

# MINUTES

CTA CBLT

Via Zoom

August 20, 2020

## In Attendance

Nicholas Anderson	CTA	Matthew Hazel	CTA	James Preusser	District
Robert Bixler	District	Alex Heidelberg	District	Maribel Rigsby	CTA
LeighAnn Blackmore	District	Laketa Jimenez	CTA	Ladara Royal	CTA
Albert Davies	CTA	Clinton McCracken	CTA	Elizabeth Silva	District
Wendy Doromal	CTA	John McHale	District	Mary-Grace Surrena	CTA
Gloria Fernandez	District	Megan Oates	CTA	Stephanie Wyka	District
Farrah Hawkins	CTA				

## Additional Attendees/Guests

Lucia Piva	CTA	Krista Russell	District (Notetaker)	
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## Minutes

<b>Jim Preusser</b>	Hi Wendy, we are ready to start.
<b>Wendy Doromal</b>	Good morning. I have a short statement. I want to go on the record that Orange County Classroom Teachers Association completely objects to the reopening tomorrow. We do not feel it is safe and we do not feel there is a plan or procedures or policies in place. We feel it is the wrong time to reopen schools with the positivity rate. I have listened to the Medical Advisory Committee members and I understand that the District does not take their advice or feels they can use their advice as they want but I do not, I concur with medical experts and scientists that this is absolutely unsafe. I want to know where are the answers to the 59 questions that I sent on August 6.
<b>Jim Preusser</b>	We are still working on those answers. 59 questions, Wendy.
<b>Wendy Doromal</b>	Ok, so there are some issues we want to address because as you know you are opening schools unsafely tomorrow.
<b>Jim Preusser</b>	I don't know that, you said "as I know". I don't agree with that statement so don't say as I know.

<b>Wendy Doromal</b>	<p>Ok, perhaps you would like to listen to the medical advisors. I would like to address sick leave. I was told in a meeting with you and Mr. Palmerini that there were rumblings of a sick out on Friday which I did not hear about. And that the District would be requiring notes from doctors if anyone was absent on Friday. I wanted to say that I did review the Contract and I also did review the policy about Absences for Professional Staff. Which on page 5, I assume he is speaking about false claims. Board Policy GCC: <i>False Claims. A false claim for sick leave shall be deemed absent from duty without leave under these rules. Where there is any doubt as to the validity of a sick leave claim or the condition of the staff member to return to duty, the Superintendent may require the claimant to file a written certification of illness from a licensed physician or other supporting evidence where personal illness is not involved.</i> I don't know how you would assume a teacher who was sick on Friday is filing a false claim. But I want to make the District very clear on this. It sets an extremely dangerous precedent at this time, when we have serious cases of COVID in our community. So what that does it sends a message to the person, if you are sick, the District will require you to have a note. So if someone has a sore throat, or whatever they are going to realize that they will have to go to the doctor for that. There is a couple of things that will happen, people will go to work because they can't get an appointment and they are worried about their position. The District has been sending so many different messages. So they will be going in and they could potentially have COVID. This will cost employees a lot more money. This shows extreme disrespect for teachers.</p>
<b>Jim Preusser</b>	<p>Let me respond to that if you don't mind. The context of the discussion was if there is a sick out where we see a large number of employees calling out sick at one particular location or throughout the District, then the District could ask for a letter or signed document from a doctor that they were sick, that is covered in the policy. And actually, I believe you said it would not be something the union would endorse so it was a simple conversation. Of course if the employee is sick on Friday, then they are sick. We are talking about a large number of teachers that are calling out sick on Friday and it is an orchestrated effort not to show up for work. That was the context of the discussion.</p>
<b>Wendy Doromal</b>	<p>I wrote down what he said, and Lucia was there and what was said, that if people called in sick on Friday they would need a doctor's note.</p>
<b>Jim Preusser</b>	<p>No, that is not what he said.</p>
<b>Wendy Doromal</b>	<p>We would not violate the Constitution and we do not support strikes or sit downs or any other walk out.</p>
<b>Jim Preusser</b>	<p>We were talking about a large scale orchestrated effort for a blue flu or a sick out on Friday and that was the context of the discussion.</p>
<b>Wendy Doromal</b>	<p>There will be no plan like that Jim.</p>
<b>Jim Preusser</b>	<p>Good, I am happy to hear that.</p>
<b>Wendy Doromal</b>	<p>I am going to tell you right now that I think you are setting a dangerous precedent because people are going to think they have to go to the doctor for every little thing and they can't afford it already.</p>

<b>Jim Preusser</b>	I understand.
<b>Wendy Doromal</b>	The next thing we are concerned about is air purifiers. We were told that it was an issue for Baldwin Park teachers to have air purifiers that were donated. I want to make it very clear that there is nothing equitable in OCPS from whether it is school to school or whether it is within a school. Classes within schools are not an equal size or with equal facilities. There are tiny classrooms, classrooms with no windows, etc. There is no such thing as equity. I think to refuse donations to protect the health of teachers is really unheard of. The comment to need a doctor's note to have your own personal air purifier is appalling. I heard Dr Neilson say yesterday that OCPS has filters for the air conditioning system that don't meet the standard for COVID. Air purifiers are needed. We don't even know to say who is at risk for catching COVID and we are in a pandemic so every teacher should be able to have an air purifier. I would like Clinton to speak now.
<b>Jim Preusser</b>	I would like a chance to respond. But I will let him finish speaking.
<b>Wendy Doromal</b>	We are not finished with this topic. Clinton and Maribel are going to speak to this.
<b>Clinton McCracken</b>	I would like to say that requiring everyone to have an approved ADA accommodation to use a purifier doesn't make sense. Many people have submitted a request for ADA and have not heard back. Like me, I must have an air purifier. I have asthma and need a purifier. Others have not submitted a request because they don't meet those conditions, so they are not in that category either. It is a minimal thing for them to have their own. Some made a financial sacrifice to have the purifiers. Mine cost over \$600. It's risky and unreasonable not to allow purifiers. To piggy back on non-equity. I teach Art and painting in a room with no sink. Others have sinks. To say you can't have an air purifier because others don't have them...is not right.
<b>Wendy Doromal</b>	YMCA on grounds, how is it equitable that everyone does not have it.
<b>Maribel Rigsby</b>	As a minority, I take exception to use the term equity. I had the privilege to work for 12 and a half years in Title I schools. Now I am in the Windermere area. It is like night and day to work in a non-Title I school. We all had to share restrooms. I have the luxury to have a restroom in my class. That didn't happen in Title I schools. It's not fair not to be able to have an air purifier. I don't have an ADA accommodation, so I should have that option. I feel discriminated against because I don't have an accommodation to have one. The union never asked the District to spend money on air purifiers. They should allow the teachers to buy their own. If parents want to buy them for their teachers, let them do it, too.
<b>Jim Preusser</b>	May I speak? For the air purifier, I'm not going to comment on the equity piece. Are you referring to something the Superintendent said directly?
<b>Wendy Doromal</b>	Yes. Board meeting discussion and what you and Palmerini said in our meeting with Lucia.
<b>Jim Preusser</b>	You say there are some schools where principals are allowing teachers to have air purifiers?

<b>Wendy Doromal</b>	To be very clear, parents and others donated air purifiers for their teachers. The District refused to have them delivered. I was told it was an equity issue. Every person has the right to protect their health. For the District to say can't have that, is unbelievable. Just up straight unbelievable.
<b>Jim Preusser</b>	I will have Jennifer Fowler speak to that later today. Let me go back to your earlier comments about school reopening. I understand that you have the same position that you think it is unsafe to reopen schools. We disagree with that. We have taken several steps to ensure that schools are safe. We have provided a Health and Safety Manual that has been changed three times and the Health Department has made some recommendations as well as the Medical Advisory Committee. We have a mask mandate adopted on August 11 by the Board. We have a video for training. We sent a memo for PPE, face masks, social distancing, air quality, signage, etc. it's gone out to all administrators and teachers. In terms of our position on the proposal, our position remains the same. I am referring to our counter proposal from August 4. There are several areas (which we stated on August 6) we cannot agree to. Gating criteria is the deciding factor for the union, we have an issue with that. That is something we can't agree to. On #6 our position remains the same, whether teachers are face-to-face or in a LaunchED position; "to the extent that student demand allows". I will say that face-to-face for students is increasing. #53, you struck through the section, so you are saying that teachers can't teach face-to-face students while teaching LaunchED. It is impossible for us to do that. Based on the demand for each school, it's impossible for us to agree to. I want to be very clear with CTA that our position has not changed. The Board voted to open schools, 6-2 vote effective tomorrow. We believe we have put in safety measures, to make sure the schools remain safe.
<b>Wendy Doromal</b>	We totally disagree. Have hundreds of emails. I spent hours on Saturday and Sunday reading emails from teachers telling me how the plan and procedures flip flop all the time. Teachers feel very much unprepared and are afraid. We are at impasse and I do want to go over a couple of issues that we are concerned about.  Class size: In a news conference yesterday, the press asked about class size. The response is always that we have a waiver and don't have to abide by class size. But you know what, you may not have to abide by class size, but you have moral and ethical reasons to keep class size. You have a responsibility to make desks fit to be 6 feet apart according to CDC recommendations. If you are going to open schools when the positivity rate says it is dangerous, then you have a moral responsibility to follow class size and make those desks 6 feet apart.
<b>Farrah Hawkins</b>	Some of the concerns with the class size are that we have face-to-face teachers who have at least 16-18 students in class. In a Kindergarten setting we use tables. It is impossible to social distance or to have 3 feet distance between students in Kindergarten having tables in the room. Kindergarteners don't wear masks well, but that is a whole other topic. With LaunchED I am hearing that because it is online they can have up to 26 students. Trying to do centers or breakout groups is impossible as well. Those are big concerns.

<b>Nicholas Anderson</b>	Our high school has done wonderfully in social distancing and class size as compared to other schools. My biggest class is 10 students face-to-face. Others might have only 2-3 students per class. And that is because our administration has worked very hard to make sure that the schedules are such that the teachers do not have high numbers of face-to-face. If we can do it, others can. It can be done at other campuses. The District should find a way to get those schools to lower face-to-face.
<b>Jim Preusser</b>	Nick, is that specific to high school or are you speaking to elementary, middle and high school?
<b>Nicholas Anderson</b>	We are in a high school that has lower student-to-teacher ratio in face-to-face than others. If we can get the numbers lower, for some that are having 20 students face-to-face there should be a way to lower it.
<b>Jim Preusser</b>	I understand your point. It is based on individual school sites. What one school site has in terms of demand may be different from others. That could be at any level, high school, middle school or elementary school and our principals have spoken to that.
<b>Lucia Piva</b>	Safety is not a concern school by school.
<b>Jim Preusser</b>	I never said that. Be very clear. You are trying to say that I said something I did not say.
<b>Lucia Piva</b>	By definition, if one school is not going to be able to comply with social distancing therefore it is going against all health experts...
<b>Jim Preusser</b>	Give me some specific examples of schools not doing that then. You are making a broad statement. If you want to give me specific examples, then those situations will be corrected.
<b>Wendy Doromal</b>	I did ask at the last meeting how many face-to-face are in each school and I did not get that answer. I am asking again, write it down. I would like to know at each school site how many face-to-face, how many LaunchED and how many virtual.
<b>Jim Preusser</b>	You do know that is changing every day. There are students today that are switching from LaunchED to face-to-face. Of course, we can get you that information but that information may change after I send it to you. We will see what we can identify.
<b>Lucia Piva</b>	Is that an assurance that in every classroom there will be physical distancing of 6 feet?
<b>Jim Preusser</b>	No, 3 to 6 feet.

<b>Wendy Doromal</b>	<p>You are endangering the lives of teachers. And I want to read this to you right now. Article VI. Section K. <i>"The Board agrees to maintain safe and healthful working conditions, including the provision of safety equipment. The District shall investigate complaints of harmful indoor air quality and take measures to reasonably accommodate employees if necessary. No employee shall be disciplined for refusal to work in an unsafe or hazardous situation where there is an eminent danger to the employee's health, safety or well-being, provided that this shall not be applicable in any circumstances where the health and safety of students otherwise clearly require employee intervention."</i></p> <p>That is an article from our Contract that we will be following starting tomorrow. If a teacher is put in a situation where there are not safe and healthy working conditions we will enforce that clause vigorously at every site, at every school, for every member.</p>
<b>Jim Preusser</b>	<p>It also states that if the issue is brought to management it will be resolved. So it doesn't mean that an employee can just say that I'm, let me finish, that I'm in an unsafe environment and I'm not going to work. No, it says that you need to bring it to the attention of management and management will attempt to resolve the issue.</p>
<b>Wendy Doromal</b>	<p>We will bring all 6000 to management tomorrow. We filed a class action grievance saying it would not be safe. Did we not? We brought it to management and then you...</p>
<b>Jim Preusser</b>	<p>Are you talking about the grievance in the lawsuit?</p>
<b>Wendy Doromal</b>	<p>You went against Medical Advisory Committee advice, the advice of scientists, and then to have the audacity to think that teachers would put their lives and health at risk and to risk the lives and health of innocent children. You are affecting their lives, too, when you do not enforce safety issues. We see so many holes in your plans that change and flip flop from day to day. It's terrifying.</p>
<b>Jim Preusser</b>	<p>Where did the Advisory Committee say we could not open? When did they say that? I don't remember them saying that. Hold on I get to speak...</p>
<b>Wendy Doromal</b>	<p>I recorded the last two medical advisory sessions, I recorded FEA's trial yesterday, where Dr. Neilson said it was unsafe to open. We also addressed the issue of Plexiglass, where some districts have provided when they can't do 6 foot social distancing. This District said teachers could not purchase those on their own.</p>
<b>Jim Preusser</b>	<p>Wendy, I have a letter here dated August 14 from Vincent Hsu, he is the chair of the Committee. Nowhere in this letter does it say that it is unsafe to open schools. Let me speak a little bit. So nowhere does it say in here...</p>
<b>Wendy Doromal</b>	<p>Read the letter!</p>

<b>Jim Preusser</b>	I have the letter in front of me, I'm not going to read it out loud, you have it. In terms of what was said in a court hearing, I'm not going to get into that. And the lawsuit that you have, I'm not speaking to that. And we disagree fundamentally, you say that no school is safe to open. We disagree with that. And we have taken precautions, implemented safety measures. If there are areas that you feel are unsafe, you need to bring it to our attention. Let me finish. I will happily take it to the Superintendent and the Deputy Superintendent and we will address it on a case by case basis. But as we speak right now we believe it is safe to open schools. If there is a place where you feel it is unsafe, please, please tell me, I will make sure it gets back to senior leadership.
<b>Wendy Doromal</b>	There is not one school in Orange County where it is safe to reopen right now according to scientists and medical experts. And Jim, I do have tapes of the Medical Advisory Committee meetings. And they did say it was unsafe to open schools. They are addressing you and no one seems to be listening. So they are going through the motions to say that if it is safe, this is what the mask policy should be.
<b>Jim Preusser</b>	That is not what this letter says.
<b>Lucia Piva</b>	Has the committee said affirmatively that it is safe to reopen schools?
<b>Jim Preusser</b>	The letter indicates that it is not unsafe.
<b>Lucia Piva</b>	Can you read me the part of the letter where it says it is safe? I don't see where it says it is safe.
<b>Jim Preusser</b>	You have the letter and you can decipher what you want to in the letter. Are we going sit here today and just go back and forth? You say it is not safe and we say it is safe. If the position is the same are we just going to keep going back and forth? Do you have anything else you want to discuss?
<b>Wendy Doromal</b>	I think that is how you bargain, always going back and forth. You pushed this on us, every policy has been unilaterally decided without this bargaining team.
<b>Jim Preusser</b>	I disagree. So maybe this is a good time to caucus. I'm not going to sit here and listen to you yell at me and tell me that it is unsafe to reopen schools. We fundamentally disagree.
<b>Wendy Doromal</b>	You won't even concede to class size which is absolutely unsafe, You won't concede to air purifiers, Plexiglas dividers, LaunchED being conducted virtually and face-to-face at the same time which has tremendous liability issues. And we haven't talked about substitutes for reopening.
<b>Jim Preusser</b>	I have already spoken to the LaunchED issue, we can't agree to that. What is the issue with substitutes? Are you saying there are not enough?
<b>Clinton McCracken</b>	Give me just a moment. I need hosting status to share the screen.
<b>Jim Preusser</b>	I never did get the opportunity to have the principals speak. It was when Nick was speaking, they never were allowed to speak. I am speaking to the demand to student. I believe John was going to speak.

<b>Wendy Doromal</b>	You speak always to the demand of students, Jim. There are very many OCPS teachers who are parents. Parents who are not OCPS teachers were given a choice. The parents who are OCPS teachers were not given a choice. They have to teach face-to-face even though they have accommodations, so their children had to go face-to-face so the parents could go into work. How is that right?
<b>Clinton McCracken</b>	Substitute email message: It says that substitutes not being provided. This is from the Kelly substitute site.
<b>John McHale</b>	Can I speak to this? It is outdated. That was just for the nine days of LaunchED before face-to-face. I have subs coming in tomorrow. During the nine days, the issue was not subs, the issue was technology. The Kelly subs could not access Canvas and all those pieces. We could provide subs but they had to be inhouse, deans, resource teachers, even administrators. I didn't deny anyone during that period to have time off. Kelly subs didn't have access to the platform. But starting tomorrow that has all been taken care of.
<b>Jim Preusser</b>	Actually, the issue was resolved yesterday by IT. I have an email here from IT and it was resolved.
<b>Nicholas Anderson</b>	So let's talk about tomorrow and from now on. Will the sub have access to everything they need?
<b>John McHale</b>	The subs had to go through training and they will have access to everything except for specially created things from teachers.
<b>Clinton McCracken</b>	If there is not subs that are ready, then the District doesn't have subs.
<b>John McHale</b>	I have complete coverage with subs tomorrow. Have to go through training. I will have staff to help.
<b>Clinton McCracken</b>	You just said that you are not sure that substitutes would be able to monitor progress, take attendance...
<b>John McHale</b>	I did not say that. I said they do have access to that if they have been through the training. What I am saying is that if a teacher has materials in google or the netherworld, I don't know if they will have access to that.
<b>Nicholas Anderson</b>	If I call in and the assignment is on Canvas, they will have to be provided access to my Canvas.
<b>John McHale</b>	It's provided at the school level.
<b>Nicholas Anderson</b>	Ok.
<b>Clinton McCracken</b>	We have not been told how that will work.
<b>Wendy Doromal</b>	Does anyone want to tell teachers what is going on with substitutes? Has anyone thought of that? All principals doing that?
<b>John McHale</b>	We also require teachers to provide plans for not being on Canvas.
<b>Clinton McCracken</b>	How does that work for kids on LaunchED?
<b>John McHale</b>	We have ways to get that to them.
<b>Clinton McCracken</b>	That doesn't seem like a well-coordinated plan.
<b>John McHale</b>	I disagree.



<b>Wendy Doromal</b>	We will survey teachers on Monday on what they have been informed about and what they have questions about. So we can let you know.
<b>Jim Preusser</b>	Thank you.
<b>Lakita Jimenez</b>	Nurses: Clinic: the well room and sick room are to be separate with an employee (total of two) in each one. Administration is saying they don't have staff and need the one person to do both rooms. Some are taking out the most qualified from the well room to the sick room. We are not supposed to mix rooms. It is very confusing when the Manual changes. I don't receive anything to say the Manual changes. I check every day, but principals don't let me know.
<b>Jim Preusser</b>	There is a News You Can Use that it did change. Changes are happening on Fridays. Principals would be receiving that. If you would let me know where the schools are, I will let Dr. Vazquez know where and what the issues are.
<b>Wendy Doromal</b>	Ok, if I get a reply. Sometimes, things don't get fixed.
<b>Jim Preusser</b>	Please send me the schools where this is happening. I will copy both you and Wendy Doromal on the email to Dr. Vazquez.
<b>Wendy Doromal</b>	Why hasn't the District contacted and have gone into every school? The District should know, not rely on the union to tell you. Why do you think you are ready? The Manual is already on version 3.0. This is a mess. There is not a plan.
<b>Jim Preusser</b>	I disagree with your assertion.
<b>Laketa Jimenez</b>	Jim, thank you for that, but I would not be comfortable without checking with the people involved.
<b>Jim Preusser</b>	I will send email to Dr. Vazquez about this concerns without the names of the schools. Is there anything else to discuss?
<b>Wendy Doromal</b>	I am hearing from teachers that they concerned that they have to sign waivers.
<b>Jim Preusser</b>	I am not aware of anyone requiring waivers. If there was a waiver it would have come from Legal Services and he has said there will be no waiver. If you have one, I can share that with Legal.
<b>Wendy Doromal</b>	We are telling teachers not to sign the waiver. They are taking steps to protect themselves if they contract COVID-19 at school. Some of these teachers have not left their house since March. They are terrified. And yet they have said they have ADA accommodations approved and it goes to the principal and they are told they have to come in to keep their job, or resign, or there are no more spaces for them to teach Launched. So we will have our own protection for our teachers. We will follow the clause in Article VI that when a teacher does not feel safe...
<b>Jim Preusser</b>	And they would also bring to the attention of an administrator. That is what the Contract says.
<b>Wendy Doromal</b>	They have done that Jim, they have been told to resign or come into school. OK? And you know that.
<b>Jim Preusser</b>	No Wendy, I don't know that. Lucia?
<b>Lucia Piva</b>	Let's take a step back and see if there is anything in the proposal we can reach agreement on.

<b>Jim Preusser</b>	I spoke to that last time about a framework for settlement. There are things we can agree to and there are some non-starters. We have three big ones we can't agree to.
<b>Lucia Piva</b>	What things could we reach agreement on?
<b>Jim Preusser</b>	In the last meeting on Aug 6, everything in the MOU is attached to the gating criteria. If that is still your position then that is a real problem for us. And when we look at the information you presented specifically on page one, #1 and the opening paragraphs, all that is attached to the gating criteria. And there are sections in here that violate the Emergency Order and also the Plan that we submitted to the state and it was approved. So those are a bit of a problem for us. I am happy to speak to anything you think we could get agreement, if we want to start focusing on moving aside some of these pieces and start talking about some things that speak to PPE and other things we have common ground on, I'm happy to continue to speak to those.
<b>Wendy Doromal</b>	I think it is useless. You have not even come half way. You have not included us on any procedure or any plan that you have sent out. It is so poorly thought out because of no input from teachers or the union. Have done this unilaterally, so own it.
<b>Jim Preusser</b>	I disagree with that. So you are saying you don't want to talk anymore?
<b>Wendy Doromal</b>	We should set a date to talk about salary and other issues. And I think this should be settled by a Special Magistrate or the School Board. I think that we are going to have to take different tactics. We will be enforcing our Contract.
<b>Jim Preusser</b>	Don't want to bargain this matter anymore?
<b>Wendy Doromal</b>	We are not going to get anywhere. you don't have any respect for teachers. The fact that you would endanger their lives by putting them in windowless classrooms with improper ventilation with no Plexiglas desk shields, without proper social distancing says it all.
<b>Jim Preusser</b>	So your answer is yes, you don't want to meet anymore?
<b>Wendy Doromal</b>	I think we should set another date for bargaining salaries. We can deal with this issue through grievances and through court. I don't see you coming to any agreement. You push back, and say they are safe when they are not.
<b>Jim Preusser</b>	We will let the record reflect that the Union wants to hold any of these bargaining sessions in abeyance. And that you would like to meet and discuss wages.
<b>Wendy Doromal</b>	When you are serious about discussing safety with me and following medical and CDC guidelines then yes we can meet. Until then we will enforce our Contract.
<b>Jim Preusser</b>	We are always serious about discussing the health and safety of our employees and our students, the community at large and our staff. So Wendy, based on your commentary we will end for the day. I will send you dates for discussing wages. Ok?
<b>Wendy Doromal</b>	Thank you.

