



February 18, 2020

Marty Fridgen  
President of UTSWC  
2042 Wooddale Dr.  
Woodbury, MN 55125

RE: Negotiations and “Work-to-Rule”

Dear Marty,

We remain committed to reaching a contract agreement that values our teachers and allows the District to effectively manage expenses and classroom resources for students. There are concerns, however, that union leadership has encouraged teachers to limit their work during prep time and to conduct “Work to Rule” actions later this month.

We want to share the District’s expectations and its legal view on those who engage in activities that hurt our students and their time for learning.

As you know, the seven and one-half hour “basic duty day” that is described in the contract does not represent all the work that teachers perform on a regular basis. Teachers are not hourly employees. They are professional, salaried employees and they must put in the time that is necessary to fulfill all their job duties.

It is the District’s legal view that UTSWC and its members are bound by past practice. Neither UTSWC nor its members may unilaterally depart from an established practice while negotiations are ongoing. For example, members may not deviate from the past practice of responding to phone calls or emails with families outside the duty day; attending meetings or school events outside the duty day; or covering classes during their prep time when directed to do so. Our students should not feel the impacts of adult problems and we must maintain proper supervision and an educational environment that is safe and conducive to learning. Teachers must follow their regular established routine, as they have in the past, and they must perform their regular duties, as they have in the past.

Teachers who participate in the type of conduct that is described above, and refuse to fully perform their job duties, place themselves and UTSWC at significant risk. The District follows the Public Employment Labor Relations Act (PELRA) which states:

- An employee who is absent from any portion of a work assignment without permission, engages in a work slowdown, or who abstains in whole or in part from the full performance of duties without permission from the employer on a day when a strike is not authorized under PELRA is presumed to have engaged in an illegal strike on that day.



**District Service Center**  
7362 E. Point Douglas Rd. S.  
Cottage Grove, MN 55016  
Fax: 651-425-6318

- An employee is not entitled to receive any pay or wages on a day on which the employee has engaged in a strike.
- Employees who engage in an illegal strike may have their employment terminated effective on the date the first violation occurs.
- An employee organization that has been found to have participated in an illegal strike may lose its status as the exclusive representative and may not be so certified by the BMS for a period of two years following the finding. An employer may not deduct employee payments to any such organization for a period of two years.

Please carefully consider UTSWC's responsibilities and its obligations to its members. We sincerely hope that UTSWC will not engage in any conduct, or encourage teachers to engage in any conduct, which could place teachers at risk or jeopardize UTSWC's status as the exclusive representative of teachers in the District. We encourage you to notify your members of the potential consequences that may apply if they are absent from any portion of a work assignment without permission from the District, engage in a work slowdown, or if they abstain in whole or in part from the full performance of duties without permission from the District.

We look forward to continuing our work together in an effort to resolve the issues related to a new contract. In the meantime, please do not hesitate to contact me if you have any questions or would like to discuss any concerns.

Sincerely,

Kevin Witherspoon, Ed.D.  
Director of Human Resources

Keith Jacobus, Ph.D.  
Superintendent

cc: School Board