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ILLINOIS EDUCATIONAL LABOR
RELATIONS BOARD • CHICAGO

April 1, 2016

VIA MESSENGER

Mr. Victor Blackwell
Executive Director
Illinois Educational Labor Relations Board
160 North LaSalle Street
Suite N400
Chicago, IL 60601

Re: Board of Education of the City of Chicago v. Chicago Teachers Union,
2016-CA-____-C

Dear Mr. Blackwell:

INTRODUCTION

A. CTU's Act of Lawlessness

In an act of conspicuous lawlessness, the Chicago Teachers Union (CTU) is defiantly shutting down over 500 district-run schools in the City of Chicago and depriving nearly 340,000 children of a day of education simply because it can. The CTU has no legal justification for such blatantly illegal conduct, and the Illinois Educational Labor Relations Board must immediately invoke the clear statutory process to make absolutely sure the CTU never again arrogates unto itself the decision as to when education will be provided to the children of the City of Chicago.

The Board of Education seeks injunctive relief to prevent future illegal strikes and compensation for the cost to taxpayers of this one. Unless an injunction issues and the CTU's conduct is prohibited, there is no guarantee that they will not do the same thing again – short strikes that are difficult, if not impossible, to enjoin.

The Board also requests that the IELRB impose appropriate sanctions on the CTU for their illegal conduct including imposing fines and ordering the CTU to pay the Board's legal fees.¹ The CTU's illegal actions have resulted in significant losses to the Chicago Public Schools and have caused CPS to spend considerable sums of money at a time when it can least afford it. Accordingly, the Board submits that as a further and independent remedy, it is entitled to make whole relief in the

¹ When asked if she would comply with an injunction, CTU President Karen Lewis said, "No, probably not." She has also repeatedly said that no court would put 23,000 teachers in jail.

<http://chicagotonight.wttw.com/2016/03/24/ctu-president-karen-lewis-explains-1-day-teachers-strike>

form of compensation for economic losses that are a direct and proximate consequence of the Union's illegal conduct.

B. The Law Is Clear: The April Strike Is Illegal

Strikes by teachers are illegal unless explicitly authorized by the General Assembly. Section 13(b) of the IELRA specifically and unequivocally states that employees of CPS "...shall not engage in a strike except..." under very specific conditions set forth in the Act. There is no dispute that the CTU failed to meet the statutory prerequisites for a strike. For these reasons, the April 1, 2016 strike violates Section 13(b) and Section 14(b)(3) of the Act.

The Board requests the Executive Director immediately issue a complaint on its unfair labor practice charge, an expedited briefing schedule regarding its request for injunctive relief, and that the matter be transferred directly to the IELRB for a decision on the merits and its request for injunctive relief.

RELEVANT BACKGROUND FACTS

A. The Parties

The Board is statutorily charged with the governance, maintenance and financial oversight of CPS, the third largest school district in the nation serving nearly 400,000 students in over 600 district-run and charter schools and employing approximately 37,000 employees.² The CTU is the exclusive bargaining representative of CPS's approximately 27,000 teachers, paraprofessional and school-related personnel. The Board and the CTU were parties to a collective bargaining agreement effective July 1, 2012 to June 30, 2015. Exhibit A.

B. April 1, 2016 Strike

On March 23, 2016, the CTU's House of Delegates voted to authorize a one-day strike to take place on April 1, 2016³. Exhibit B. In its public comments, the CTU has repeatedly changed its reason for this strike. Some days the CTU states that it is not about CPS at all, but about the State and its lack of funding for social services and higher education. Other days it claims the strike is about CPS funding, but not about the "contract." Then there are days where the CTU characterizes this one-day strike as an unfair labor practice (ULP) strike over the payment of steps and lanes, even though the IELRB has already said that the CTU is unlikely to prevail on its charge.⁴ Although the stated reasons for the strike continue to change, it seems abundantly clear that the strike is primarily (or at least in good part) about the contract being negotiated, as Ms. Lewis has indicated that the

² Charter schools will remain open during the April 1st strike; the approximately 60,000 students who attend charter schools will not be deprived of the day of education.

³ To the best knowledge of the Board, this is the first time in CTU history that a strike was not authorized by the membership.

⁴ The CTU claims the Board's denial of step and lanes after the expiration of the 2012-15 contract somehow legally justifies the strike. The IELRB denied the CTU's request for an injunction on this issue and specifically found that there was not a significant likelihood of the CTU prevailing on the merits. The IELRB's decision issued on the same date as the vote by the House of Delegates.

contract cannot settle until the State comes up with more funds. Exhibit B, C, D, E and F; <http://chicagotonight.wttw.com/2016/03/24/ctu-president-karen-lewis-explains-1-day-teachers-strike>.

DISCUSSION AND ANALYSIS

In processing an unfair labor practice charge, the IELRB “must decide whether its investigation establishes a *prima facie* issue of law or fact sufficient to warrant a hearing of the charge.” *Lake Zurich Sch. Dist. No. 95*, 1 PERI ¶1031 (IELRB 1984). For a complaint to issue, “the investigation must disclose adequate credible statements, facts or documents which, if substantiated and not rebutted in a hearing, would constitute sufficient evidence to support a finding of a violation of the Act.” *Id.* The charging party must offer these facts in support of a facially plausible legal theory or argument, reasonably based on the Act. *West Chicago Sch. Dist. 33*, 3 PERI ¶1088, at fn. 4 (IELRB 1987).

Rarely, if ever, has the IELRB had a case which is so clear. There can be no factual dispute that the CTU called and instituted a strike for April 1st; nor can there be any legal dispute that the strike is illegal and violates Sections 13(b) and 14(b)(3) of the IELRA.

Accordingly, a complaint for hearing should issue with respect to the CTU’s unlawful conduct, the matter should be transferred immediately to the IELRB for a hearing, and the Board’s request for injunctive relief and damages should be granted.

A. The CTU’s April 1 Strike is Unlawful

1. A Lawful Strike Under the IELRA May Occur Only After The Statutory Prerequisites Are Completed

Section 13(b) of the IELRA requires the performance of certain steps in a clear and defined order prior to a lawful strike by the CTU:

(b) Notwithstanding the existence of any other provision in this Act or any other law, educational employees other than those employed in a school district organized under Article 34 of the School Code and, after the expiration of the 18 month period that commences on the effective date of this amendatory Act of 1995, educational employees in a school district organized under Article 34 of the School Code ***shall not engage in a strike except under the following conditions:***

(1) they are represented by an exclusive bargaining representative;

(2) mediation has been used without success . . . ;

(2.5) if fact-finding was invoked pursuant to subsection (a-10) of Section 12 of this Act, at least 30 days have elapsed after a fact-finding report has been released for public information;

(2.10) for educational employees employed in a school district organized under Article 34 of the School Code, at least three-fourths of all bargaining

unit employees who are members of the exclusive bargaining representative have affirmatively voted to authorize the strike; provided, however, that all members of the exclusive bargaining representative at the time of a strike authorization vote shall be eligible to vote;

(3) at least 10 days have elapsed after a notice of intent to strike has been given by the exclusive bargaining representative to the educational employer, the regional superintendent and the Illinois Educational Labor Relations Board;

(4) the collective bargaining agreement between the educational employer and educational employees, if any, has expired or been terminated; and

(5) the employer and the exclusive bargaining representative have not mutually submitted the unresolved issues to arbitration.

115 ILCS 5/13(b)(emphasis added).

The IELRA does not recognize a strike for any reason, including unfair labor practices, unless the statutory prerequisites have been met. It is undisputed that the parties remain engaged in the fact-finding process and that the statutory prerequisite has not yet been satisfied. In fact, the parties just finished their presentations of evidence to the Neutral Fact-Finder on March 24, 2016 – one day after the CTU’s House of Delegates voted to authorize the April 1 strike. The parties now await the issuance of the fact-finding report, which is due at some point in April. It is not until this report issues and a minimum of 30 days elapse before the CTU can even provide the Board with its notice to strike.

Further, even the CTU acknowledges that it has not met the statutory prerequisites for a strike. CTU President Lewis told *Chicago Tonight*, “[i]f it were a contract strike, it would be illegal.” Exhibit D. The CTU admits that it has not satisfied these statutory requirements and, by doing so, concedes that its April 1 strike violates Section 13(b) and Section 14(b)(3) of the IELRA. *See Niles Twp. High Sch. Dist. 219 v. Niles Twp. Fed. of Teachers, Local 1274, IFT-AFT*, 15 PERI ¶1048 (IELRB 1998)(holding that strike sanctioned by a union that does not satisfy Section 13’s conditions constitutes a failure to bargain in good faith and violates Section 14(b)(3) of the IELRA).

2. The IELRA Does Not Recognize or Permit Unfair Labor Practice Strikes

Conceding, as it must, that the April 1 strike is not sanctioned under Section 13, the Union falls back on the claim that it possesses a right to engage in an “unfair labor practice” strike. Even assuming that an unfair labor practice is truly the trigger for its rogue behavior, which is doubtful at best, this rendering of Illinois law is wholly unsupported for several reasons. First, nothing in Illinois law, before or after the enactment of the IELRA, supports the proposition that public employees (unlike private sector employees) have some inherent, common law right to strike; rather, they have the ability to strike *only* where the strike is explicitly permitted by statute.⁵ *Board of Ed. of Kankakee*

⁵ This is the exact opposite of the situation in the private sector, where the NLRA’s regulation of labor disputes has to take into consideration the long-acknowledged common law right to strike. Section 13 of the

School Dist. No. 111 v. Kankakee Federation of Teachers Local No. 886, 46 Ill.2d 439 (1970); *City of Pana v. Crowe*, 57 Ill. 2d 547, 549 (1974). Illinois public educational employees, like those represented by the CTU, are granted a limited right to strike under the IELRA. Any strike that does not satisfy the conditions set forth in Section 13 of the IELRA is unlawful. *Niles Twp. High Sch. Dist. 219*, *supra*, see also, *Board of Trustees of Joliet Junior College, Commty. College Dist. No. 525 and Joliet Junior College Faculty Un., Local 604, IFT/AFT*, 8 PERI ¶1011 (IELRB 1991) (strikes that do not satisfy conditions set forth in Section 13 of IELRA violate Section 14(b)(3)).

Second, there can be no serious claim that public employees possessed a right to engage in “unfair labor practice” strikes prior to enactment of the IELRA. If such a right exists now, its source must lie within the text of the IELRA. Yet nothing in the carefully balanced structure of the IELRA can be interpreted as establishing such a right, and at no point in the 32 years of the Act’s existence has there been a single instance where this supposed “right” has been invoked.

Finally, any “unfair labor practice strike” principle would contradict established, explicit public policy in Illinois. Section 1 of Article VIII of the Illinois Constitution clearly states that it is the public policy of the State to “provide a thorough and efficient system of free schools.” (Ill. Const. art. VIII, sec. 1, S.H.A.) The Illinois Supreme Court has held that the proper and efficient education of children is an “overriding public interest of such importance” as to transcend a public employee’s right to strike. *City of Pana v. Crowe*, 57 Ill.2d 547, 551-52 (1974). It is the stated public policy of the State of Illinois that public educational employees only have the ability to strike where they are statutorily permitted to do so. *Id.* at 549.

For these reasons, the Executive Director must issue a complaint for hearing with respect to these allegations and the case should be transferred immediately to the IELRB for a decision on the merits and on the Board’s request for injunctive relief, sanctions and damages.

B. Injunctive Relief is Warranted

The IELRB must grant the Board’s request for an injunction because such extraordinary relief is warranted. Injunctive relief is appropriate under Section 16(d) of the IELRA where there is “reasonable cause” to believe that the IELRA was violated and where injunctive relief is “just and proper.” *Chicago Bd. of Educ. Dist. No. 299*, 3 PERI ¶1109 (IELRB 1987); *Univ. of Ill. Hospital*, 2 PERI ¶1138 (IELRB 1986). Both of these conditions are satisfied in this case.

First, there is more than reasonable cause to believe that the IELRA was violated, and the Board has more than a significant likelihood of prevailing on the merits of its unfair labor practice claim. There is an absolute and frank admission from the CTU that its April 1 strike does not satisfy Section 13(b)’s requirements and therefore violates Section 14(b)(3) of the Act; there is also undisputed evidence that the parties have not completed the statutory fact-finding process. This April 1st strike that does not satisfy the conditions set forth in Section 13 of the IELRA is plainly

National Labor Relations Act provides: “Nothing in this Act [subchapter], except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike or to affect the limitations or qualifications on that right.” 29 U.S.C. 7/13. Because the CTU represents public sector educational employees, the NLRA does not govern or apply to its actions.

unlawful. *Niles Twp. High Sch. Dist. 219, supra*. Further, there is no statutory right of educational employees to engage in an “unfair labor practice” strike. Thus the CTU violated its duty to bargain in good faith, and Section 14(b)(3) of the IELRA, by engaging in the April 1 strike. *Board of Trustees of Joliet Junior College, Commty. College Dist. No. 525, supra*.

Second, injunctive relief is just and proper under these circumstances. There is undisputed evidence that the strike by the CTU fails to satisfy the prerequisites set forth in Section 13(b), and thus is contrary to the express, clear purpose and language of the IELRA “to allow strikes only under specifically limited circumstances.” *Joliet Junior College*, 8 PERI ¶1011 (IELRB 1991). As the IELRB held long ago:

The carefully crafted provisions governing strikes are a central part of the [IELRA]. An untimely strike improperly skews the collective bargaining process by giving the union a weapon to which it is not legally entitled. Strikes that do not comply with the statutory prerequisites flout the General Assembly’s determination that strikes are legal only if specific procedures are followed.

Id.

Further, the harm brought about by the CTU’s unlawful strike cannot be meaningfully remedied by the IELRB’s unfair labor practice proceedings, because the CTU’s blatant and flagrant conduct constitutes “a direct and immediate challenge to the collective bargaining process and the general public interested defined by the General Assembly.” *Id.* This public interest is even more clearly defined in the case of the Board and the CTU’s bargaining relationship, which has been continuously subject to legislation curtailing the CTU’s ability to strike. An injunction is required to ensure that the CTU does not render the IELRA and the IELRB’s processes totally ineffective. Injunctive relief of prospective unlawful strikes by the CTU is entirely warranted given the serious and extraordinary violation of Section 14(b)(3) that the CTU has committed.

The CTU has done its best to place both CPS and the IELRB in a bind by authorizing this illegal strike with what amounts to a moment’s notice. The IELRB’s process does not anticipate or provide for obtaining injunctions at the drop of a hat against last-minute strikes that blatantly defy the law. Regardless, overarching public policy interests demand the most aggressive possible approach by the IELRB. The IELRB should immediately issue a complaint and seek an injunction against all future instances of illegal strikes by the CTU, because if anything is clear it is that the Union will not hesitate to play this card again. To ensure against future illegal strikes, injunctive relief must be accompanied by a demand for prompt payment by the CTU, with interest, for all economic losses CPS will suffer as a consequence of this baldly illegal strike, costs associated with serving the students on April 1, and the Board’s attorney’s fees and costs.

CONCLUSION

The CTU is engaging in a blatantly unlawful strike because it believes it can with impunity. But there must be consequences for its action in defying the law and, even more significantly, depriving 340,000 students of a day of education. The best course of action is an injunction to ensure that the CTU never again engages in an unlawful strike and the children, parents and teachers are never in this precarious position again. The CTU must be clearly and bluntly told that this

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ATTORNEYS & COUNSELORS

Mr. Victor Blackwell

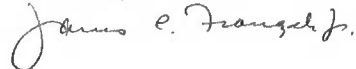
April 1, 2016

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conduct is reprehensible and that the IELRB's processes will not and cannot be manipulated. Only an injunction prohibiting future conduct can do that. This is why the Board respectfully requests that the Executive Director issue a Complaint for Hearing with respect to all of the allegations raised in the Charge and that the case be transferred to the IELRB immediately for a decision on the merits and the request for injunctive relief.

Please contact the undersigned if any additional information is required.

Very truly yours,

A handwritten signature in cursive script that reads "James C. Franczek, Jr.".

James C. Franczek, Jr.

Agreement

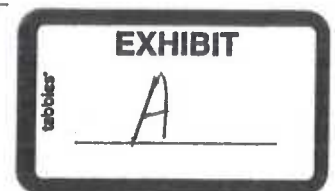
between

**The Board of
Education of the City
of Chicago**

and

**Chicago Teachers
Union Local 1,
American Federation
of Teachers,
AFL-CIO**

This collective bargaining agreement (hereinafter referred to as the "Agreement") is entered into by and between the Board of Education of the City of Chicago (hereinafter referred to as the BOARD") and the Chicago Teachers Union, Local No. 1, American Federation of Teachers, AFL-CIO (hereinafter referred to as the "UNION") on the 24th day of October 2012 to become effective on July 1, 2012.



to the date of this Agreement; provided further, that nothing herein shall affect the rights of the UNION or any employee under Article 3. The BOARD, however, shall be required to bargain collectively with the UNION with regard to policy matters directly affecting wages, hours and terms and conditions of employment as well as the impact thereon upon request by the UNION.

ARTICLE 49

CONCLUSION

49-1. Duration. This Agreement shall commence on July 1, 2012 and expire on June 30, 2015. If the BOARD determines that it has sufficient funds to grant the bargaining unit a minimum of a three percent increase in wages and salary for Fiscal Year 2016, the BOARD may, up to April 30, 2015, offer to extend the Agreement for one year to June 30, 2016. The UNION shall have thirty days to accept or reject the offer, and no further notice obligation for bargaining or contract termination shall be required.

49-2. Amendments or Modifications. In the event either party wishes to modify or amend this Agreement, written notice thereof shall be given to the other party at least twenty days prior to the consideration of said modification or amendment and, if said modification or amendment is thereafter mutually agreed upon, this Agreement will be so amended.

49-3. Complete Agreement. Neither the BOARD and its representatives nor the UNION and the members of the bargaining unit shall take any action violative of or inconsistent with any provision of this Agreement. The parties agree that, if either has made a proposal not included herein, such proposal has been withdrawn in consideration of the making of this Agreement. All terms and conditions of employment for future years, including without limitation, salaries, benefits and pension pick up, are the subject of negotiation for those years.

[Chicago Teachers Union \(http://ctunet.org/\)](http://ctunet.org/)

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One Day Strike to Focus on Revenue Solutions for Schools, City & State

For Immediate Release: March 24, 2016

Contact: Stephanie Gadlin (312) 329-6250

CHICAGO—The Chicago Teachers Union House of Delegates voted overwhelmingly last night to authorize an April 1, 2016, unfair labor practice (ULP) strike to bring attention to the need for critical revenue solutions to stabilize the city's school district and protect students and their families. The vote passed by a tally of 486-124, or 80 percent, which means that on the April 1 "Day of Action," the CTU will join a larger coalition of labor, student groups, community-based organizations and activists who are standing in solidarity against Chicago's "business as usual" politics by staging a variety of non-violent actions throughout the city. CTU members will begin picketing at their schools as early as 6:30 a.m. and throughout the day before joining tens of thousands in a 4:00 p.m. rally at the Thompson Center.

The strike is a call for increased revenue for Chicago Public Schools and its students, and a direct response to continued attacks and efforts toward union-busting from Gov. Bruce Rauner, Mayor Rahm Emanuel and the mayor's handpicked CPS CEO, Forrest Claypool. For the past year, the district has stalled contract negotiations with the CTU, threatened and mandated furlough days, cuts and layoffs, and removed step and lane increases for educators—the latter of which is the legal basis for the April 1 strike. Gov. Rauner, while unable to pass a state budget and putting the welfare of thousands of his constituents at risk, is on record in his desire to break unions and is currently starving city and state schools—at elementary, high school and university levels—unless downstate legislators accept his "turnaround" agenda.

April 1 will highlight proposals from the CTU and its education and community partners for winning school funding and funding for other important services. The only solution that doesn't involve a complete downgrade of the teaching profession and teachers' standard of living, and that protects quality public education, requires new revenue sources in the form of progressive tax reform that

EXHIBIT

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would get the super wealthy (top 5 percent) to pay their fair share in state taxes. This could generate up to \$6 billion in new revenue for education and other social needs. In addition to progressive tax reform, the Union continues its demands about toxic swaps and tax increment financing (TIF)—swap terminations cost the district \$240 million this year alone, and the TIFs could put enough money into the schools to completely reverse this year's cuts. The Union's calls for increased revenue for the district are now an issue on the national stage, and there is legislation pending in Springfield that would take TIF control out of the mayor's hands and force the release of these funds to our schools.

In joining with dozens of labor unions and community organizations, the CTU is taking a stand in the fight for funding for the city of Chicago and its nearly 400,000 public school students. The Chicago Board of Education cannot continue to cut its way out of CPS' budget problems. The public does not trust the mayor and the CPS CEO to fix the financial mess they have created, and the Board's only solution is to force teachers and education support staff to pay in the form of pay cuts and benefit reductions, to slash school budgets, and to continue to close schools. Unless new revenue is found, this year's cuts will be followed by additional cuts in subsequent years.

Recent Press Releases » (<http://ctunet.org/media/press-releases>)

- Mar 24

One Day Strike to Focus on Revenue Solutions for Schools, City & State

(<http://ctunet.org/media/press-releases/one-day-strike-to-focus-on-revenue-solutions-for-schools-city-state>)

- Mar 24

CTU Responds to Forrest Claypool's statement on legality of historic

April 1 one-day teachers strike

(<http://ctunet.org/media/press-releases/ctu-responds-to-forrest-claypools-statement-on-legality-of-historic-april-1-one-day-teachers-strike>)

- Mar 10

CTU Reacts to Barbara Byrd Bennett Lawsuit

(<http://ctunet.org/media/press-releases/ctu-reacts-to-barbara-byrd-bennett-lawsuit>)

- Mar 10

Chicago Teachers go to court to fight arrests by Bank of America

(<http://ctunet.org/media/press-releases/chicago-teachers-go-to-court-to-fight-arrests-by-bank-of-america>)

- Mar 04

CTU President Karen Lewis: "April 1st will be a showdown for education justice."

(<http://ctunet.org/media/press-releases/ctu-president-karen-lewis-april-1st-will-be-a-showdown-for-education-justice>)

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Understand your rights

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(<http://ctunet.org/for-members/contacts>)

Contact Your Legislators

Use our online tool

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(<https://actionnetwork.org/letters/contact-your-state-legislators>)

Member Portal

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CTU President Karen Lewis: “April 1st will be a showdown for education justice.”

For Immediate Release: March 04, 2016

Contact: Stephanie Gadlin 312-329-6250

CHICAGO – Today, Chicago Teachers Union President Karen Lewis said the following statement during a press briefing at Union headquarters in response to a CPS announcement of temporarily backing off its threat to enforce a 7 percent pay cut; and, whether or not educators intend to engage in a work action on April 1st.

“The CTU is pleased that CPS today backed down from CEO Claypool’s February 2 announcement to discontinue the pension pickup in 30 days. The pension pickup is part of the *status quo* that CPS is required by law to maintain during bargaining, and unilaterally discontinuing the pension pickup would surely be illegal.

“We regret that it took the threat of an unfair labor practice strike to induce CPS to reconsider for now its ill-advised action of enforcing a 7 percent pay cut on teachers, paraprofessionals and clinicians who have borne the brunt of horrific attacks against their professional and the students in their classrooms.

“Unfortunately, for us, and many of you---CPS has a credibility problem.

“We do not trust what they say. We only brace ourselves for what they do.

“Mr. Claypool has rescinded his threat today, but he is clear that he will enforce a 7 percent pay cut ‘at a future date.’ This is unwise and not productive toward concluding a labor agreement—therefore this unfair labor practice remains un-remedied.

“The working conditions in our schools are directly tied to the learning conditions for our students. We are dealing with unclean schools and our most vulnerable students are without school nurses.

“High school seniors have no librarians—and yet they are to do endless test prep for CPS imposed standardized tests, and in to prepare for the SAT and ACT.

“Children are exposed ever more to violence and prolific poverty—and yet there are few counselors to help guide them through this trauma. Students exposed to the rising homicide rates, still show up to school. They bring their sorrows, their fears, their anger and despair with them.

“Principals have been forced to cut their staff to bare bones---and therefore class sizes have ballooned and continue to grow.

“All of these cuts, reductions, and actions by the mayor’s handpicked Board of education are punitive. They do nothing to improve the quality of education we are able to offer more than 350,000 school children each day. These budget cuts, furloughs, layoffs and a refusal to honor steps and lanes are all short term fixes.

EXHIBIT

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"What about next year? The CTU finds itself inside a scenario similar to the movie 'Groundhog Day' where we keep waking up to the same mess, every single day. We have to do something different.

"Vulture Capitalist Bruce Rauner purchased the governor's chair. And, he is committed to gutting not only collective bargaining in Illinois, but specifically to blowing up the Chicago school district. We do not take his threats idly.

"Rauner has already shown us what he thinks of child care workers, low-income parents, working-class families, state university students, the elderly, the disabled, and the indigent families of the dead. This governor has become a true enemy of the state.

"While the CTU is buoyed by the Illinois House's successful passing of the Elected Representative School Board legislation; we hope the Illinois Senate does what is just and passes it as well—making Chicago catch up with the rest of the state. We deserve democracy and we deserve it now.

"With these continued threats to our working conditions, learning conditions, most vulnerable students and our pay and benefits, the CTU will continue with an April 1st day of action against this austerity agenda.

"April 1st is a showdown for a fair contract.

"April 1st is a showdown for progressive revenue for our schools.

"April 1st is a showdown for our students and parents.

"April 1st is a showdown for communities.

"April 1st is a showdown for equitable funding and good governance.

"April 1st is a showdown for education justice.

"This is a showdown for every single teacher, paraprofessional and clinician who is dedicated to their craft, who rises each day to provide instruction and education nurturing to our students.

"And, we will join with anyone who believes, it is time for us to unite, to fight Rauner, Rahm and the Ken Griffin's of our state who are united in a Trump-like campaign to turn back the hands of progress and destroy public education in Illinois—and most definitely Chicago."

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(<http://ctunet.org/media/press-releases/ctu-president-karen-lewis-april-1st-will-be-a-showdown-for-education-justice>)

- Mar 04

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CTU Delegates Vote in Favor of April 1 'Day of Action'

Eddie Arruza (/stories-by-author/eddie arruza) | March 23, 2016 7:13 pm

19

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Just a short while ago the Chicago Teachers Union's House of Delegates voted on a one-day walkout to happen next week.

This, despite warnings by school officials that any kind of job action right now is illegal. The intensifying strain between teachers and the district comes as schools finances become more desperate and contract talks between CPS and CTU remain at a standstill.

The CTU's House of Delegates is made up of 800 CTU members. The one-day walkout will happen on April 1.

Chicago Teachers Union
 @CTULocal1

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After deliberation, CTU delegates voted overwhelmingly to authorize a strike on April 1, 2016. Additional info is forthcoming.

6:45 PM - 23 Mar 2016

294 191

The CTU had originally asked CPS to reschedule one of two upcoming furlough days that the district has implemented to save \$30 million. Those furlough days were to happen in late June when kids were out of school but teachers had professional developments days. But CPS said no to that change and clearly the teachers union wanted to make an impactful statement while kids were still in school.

Earlier today at a Chicago Board of Education meeting, CPS CEO Forrest Claypool expressed disappointment at the potential for what he called an "illegal strike."

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"In January we reached a tentative new labor contract with CTU leadership, so we believe that a final contract can be reached if both parties continue to negotiate in good faith," Claypool said. "But rather than focusing on reaching an agreement, it is disappointing to see CTU's leadership promoting this illegal strike that would take a critical day of instruction away from our students, to say nothing of encouraging teachers to break the law."

CTU Vice President Jesse Sharkey said the walkout vote would have to be approved by what he called a substantial margin. We are told that 486 members voted in favor of the walkout and 124 voted against it.

In a letter to members (<http://www.ctunet.com/blog/why-officers-propose-an-april-1-day-of-action>) emailed on March 14, CTU President Karen Lewis called the April 1 event a "showdown":

"The CTU, which had been seriously considering an unfair labor practice strike on April 1, is not prepared to stand down on that day—we do not trust the Board and we intend to organize a showdown on April 1 over the question of school funding and educational justice."

Lewis is scheduled to appear on "Chicago Tonight" on Thursday, March 24.

'Unaccountable commission'

Earlier today, the district filed suit against the Illinois State Charter School Commission after the six-member board unanimously overturned a CPS decision (<http://chicagotonight.wttw.com/2016/03/02/state-commission-overturns-cps-decision-close-3-low-performing-charters>) to close what CPS said were three severely underperforming charter schools. The schools all on the South Side: The Amandla Charter School (http://cps.edu/Schools/Find_a_school/Pages/FindaSchool.aspx) in Englewood; Bronzeville Lighthouse Charter School (<http://www.cps.edu/Schools/Pages/school.aspx?SchoolId=400019>) in Bronzeville; and the Betty Shabazz, Sizemore Campus (<http://www.cps.edu/Schools/Pages/school.aspx?SchoolId=400074>) in West Englewood.

Claypool has called the panel an "unaccountable commission" appointed by the governor. In fairness, the commission was established under Gov. Pat Quinn and its members are a mixture of Quinn and Rauner appointees.

"Not only did the Illinois Charter Commission fail the children of Chicago by allowing these schools to continue operating without holding them accountable, they grossly overstepped their authority," Claypool said. "The Charter Commission ignored their own academic standards to keep these poor-performing schools open, despite their clear record for failing students who deserve a quality education. We have called on the General Assembly as well, to reign in this unaccountable commission and restore local control based on standards of accountability and quality."

The Illinois State Charter School Commission issued this response:

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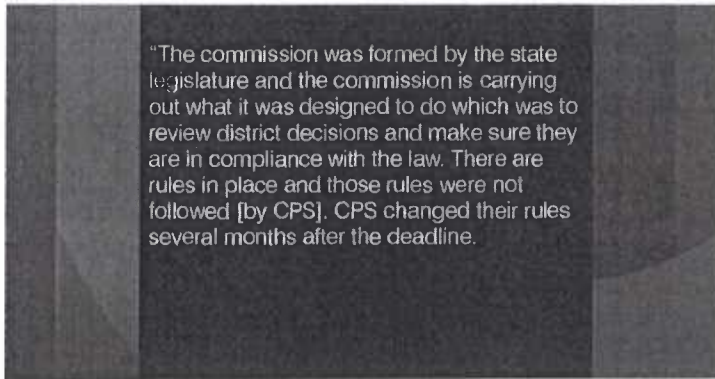
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Claypool said the district will support legislation that would remove the commission's ability to reverse a school district move to deny or revoke charter school agreements. Similar legislation was approved by the House last year and is currently pending in the Senate.

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(<http://chicagotonight.wttw.com/2016/03/04/cps-ctu-back-threats>) **CPS, CTU Back Off Threats** (<http://chicagotonight.wttw.com/2016/03/04/cps-ctu-back-threats>)

March 4: The Chicago Public Schools and the Chicago Teachers Union seem to be engaged in a game of "chicken," where the both sides continue to decelerate before collision.



(<http://chicagotonight.wttw.com/2016/03/02/state-commission-overturms-cps-decision-close-3-low-performing-charters>) **State Commission Overturns CPS Decision to Close 3 Low-Performing Charters** (<http://chicagotonight.wttw.com/2016/03/02/state-commission-overturms-cps-decision-close-3-low-performing-charters>)

March 2: Three Chicago charter schools are celebrating a victory today: a state commission has ruled they will be able to remain open, despite Chicago Public Schools' plans to close them for poor performance.



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Feb. 29: Chicago Public Schools students could see their teachers on the picket lines sooner than expected, as the district announces how many employees are being laid off today.



Feb. 4: Chicago teachers took to the streets Thursday to protest \$100 million in new cuts being made by the financially troubled Chicago Public Schools that is struggling to close a \$480 million budget gap.

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News / Local news / Breaking News

CTU delegates approve April 1 teacher walkout



By **Juan Perez Jr.** • Contact Reporter
Chicago Tribune

MARCH 24, 2016, 7:23 AM

The Chicago Teachers Union's governing body gave its resounding approval Wednesday to a one-day walkout that would shut down the city's public schools April 1.

"This house is ready and united," CTU President Karen Lewis said after the early evening vote by the union's House of Delegates. "People are very, very upset and want to do something serious."

Union leaders called for what they described as a one-day strike in an effort to push Gov. Bruce Rauner and state legislators to create a new funding plan for schools.

"We are dying the death of a thousand cuts," Lewis said. "We need funding from Springfield, we need Gov. Rauner to get off of his anti-union 'turnaround agenda' and get a budget done. That's what we need."



The need for help from Springfield was the one piece of common ground between the union and Chicago Public Schools that emerged from Wednesday's vote.

"Chicago's students need their leaders to work together to convince Springfield to provide meaningful revenue reforms — not go on strike," district CEO Forrest Claypool said in a statement after the union's vote.

"We're particularly disappointed that the CTU leadership has given Gov. Rauner more ammunition in his misguided attempt to bankrupt and take over Chicago Public Schools," Claypool said.

Claypool said CPS "will provide additional details about contingency plans for families that cannot make alternate arrangements for April 1."

The district has said the union's action would represent an illegal strike because it isn't in line with the state-mandated process that must take place before teachers can walk off the job.

CTU leaders have countered that the district's decision to withhold pay raises awarded based on education and experience — hikes that were part of the contract that expired June 30 — gives the union legal authority to walk off the job. The Illinois Educational Labor Relations Board has denied a union effort to challenge the district's move, but the case is not settled.

Lewis acknowledged after Wednesday's vote: "The fact is, this is new territory."

"We feel like we're going to be the first at everything," she said. "So this is not illegal. We're saying this is not illegal," Lewis said.

The walkout would keep more than 300,000 students out of the classroom for the second Friday in a row. In a cash-saving move, CPS set this Friday as one of three furlough days for teachers. The furlough order was one of the issues that precipitated the union's call for an April 1 "Day of Action."

Lewis has acknowledged the proposed walkout has been met with skepticism from some union members. During a conference call with members Monday, CTU's leaders faced questions from those opposed to the plan, though other members voiced support.

CTU Vice President Jesse Sharkey told members during the call that the legality of the union's walkout will probably be decided in court.

Lewis sought to reassure members worried about the consequences of not showing up for work.

"What are they going to do, arrest us all? Put us all in jail? There's not 27,000 spaces in the Cook County Jail right now," Lewis told members Monday. "The whole key is, we all go out together, we go back in together. It is united, it is union, it is as one. That is what's really important."

While union leaders have been threatening the walkout for weeks, Sharkey had said the union would follow through only if an "overwhelming majority" of House of Delegates members agreed to it.

Members are being asked to show up at work sites early on the morning of April 1 to picket, then congregate at rallies held at local universities before converging downtown during the afternoon rush hour.

Talks over a new contract have been going on for more than a year. The union's full membership in December overwhelmingly authorized leaders to call a strike if negotiations fail to result in an agreement. Those talks are in a final, fact-finding phase mandated by state law that won't be completed until May.

Mayor Rahm Emanuel was asked Wednesday if the city was close enough to a contract with CTU to prevent an April 1 walkout. He answered with a reference to a four-year proposal from the city that union leaders took to the union's main bargaining team in January. The offer was rejected.

The city had offered to bar economic layoffs and provide some moderate pay increases. The offer also put a cap on privately run charter schools. But, importantly, the city also wanted to phase out the long-standing tradition of picking up 7 percentage points of the 9 percent pension contribution required of teachers. Claypool later said he would end the pension pickup before a new contract was approved, which prompted the union's first call for an April 1 walkout. He later backed off that proposal.

"We're at the negotiating table, that is where we are responsible — and I say 'we,' leaders from Chicago Public Schools — we're at the negotiating table," Emanuel told reporters Wednesday. "The leadership of the union should be at the negotiating table."

"Our kids should be at their desks in the classroom, and our teachers should be there giving them the essential education that they chose as a profession. Not a job, as a profession, that they love to do. We can do — and should, as a city — do both, and not take out any disagreements, although there was an agreement, on our kids' education," Emanuel said.

Lewis said the two sides will be at the bargaining table again Thursday.

"I'm going to go try to charm them tomorrow," she said.

Chicago Tribune's John Byrne contributed.

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Date: Thu, Mar 31, 2016 at 12:38 PM
Subject: Fwd: Fyi- Roosevelt HS Day of Action Plan

Detailed plans for tomorrow from Roosevelt High School CTU members.

Subject: April 1st plan (tentative)

Good Morning Colleagues-

Roosevelt will be the center of morning activity on the North Side. This one day strike will be much different than in 2012. The good news is we will have tons of support.

I have a conference call tonight but I will share the details for Friday as they stand after this weekend:

All members will report to the picket lines at RHS at 6:30 AM. Please be on time- we will split up into 4 teams and monitor the entrances to the building.

At 6:30 we will be joined by fight for \$15, Communities United, and the Amalgamated Transit Union (CTA). There will be a press conference connecting education, poverty, and worker's rights. 33rd Ward Working Families will be providing coffee and donuts.

At 9AM local schools will converge on Roosevelt. APMA, Hibbard, Edison, and Patrick Henry have committed to being here. Volta has not gotten the message yet. Von Steuben delegates committed verbally.

At 9:30 we will march north toward Foster/Kedzie. We will stop briefly at the McDonald's where workers will walk off the job and join us. We will stop by the bus garage to support Erek Slater, ATU union steward was fired for enforcing the CTA contract. Then all of us will march to Northeastern to join their mass walkout and parade, which lasts from 10-12. Finally we will head toward the brown line and join the rally downtown about 3-4

On March 31st faculty and staff from major state universities including Northern, Southern, Eastern and Western will walk off the job and board buses to join us in the loop on April 1st. This is going to be a huge event. The whole state is starving and educational and social service institutions statewide are looking to us for leadership. Everyone is needed to make this successful!

Did you know that the last shelter for women who are victims of domestic violence in Chicago just closed this month? No one has gotten revenue from the state in 10 months. Chicago State is slated to close next month, permanently. NEIU is going on furlough once a week, for a 20% paycut university wide. State universities have sent out thousands of pink slips, and no one is confident that they can open in the fall. MAP grants, critical to our students' post secondary success, have been cancelled, and students that got grants in the fall semester are being asked to pay them back!!!

Roosevelt is looking at another devastating cut of \$850K-\$1 million next fall. CTU cannot get a good contract without new revenue. Something must be done. The whole state is starving and educational and social service institutions statewide are looking to us for leadership. Everyone is needed to make this successful!

Wear walking shoes, dress for the weather, bring snacks and a water bottle.

Can someone bring sign making materials?

Union meeting tomorrow, Tuesday at 3 PM location TBD. Hopefully I'll have more details then. is out sick today but I am here in room 208 if you have any questions please see me.

