

Dear Members,

Our bargaining teams continued to meet in small groups (health and safety, staffing, instructional models) this week. LWSD and LWEA have used an IBB (interest-based bargaining) process for the last 20 years, and it has worked well for both parties. As a reminder, our IBB process allows us to communicate our interests and our status in the process but not the content of any draft solutions. Sequestering draft solutions means our teams can stay focused on interest-based solutions.

LWEA interests remain the same: our members are interested in a safe and healthy workplace, a manageable workload, and an excellent education for our students. When we started bargaining in late September, each team was charged with solving a set of problems specific to their group and related to a K-1 return to school; teams have been drafting and evaluating possible solutions. The drafting and evaluation process takes draft proposals through a series of revisions that yield a detailed solution that meets the interests of both parties.

Bargaining requires time, collaboration, an understanding of the issues, and a persistent, methodical commitment to problem-solving. Our teams have been bargaining 6-10 hours each week, on top of their teaching responsibilities. We appreciate their commitment to our students and our membership!

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In this week's bargaining update, we would like to address one question on the minds of many in 2020:

“What do I do if something is not working?”

We all know what to do if Teams isn't working, but what if you are working in-person and struggling with a health and safety concern at school. How should you seek a resolution?

The answer combines information from both our negotiated agreements (Collective Bargaining Agreement and Letters of Understanding) and the state rules and guidance for staff health and safety. In this communication, we attempt to provide a map for navigating this maze of information.

What rules guide the process of seeking a resolution?

All school districts must comply with specific COVID safety rules, guidance, and practices and incorporate these into a written procedure for safe staff-student interactions.

The CBA and LOUs are negotiated agreements that will help a member know what to do if they are working in person and have a health and safety concern.

LWSD COVID-19 Safety Plan, based on...

CBA

LOUs

Governor
Inslee's orders

L&I (Labor and
Industries)

DOH
(Department of
Health)

OSPI (Office of
Superintendent
of Public
Instruction)

1. What kinds of health and safety concerns might need resolution?

You should report anything that compromises your personal safety, or the safety of students or visitors on site.

OSPI says that [school districts must abide by L&I COVID requirements](#). The [Trust Agreement in our CBA](#) says that LWEA-LWSD commit to providing a safe learning and working environment that is clean, healthy, and functional (among other things). Our [Gen Ed LOU](#) includes language on Student and Staff Health Precautions. The [District's COVID-19 Safety Plan](#) is the plan for protecting people in our schools.

These are areas of specific COVID safety rules, guidance, and practices:

- Attestation/symptom screening
- PPE/masking
- Hand hygiene
- Positive case response and notification
- Cleaning and disinfecting
- Physical distancing and sharing spaces
- Ventilation
- Safety training

2. To whom would I report my concerns?

You should report your concerns to the COVID19 Site Supervisor at your building.

The [District Safety Plan](#) designates the COVID19 Site Supervisor as responsible for all on-site health and safety compliance. The COVID Site Supervisor is either the Building Principal or an Associate Principal.

Our CBA says that employees should first attempt to resolve the concern with the principal or supervisor first. Reporting concerns to the Site Supervisor aligns with this CBA language.

- [Trust Agreement](#)
- [17.3 Safe Working Environment](#)
- [27.2 Individual Concerns](#)

3. How should I report my concerns?

You should report your concerns immediately, either in person, through a phone call, or through email/chat. Follow up on any verbal communication with an email to memorialize the conversation and the concern.

4. When should I expect my concern to be resolved?

Safety concerns should be resolved in a timely manner. You have the right to a safe working environment that is clean, healthy, and functional, as guaranteed by our CBA and L&I COVID requirements.

Our CBA has very little language around when concerns should be resolved. Section 17.3 says that employees can seek additional help for unresolved concerns through the building safety committee first and then through Labor Management. Because the building safety committee isn't associated with the COVID safety plan, we recommend that any unresolved concerns that have been reported to a Site Supervisor be brought to either your building reps or LWEA leadership for resolution through Labor Management.

Members can always contact the LWEA leadership team or building reps with questions or concerns:

- **Concerns:** if you have concerns about *bargained language (CBA or LOU) going forward*, please contact LWEA leadership. We will ensure that our bargaining team receives your concerns and input.
- **Issues:** if you have questions or concerns about *the application of or compliance with current bargained language (CBA or LOU)*, please contact your building reps. Our Trust Agreement places value on relationships and collaborative problem solving at the school level. If your concern is of a personal nature and you prefer confidentiality, contact LWEA leadership directly.

In solidarity,

Howard Mawhinney and Katie Badger