



CHICAGO
TEACHERS
UNION

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Vice President

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Maria Moreno
Financial Secretary

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

April 29, 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: Accommodations
for Nursing and Pregnant Mothers)
Case #21-04-047(zf)
Subject: Including, but not limited to,
Articles 2-1 and 3

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, the Union files this grievance on behalf of all affected bargaining unit members.

The Board and the Union are parties to a Memorandum of Agreement Relating to the Resumption of In-person Instruction during the Covid-19 pandemic (“MOA”). The MOA was executed by the Board on February 7, 2021 and became binding upon the parties after ratification by the Union’s membership on February 10, 2021. The parties subsequently negotiated an Addendum to the MOA concerning the resumption of in-person instruction in high schools and modifying certain portions of the MOA for the 4th academic quarter of the 2020-21 school year. The Addendum was executed by the Board on April 15, 2021 and became binding upon the parties after ratification by the Union’s membership on April 18.

The MOA and the Addendum both establish bargaining unit members’ eligibility for, and rights to, certain Covid-19-safety-related leaves of absence and telework accommodations. CPS has violated the MOA, the Addendum, and the collective bargaining agreement by renegeing on its commitment to provide accommodations for bargaining unit members who are pregnant or nursing mothers.

Section 8 of the MOA is entitled “Accommodations and Staffing” and provides, in relevant part: “Accommodations and leave requests for the fourth academic quarter shall not be unreasonably denied. CPS shall consider in this decision, among other factors, the availability of vaccination opportunities for employees and at-risk household members.”

The 4th academic quarter began April 19. In March, CPS both announced its intention to resume in-person instruction in high schools, which had been remote since March of 2020 due to the pandemic, and required Pre-K through 8th grade and special education cluster program staff who were on telework accommodations for the 3rd quarter to apply to have their accommodations recertified for the 4th quarter. The Board made this announcement and directive while bargaining with the Union over the Addendum was still ongoing.

On April 5th, after hearing from scores of members who were pregnant or nursing mothers who had applied for telework accommodations and been denied, the Union’s attorney emailed the Board’s law department. The email read, in relevant part, as follows: **“The Union is hearing from a number of members who have had their ADA recertification requests for the 4th quarter denied despite being pregnant. Given the higher risk these women face and the medical guidance re: vaccination for pregnant women and nursing mothers, the Union is concerned about these denials.”**

April 29, 2021

Later on April 5, the Board's Labor Relations Officer responded, stating: **“CPS is working through some issues on the extension requests, due to conflicting information in some submissions, but we will be extending accommodations for pregnant and nursing staff members.”**

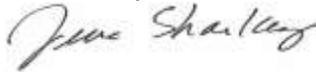
In the subsequent weeks, however, CPS violated this commitment by refusing to provide accommodations to any bargaining unit members for the 4th quarter due to the fact they are nursing mothers, and has delayed the approval of countless telework accommodations for bargaining unit members who are pregnant. In the interim, many have been forced by the Board to return to work in-person, exposing themselves and their babies to serious health risk. Others have been forced to take an unpaid leave or to draw down benefit time due to the Board improperly denying, ignoring, or delaying the approval of their telework accommodations requests.

In light of the foregoing, the Union demands that the Board:

- (1) Immediately grant all requested telework accommodations requested by bargaining unit members who are nursing or pregnant;
- (2) issue back pay and/or restore lost benefit time to these bargaining unit members for losses they incurred due to the Board's improper denials of their accommodations requests; and
- (3) take all actions necessary to make all affected bargaining unit employees whole for all losses incurred due to the Board's violations.

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

Sincerely,



Jesse Sharkey
President

JS:THG/ZF/oteg-743-kt