



# Bargaining Update #3



United Teachers of Pasadena

January 2010

The Association and the District bargaining teams met on December 11, 2009 and December 15, 2009 to continue the negotiating of articles that were reopened in 2008-2009. Those articles included the following:

- Article III – Association Rights
- Article V - Grievance Procedure
- Article VI – Hours
- Article VII – Transfers and Reassignments
- Article VIII – Evaluation Procedures
- Article IX - Leaves
- Article X – Class Size
- Article XIV – Salary
- Article XV – Health and Welfare
- Article XVI – Child Development Programs
- Article XVII – Supplemental Employment
- Article XVIII – Peer Assistance
- Article XIX – Site Based Decision Making
- Article XXIV – Discipline
- Article XXVII – Miscellaneous Provisions
- Article XXVIII – Completion of Meet and Negotiations

To date, the parties have reached the following Tentative Agreements and/or Memoranda of Understanding:

- Article V - Grievance Procedure(TA October 27, 2008)
- Article XXIV – Discipline(TA February 10, 2009)
- Teachers on Special Assignment(TA and MOU April 17, 2009)
- Article XVI – Child Development Programs(TA and MOU April 17, 2009)
- Evidence of Coverage and Summary of Blue Shield/Kaiser Plans(MOU October 23, 2009)

The Association was intent on subjecting these agreements to the ratification process in May 2009 so that these agreements could be implemented as immediately as possible. In fact, these agreements were ratified by the UTP membership in May of 2009. However, the District preferred to conform to a strict interpretation of the Government Code and carryover all settled and unsettled agreements into 2009-2010. Accordingly, the District has not ratified these agreements and insists that ratification by the Board of Education will not occur until all articles/issues reopened in 2008-2009 have been completed. The articles that remain unsettled are:

- Article III – Association Rights
- Article VI – Hours
- Article VII – Transfers and Reassignments
- Article VIII – Evaluation Procedures
- Article IX - Leaves
- Article X – Class Size
- Article XIV – Salary
- Article XV – Health and Welfare
- Article XVII – Supplemental Employment
- Article XVIII – Peer Assistance

- Article XIX – Site Based Decision Making
- Article XXVII – Miscellaneous Provisions
- Article XXVIII – Completion of Meet and Negotiations

The basic process and procedures of “traditional bargaining” are driven by a series of “proposals” and corresponding “counter-proposals” on a given article or issue. For example, the parties exchanged 3 proposals and 4 counter-proposals before reaching a Tentative Agreement Article XVI, Child Development Programs.

Bargaining in this traditional framework requires quality time to produce positive results. In order to expedite this process, the parties have adopted a set of “bargaining protocols” and a list of “comparable school districts”. In addition, the parties have extended the hours for each bargaining session, added more bargaining dates, introduced consecutive bargaining dates, and experimented with “language sharing” before and after bargaining sessions.

The Association believes that the parties have reached positive and meaningful agreements thus far. Furthermore, the Association is sensitive to the District’s projected fiscal condition over the next three years. The District projects its expenditures to exceed its revenues by approximately \$20,000,000 each year for the next three-year period of 2009-10, 2010-11, and 2011-12.

So the District intends to use the current year beginning balance of \$26,594,016 to offset the approximately \$20,000,000 deficit, resulting in an ending balance of approximately \$7,000,000 in June 2010.

Over the next three years the District projects (according to its First Interim Report issued on December 15, 2009), the following ending balances:

2009-2010: positive ending balance of +\$7,017,848

2010-2011: negative ending balance (deficit) of -\$12,968,993

2011-2012: negative ending balance (deficit) of -\$32,255,212

The challenge to the parties is how to expedite the bargaining process so that the most important issues are dealt with as soon as possible without having unresolved issues that come back to choke us later and further degenerate a relationship that is fragile at best.

Therefore, in order to “get outside the box” and expedite the bargaining process, the bargaining sessions of December 11<sup>th</sup> and 15<sup>th</sup> have addressed a “conceptual framework” approach to a discussion of unsettled articles/issues. A conceptual approach introduces various scenarios for possible settlement of outstanding issues in a manner that is non-binding on either party until a final settlement package is agreed to “in concept.” Once the two parties have reached a conceptual agreement on how to bring closure to all outstanding articles/issues, the two parties will develop language for a Complete Tentative Agreement that will then be signed by the principal parties and be subjected to the ratification process by the UTP membership and the PUSD Board of Education.

It is not uncommon for the initial mention of a “conceptual framework” to be misunderstood and misconstrued. In fact, no binding agreements related to the “conceptual framework” have been signed with the District to date. The “conceptual framework” is an “all or nothing” comprehensive approach and we still have a great deal of work at the bargaining table before that milestone is reached. In the meantime, here is how you can impact the collective bargaining process in an effective manner.

1. Make certain that your UTP Site Representative is attending the monthly Representative Council Meetings.
2. Attend UTP site meetings at your school after each UTP Representative Council Meeting.
3. Stay current on the issues by means of the UTP Voice and UTP Bargaining Updates.
4. Access the UTP website and Twitter accounts on your personal computer (not the District's) on a regular basis.
5. Participate in organizing activities that are planned by the UTP Organizing Committee.

United Teachers of Pasadena is concerned with the fiscal condition of the Pasadena Unified School District. Accordingly, the Association is committed to the principle of "equitable distribution" concerning the possibility of temporary concessions related to furlough days, salary contingencies, health and welfare benefits, class size, etc. The Association is not interested in reaching permanent solutions to a temporary problem. Accordingly, the Association stands for the following:

1. No concessions where they are unwarranted.
2. Equitable distribution of warranted concessions.
3. No permanent concessions.
4. Full restoration of temporary concessions by a time certain.

The Association has expressed an interest in a "fair share agreement" that would provide a percentage of all future funding to accrue to the UTP membership. This would provide the Association with distribution rights of this new funding in the areas of "total compensation", i.e., salary and health and welfare benefits. The District has preferred to concentrate on the discussion of how the District will weather the current fiscal storm and believes that any discussion of a "fair share agreement" is premature. Hopefully, the District will reconsider its current position once it takes into account how a "fair share agreement" could prove useful in case of fiscal storms in the future.

Future Bargaining Dates:

January 19	March 30
February 9	April 20
February 26	April 30
March 23	May 7
March 25	May 27

Bargaining Team:

Alvin Nash, Chairperson	Edison
Rosette Aghoian	Webster
Karen Favor	Blair
Jeffrey Leming	Madison
Leslie Stotlar	Marshall
Bethel Lira, President	UTP
Roberto Gallegos, Chief Negotiator	CTA

## PUSD Comparable School Districts

1. Alhambra Unified
2. Arcadia Unified
3. Azusa Unified
4. Baldwin Park Unified
5. Bonita Unified
6. Burbank Unified
7. Charter Oak Unified
8. Covina Valley Unified
9. Duarte Unified
10. Glendale Unified
11. Glendora Unified
12. La Canada Unified
13. Monrovia Unified
14. Montebello Unified
15. San Gabriel Unified
16. San Marino Unified
17. South Pasadena Unified
18. Temple City Unified
19. West Covina Unified

# **COLLECTIVE BARGAINING PROTOCOLS**

**Between  
UNITED TEACHERS OF PASADENA  
And  
THE PASADENA UNIFIED SCHOOL DISTRICT**

In order to facilitate the collective bargaining process, United Teachers of Pasadena and the Pasadena Unified School District mutually agree to the following Protocols. These protocols shall supersede all previously adopted and shall remain in effect unless and until the District and the Association mutually agree to amend them.

## **RULES**

1. Have cell phones, pagers, palm pilot, and /or PDA turned off or on vibrate.
2. One person speaks at a time. (If someone has the floor - no side conversations)
3. Treat each other professionally and with courtesy. Focus on issues.
4. Set caucuses to 15 minutes. Give advance notice for more time. Alert the other side if caucus is long.
5. Have a "Rumor & News" session at the beginning of each session - no more than 15 minutes.
6. Start and end on time. Bargaining sessions will begin at 9:00 a.m. and end at 5:00 p.m.\*
7. Set at least 2 future meeting dates at alternating sites.
8. A draft agenda for the next session is set before adjourning.
9. Both parties will make their own notes of the meeting.

## **DOCUMENTS**

1. Full and complete budget disclosure.
2. District to provide the full and complete text of Budget Documents.
3. The District and the Association will hold a collective bargaining session to review the status of the District's fiscal condition each time (within three weeks of each report) that the following budget documents have been issued to the County Office of Education or the California Department of Education.
  - . ADOPTED REPORT, filed with COE July 1
  - . UNAUDITED ACTUAL REPORT, filed with COE September 16
  - . FIRST INTERIM REPORT, filed with COE December 15
  - . AUDIT REPORT, filed with COE December 15
  - . SECOND INTERIM REPORT, filed with COE March 15

- . J-90 Report, filed with CDE June 30
- 4. The cost of a 1% increase to the salary schedule.
- 5. Identify the school districts that are considered “comparable” to PUSD.

## **PROPOSALS**

1. Each team will explain its initial proposal at the time the proposal is presented.
2. The District’s bargaining team has full authority to reach complete tentative agreement at the table subject to ratification by the Board of Education; the Association’s bargaining team has full authority to reach complete tentative agreement at the table subject to ratification by its membership.
3. All proposals should be submitted in written form including the date of the proposal.
4. Unless specifically agreed otherwise, all agreements are tentative and there is no agreement until complete agreement has been reached and approved by the UTP membership and the Board.
5. As they are reached, tentative agreements will be written and initialed by the parties’ representatives.
6. Upon reaching complete tentative agreement, both bargaining teams will recommend to their respective constituencies that the agreement be ratified.
7. Establish a deadline for additional re-openers.

## **COMMUNICATIONS**

1. Neither side will comment to the media regarding any new bargaining proposal without first presenting the proposal to the negotiating teams and providing sufficient time for a response.
2. At the end of each session, there will be a review and summary process.
3. Each party will issue its own post-bargaining session communications.