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St. Croix Teachers Union Asks Court To Toss Government Lawsuit, Order Adherence to Contractual Grievance Procedures

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Educators at the John H. Woodson Junior High School protest school conditions (9.20.23) By. V.I. CONSORTIUM

Ahead of Friday's court hearing, lawyers for the American Federation of Teachers in the district of St. Croix filed a motion to dismiss the lawsuit against them, brought by the Department of Education over last week's protest action by teachers, paraprofessionals and support staff frustrated over subpar working conditions.

The lawsuit sought the court's imposition of a temporary restraining order against any work disruption or stoppage by AFT members, [which was granted](#), as well as a declaration of breach of

contract and permanent injunctive relief. On Friday morning, the department's lawyers filed a new exhibit not mentioned in or attached to the initial petition – a [contract extension](#), signed by both AFT district presidents, pushing the effective expiration date of the collective bargaining agreements back to October 31.

AFT St. Croix responded to the government's petition with a motion to dismiss, telling the court that members who had absented themselves from their posts last week had already been back at work by the time the temporary restraining order was issued, meaning that it was moot from the onset. Further, the union claims that the dangerous environments being created by the heat and other adverse working conditions posed an ongoing health and safety hazard to members that gives them the right to refuse to work, notwithstanding any contractual obligations.

Additionally, union lawyers argue, the collective bargaining agreements which the government claims were breached actually contain language precluding disputes being taken to court without first going through the grievance process outlined within them. The contracts also include language establishing limits to environmental conditions, including prohibitions against classes being held in rooms with temperatures exceeding 89 degrees, or 84 degrees in the case of rooms without functional air conditioning. Other clauses stipulate that support staff employees are likewise not allowed to work in offices with malfunctioning air conditioning and no proper ventilation.

The union's response also included evidence that the department had long been put on notice of its members' growing inability to cope with intolerable working conditions. Grievance forms dating back years were included as exhibits. One complaint from 2015 mentioned visible, odiferous mold in Career and Technical Center classrooms, as well as "sweltering heat" caused by broken air conditioning units. The heat continued to be a subject of concern as the years progressed. In 2022, teachers at the Eulalie Rivera and Juanita Gardine Elementary Schools filed grievances regarding soaring temperatures in the classroom, an issue they say was not addressed with any sort of urgency by principals.

Friday's hearing before Judge Douglas Brady will decide which of the opposing arguments the court finds compelling enough, and will dictate whether St. Croix educators will have the right to refuse to work in classrooms they have deemed too dangerous in which to teach.