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November 26, 2018

Vince Riveroll  
Director  
Gompers Preparatory Academy  
1005 47<sup>th</sup> St.  
San Diego, CA 92102

**VIA EMAIL AND REGULAR MAIL**

Subject: Cease and Desist — Interference in Union Activity

Dear Mr. Riveroll,

As you are aware, on Nov. 13, 2018 the certificated employees of Gompers Preparatory Academy filed for union recognition, naming the San Diego Education Association (SDEA) as exclusive representative. On Nov. 13, 2018, a group of Gompers teachers delivered their union petition to you, in addition to filing it with the California Public Employment Relations Board.

Since Nov. 13, 2018, you and members of the Gompers Preparatory Academy administration and Board have engaged in multiple acts that constitute direct interference in protected union activity under the California Educational Employment Relations Act (EERA).

Section 3543.5 of the EERA states:

It is unlawful for a public school employer to do any of the following:

- (a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of this subdivision, "employee" includes an applicant for employment or reemployment.
- (b) Deny to employee organizations rights guaranteed to them by this chapter.

Your actions as enumerated below violate the cited sections as follows:

1. Between Nov. 14 and Nov. 16, 2018, members of the Gompers administration and Board made unannounced visits to teachers in their classrooms to discourage the formation of a union. In these conversations, teachers were asked if they signed the union petition, why they signed the union petition, and if they actually meant to sign it. Teachers were also told unionizing would lead to "lazy teachers."
2. You held a staff meeting on Nov. 15, 2018 to express your dismay at the filing of the union petition.

**San Diego Education Association**

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3. You have repeatedly allowed teachers who do not support the union to use the Gompers work email system to send anti-union emails, while preventing teachers who do support the union from using the Gompers work email system to send emails in support of the union.

The actions above are intended to create a chilling effect regarding the formation of a union, and are clearly intended to discourage members from continuing to organize a union. These actions constitute clear and direct interference in the ability of employees at Gompers to form a union, and in the ability of SDEA as the exclusive representative to bargain a Collective Bargaining Agreement. As such, these actions are in violation of Section 3543.5 of the EERA, and may be subject to the filing of an unfair practice charge with the California Public Employment Relations Board.

It is the Association's wish that the unionization process only strengthen Gompers Preparatory Academy. Our goal is that we move quickly into a productive process for bargaining a first union contract at Gompers. In the hopes that we can avoid filing an unfair practice charge with the California Public Employment Relations Board and turn our attentions towards a positive bargaining process, SDEA demands that you and all members of the Gompers administration and Board immediately cease and desist in any and all interference in Gompers employees' formation of a union or other union activity. SDEA also demands that you and all members of the Gompers administration and Board refrain from any retaliation towards Gompers teachers for their participation in or support of union activity.

Please let me know if you have any questions or concerns. We look forward to a productive relationship in support of Gompers students, educators, and the broader community.

Sincerely,



Erin Clark  
Field Organizer, San Diego Education Association

Cc: Cecil Steppe, Gompers Preparatory Academy Governance Board President  
Bud Mehan, Gompers Preparatory Academy Governance Board member  
Wendy Tucker, Procopio, Cory, Hargreaves & Savitch  
Cheryl Coney, California Teacher Association Charter Organizer