.us>
> Subject: Meet & Discuss with ACE - Proposed Changes 21-22 School Year
>
> ⚠ EXTERNAL MESSAGE - Think Before You Click
>
> Good Afternoon Mr. Jager –
>
> Thank you for your email on June 1 regarding the ECC & EBC
> recommendations for 2021-2022 school year. Several of us are available
> to meet with you on Monday or Tuesday afternoon if that works for you
> – please let us know your availability. Also, we would like to have
> any financial information shared with the ECC and EBC that was used to
> develop the recommendations. We look forward to meeting with you to
> begin discussions.
>
> Sincerely,
>
> ACE Org Committee

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 Unfair Practice Charge
(Date) *(Description of document(s))*
in Case No. TBD
(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.)

Eimear O'Farrell, Ed.D., Superintendent
Clovis Unified School District
1450 Herndon Avenue
Clovis, CA 93611
Email: eimearofarrell@cusd.com

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)