



CHICAGO
TEACHERS
UNION

Jesse Sharkey
President

Stacy Davis Gates
Vice President

Christel Williams-Hayes
Recording Secretary

Maria Moreno
Financial Secretary

February 22, 2021

Ms. Mary Ernesti
Director
Office of Employee Engagement
Chicago Public Schools
42 W. Madison Street, 9th floor
Chicago, Illinois 60602

RE: Article 3-8
Chicago Teachers Union, on behalf of all
affected bargaining unit members
In re: CPS Lockouts
Case #21-02-079(zf/thg)
Subject: Including, but not limited to,
Articles 2, 3 and 47-1

Affiliations
American Federation of
Teachers, Illinois
Federation of Teachers,
American Federation of
Labor – Congress of
Industrial Organizations,
Illinois Federation of Labor
– Congress of Industrial
Organizations, and Chicago
Federation of Labor,
Industrial Union Council

Dear Ms. Ernesti:

In accordance with the provisions of Article 3-8 of the Agreement between the Board of Education of the City of Chicago and the Chicago Teachers Union, this grievance is filed by Chicago Teachers Union on behalf of all affected bargaining unit members.

From during or about the week of January 4, 2021 through February 10, 2021, the Board engaged in a lockout of bargaining unit employees in violation of the CBA.

The CBA provides, in relevant portions, as follows:

2-1. Prohibition on Discrimination. No employee shall be discriminated or retaliated against on the basis of race or ethnicity, ethnic group identification, national origin, nationality, ancestry, creed, color, age, gender or sex (including pregnancy, childbirth, breastfeeding, and pregnancy related medical condition), marital status, civil unions, legally recognized domestic partner status, military/veteran or military discharge status, disability, or actual or perceived sexual orientation, gender identity or expression, religion, parental status, immigration status, genetic information, refusal to submit to a genetic test or make available the results of a genetic test, or political belief or affiliation (not union related); the utilization of benefits authorized by this Agreement or BOARD policy; membership or participation in, or association with the activities of, the UNION; filing grievances or resolving grievances and professional problems; or participation in any committee, council or group, including but not limited to, the Professional Personnel Leadership Committee, Professional Problems Committee or Local School Council.

47-1. No Strike or Lockout. During the term of this Agreement, the UNION agrees not to strike nor to picket in any manner which would tend to disrupt the operation of any public school in the city of Chicago or of the administrative offices or any other facility of the BOARD. During the term of this Agreement, the BOARD agrees not to engage in any lockout.

From August 26, 2020 through February 10, 2021, the Board was engaged in a series of serious and continuing unfair labor practices connected to its unilateral decision to resume required in-person bargaining unit member work during the Covid-19 pandemic. The Illinois Educational Labor Relations Board has issued several complaints against the Board on charges over its conduct during the Covid-19 pandemic. Amongst them are pending complaints on charges filed by the CTU over the Board's refusal to bargain over the decision when and how to safely resume in-person instruction and its unilateral implementation of a school reopening plan beginning January 4, 2021.

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Educators and students overwhelmingly disapproved of CPS' unilaterally developed plan to resume in-person learning. The families of more than 80% of CPS students eligible to return to in-person school in January elected to have their children continue remote learning. The Union and its rank-and-file members engaged in a concerted campaign and advocacy effort on multiple fronts in support of the Union's demands for a collectively bargained safe reopening agreement. The bargaining unit members in the Pre-K and cluster programs exercised their rights to decline dangerous in-person work assignments while the pandemic continued to rage uncontrolled through Chicago, while hundreds of actionable Covid-19 cases were reported in CPS school buildings, and while there was no agreement between the Board and the Union on health and safety standards for the resumption of in-person learning.

These bargaining unit members advised the Board they would continue to report for work virtually, as they had since March 17, 2020, and continued to log on to the Board's virtual learning platform to provide instruction to their students. From on or about the week of January 4, 2021 through February 10, 2021 the Board responded by locking these bargaining unit employees out from accessing CPS' virtual learning platform and declaring them "absent without leave."

The Board implemented these lockouts in violation of Articles 2-1 and 47-1 of the CBA, in furtherance of its unfair labor practices, and to illegally increase its leverage in its dispute with the Union over the safe resumption of in-person learning.

In light of the foregoing, the Union demands that the Board takes all actions necessary to make bargaining unit members whole for all losses incurred due to the Board's above-described contract violations.

Your assistance with this problem as stipulated in Article 3-8 will be appreciated.

Sincerely,



Jesse Sharkey
President

JS:ZF:THG/oteg-743-kt