



San Antonio Alliance of Teachers & Support Personnel

120 Adams Street
San Antonio, TX 78210
Phone: 210-225-7174
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September 2, 2020

Irene Talamantes, Principal
Burbank High School, SAISD
San Antonio, TX 78204

[Via Email:](mailto:italamantes@saisd.net)
italamantes@saisd.net

Re: Request Level I Hearing

Dear Ms. Talamantes,

The San Antonio Alliance of Teachers and Support Personnel has been authorized by Luke Amphlett to file this grievance on his behalf. **Please do not talk about this grievance with Mr. Amphlett unless Diana DeLeon or Attorney Martha Owen, is present.**

Mr. Amphlett has been a Social Studies teacher at Burbank High School since 2015. He is the elected steward for San Antonio Alliance at your campus.

On August 27, 2020, the Burbank administration held a faculty meeting to discuss the Phase II and III reopening on the campus. The faculty expressed many concerns and had a number of questions about the reopening that were not satisfactorily addressed by the administration. As the Alliance building representative, Mr. Amphlett actively participated in the meeting and voiced concerns about the inadequacy of the safety plans being described by the administration and more specifically, raised issues about whether they were sufficient to protect the health and safety of students, faculty, staff, and parents. While he was persistent in his questions, Mr. Amphlett was courteous and professional.

On Monday, August 30, 2020, you called Mr. Amphlett into a meeting with you and Mr. Acosta. You questioned him about his behavior at the faculty meeting. Mr. Amphlett requested that an Alliance representative be present since he was concerned about the purpose of your questions. You threatened that if he refused to answer the questions, he could be found insubordinate and disciplined. Mr. Amphlett made clear that he would answer the questions once the union representative was present. You ended the meeting.

Later in the day, you directed Mr. Amphlett to attend another meeting. This time, the following persons were present: you; Mr. Acosta, Assistant Principal of Burbank; Chris Martinez, Former Director of Employee Relations; Darin Darby, Director of Employee Relations; Mr. Amphlett; and Diana De Leon, Representative with the San Antonio Alliance.

At the meeting, the administration stated that they had received a complaint by "an employee" or "employees," to the effect that the union was encouraging teachers to push back against the administration

on its reopening plan and that it made them uncomfortable. Those communications were not provided to Mr. Amphlett and Mr. Martinez conceded that he had not seen them. The administration proceeded to question Mr. Amphlett about his Alliance activities, role as a union steward, the Alliance meetings that were held following the Burbank faculty meeting, and Alliance organizing activities, despite the fact that these activities took place off-duty and are activities protected by the First Amendment. The questions were detailed and intrusive. For example, Mr. Amphlett was asked: *What emails are you sending to Burbank staff members? Who are these emails going to? Is that the only time a zoom session has been held? Any other meetings you've held with members? How many members are attending? What's the ask from the members during these meetings? When was the last meeting you had with the members?*

The First Amendment protects a public employee's right to associate with a union. This right encompasses the right of public employees to join unions and the right of their unions to engage in advocacy and to petition government on their behalf. Alliance contends that the administration's line of questioning was a violation of Mr. Amphlett's First Amendment rights to associate with the union and speak out on matters of public concern. Since you had previously threatened Mr. Amphlett with disciplinary action if he did not answer your questions, he believed that he had no choice but to answer the questions. While Ms. DeLeon repeatedly objected to the questions as intruding upon Mr. Amphlett's constitutional rights, the questions continued. The meeting lasted approximately 1 ½ hours.

The constitution prohibits a public employer from taking steps to discourage union membership and association and prohibits a public employer from taking steps to intimidate a public employee from engaging in union activities and protected speech or to retaliate against those who do. It is clear that these actions were attempts to intimidate and retaliate against Mr. Amphlett for his role as the campus union steward. This was only further validated when Mr. Amphlett was then placed on Paid Administrative Leave until further notice while an "investigation" is being conducted. You have removed him from the campus and directed him not to speak with his co-workers. It is apparent that the administration is trying to intimidate Mr. Amphlett, suppress protected activity, and remove Alliance's leadership from the Burbank campus at this critical time, all of which is illegal.

The following outlines the remedies requested at this time:

1. Mr. Amphlett is reinstated to the Burbank campus **immediately**.
2. No additional disciplinary action is made against Mr. Amphlett for his role as the campus union steward.

Please contact me at the Alliance Office at 210-225-7174 to schedule an appointment for this grievance to be heard.

Sincerely,

Diana De Leon
San Antonio Alliance of Teachers & Support Personnel

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Attorney for Luke Amphlett and San Antonio Alliance of Teachers & Support Personnel

Cc: Luke Amphlett; Chris Martinez; Darin Darby; Toni Thompson; Alejandra Lopez