



COLORADO
Department of
Labor and Employment

Executive Director's Office
633 17th Street, Suite 1200
Denver, CO 80202-3660

February 4, 2019

Henry Roman
President, Denver Classroom Teachers Association
1500 Grant St.
Suite 200
Denver, Colorado 80203

Susana Cordova
Superintendent, Denver Public Schools
1860 Lincoln St.
Denver, CO 80203

Dear Denver Classroom Teachers Association and Denver Public Schools
Administration,

I am writing you with an update from the Colorado Department of Labor and
Employment (CDLE) on the ongoing request for intervention in an effort to keep you
abreast of our thinking, our process, and our timeline.

It is important for CDLE to reiterate here what the Governor has shared with each
party privately, which is that the grievances of the last decade between the union
and the district cannot be wholly resolved through these contract negotiations. In
fact, many of these issues being debated will be up to the voters to decide in the next
school board elections this November.

While much of the public focus in this contract dispute has been on teacher salary
levels, upon closer examination it has been our observation that most of the points of
contention are predicated on philosophy disagreements other than teacher pay. These
include opportunities for professional development and career advancement, as well
as incentives for working in disadvantaged or underperforming schools, and other
workplace-related issues. Moving negotiations forward seems highly unlikely, until
both parties can get to a common starting point on financial numbers, resolve
ideological divides on how to serve our highest risk children in both title 1 schools as
well as the top 30 poverty schools, and to agree on steps and lanes with guardrails in
the districts pay schedule.

Therefore, this communication will focus on the two areas standing in the way of both
parties coming to an agreement. First, we do not believe that a successful contract
can be reached with the current lack of meaningful dialogue and negotiations. Last



Thursday night's negotiation turned into political theater at its worst, not meaningful negotiations. This trend is very troublesome and weighs heavily on the state's decision to intervene or not. It is clearly in the state's interest to ensure the bargaining process is conducted with integrity and effectiveness, and we are currently concerned that is not happening. One reason the state may be compelled to intervene is that the state would be in a better place to ensure a process is designed to resolve disputes within the scope of the contracts at hand.

Second, it remains equally troubling that there is a lack of shared mutual understanding of the facts and costs of the competing proposals. As you know, the state has been engaged in conversations with both parties and an informal voluntary process is under way to analyze the competing proposals. This is based on the data being voluntarily given to the state. Attached is the analysis to date of those proposals performed by the State of Colorado's Office of State Planning and Budgeting professional staff. This analysis highlights possible areas where agreement could be reached between the parties. It should be noted that unlike this voluntary process, one tool available to the state shall it intervene would be compulsory fact finding that would be more comprehensive in scope.

The Governor supports workers' rights, including their right to strike. Moreover, while he believes it is the right of workers to strike, he also believes it is the responsibility of both parties to avoid a strike if possible. He is a relentless optimist about working out our differences and getting along. He strongly believes in workers' rights to strike and fight for fair wages and working conditions, and even joined Pueblo teachers on the picket line in a recent strike in which an objective effort to arrive on mutual facts had already occurred and the dispute was largely over a cost of living increase. Nonetheless, it is incumbent upon the Governor and the state to help facilitate a bargaining process with integrity, and that includes mutual understanding of the facts and confidence in both parties to work together, both during this process and beyond.

It's the Governor's and CDLE's strong desire to see these issues addressed and good faith efforts resumed to get to an agreement prior to his decision on or before Feb 11th. To that end, the Governor is asking for members of each party to meet with him early this week to discuss the path forward, and to review and discuss the informal analysis being done by OSPB prior to the meeting.

Sincerely,



Joe Barela
Executive Director



Cc: Mark Ferrandino, Chief Financial Officer, DPS
Michelle Berge, General Counsel, DPS
Amie Baca-Oehlert, President, CEA
Kathy Rendon, Deputy Executive Director and Manager,
CEA Pam Shamburg, Executive Director, Denver UniServ
Corey Kern, Deputy Executive Director, Denver UniServ

Attachment: OSPB Memo to Executive Director Barela

