OFFICE OF THE SUPERINTENDENT

5735 47th Avenue Sacramento, CA 95824

Jorge A. Aguilar, Superintendent

June 5, 2020 **BOARD OF EDUCATION** Via E-Mail: jborsos@cta.org Jessie Ryan President John Borsos Trustee Area 7 **Executive Director** Sacramento City Teachers Association Christina Pritchett Vice President 5300 Elvas Avenue Trustee Area 3 Sacramento, CA 95819 Michael Minnick Re: Demand for SCOE Representative to be Present at June 9, 2020 Budget 2nd Vice President Trustee Area 4 Presentation and Negotiation Sess 12 Tf1 0 0 1 132.26 569.62 Tm0 g0 (\$300 Elvas Lisa Murawski Trustee Area 1 Leticia Garcia Trustee Area 2 Mai Vang Trustee Area 5 Darrel Woo Trustee Area 6

Olivia Ang-Olson Student Board Member relies on to assert SCOE is a joint employer,

SCTA-represented employees.

PERB case law has established that a joint-

employers exert significant control over the same employees where from evidence it can be shown that they share or co-determine those matters governing essential terms and conditions of

(United Public Employees v. Public Employment Relations Bd. (1989) 213 Cal.App.3d 1119, 1128, adopting the federal test in NLRB v. Browning-Ferris Industries, Inc. (3d Cir. 1982) 691 F.2d 1117, 1124; Turlock School District (1977) EERB Order No. AD-18, at pp. 16-17.) A joint-employer relationship is established if an entity retains the right to "control both what shall be done and how it shall be done," such that it retains the "right to control and direct the activities of the person rendering service, or the manner and method in which the work is performed." (County of Ventura v. Public Employment Relations Bd. (2019) 254 Cal.Rptr.3d 902, quoting Service Employees Internat. Union v. County of Los Angeles (1990) 225 Cal.App.3d 761, 769.)

SCOE does not exert control over the certificated employees of the District such that SCOE would be considered a joint employer with the District. The role of SCOE is to provide technical assistance and oversight to all Sacramento County school districts, including this District.

negative budget certification, the role of SCOE is not to exert control over the day-to-day manner and method work is performed by SCTA employees; the District alone determines those matters governing essential terms and conditions of employment.

session, as the to negotiate and reach tentative agreements without the presence of a representative from SCOE. Therefore, neither the fiscal advisor assigned by SCOE nor a SCOE representative will not be present at the next scheduled negotiation session.

Sacramento City Unified School District

OFFICE OF THE SUPERINTENDENT

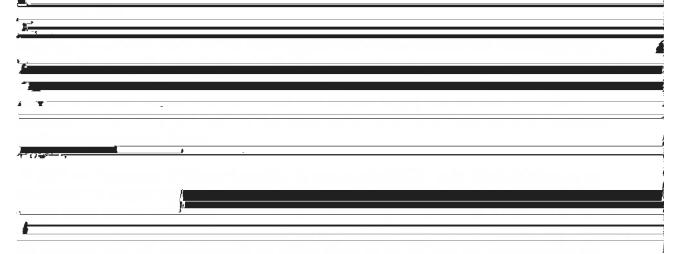
5735 47th Avenue • Sacramento, CA 95824

Jorge A. Aguilar, Superintendent

BOARD OF EDUCATION	March 5, 2020
Jessie Ryan	Sent via email to dfisher@saccityta.com
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Christina Pritchett Vice President Trustee Area 3 Michael Minnick	David Fisher Sacramento City Teachers Association 5300 Elvas Avenue Sacramento, CA 95819
2 nd Vice President Trustee Area 4	
Lisa Murawski	RE: Successor Contract Negotiations
Trustee Area 1	Dear Mr. Fisher:
Leticia Garcia	Invite to themis way and the Reasons ante Oiter Teachang Accessition (9907 A?)



the district. (Gov. Code § 3540.2(a).) The district must provide the county superintendent of schools with all information relevant to yield an understanding of the financial impact of such an



Reading Government Code section 3540.2(a) and Education Code section 42127.6(a)(1)(A) together, it is not within the duties of a fiscal expert appointed by a county superintendent to sit at a bargaining table. The fiscal expert's duties revolve around advisement, guidance, and assistance based on data and conversations with district employees, but does not include

