



PERALTA COMMUNITY COLLEGE DISTRICT

Agenda Item Details

Meeting May 10, 2022 - REGULAR MEETING OF THE BOARD OF TRUSTEES

Category 4. PUBLIC HEARING & ACTION

Subject 4.1 Presentation of the Peralta Community College District's Initial Proposal for Collective Bargaining Agreement with Peralta Federation of Teachers ("PFT"), Service Employees International Union Local 1021 ("SEIU") and the International Union of Operating Engineers Local 39 ("Local 39") for successor Agreements for 2022-2025. Presenter: Interim Vice Chancellor Dr. Ronald McKinley

Type Action

TO: Peralta Board of Trustees

FROM: Interim Vice Chancellor of Human Resources, Dr. Ronald McKinley

PREPARED BY: Interim Vice Chancellor of Human Resources, Dr. Ronald McKinley

BACKGROUND/ANALYSIS:

California Government Code section 3547 requires that all initial proposals of exclusive representatives and the District shall be presented at a public meeting of the Board of Trustees. Subsequently, a public hearing is held regarding the proposal for public input before bargaining begins. A public hearing is scheduled to be held at the May 10, 2022 Board meeting.

Pursuant to Government Code Section 3547, the Peralta Community College District presents its initial contract proposal with PFT for the 2022-2025 contract years. Peralta Community College District proposes to reopen negotiations with the following initial proposal:

In accordance with the current collective bargaining agreement with PFT, the District is committed to and will work with the Federation using Interest-Based Bargaining to negotiate a new collective bargaining agreement. The District has the following interests:

1. Article 6 Federation Rights:
 - o Clean-up and update this section to comply with changes in the law.

2. Article 14(A); MOU Special Assignments, Allocation of Department Chair Release Time
 - o Update this section to provide and clarify what is fair and reasonable release time for Department Chairs.

3. Article 11 Faculty Evaluation and Tenure Procedures, Appendix 20
 - o Incorporate the evaluation process into the Collective Bargaining Agreement.
 - o Use the modality for evaluations that reflects the modality used for the majority of the faculty's regular load.
 - o Create a management-initiated evaluation process.

4. Article 18 Hours Workload and Class Size; Appendix A16

- Define the professional duties of faculty, including non-instructional duties, faculty engagement expectations, and service hour requirements.
5. Article 18(D) Class Size:
 - Create a procedure for settling disputes related to class caps.
 6. Article 19 Grievance Procedure
 - Update the procedure for processing Level 2 grievances.
 7. Article 21(B) Salary Increases; Appendix A and C – PF75 and PF 60:
 - Establish salaries for employees represented by the bargaining unit that are fair and reasonable, and supported by the District’s revenue sources for the term of the agreement.

 - Create one salary schedule for part time faculty (PF75 and PF60).
 8. Article 22 Health and Welfare Benefits:
 - Establish cost-effective District-provided health insurance plans
 - Clean up and clarify contract language in Article 22
 - Establish facilitated committee to consider and evaluate changes to retiree health.
 9. Article 26 Leaves
 - Clean-up and update this section to comply with changes in the law.
 10. Article 30 (H) Part Time Faculty Rehire Preference Pool
 11. Article 33 Distance Education
 - Establish clear expectations for distance education, with curriculum revisions/designs and evaluation, including District right to assign modality.
 - Establish standards for teaching online.
 12. Article 34 Use of Cameras in Classrooms
 - Update language to reflect current practices
 13. Article 35 Term of Agreement
 - Negotiate a multiyear term for the CBA
 14. Appendices
 - Clean-up and update Appendices to comply with changes in the law and current practices.
 15. All Side Letters and MOUs:
 - Evaluate side letters and propose to update, delete, revise or incorporate into CBA
 - Add language requiring side letters and financial grievance settlements be signed by the Chancellor or approved by Board of Trustees.
 16. Pay Penalty Side Letter
 - Update pay penalty side letter to reflect terms that are fair, reasonable, and sustainable

Peralta Community College District’s Initial Proposal for Collective Bargaining Agreement with Service Employees International Union Local 1021 (“SEIU”) for a successor Agreement for 2022-2025

California Government Code section 3547 requires that all initial proposals of exclusive representatives and the District shall be presented at a public meeting of the Board of Trustees. Subsequently, a public hearing is held

regarding the proposal for public input before bargaining begins.

Pursuant to Government Code Section 3547, the Peralta Community College District presents its initial contract proposals with SEIU Local 1021 for contract years 2022 to 2025.

Peralta Community College District proposes to reopen negotiations with the following initial proposals for the Permanent Employees Collective Bargaining Agreement:

- Article 4 Employee Rights:
 - The District will propose to clean up language and update to comply with changes in the law.

- Article 6 Organizational Rights:
 - The District will propose to clean up language and update to comply with changes in the law.

- Article 5 Evaluation:
 - The District will propose to update the evaluation procedure.

- Article 9 Hours and Overtime:
 - The District will propose work schedules and telecommute protocols to meet student, employee, and District needs.

- Article 10 Pay and Allowance; Appendix 2 Salary Schedule:
 - The District will present proposals for compensation for employees represented by the bargaining unit for 2022-2025, in a manner that is fair and reasonable, and supported by the District's revenue sources for the term of the agreement.
 - The District will propose to update the Reclassification process to improve efficiencies and better serve employee, District, and student needs.

- Article 11 Health and Welfare Benefits:
 - The District will propose to update cost-effective District-provided health insurance plans; Clean up and clarify contract language; and Develop a mechanism to consider and evaluate future changes to retiree health benefits.

- Article 13 Leaves:
 - The District will propose to clean up language and update to comply with changes in the law.

- Article 14 Vacation:
 - The District will propose to introduce strategies to address long-term fiscal liability due to unlimited vacation accruals.

- Article 17 Promotions and Employee Development:
 - The District will propose to modernize and revise contract language regarding vacancies, promotions, and employee development.

- Article 21 Grievance Procedure:
 - The District will propose to update the procedures to improve efficiency and communication protocols.

- Article 22 Disciplinary Action:
 - The District will propose to update the procedures for disciplinary action and appeal.
- Article 28 Sexual Harassment:
 - The District will propose to modernize language and update to comply with changes in the law.
- Appendix 4 SEIU Release Time:
 - The District will propose to update contract language for release time.

Peralta Community College District proposes to reopen negotiations with the following initial proposals for the Hourly Employees Collective Bargaining Agreement:

- Article 3 Affirmative Action:
 - The District will propose to update contract language to comply with legal requirements.
- Article 4 Employee Rights:
 - The District will propose to clean up language and update to comply with changes in the law.
- Article 8 Hours and Overtime:
 - The District will propose work schedules and telecommute protocols to meet student, employee, and District needs.
- Article 9 Pay and Allowance:
 - The District will present proposals for compensation for employees represented by the bargaining unit for 2022-2025, in a manner that is fair and reasonable, and supported by the District's revenue sources for the term of the agreement.
 - The District will propose to update the working out of classification process to improve efficiencies and better serve employee, District, and student needs.
- Article 14 Grievances:
 - The District will propose to update the procedures to improve efficiency and communication protocols.
- Article 18 Sexual Harassment:
 - The District will propose to clean up language and update to comply with changes in the law.
- Article 19: Negotiations/Duration
 - The District will propose clean up language to revise length of the Agreement.

California Government Code section 3547 requires that all initial proposals of exclusive representatives and the District shall be presented at a public meeting of the Board of Trustees. Subsequently, a public hearing is held regarding the proposal for public input before bargaining begins.

Pursuant to Government Code Section 3547, the Peralta Community College District presents its initial contract proposals with Local 39 for contract years 2022 to 2025.

Peralta Community College District proposes to reopen negotiations with the following initial proposals for the Regular Employees Collective Bargaining Agreement:

- Article 3 Non-Discrimination:
 - The District will propose to clean up language and update to comply with changes in the law.

- Article 8 Disciplinary Action:
 - The District will propose to update the procedures for disciplinary action and appeal.

- Article 9 Leaves:
 - The District will propose to clean up language and update to comply with changes in the law.

- Article 10 Filling of Vacancies; Article 21: Transfers:
 - The District will propose to modernize and revise contract language regarding vacancies, promotions, and employee development.

- Article 15 Position Audits / Classification Study:
 - The District will propose to update the Reclassification process to improve efficiencies and better serve employee, District, and student needs.

- Article 18 Holiday Schedules:
 - The District will propose to clean up language and update to comply with changes in the law.

- Article 19 Employee Evaluations:
 - The District will propose to update the evaluation procedure.

- Article 22 Grievance Procedure:
 - The District will propose to update the procedures to improve efficiency and communication protocols.

- Article 24 Health and Welfare Benefits; Appendices 1 (Health Benefits) and 2 (Health Plan Coverage Comparison):
 - The District will propose to update cost-effective District-provided health insurance plans; Clean up and clarify contract language; and Develop a mechanism to consider and evaluate future changes to retiree health benefits.

- Article 25 Safety:
 - The District will propose to update the contract to comply with applicable changes in the law.

- Article 26 Pay and Allowance; Appendix 2 Salary Schedule:

- The District will present proposals for compensation for employees represented by the bargaining unit for 2022-2025, in a manner that is fair and reasonable, and supported by the District's revenue sources for the term of the agreement.
- The District will present proposals to update and clarify the duration of the "me too" provision in the collective bargaining agreement.
- Appendix 5 Local 39 / District Tentative Agreements:
 - Evaluate side letters and propose to update, delete, revise or incorporate into CBA

Peralta Community College District proposes to reopen negotiations with the following initial proposals for the Hourly Employees Collective Bargaining Agreement:

- Article 3 Equal Employment Opportunity (EEO):
 - The District will propose to update contract language to comply with legal requirements.
- Article 9 Pay and Allowance:
 - The District will present proposals for compensation for employees represented by the bargaining unit for 2022-2025, in a manner that is fair and reasonable, and supported by the District's revenue sources for the term of the agreement.
 - The District will present proposals to update and clarify the duration of the "me too" provision in the collective bargaining agreement.
- Article 13 Safety:
 - The District will propose to update the contract to comply with applicable changes in the law.
- Article 14 Grievance Procedure:
 - The District will propose to update the procedures to improve efficiency and communication protocols.
- Article 18 Sexual Harassment:
 - The District will propose to clean up language and update to comply with changes in the law.
- Appendix 2 Tentative Agreements:
 - Evaluate side letters and propose to update, delete, revise or incorporate into CBA

Peralta Community College District also reserves the right to add, amend, delete or change any of these proposals, and to present additional proposals that are presented in the collective bargaining process and are mandatory subjects of bargaining.

EVALUATION AND RECOMMENDED ACTION:

All Board-recommended contracts are subject to negotiations and execution by the Chancellor.

Motion & Voting

Motion to Approve the Collective Bargaining Agreement with PFT, SEIU, and Local 39 for Successor Agreements for 2022-2025.

Motion by Kevin Jenkins, second by Bill Withrow.

Final Resolution: Motion Carries

Yea: Nicky Gonzalez Yuen, Linda Handy, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin Polk, Leesa Hogan, Micah Cooper