

**Framework for Labor-Management Collaboration:
Serving Local Communities During the COVID-19 Emergency**

Issued: April 1, 2020

I. Introduction and Purpose

The COVID-19 emergency has generated unprecedented and myriad challenges for school communities across California. School leaders representing both employers and employees have managed these uncertainties to the best of their abilities.

Moving forward, this framework—jointly endorsed by the undersigned state leadership—is intended to provide basic principles for how school employers and employees should collaborate, including the involvement of local exclusive representatives in resolving employment issues.

Many local agencies and bargaining units have already resolved issues impeding progress on school priorities. This framework is not intended to disrupt those arrangements, especially insofar as they help address the urgent need to serve students while ensuring staff safety. Rather, this framework is intended to assist those still working to reach agreement and to spur collaboration, including local agencies and bargaining units, as the challenges created by the COVID-19 emergency continue to emerge.

This framework represents the basic principles for local agreements. Parties are encouraged to address additional local needs through open, ongoing, and frequent communication and collaboration.

Endorsing Organizations:

California Department of Education

Association of California School
Administrators

California School Boards Association

California County Superintendents
Educational Services Association

California Association of School Business
Officials

Small School Districts' Association

California Teachers Association

California Federation of Teachers

California School Employees Association

Service Employees International Union (CA)

California Labor Federation

AFSCME California

II. Governor's Executive Order (EO N-26-20)

On March 13, 2020, the Governor issued an executive order to ensure continued funding for schools suspending in-person instruction due to COVID-19.

Pursuant to the executive order, the following principles apply:

- All pay and benefits for K-14 school employees shall continue through the 2019-2020 budget year as all K-14 schools, county offices of education, and colleges receive full-year funding. Requirements to maintain ADA and instructional days have been waived in order to facilitate this mandate for K-12. This should include temporary, hourly, exempt and non-exempt, as well as probationary employees as LEAs determine they would otherwise have been paid during this period of closure.
- "Essential services" during school closures should be developed in consultation with the exclusive representative and following operative public health directives. Special consideration of employees deemed essential should be made for employees with dependents or with higher-risk conditions for COVID-19, as needed to protect their health and/or make arrangements for dependent care.
- Subject to Executive Orders, current law, regulations and guidance, no employee should have accrued leave deducted for taking time needed to comply with a medical professional's recommendations, including to self-quarantine, secure one's own health, or secure the health of one's household during the COVID-19 crisis. Employees with dependent-care needs, who are not absent for health reasons listed above, should not have accrued leave deducted for failing to report unless their employer has offered no-cost childcare for the duration of work hours and the employee has declined.

III. Work Functions During Closures

The following principles should guide the assignment of work functions:

- Districts should work with the exclusive representative to address critical public health concerns while seeking to balance staff assignments and workloads.
- Parties should continue to deliver education to students through any practical means, including distance learning and/or independent study. In order to continue to serve students, both credentialed and classified staff may need to perform functions that are reasonably similar to their typical roles prior to the COVID-19 emergency, but nothing in this section should be construed to relieve the district of its obligation to negotiate additional duties with the exclusive representative.
- Meals should continue to be provided to students in need, utilizing measures that protect the safety of both students and school staff.

- Districts should work with faculty and staff to arrange for supervision of students during regular school hours to the extent practicable, in consultation with public health and other authorities.
- Emergency declarations have not suspended obligations to bargain with exclusive representatives. The first priority must be essential service to the public while maintaining employee safety. Recognizing the need may arise to take significant and time-sensitive actions, parties are still expected to fulfill this obligation as soon as is practicable. Districts should not condition employee wage increases or benefits on expeditious approval of agreements.

IV. Compliance with Directives and Guidelines

The following principles should guide compliance with public health directives:

- Districts should implement clear plans to ensure health and safety following all relevant county health guidelines. Districts shall, to the extent practicable, acquire adequate personal protective equipment (PPE) recommended by public health officials, including, but not limited to, gloves, face masks, hand soap, hand sanitizer, and disinfectant, for all open classrooms, workspaces, or assignments. PPE shall be made available to the extent reasonably possible and consistent with CDPH and CDC guidelines (whichever has the highest protective standards). If appropriate PPE is unavailable, safety precautions consistent with public health official guidance should be followed to minimize risk of exposure. Districts shall consult with the exclusive representatives to determine what appropriate training will be provided for all employees who continue to work during closures utilizing various modalities.
- From 3/17/2020 CDE letter to school districts: *“Please continue to be guided by federal, state, and local public health authorities in your decision-making. We believe that public health and education officials, in collaboration, are best positioned to measure and balance these very difficult, and often competing, considerations. Continue to collaborate with your city and county officials on how best to work within your community and we encourage all members of the school community, administrators, employees, and families, to communicate and consult with one another as we plan and implement services for students.”*
- All districts and exclusive representatives should work together to find the best path for the students, the staff, and communities. The exclusive representative should be treated as partners regarding information gathering, developing plans, and decision-making.
- Regular communication should be provided to all employees, students, families and exclusive representatives to ensure all parties have the most current information on changes, decisions, and rationale for decisions. Districts should inform employees and their exclusive representative of higher-risk factors as defined by health authorities. Employees should notify the district if they have been exposed to COVID-19 or require special consideration due to risk factors.