

**State of Illinois
Illinois Educational Labor Relations Board**

CHARGE AGAINST EMPLOYER

Case:

Date Filed:

1. Employer against whom charge is brought

a. Name of Employer: Chicago Board of Education (“CBE”)

b. Address: 1 N. Dearborn Street, 9th Floor, Chicago Illinois 60602

c. Employer Representative: Kaitlyn Girard, Labor Relations Officer

d. Telephone No. 773-553-1700

e. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of sections 14(a) (1), (3) and (5) of the Illinois Educational Labor Relations Act.

2. Basis of the Charge

The world stubbornly remains in the midst of a pandemic caused by SAR-CoV-2 (the coronavirus), which causes coronavirus disease or COVID-19. More than 28 million people in the United States have been infected with the disease. The number of Americans who have died from COVID-19 now exceeds 500,000. This number of deaths is almost certainly an underestimate. In Illinois, nearly 1.2 million people have contracted the coronavirus, and nearly 23,000 have died from COVID-19.

While the number of cases and deaths have recently declined, COVID-19 infection levels still far exceed the levels that existed last summer. For example, the daily case rate in Chicago on August 1, 2020 was 75.9 per 100,000. The levels of cases, hospitalization and deaths in early January, 2021 when the CBE unilaterally ordered certain staff back to work, were staggering, and as recently as early February the daily case rate exceeded 100 per100,000. New variants of the disease have evolved which may be 50% more contagious than the most common form of the virus in the US. This new variant threatens still another “surge” in cases and deaths in the coming months.

The COVID-19 pandemic has decimated the economy of the nation and severely strained the nation's health care system. The disease is very contagious. It can be spread by individuals who have very mild symptoms or who are asymptomatic. Accordingly, the disease is especially hazardous in congregate settings, such as schools, where people work together in close contact. People of color are more likely to become seriously ill or die if they contract the disease.

In Illinois, Governor J.B. Pritzker declared a disaster early in March, 2020. On March 13, he issued Executive Order No. 2020-05, which ordered the closure of schools in the State by March 17, 2020. Shortly thereafter, the Governor issued a "stay at home" order for the entire State. In response to these orders, the CBE, which operates the Chicago Public Schools, shifted to remote learning for the remainder of the 2019-2020 school year. The CBE continued remote learning in the first quarter of the 2020-21 school year. Despite continuing remote learning in the first quarter of the 2020-21 school year, the CBE required school clerks, assistant school clerks and technology coordinators to report to work without bargaining in good faith over the decision to do so. And, it has refused to adhere to an arbitrator's award requiring that employees be allowed to work remotely where it is feasible to do so. The Chicago Teachers Union's unfair labor practice charges over these actions are pending in Case No. 2021-CA-0014 and Case No. 2021-CA-0040. On November 17, 2020, the CBE announced a schedule for the resumption of "hybrid" in-person learning at the schools. It announced this decision without first notifying the Union and without bargaining. The Union's unfair labor practice charges over this decision are still pending in Case No. 2021-CA-0043.

The Union represents approximately 22,000 teachers and several thousand other employees of the school district. The teachers and the other school employees live within the City limits and work at schools all over the City. Many of the teachers and other employees live or work in areas of the City with high community transmission of COVID-19. During the period of time covered by this charge, and based upon their experience working for the CBE, they doubted that the CBE would effectively implement mitigation measures such as uniform mask wearing, proper social distancing, effective surveillance screening, and proper isolation, quarantine procedures, contact tracing, and opening/closing metrics for individuals who become infected and their close contacts. They also doubted that the CBE had in place an adequate program to ensure ventilation of the indoor spaces where they will work.

During the period of time covered by this charge, the CTU was attempting to negotiate a reopening agreement with the CBE, despite CBE's above-referenced unfair labor practices. CTU members engaged in various acts of concerted protest over the CBE's refusal to bargain and refusal to conclude a reopening agreement.

During the period of time covered by this charge, many CBE employees took actions to protect the safety of themselves, their co-workers, students and families from dangerous and potentially life-threatening conditions at CBE schools. These actions included concerted protests and notification to students and families regarding the actual and dangerous conditions at CBE

schools, and the absence of a collectively bargained agreement between the Chicago Teachers Union and the CBE for reopening schools to in-person instruction.

Between January 4, 2021 and the present, the CBE retaliated against bargaining unit employees by issuing discipline and pre-discipline meeting notices to at least 55 bargaining unit employees alleging, in various spurious and pretextual ways, that they violated CBE policy by publicly supporting, speaking out about, and advocating for the Union's demands for a collectively bargained agreement concerning the safe resumption of in-person learning and other actions for their mutual aid and protection.

During the same time period, the Board initiated or concluded investigations into an additional 59 bargaining unit employees on essentially identical underlying facts. However, when the CTU concluded a reopening agreement with the CBE, the CBE immediately and unilaterally discontinued all further disciplinary actions against the 59 bargaining unit employees. This is evidence of its bad faith, retaliatory action to discourage support for the Union, and use of retaliatory discipline to force the CTU to agree to CBE's terms for a reopening agreement.

CBE's retaliatory discipline against bargaining unit employees for exercising their protected rights violates Sections 14(a)(1) and (3) of the Act.

The IELRA protects the right of employees to individually assert their statutory rights with respect to their wages, hours and other conditions of employment. Teachers and other CBE employees have the right under the Illinois OSH act and its regulations to refuse hazardous work assignments and to share information concerning dangerous conditions. The discipline of such employees in response to the assertion of their statutory rights violates Section 14(a)(1).

CBE's use of retaliatory discipline against 55 bargaining unit employees, followed by its rescission of discipline against 59 employees who assertedly engaged in the same underlying conduct, solely due to concluding a reopening agreement, was intended to impose unlawful pressure on the CTU to accept CBE's terms for a reopening agreement in violation of Sections 14(a)(1) and (5) of the Act.

By the foregoing and other acts, the CBE violated Sections 14(a)(1), (3) and (5) of the Act.

3. Relief Sought

The Board should require the CBE to rescind all discipline issued against 55 bargaining unit employees and expunge their records accordingly. It should order the CBE to honor the statutory right of employees to engage in protected activities. It should make employees whole for any losses they have suffered.

In addition, the Board should order the CBE to cease unlawful retaliation against CTU members in order to force the CTU to agree to the CBE's bargaining demands.

4. Full name of party filing charge: Chicago Teachers Union, Local No. 1, IFT-AFT, AFL-CIO

5a. Address: 1901 W. Carroll, Chicago, Illinois, 60012

5b. Telephone No: 312-329-9100

6. Full name of national or international organization of which it is an affiliate or constituent unit: American Federation of Teachers, AFL-CIO

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7. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief

/s/ Robert E. Bloch

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