



SAINT PAUL FEDERATION
OF EDUCATORS LOCAL 28

Questions about a possible St. Paul educators strike

Q: Is there going to be a strike?

A: A strike is always the last resort and won't happen without a vote of the membership authorizing a strike. If members vote to authorize a strike, the Union's Executive Board determines when to call for the strike to begin. The union is required by law to give a 10-day strike notice before any strike can begin. Negotiations can continue throughout this time and the union and the district can be called into negotiations by the state's Bureau of Mediation Services at any time in an effort to encourage a settlement.

Q: Who can vote in the strike vote?

A: Only SPFE members may vote. Nonmembers are not eligible to vote or to receive no-interest crisis loans from the union. If you are not a member, you may sign-up at the vote or request the forms required to join the union by contacting our office during business hours at 651-222-7303 or by emailing Julie Hawkins at julie@spfe28.org.

Q: How will the strike vote be conducted?

A: Before a vote can be conducted, the executive board will authorize a vote and set a date. Then, the strike vote will be conducted at a central location to ensure only members vote. Eligible voters will receive a ballot when they register at the location of the vote. Voting will take place by secret ballot at the end of the meeting. Votes will be counted by a committee appointed by the Executive Board. A strike is legally authorized if 50 percent plus one of voters participating in the vote cast a "Yes" vote. However, the union's Executive Board will not call for a strike unless there is a strong majority vote in favor of authorizing a strike. It is important that all members participate in the vote. Not voting does not count as a "No" vote.

Q: What is a strike committee? Can parents join?

A: A strike committee is the group of SPFE member educators who volunteer to coordinate the strike at a particular school. When SPFE members select their strike committee they should make sure that all social and workplace groups within the SPFE membership at that school are reflected in the composition of the committee. The goal is to have a committee that is large enough to ensure prompt, clear communication back and forth with all union members in the building. SPFE is deeply grateful for parent support. Parents should reach out to strike committee leaders to find out how they can participate.

Q: Can we hold meetings at school to discuss negotiations and the strike vote?

A: Absolutely. The district can't restrict your involvement in union activities in the school building during non-work time (lunch, before and after school, etc.) and also can't prevent conversations with co-workers from taking place during work time if other non-work conversations are also permitted at that time and place. Educators should exercise caution in communicating with students and parents during the workday unless the conversation has a clear curricular purpose or is initiated by the parent or student. Conversations about negotiations or a strike outside of work time may not be restricted by the district in any way.

Q: When are we allowed to talk to parents or students?

A: Educators are free to speak with parents or other community members about our negotiations. Care should be taken so that this does not interrupt teaching time and to avoid giving the impression that the educator is speaking for the district. Conversations with students require additional care and should not take place during class time unless there is a clear curricular purpose or the conversation is initiated by the student.

Q: How will we know when the strike will start?

A: Once members vote to authorize a strike, it is up to the union's Executive Board to set a strike date. State law also requires the union to give the district at least 10 days' notice before the first day of the strike. Strike committees at each school will be informed of the strike date so they can communicate with their colleagues and begin to plan for strike actions and picketing.

Q: What will a strike look like?

A: Members will be expected to report to their schools or program location to picket with their co-workers every morning (7a.m.-11a.m.) and a district wide picket and/or rally in the afternoon (1pm-4pm). We will also announce some specific picket location options for itinerant employees. Pickets will take place on public sidewalks in front of the buildings and members who are striking will not be allowed in buildings. Check with your strike captain for more information. Afternoon unity action locations will be different each day, details about each day's unity action will be shared by strike captains each day. There will also be volunteer jobs available for members who are unable to picket.

Q: We endorsed this school board and got them elected—how come they are not working with us in these negotiations?

A: We did endorse these board members and SPFE leaders have tried to maintain positive relationships with the board. What is clear is that these negotiations are not being directed by the board but rather controlled by the Superintendent and his staff. Communication about our negotiations from the Superintendent to the Board once again appears to be limited and selective. It is time to for the Board to demand more information and get involved.

Q: Will I be required to be on the picket line if there is a strike?

A: SPFE members will only be eligible for interest free loans if they participate in scheduled picketing. The fastest way to get to settlement during a strike is to show strength and solidarity on the picket line with your co-workers.

Q: If I vote no to strike, can I still join the picket line?

A: Yes, regardless of how you vote all members should be on the picket line. SPFE members will only be eligible for interest free loans if they participate in scheduled picketing.

Q: Will I get paid if I go out on strike?

A: No. You will not be paid for the days you are striking.

Q: Where will strike headquarters be located?

A: The union office will be our strike headquarters and will be space where members will meet during a strike, get information and pick up materials.

Q: What if I'm told to report to work during a strike?

A: Management may direct striking educators to report to work during a strike. Educators who don't report to work will be considered to be taking part in a legal strike. Management does not have to pay educators while they are on strike but they may not retaliate against any educator participating in the strike. It would be illegal to fire, layoff or discipline an educator in retaliation for her participation in a strike. Educators crossing the picket line to work are not eligible for no-interest crisis loans from the union.

Q: Can I work another job during the strike?

A: Strike days are not days off. Educators are expected to actively participate in a strike if one is called. Strike captains at each school will be responsible for signing in co-workers each day for picket duty and for other strike activities. The best way to make a strike a short strike is for all members to participate actively and demonstrate their solidarity. Educators who do not actively participate in the strike are not eligible for no-interest crisis loans from the union.

Q: What happens to students during a strike?

A: The school district will have to make a decision, but most likely they will close schools during the strike. Parents will need to find alternative options for their students. For our most vulnerable students, SPFE is investigating options for making safe sites available. More information will be available as these plans are made. It is also possible that the City of St. Paul will open recreation centers and libraries for students.

Q: If we go on strike, will the district have to add extra school days?

A: No, but they may. There are additional days built into our school calendar in the case of too many cancelled days due to snow or other reasons. The decision to add extra days would

depend on the number days school is cancelled overall for the year. However, there is no penalty under state law for a school district that fails to meet these minimum requirements or any direct mechanism for denying funding to the district. Nevertheless, we all agree that time in school is essential for our students. The district could decide to schedule additional days. Payment for those days would be subject to negotiation and could be resolved as part of a new contract agreement.

Q: What happens with other employees who are not teachers, EAs, or SCSPs if there is a strike?

A: It depends. Groups who are not on strike will not be able to honor the SPFE picket line if they are called into work, but they are free to join SPFE pickets during non-working time. The district may decide to shut down the district in the case of a strike. It may be legal under some district contracts for the district to temporarily lay off employees during a strike. If an employee in another group is laid off, they should consult their union about possible benefits or assistance. If they are otherwise eligible for unemployment benefits, such employees could file a claim for unemployment benefits with the state.

Q: How will a strike affect non-tenured teachers?

A: Probationary teachers are like any other teacher during a strike. They may legally join the strike and must be active participants in the strike to be eligible for no-interest crisis loans from the union. It would be illegal for the district to retaliate against a probationary teacher for participating in a strike. Any threat made by an administrator toward or about any member related to their decision to participation in a strike should be communicated to the union office immediately. Such actions are considered an unfair labor practice under Minnesota state law. The achievement of tenure process would not be interrupted by a strike as teachers who began work at the start of the school year already have more than enough days of work for this year to count as one of the three years needed.

Q: Will we lose our health insurance during a strike?

A: The district practice is that an educator retains their coverage and contribution from the district toward their benefits for the month if they work at least one day in a month. If a strike extended into a second month, educators would be eligible to continue their benefits through COBRA. No-interest crisis loans from the union would be available to assist in making payments. Educators would have 45 days from the start of the month their coverage lapses to elect COBRA coverage and make their premium payment. If a strike ended before the end of the second month, coverage would be reinstated for that month by the district.

Q: What happens if I'm on leave during a strike?

A: Educators on a district-approved leave may not be denied paid leave or disability benefits to which they are entitled under the contract. However, educators may not take paid sick days or other leave during a strike unless it was part of a leave approved before the strike.

Q: Would an active short-term and long-term disability claim still be paid during a strike?

A: Yes, if an employee is already off on STD and LTD at the time a strike occurs, s/he will continue to be eligible to receive payments subject to the normal verification requirements.

Q: What happens to my Workers Comp claim?

A: If someone is currently having their wages supplemented by Worker's Comp, and they choose to strike, their comp would stop until the strike is over and they return to work. The disability rating continues, the necessary medical treatment continues, and the vocational services continue. The stipend stops. Employees in this situation are advised to check with their attorneys and if they don't have one, they should consider consulting with a work comp attorney.

Q: Will I lose pension credit while on strike?

A: PERA and the SPTRFA allow service credit to be purchased (and the employer to voluntarily agree to pay its portion) for time spent on strike. Contributions, however, will cease during a strike, and the purchase of service credit is voluntary. For EAs and SCSPs, PERA awards you one service credit for each month in which you worked and were compensated by your employer. For licensed staff, one year of retirement service credit is earned when a member works 170 days. At a minimum, full-time members generally work 210 days in a fiscal year, effectively being credited with one year of retirement service credit by early May. In 2020, even with three days "lost" to the strike, members still had time to earn one year of retirement service credit before the end of the fiscal year. SPTRFA provided the following detailed information for licensed staff during the 2020 strike: <https://sptrfa.org/hello-members-were-glad-you-asked/>. For more specific information related to your benefit account, contact the appropriate office directly.

Q: Can a member of a union that is on strike receive unemployment benefits?

A: If you are involved in a strike, you are not eligible for unemployment benefits during the strike. Individuals who are part of a temporary layoff by their employer that is the result of the strike are eligible to apply for unemployment benefits during the layoff period.

Q: I am working on an H-1B visa, do I have the right to strike?

A: Federal law protects workers on visas who choose to engage in strikes with their co-workers.