

Fresno Teachers Association Strike FAQs

Date: September 18, 2023

How did we get here?

As you may know, the Fresno Teachers Association and Fresno Unified began bargaining in the summer of 2022. Throughout the last year, FUSD failed to come prepared and failed to engage in meaningful discussions about the important issues. If fact-finding doesn't produce an acceptable agreement, our association will have to decide if they are willing to strike.

WHAT CAN I DO TO HELP ENSURE A GOOD OUTCOME & AVOID A STRIKE?

- 1) Participate in the process. Attend every meeting and read every email.
- 2) Join us in the upcoming actions we will be doing.
- 3) Start saving money now just in case a strike is necessary.

The paradox about labor negotiations is that the more a group is prepared for a strike, the less likely one is necessary. The more active and united we are, the less likely we will end up needing to strike.

FACT-FINDING

What happens in the fact-finding process? Each party appoints a panelist and mutually agree on a neutral panelist. At the end of the hearing, the neutral panelist writes a non-binding report. We anticipate receiving this recommendation report as soon as 30 days after conclusion of the hearing.

Does the fact-finding panelist decide the contract?

The simple answer is no. The neutral panelist does not act as a judge or forensic accountant. Instead, their role is more focused on facilitating dialogue to foster communication and writing a non-binding report with the aim of reaching a mutually agreeable solution. The neutral panelist has discretion to not write about specific proposals.

What if Supt Nelson says, like he did in 2017, that the district will accept the fact-finding report?

FTA educators drafted and submitted a comprehensive set of proposals that will start the process of transforming public education. We respect the fact-finding process, but we are not willing to blindly adopt a report we have not reviewed, and that may not address the important issues in our district.

STRIKE VOTE

Why didn't we strike already? It is unlawful to engage in an economic strike until the fact-finding process is complete. Further, we are still hopeful that we can reach an agreement. Additionally, our members have not yet authorized a strike.

When is the strike authorization vote? This vote will take place on Wednesday, October 18, 2023, at the Fresno Fairgrounds' Paul Paul Theater. More info. to come.

What should I say to a teacher who is concerned about what will happen to their students in the event of a strike? This is a long-term strategy for making real classroom improvements. Yes, students may have a few difficult days if we strike. But their entire educational future will suffer more if we don't take a stand to improve our classrooms. What if class sizes never reduce? What if more and more educators leave our district? What if we don't have enough nurses or social/emotional support? The situation will get worse. *This is an investment in all of our futures.*

What can or should I say to a teacher, or a group of teachers who are on the fence about striking?

We need you. This is an investment in our future. This is about students. If we are not willing to strike, then we must be willing to accept what the district might impose. If we turn back now, what do you think the district will do the next go around? Things can always get worse. Do you want to be in a classroom with even more kids?

Do you want to continue to lose teacher autonomy? We may lose a few days' pay, but we stand to gain so much more—for ourselves, our profession and for the next generation.

Plus, this is a HISTORIC moment you are going to remember for the rest of your life. Make it a good one. Make it a hopeful one!

STRIKE

Are teacher strikes legal?

YES! The California Supreme Court and the Public Employment Relations Board (PERB) have both upheld the legality of strikes at the conclusion of the impasse procedures (i.e., after the non-binding fact-finding report is released and considered in good faith by FTA) or in response to an Unfair Labor Practice. **Educators (including Interns, Probationary, and Temporary) cannot be fired or disciplined for engaging in a lawful strike.** Our critical task as active members is to support one another and stand together to resist attempts to divide us.

When will we strike? If members authorize a strike, we can legally strike after we consider fact-finder's report, make a determination that the report does not change our circumstances, and give notice to the District. A strike would have to be authorized by a vote of the Association membership and called by the FTA Executive Board. If approved, we will announce strike dates for planning purposes.

How long will a strike last?

The length of a strike is influenced by how quickly the school board is willing to decide to support students and educators and negotiate a settlement that improves learning conditions for Fresno Unified students. If all FTA members stand united, along with parent/community support, we will generate maximum pressure on the School Board and Superintendent to do right by students and teachers, resulting in a shorter strike.

Is it necessary for me to walk the picket line every day?

YES! An active, large picket line at every school and work site is vital to a strike's success. The more members we have out on the picket line, the harder it is for people to cross it. Your Picket Captain will verify your attendance every day. We also need every member out at their school site/worksites to talk with parents and the community to let them know what's going on with our negotiations, what they can do to support us and put pressure on the district decision makers to settle with our bargaining team.

Can non-member educators strike? Yes. They have all the same strike protections members have. However, we do **STRONGLY** encourage them to become members. This helps show our combined strength. They also get many benefits by becoming members like being able to vote on ratifying the contract once we reach a tentative agreement.

Do we call for a sub each day we're on strike?

No. Once you're on strike, getting your classrooms covered is solely the district's responsibility. Remember that our goal is to have a strong picket line each day with FTA members, parents, and community supporters to put maximum pressure on the district decision makers to settle with our union bargaining team.

I am a parent of a Fresno Unified student. Should I keep them home?

We can't tell parents to keep their student home. You'll have to use your best judgment in deciding what type of environment they will be placed in during a strike. You can say "that as a parent" or "if I were a parent" I would not bring my kids to school during a strike. We do know that the picket line will be a family friendly place for all community members, including our young community members.

What happens if there is retaliation or threats of retaliation?

We will fight retaliation with every tool at our disposal, including CTA's legal department and our network of GLS attorneys. Representation by an attorney in employment matters is free to FTA/CTA members (subject to certain limits). As united as we are in the preparation for this strike is as united as we will be after.

COMMUNICATION

What is FTA doing to communicate with parents/students? We have had many parent meetings, and more are scheduled. We are also scheduling a series of commercials featuring your colleagues. If you are interested in helping, please email Janette at Janette@fresnoteachers.org. Your voice is important. It's important for you to communicate with parents about the issues because they respect your work with their student.

STRIKE – FINANCIAL IMPACT & AFFORDABILITY

Strike Affordability

Educators will not be paid during a strike. Each day is equivalent to about 0.54% of your annual salary.

However, from a purely economic lens, you should know of a couple of items that will offset any potential financial impact. First, we are currently working without a contract which means any pay increases will also likely come with retroactive pay which based on FTA's current proposal will offset any loss during this time.

Second, we are still bargaining the one-time lump sum offer from the 22-23 school year. FUSD offered \$5,000.

Third, we are fighting for 7.26% more for 22-23. This amount would cover multiple days of a strike and would be ongoing increases.

Fourth, any settlement we reach can include either the district outright paying educator salaries for the strike days OR educators making up the strike days before the 23-24 school year ends.

Fresno Unified educators have not been valued by district management, given our important role in educating and supporting our students. With increasing inflation, we cannot afford to accept FUSD's offer that is less than the cost-of-living adjustment and includes a \$103 million healthcare contribution cut. Plus, FUSD has offered no solutions to our learning environments, including no response to class size reductions, etc.

Will I lose my healthcare in the event of a strike? NO. California state law (AB 237) prohibits public employers from terminating the health care coverage of employees and their families during a strike.

Will a strike impact lifetime benefits? NO. You will not lose your lifetime benefits if you strike.

Can I use sick-time during a strike? If you call in sick the day of the strike, it is highly unlikely that you will be paid for it.

What if I am on leave during the strike? If you are on a pre-approved vacation, or sick leave, maternity, or some other type of leave, that leave should be honored by the district. You will be paid and would not be considered "on strike".

Will I be charged the proposed \$500 sub-differential? No. Any special rates of pay offered to subs during a strike would not be charged to you because you would not be receiving differential pay.

Can we make up strike days? That is negotiable and we will certainly fight hard for them in the final settlement. However, you should not count on being able to make up the days missed while being out on strike as it is not guaranteed.

What is the impact on my retirement? Will strike days lower my service credit days if we don't make them up?

*****Typically, it will only cost 42 cents per year (or 3.5 cents per month).** Any pay increase that we are able to secure will more than make up for that difference.

Educators who are members of the CalSTRS retirement system stand to lose pennies per (strike) day when participating in a strike. The formula to calculate estimated retirement compensation is straightforward and has three components: Service Credit, Highest Compensation, and Age.

The BASIC formula:

1. Years of Service in CalSTRS system (service credit), multiplied by;
2. Average of the highest 3 consecutive years of salary (for those with less than 25 years of service) or the highest year salary (for those with 25 year or more of service), multiplied by;
3. Age Factor (varies from 1.4% to 2.4%)

For Example: An educator who is 60 years of age, has worked for 26 years (and has earned 26 years of service credit) and whose highest salary is \$101,000. The formula would look like this:

26 (years of Service) x 2% (Age Factor) x \$101,000= \$52,520 annual retirement income.

If the teacher were on strike for one day, the calculation would look like this:

25.9997921 (Years of Service, reduced by one day) x 2% (Age Factor) x \$101,000= \$52,519.58 annual retirement income.

*****That's \$0.42 per year*****

Keep in mind that your sick days also turn into service credit towards retirement. Accepting Fresno Unified's proposal would do far more lasting damage to your retirement than fighting to support our students and fair compensation for the work that you do.

For more info. on your specific CALSTRS account call 1-800-228-5453 or visit calstrs.com

STRIKE – HARDSHIP LOANS

Will there be a strike assistance fund?

We will have details about hardship loans as we get closer to a potential strike. For strikes lasting 5 days or longer, CTA typically provides interest-free loans up to \$100.00 per strike day via Provident Credit Union. Union members will have 12 months to repay any loan. Applications for this loan will be distributed before any strike occurs.

STRIKE – PROPERTY & WORK RESPONSIBILITIES

What should I do with my personal belongings PRIOR to a strike? Take them out of your classroom. We haven't heard of widespread theft or abuse (in other strikes), but neither can we guarantee that this won't happen so do what you feel most comfortable with.

My administration is asking for my keys, laptop(s) what should I do? We expect that they are going to ask teachers to check their keys in *if and when* a strike has been called. If it happens before then, ask them why they need your keys now? It's a change in working conditions, and you want to know why.

Use a sign out sheet for anything you turn in. Detail everything you are turning over to admin, and in what condition you left it. Have admin sign a paper saying that they received it. This way you can't be blamed if something happens to your laptop, tablets or other expensive district property.

In the event of a strike, are we still responsible for grades? NO. You have no responsibility for grading or any other duties.

I am concerned about the district changing the grades of my students in the event of a strike, is there anything I can do about this? Download your grades to an Excel spreadsheet and print them so you have a hard copy, or screen shot your grades on ATLAS.

STRIKE VOTE/STRIKE – FUSD ADMINISTRATION

My administration is scheduling a meeting to discuss the strike with our entire staff? How should I respond? This is not unusual. This may be annoying, but not alarming. Administration is following orders from the district. Tell your coworkers not to worry. If asked, respond by saying, “You better believe I’m striking if FTA calls for it!” Attend the meeting and do not be afraid to speak up. We have your back! We are proceeding in a legal orderly manner.

My administration is trying to win us over, or soften us so that we don’t strike. What should we do? Let your administrator know that you can appreciate where they are coming from, but what they are doing is divisive. If no settlement is reached and FTA calls for a strike, it’s actually better if everyone goes out on strike since it will be over sooner and there’s no need to worry about repairing relationships. Let them know that educators are working to improve and transform public education in Fresno.

I feel that my administration is trying to intimidate me or other teachers into not striking, what should I do? Let all of your coworkers know that retaliation against or interference with union activity is ILLEGAL. Also let them know that the district and the administration are acting this way because they are afraid. **Stick together.** We know that this can be uncomfortable. This is an investment in your future. We are at a turning point. Together we can improve our schools and our community.

STRIKE – SPECIAL EDUCATION ISSUES

Some special education and related services teachers will be told they have to provide services to their students in the case of a strike. **THIS IS WRONG!** Students may have rights to services, but the educator is not the person/entity responsible for providing the service. **It is the district’s responsibility. Every special education educator and related service provider is entitled to exercise their right to participate in a legal strike.**

What happens is we are on strike, and I have IEPs/testing that are due - legal deadlines? Are there compliance issues that can cause me to be fired and lose my job? You are **NOT** obligated to prepare or meet about IEPs during a strike. The district either holds the meeting without you or gets a postponement. **The district is ultimately responsible for compliance issues.**