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Court Issues Temporary Restraining Order Against Union Job Action For St. Croix Teachers, Schedules Hearing For Friday

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Janeke Simon **September 28, 2023**

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Public school teachers at various school on St. Croix staged a surprise walkout on Wednesday, Sept. 20, 2023.

The showdown between teachers complaining about underfunding and neglect in St. Croix's education system and the government has reached the courts, with a lawsuit filed against the American Federation of Teachers, Local 1826 (AFT STX) and its members who [walked off the job](#) last week.

The civil complaint, filed by the Department of Education, claims that the job action by teachers is prohibited by the terms of three collective bargaining agreements between the government and the

union, all of which expired at the end of August — weeks before last week’s protest action. Nevertheless, government lawyers are arguing that the events of September 20 and 21 constitute a breach of the expired agreements, as well as a failure to act in good faith. The plaintiffs also allege that the action was in violation of Title 24 VIC Chapter 14, which places restrictions on how strike action may be taken by bargaining units.

The complaint lays out a timeline of events from the beginning of September. On the 7th, a meeting was convened between AFT STX President Rosa Soto-Thomas, the union shop steward, and the Department of Education’s Insular Superintendent for the district, Ericilda Ottley-Herman. The agenda was a discussion of “numerous concerns and issues affecting the Juanita Gardine and Eulalie Rivera schools,” including the student-teacher ratio, infrastructural issues, and the lack of supplies, among others.

Days later, another meeting was scheduled between Ms. Soto-Thomas and Education Commissioner Dionne Wells-Hedrington, but the union president reportedly did not attend, and did not respond to inquiries concerning her absence. That meeting eventually took place on the Sept. 18th, during which the parties discussed supplies, a/c units and electrical systems which required upgrades, among other topics. Ms. Wells-Hedrington reportedly informed Ms. Soto-Thomas that money for supplies that was allocated to each school from federal funding sources would be online “as soon as the appropriate accounts for the schools could be put in place,” and requested that the union “give them some time” to correct infrastructural deficiencies.

On the evening of Sept. 18th, the administration reportedly became aware of planned job action. Governor Bryan sent a text message to his education commissioner expressing his concerns. The following morning, the Department of Education [announced changes](#) to classroom schedules on St. Croix due to excessive heat. However, that did not stop teachers from demonstrating their displeasure with the status quo. The lawsuit says that just after 6:00 a.m. on the morning of September 20, Ms. Ottley-Herman, the St. Croix District superintendent, began receiving messages about a planned job action. An hour later, she began receiving a wave of messages saying that teachers, support staff, and paraprofessionals were calling in sick, or announcing that they would be late. The insular superintendent fired off a letter to Ms. Soto-Thomas regarding the situation.

“We have compelling evidence indication [sic] that certain building representatives within the union are actively attempting to force union members to participate in this job action,” the letter read in part. As of press time, Consortium journalists have been unable to ascertain if Ms. Soto-Thomas responded to that missive. Shortly afterwards, The education commissioner and the insular superintendent made the decision to close all elementary schools, as well as the John H. Woodson High school, while announcing early dismissal for the island’s two affected high schools and the Career Technical Education Center.

The legal complaint enumerates how many educators stayed away from work last Wednesday - at elementary schools across the territory, the absenteeism rate among teachers averaged 65 percent, as well as 53 percent of paraprofessionals. Absences and sick calls continued into Thursday, September 21. However, when contacted on Wednesday afternoon, Ms. Soto-Thomas told both education officials and Consortium journalists, in separate conversations, that the union had no knowledge of the action by its members.

“The failure of a large percentage of DOE AFT bargaining unit staff to report for his/her assigned hours, constitutes a reasonable basis for a court to conclude that the employees are engaging in concerted activity to voice displeasure with some aspect of their working conditions,” Monday’s

lawsuit argued. “The continued action by Defendants will result in immediate and irreparable injury to Plaintiff, the staff and most importantly to the students’ education,” the lawsuit claimed, immediately before acknowledging that any lost learning days would be made up at the end of the school year or by shortening holiday leave.

Ultimately, Judge Douglas Brady found the government’s arguments compelling enough to issue a temporary restraining order against the union and its members, prohibiting any form of work stoppage by members of the bargaining unit and ordering teachers back into the classroom until the substantive arguments could be heard on Friday, after which the court would determine whether the government’s request for a permanent injunction will be granted.

Although educators are currently unable to demonstrate their dissatisfaction with working conditions by walking off the job, students on St. Croix face no such restrictions. A contingent of students and parents continued where teachers left off by protesting [outside of schools](#) at the beginning of the week. Students and teachers alike, while often clashing over homework requirements, grooming standards and student behavior, are united on the issue of St. Croix’s dysfunctional education system.