



OFFICE OF THE SUPERINTENDENT

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Edward M. Brand, Ed.D.
Superintendent

March 12, 2014

Dear Colleagues and Community Members,

Let me begin by recognizing the important work performed by our teachers, administrators and employees for our students and community. The Sweetwater Union High School District (“District”) recognizes its legal obligation to negotiate in good faith with Sweetwater Education Association (SEA) over terms and conditions of employment. SEA and the District have been negotiating terms for a successor collective bargaining agreement since early 2013. The parties have been unable to resolve their differences. The Public Employment Relations Board (“PERB”) determined that the parties were at an impasse with their negotiations, and assigned a mediator from the State Mediation and Conciliation Service (“SMCS”) to assist the parties in resolving their differences. Both the District and SEA have participated in several impasse mediation sessions with the SMCS mediator. The impasse mediation process is statutorily required, and both parties are obligated to participate in this process in good faith, pursuant to the Educational Employment Relations Act (“EERA”). The District has, and will continue to negotiate in good faith with SEA in an attempt to reach an agreement, but recent actions and developments call into question SEA’s commitment to its legal obligations.

As you may have heard, SEA has threatened to strike and in fact has engaged in preparations to strike. In addition, the District has learned that strike votes will be conducted on March 13 and 14, 2014, and that SEA and its members are prepared to strike as soon as March 18 and/or 19, 2014.

The District supports and will not interfere with SEA’s representational rights or the right of SEA members to participate in protected activities as authorized under EERA. The District will not, however, tolerate or acquiesce to conduct by SEA, its officers, agents, or members that is illegal, unprotected, or interferes with or disrupts the orderly delivery of education to students.

Because the parties are currently engaged in impasse mediation, it is unlawful for SEA to threaten, prepare for, and/or engage in a strike at this time. PERB has made it clear that such conduct by the union *before* the completion of statutory impasse resolution procedures constitutes an illegal pressure tactic, and is a violation of SEA’s duty to negotiate and participate in impasse resolution procedures in good faith.

SEA has asserted that it has a right to strike at this time because it has accused the District of committing an unfair labor practice. The District denies that it has committed any unfair practice. Moreover, SEA’s allegations are currently being investigated by PERB, but PERB has not yet made any determination whatsoever. SEA’s actions are entirely unlawful. The District is committed to working in good faith with SEA and the SMCS mediator. SEA’s unlawful attempts to involve the students and their parents, and disrupt the delivery of education will not be tolerated. The District has directed SEA to cease and desist from engaging in such unlawful and unprotected activity. The District will consider any violation of SEA’s legal obligations very seriously, and is prepared to exercise all legal avenues available to ensure such compliance, and prevent disruption to the delivery of education to its students.

Sincerely,

Edward M. Brand, Ed.D.

Superintendent

A proud member of the Sweetwater Union High School District

The Sweetwater Union High School District will fulfill the promise of 100% student success.

Sweetwater Union High School District programs and activities shall be free from discrimination based on gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics.

SUHSD Board Policy 0410.