

ATTORNEY CLIENT PRIVILEGE

Compilation of Questions & Answers

CARD CHECK PROCESS AND COUNT

Question: Just had a teacher show up to my office feeling very upset that she signed the petition and wants to know the steps to not move forward any further. What do we do about this situation?

Answer: It is very common for people to change their minds in these situations, especially after they begin learning more facts. In these situations where a person has signed a document to support the union (an authorization card, a petition etc.), and wish to revoke it we tell them they may be able to do so by writing the union a letter stating they wish to have their name removed from the petition or the card. Whether the teacher sends the letter is completely up to the person.

Clarifying Follow-up Question: What is the difference between a petition and an authorization card? Will there be a vote for teachers?

Answer: The open letter signed by 70 teachers on Friday is a petition calling for a discussion about how to improve the Alliance and calling for UTLA to serve as the school's bargaining unit. We can assume that teachers who signed the petition (as well as those who clicked yes on the UTLA support website) are likely to also sign a formal authorization card. Once 50% +1 authorization cards are signed and submitted to PERB, PERB will verify those signatures. That is all that is required. There is no vote. Teachers may think that signing an authorization card is an indication of interest in a union that will lead to a wider discussion and eventual vote, but that is not the case.

Question: Our campus charter is 6-12th grades – one middle school and one high school. Do my teachers have to be in the union if the other school has enough signatures to get our combined count to 50%+1?

Answer: If the combined count is 50%+1 then even if no signatures are from one of the schools on the joint campus, the entire group would be represented by the union.

Question: If I am hiring new teachers now to join us next school year (we are a growing campus), will these teachers count toward the 50%+1?

Answer: Only teachers on payroll at the time of the petition will be counted. So, if these new teachers have been hired, but are not yet working and being paid by Alliance, they do not count right now.

Question: How does organizing affect our classified staff?

Answer: This question goes to which non-supervisory employees can be in a bargaining unit. Generally speaking, confidential or clerical employees who are not at a school would not be part of a teacher bargaining unit. In LAUSD, for example, UTLA does not represent clerical workers. That said, until UTLA formally submits authorization cards to become a school's bargaining unit, we won't know which staff classifications they are seeking to represent.

Question: If UTLA gets 50%+1 and submits the authorization cards to PERB and those signatory teachers are not employed by the Alliance when PERB does its investigation, do those signatures still count?

Answer: No. In order to be valid, the card must be signed by a person who is actively on the payroll at the time and who is part of the bargaining unit. If a person is not employed by Alliance, then their signature should not count.

Question: How is a part-time staff member's vote counted?

Answer: For the purpose of organizing, their signature would count as a vote in support of the union. If they are employed by a school that does unionize, their vote during bargaining could count as a full or partial vote. We will seek clarification and follow-up on this matter.

Question: If a teacher signs an actual authorization card, can it be rescinded by the teacher? What is that process?

Answer: This process is essentially to send a letter or other communication to the union that can be tracked (registered or certified letter, etc.) stating he or she wishes to revoke the card. The union is under no obligation at all to return the card. Sometimes they do, sometimes they do not.

Question: When PERB does their investigation, do they just confirm the signatures and names against an employment list or do they go to each person and ask if theirs is a valid signature?

Answer: They compare the signatures/names to the employment list for that school. But if there is a dispute over the validity of any signatures, we can provide PERB with copies of any letters or other indications that we have from teachers indicating their desire to revoke their signatures.

Question: One of my teachers was told that there is a new petition supporting the unionization of the Alliance that needs 200 signatures and they already have 124. What is this?

Answer: There is a link on the union Facebook page to a moveon.org petition. Many of the signatures are not Alliance teachers, and many are not even teachers who live in Los Angeles. Teachers from across the city, state and country are being asked to sign to show their support.

USE OF INSTRUCTIONAL AND NON-INSTRUCTIONAL SCHOOL TIME (INCLUDING PD AND SCHOOL EVENTS)

Question: Are Principals allowed to discuss unions and related issues during the school day?

Answer: YES, Principals are allowed to use lunch time, PD time, and time before and after work to discuss these issues with staff. Legal recommends one on one conversations, but it is OK to discuss with groups of teachers as well. That said you do not have to engage in conversation if you believe the forum will be unproductive.

Question: Is Professional Development time on Wednesdays from 1:30 p.m. to 3:30 p.m. considered working time?

Answer: Professional Development time is on the clock time focused on improving classroom teacher practice and student academic achievement. For those of you would like to stay after our Professional Development session today, I'm happy to talk about these other issues."

Question: I'm wondering if there has been any thought given to the upcoming pupil-free days. Alliance teachers will be clustered, so it's a chance for organizing from within and without. Should we have a plan in place?

Answer: Yes. We will work on a more extensive plan for the April pupil free days. Any event such as this where there are large groups of teachers clustered together is an opportunity for the union to use as an organizing platform. Just because no students will be present does not change the rules regarding access to the property. As a general rule, any outside union representatives should not be permitted access to these Alliance meetings. As to internal discussion, from the Alliance's perspective, the pupil free days are, like professional development time, not a proper place for pro-union teachers to engage in solicitation. While we cannot, and frankly should not, try to stifle every conversation that

occurs, should we encounter overt union solicitation or distribution we should politely remind people that these days are not the time or the place for engaging in such activities. Should these conversations occur informally among teachers during breakfast, lunch and break times, we should not interfere with these conversations.

Question: My teachers want to take personal days during the upcoming Pupil Free Days because they are concerned about being harassed by their union supporting colleagues during lunch and other break times. How should I advise them?

Answer: They should not miss out on the opportunity to benefit from this important professional development opportunity. Advise them to be as cordial as possible in their responses to their colleagues but also be firm in stating that their interest is on keeping their focus on the work they are there to accomplish and not on discussing the unionization effort.

Question: Can these issues be discussed at School Coordinating Council meetings?

Answer: It is not productive to enter into a debate on unionization at these Coordinating Council meetings. If the issue is brought up, we recommend keeping your response short: "We are aware that this is happening. We oppose it. This is not the forum to discuss this issue. I am happy to talk with anyone after the meeting to answer your questions, hear your thoughts on the issue and provide the facts."

Question: If employees cannot participate in pro/anti union activities during work hours, does that also mean that they cannot send emails to colleagues during work hours on that topic?

Answer: If we grant employees access to our email system then they have a statutory right to use that email for protected activities, for or against, unionization on non-work time. This is different than "work hours" in that the entire working day may include paid time for breaks. During this non-work time employees can use the email system to engage in protected activity provided: 1) it doesn't violate harassment guidelines (use of sexual references, profanity, racial stuff, etc.) and 2) it doesn't become a burden to the system so as to be disruptive of work (e.g., they mass email the entire Alliance system etc.). So, the answer is they can as long as they shouldn't be otherwise be working and so long as it doesn't violate some other policy.

Question: It just came to my attention that one of my students confided in a teacher that a pro-union teacher on campus talked about the union during class time. I don't know the full story yet. What should I do?

Answer: Investigate as you normally would. If it is true, you can tell the teacher that it is inappropriate to engage in that activity during instructional time. They may disagree, and that's fine. If they insist that they can, you can let them know that the directive is that they do not facilitate any union discussions (for or against) during instructional time and doing so could result in a disciplinary action. If you typically confirm conversations with a follow-up email, it is ok to do so in this instance as well.

Question: If a teacher is wearing a union related t-shirt or pin in class and it prompts a conversation with students about the union, what are the parameters around that?

Answer: You can have a conversation with the teacher and remind them that the focus needs to remain on the specific instruction intended. If what they are wearing causes an obvious distraction from instruction, you could ask them to remove it during classroom time. Formally disciplining the teacher for this would not be advised.

Question: I heard that TFA teachers are not allowed to talk about unionization. Is this true?

Answer: It is permissible for TFA teachers to advocate for or against union activity at Alliance schools. They can't, however, wear anything with an AmeriCorps or TFA logo (since TFA is an AmeriCorps program) while engaged in these activities nor can they participate in any pro/anti-union activity during school hours. Either of these activities can jeopardize their AmeriCorps standing and stipend. This is an AmeriCorps requirement of

Teach For America. For TFA and AmeriCorps, lunchtime is considered part of the workday, so no pro- or anti-union advocacy can be conducted by TFA during lunch or other breaks during the workday.

Question: One of my teachers would like to be able to share her position on the unionization of the school with her colleagues during PD time. Is this allowed?

Answer: Professional Development time is on the clock time focused on improving classroom teacher practice and student academic achievement. Teachers who would like to discuss their feelings on union issues (for or against) should ask their colleagues to join them after work hours for a small group or one-on-one conversation. Work time should be focused on work.

USE OF/ACTIVITY ON SCHOOL PROPERTY

Question: Do we have to allow union representatives onto campus?

Answer: NO, similar to our practices about allowing vendors and other guests onto campus, you do not have to allow union representatives on your campus. If union representatives or others are collecting signatures and talking to teachers in an open parking lot, they are allowed to do that.

Question: Can we use school supplies to disseminate the fact sheet?

Answer: NO, You cannot use school supplies or machines to make copies of the fact sheet or other organizing materials.

Question: How do we inform teachers that they cannot use school supplies or equipment for the purposes of the union organizing campaign?

Answer: We do not recommend having a preemptive conversation with teachers about this. We recommend just having a discussion with any staff member whom you discover using the supplies and equipment. If your supplies and equipment are in a monitored area -- for example the front office -- please let your office manager know that that no one (for or against unionization) can legally use school supplies for these purposes.

Question: Are Principals allowed to use their personal and/or Alliance Emails to send information regarding unions to school staff?

Answer: YES, Principals are allowed to use their personal and /or their Alliance email to send the fact sheet and other information to school staff. You can do this at any time.

Question: Our school handbooks say that is against policy to use Alliance email to send communications that are political in nature. Is it still OK for us to use our Alliance email to share information about unionization with our staff?

Answer: Yes, you can use Alliance email. The restriction applies to a political election or campaign centered around a candidate or proposition on an electoral ballot. What we are doing here does not qualify as a political matter.

Question: Are Principals allowed to use disseminate information regarding unions in teachers' mailboxes?

Answer: YES, Principals are allowed to put the fact sheet and other information in teacher mailboxes.

Question: All our teachers got a mailer from UTLA today via the post office. Should we put it in their mailbox?

Answer: Yes, we should not interfere with this. If it came by US Post, we should put it in the teacher mailboxes.

Question: Pro-union flyers were delivered to my site with postage labels for each teacher. Am I obligated to put them in teachers' mailboxes?

Answer: Yes, you should put them in their mailboxes. You don't want to interfere with anything coming through the mail.

Question: If I put the fact sheets in my teacher mailboxes on Friday after school and they still have not picked them up, do I need to take them out and redistribute them again after school hours?

Answer: No. You can leave them in their mailboxes for them to pick up whenever they are able.

Question: What are the parameters of union reps coming onto our campus and/or into the Alliance building since we are an LAUSD campus and pay rent to LAUSD? Can I bar them from Alliance buildings?

Answer: Generally, non-employees are not allowed on Alliance property. To the extent we share a campus with LAUSD, the non-employee union representatives have a right to access the areas where employees they represent are present. The union does not currently represent any Alliance personnel so the union representatives do not have a right to access the Alliance portion of the school.

Question: Teachers posted the LA Times Article in our lounge. Is that okay or should we take it down?

Answer: It depends. If the article is posted in place where we have not allowed posting, then yes. If it is in a place where teachers normally post things then the answer is no. You can, of course, clean a bulletin board in normal intervals.

Question: Does the following section apply only AFTER a union has gained representational rights? "Under section(b) the employer must recognize the rights of unions including the 'right to represent their members, 'right of access at reasonable times to areas which employees work,' which includes having access to institutional bulletin boards and mailboxes subject to reasonable regulation as well as the 'right to use institutional facilities at reasonable items' for meetings concerning unions' rights. Unions also have the right to have a reasonable number of representatives 'receive reasonable number of representatives 'receive reasonable periods of released time without loss of compensation when meeting and negotiating for the processing of grievances' as well as the 'right to have membership dues deducted.' Denial of any of these rights is an unfair labor practice."

Answer: Yes. This applies only if a union has representational rights.

Question: A teacher approached me today about inviting union members onto our campus to hold meetings and used a March 13, 2015 memo sent from the Alliance to all users as evidence that this was an acceptable practice. Recent communications suggest otherwise. Is it possible to send a new communication to all users clarifying the restrictions?

Answer: We should follow the more recent legal guidelines emailed on March 18th (*included in note on Union Organizing and Property Issues below*) These will be forwarded to you again for your reference, and for you to share with your office staff to provide guidance. To send a new message out to all users that is focused on denying access could be seen as harassment. Bottom line, with the exception of a few schools, our schools are located on private property that we own, and we have the ability to control who visits our campuses.

Question: Can teachers wear pro-union t-shirts or pins while they are on campus?

Answer: Yes, that is a protected activity unless there is a special uniform or dress code in place that would prohibit it. For example, if you have a dress code policy that prohibits staff from wearing non-school t-shirts, then wearing a union t-shirt would violate that code and should be handled according to set policies. It is almost impossible to prohibit them from

wearing pins or buttons.

Note re: Office Manager Training - Howard Lappin will follow-up on the information provided to principals at the meeting yesterday by emailing the sheet outlining visitor check-in procedures. Principals should review this information with their office managers and administrative staff as soon as possible and advise them to come to you or another administrator if any questions/issues come up with future visitors. We do not recommend distributing this information to all staff. (from 3/20/14 morning call)

Note re: Union Organizing and Property Issues - Since the union has begun its organizing campaign, several questions have arisen regarding the use of school property by outside union representatives. These guidelines have been written to assist you with handling situations where union representatives seek access to school property. Generally, union organizers have no rights to access school buildings and should not be permitted to do so. Here are general guidelines:

- If a school is on Alliance owned property, then union representatives do not have a right to be on school grounds or buildings at any time.
- If a school is located on a LAUSD campus, then union representatives can access the school to visit their members working in LAUSD buildings. They do not have a right to access Alliance buildings.
- In some cases, if a parking lot is open to the public or access to it is not controlled, then we may not have a right to ask someone to leave. In this case seek guidance.
- No access for a union representative to a school building should be granted. If a union representative seeks permission, say: "I'm sorry but we are not granting you access to our school." You do not need to explain why or engage in a discussion or argument; simply tell them they are not permitted on school property.
- If you encounter a union representative on Alliance grounds or building, politely ask them to leave.
- Do not get into a confrontation, but make sure they are accompanied at all times until they leave the premises.
- If the union representative continues to refuse to leave Alliance property after being asked to do so, then seek guidance from the home office.
- The police should not be called about a trespassing issue unless prior approval has been received from the home office.

The law states the following: there is no right of access under federal or state labor relations law. If you are told otherwise by a union representative then he or she is not telling you the truth. While we do not want to get into an argument with a union representative, we should not be bullied by someone asserting rights that do not exist. Be firm. The only time a union representative has a right to be on property is when the union represents employees, which is not the case.

STAFF RELATIONS

Question: Principals at sites with lots of teacher signatures would like advice on how to handle those teachers and others on their campus.

Answer: We should treat everyone just as we always have done. Here are some pointers for dealing with individuals who signed the petition:

- Do not reference their signing the petition at all. If and when you have an opportunity to discuss the union with the signers the conversation should be free from any personalization.
- If you have a discussion about the union it is better to stick to the talking points and simply state the Alliance's position. The teacher's response will tell you where you need to go. If the teacher is adamantly pro-union, then you probably are wasting your time by continuing the discussion (and risking them using whatever you say to support an unfair labor practice charge, etc.). If the

teacher is open to further discussion then feel free to highlight information you think might be useful to them. For example, if we know a teacher is concerned about finances, you might say, “I was amazed to learn that dues for this union could be about \$700 a year.”

Question: My teacher is quoted in the LA Times article as saying, “I may have an idea to improve instruction from my students but there is a general sense of ‘I don’t know whether I should say it or how it will be received.’” Can I ask him about this quote?

Answer: It is probably not a good idea to ask about the quote.

Question: Can home office staff engage in conversations with our teachers and/or UTLA representatives? (Example of one home office staff person talking to teachers in parking lot across the street from one of our schools.)

Answer: Yes. Non-supervisory employees, even those from the home office, have rights to engage in protected activities, which means meeting with union representatives.

Question: If no real conversation or activity appears to be happening on the campus, how should principals be getting the message out there?

Answer: You can’t make people talk about it, but you should let them know that you are available to talk during non-instructional time if they have questions or concerns. Some may be hesitant to approach you without an invitation. Continue to provide them appropriate information when you have an opportunity as well. Eventually you will reach most people.

Question: I have a teacher who has expressed interest in withdrawing her support from the petition. She has been confronted with a pro-union teacher very aggressively. I told her it was within her right to tell him to leave her alone on this issue if she feels that he is intimidating/bullying her on the issue with his tone/pressure. In the event she tells him to stop and he continues, what are my options for how to resolve this?

Answer: Tell the teacher that he/she has just as much right to be against the union as for it. She has every right to ask the pro-union teacher to leave her alone and to not even talk to him/her if she does not want to. If the harassment continues, we would take action if it violated a policy. We do have to be careful, though, that “harassment” doesn’t mean a snarky or insulting comment. If the harassment continues where it becomes a true actionable item (threat or workplace disruption etc.), the principal can pull the pro-union person aside and say something like: “Everyone has strong feelings about this and it has been reported to me that you are _____. Please treat people the way you expect to be treated.”

Question: I spoke with two of my teachers who have been with me from the beginning and neither has signed anything or even been approached by the union. They shared that they feel a lot of their colleagues don’t know what charter schools really are and just found their way to our schools through general postings. They feel that might be part of the problem. Is it possible to promote a greater understanding of charters during our onboarding process for new teachers?

Answer: Yes, this would be a valuable addition to the process and we will work with HR to find ways to incorporate that information.

Question: There is a misconception that exists among some teachers that principals can fire teachers at any time for any reason without due process. Is there a way the Alliance can address this misconception before it gains additional traction?

Answer: We will pull together some language for you to use if this issue comes up with your teachers and will also address it in the next fact sheet that is compiled. You may also consider taking the opportunity to revisit their teacher agreement, ALLI protocol and other evidence with them to help demonstrate the due process system that is in place.

PARENT RELATIONS

Question: Regarding the parent/community perspective brought up this morning, unions are probably something a lot of our parents are sympathetic to. When/if they hear about the union efforts, they would be likely to “support the teachers.” Is this the next card UTLA will play? What can we do to proactively to prepare for this?

Answer: Yes, one of the next phases for UTLA will be to look for pressure points and one will likely be parents. The best way to preempt that is to start reaching out now to parent leaders to educate them on this issue. For example: “You may have heard....” Our position is..... Here is why we believe an independent Alliance is best for our school, our students and our community...” Use the information in the fact sheets to guide your discussions with parents and community members as appropriate. The fact sheets will also be provided in Spanish. This will prevent it from being a surprise if parents or community members are approached by UTLA and will ensure that they already have factual information up front.

Question: I have a Parent Town Hall meeting on Thursday of next week. Is it appropriate to add this item to the agenda and initiate the conversation then?

Answer: Rather than formally including it on the agenda, it might be better to handle it as part of the “other business” item already on the agenda. Allow time at the beginning or end of the meeting to share that this has been a recent issue that has come up and provide them with facts and information on why you do not believe it will benefit the school or the students. You may want to talk before the meeting with some of your parent leaders so they are aware and can be prepared with productive questions.

Question: Since we are the ones closest to our parents, should we include language about the union efforts in our newsletter that we send out to parents?

Answer: Yes, but please ensure the language that you use has been vetted. If you can draw/repurpose language from the parent letter that the Alliance will be sending out or the fact sheets, please feel free to do so. If you prefer to craft your own message or put your own spin on the language, please allow time to email the language to Dan Katzir so that he can run it by the lawyers. The lawyers have been great about turning these requests around quickly. If you do include union related language in your newsletter, you cannot use public dollars to print or distribute that particular newsletter. Other options for printing/distribution include:

- Use Kinkos to print the newsletter and mail it via the post office. Submit receipts to the home office for reimbursement, or
- Print and distribute from your sight, but keep track of resources used and submit a request for reimbursement to the home office, or
- Give the home office a copy of the newsletter and the addresses and we will handle copying and mailing it for you.

SCHOOL GOVERNANCE

Question: Are school board meetings open to the public? Can anyone attend, even if the meeting is held on school grounds?

Answer: Yes. All board meetings for public schools are subject to the Brown Act and open to the public. Notifications of meetings must be posted and anyone with an interest in attending has the right to attend. This includes UTLA representatives.

Question: Is anyone allowed to speak at a school board meeting?

Answer: Yes. There is a public comment item at the end of every agenda. Any person who wishes to speak will have 2 minutes to do so. They do not have to speak about a specific

issue or agenda item. They are free to say what they would like within that timeframe, as long as they conduct themselves with decorum. While they also have the right to ask questions, board members are not obligated to respond, and we recommend that you do not engage in a dialogue or answer questions.

SOCIAL AND TRADITIONAL MEDIA

Question: I feel like the great majority of Alliance teachers would like their principals to stand up and fight for them and against unionization. Is it OK for principals to use social media, such as posting on the Alliance Educators United Facebook page, or since we are considered management, could that be seen as a violation of labor laws?

Answer: Both legally and practically, this not a good idea. Legally, commenting on their website or Facebook page shows we are monitoring the page and although it is public, it would not be unheard of for a union to claim it was unlawful. Practically, it establishes knowledge on our part of who is pro or anti and that is not a good thing if other charges are filed. Finally, it seems to me that we can stand up without using the union's social media sites. Talking directly to your people is the best way. Principals can and should tell everyone often that we are doing what we can to stop this.

Question: Can teachers who are anti-union and want to stay independent comment on Union websites, Facebook pages, etc.?

Answer: Yes, they have every right to do so. Encouraging them to make their voices heard is important and, while you can't force them to do it, utilizing social media to convey their opinions can be offered as a potential suggestion.

OTHER QUESTIONS/NOTES

Question: What happens if a staff member works part time at an Alliance school that unionizes and part time at a school that does not?

Answer: The person would pay dues and be represented by the union during their time at the school that is part of the union, and would not pay dues or be represented during their time at the nonunion school.

Question: If an Alliance school has been card checked, but the collective bargaining agreement has not yet been finalized, are employees of that school beholden to go on strike if UTLA does?

Answer: It is impossible to provide a definitive answer. Without a contract in place prohibiting it, UTLA can require members to strike. If the school district is on strike, members would likely be prohibited from having any interactions with the school district, per UTLA rules. That being said, there are always a handful of teachers who refuse to abide by union strikes.

Question: Has there been any thought of the Alliance forming its own union for teachers?

Answer: It is unlawful for an employer to prompt unionization. If another group of teachers came together to promote the idea of a union other than UTLA, it would be handled in the same way that we are handling the current activity. To continue providing what is best for our schools and our students, the goal is no unionization, not which union.

Question: Some of the teachers were under the impression that Alliance Educators United is an Alliance union, much like Green Dot has a union, with the efforts being funded by UTLA but being separate from UTLA.

Answer: State that this is absolutely untrue. They created the name to make it appear as if it is a grass roots organizing attempt but it is not separate from UTLA. It is funded and controlled by UTLA and UTLA, not Alliance teachers, will be in control at the bargaining table.

Question: Some of our teachers were wondering if the Alliance could have a union like Green Dot that is separate from UTLA. They were also wondering if schools could have their own individual unions. I don't get the impression that anyone on our staff is actually interested in joining a union, but it's something they're wondering about.

Answer: Management is not allowed to propose the formation of a labor union – of any stripe. Only labor can suggest, develop or call for the creation of a union. It is possible to have a separate contract tailored to Alliance. In the end, however, we don't believe it would be anything that wouldn't be controlled by UTLA. The message should remain focused on the potentially negative effects of UTLA and any union on fulfilling the school's mission. If no one is taking a position to move forward with parallel organizing efforts, we certainly shouldn't be encouraging it.

Question: One teacher said that UTLA could negotiate a totally different kind of contract with us than what LAUSD has, implying that UTLA in LAUSD is awful but could be much better for Alliance teachers. Is that accurate?

Answer: This is accurate on a purely theoretical level. In the end, it is a totally unpredictable outcome. Since the process is controlled by UTLA, and UTLA has actively come out against charters, they will have their own ideas about what they will propose. Teachers shouldn't want to do this because they don't know how it is going to turn out for them.

Question: What happens if some Alliance schools go union and some don't.

Answer: If some of the schools go union and others don't, the union schools would be their own little islands. If one school selects the union, that school has union representation and has to deal with all of the negotiations and the ramifications of a collective bargaining agreement. The others would continue on without any change.

Question: Are our teachers covered by the Alliance if they are attacked or harmed by a student or anyone else on campus?

Answer: Yes, Any employee injury, other than a self-inflicted injury, is covered by Alliance's workers compensation insurance.