

OEA Strike FAQ #3

Intern Teachers, Visa-holders & TFA/AmeriCorps

All persons represented by OEA have the right to participate in the lawful activities of our union, including an OEA sanctioned strike.

1. CAN TEACHERS ON INTERN CREDENTIALS STRIKE?

YES. Your labor rights are not dependent on your type of credential. It would be illegal for OUSD to discipline, dismiss or fail to recall you to work next year because you strike.

2. CAN TEACHERS ON WORK VISAS STRIKE?

YES. Your labor rights are not dependent on your citizenship status. It would be illegal for OUSD to discipline, dismiss or fail to recall you to work next year because you strike.

The *US Citizenship and Immigration Services* has established that visa holders, “participating in a strike or other labor dispute involving a work stoppage of workers... shall not be deemed to be failing to maintain his or her status solely on account of dispute involving a work stoppage of workers.”

3. CAN TEACHERS IN TEACH FOR AMERICA/CIVICORPS STRIKE?

Yes, with important caveats. It would be illegal for OUSD to discipline, dismiss or fail to recall you to work next year because you strike. Unfortunately participating in strike activities *may* jeopardize your AmeriCorps funding under federal regulations. On December 10, AmeriCorps communicated the following message to Oakland teachers:

“If you are an AmeriCorps member wishing to participate in a prohibited activity and wish to maintain your AmeriCorps status/funding – the policy states you may take a personal day or personal time to participate.”

4. WHAT HAPPENS IF RETALIATION DOES OCCUR?

We will fight retaliation with every tool at our disposal, including CTA’s staff attorneys in Burlingame and our network of Group Legal Services attorneys. Representation by an attorney in employment matters is free to OEA/CTA members (subject to certain limits).

A word of caution to teachers on visas. There is an additional risk that if you are illegally dismissed from your position, being reinstated to your job won’t matter if you can’t stay in the country in the meantime. We encourage you to talk this risk over with your co-workers.