

COLLECTIVE BARGAINING IN CALIFORNIA and at MPC



Presented to Board of Trustees
April 11, 2012

Authority

- California Government Code (Educational Employment Relations Act – EERA or the Rodda Act)
- Education Code
- Public Employment Relations Board – PERB
- Local Collective Bargaining Agreements
- MPC Board Policy
- Court Cases

Scope of Bargaining

EERA states the scope of representation shall be limited to matters related to **wages, hours of employment and other of terms and conditions** employment.



Subjects within Scope

- Hours of Employment
- Wages
- Benefits
- Health and welfare plans
- Class size and class load
- Early retirement plans
- Transfers
- Reassignments
- Leave benefits
- Layoff procedures
- Safety
- Effects of eliminating unit work
- Grievance Procedures
- Drug testing
- Evaluations
- Contracting out

Subjects outside Scope

- Management Rights
- Provisions of Education Code cannot be replaced, set aside or annulled through collective bargaining

Education Code

- Tenure and Probation
- Definitions of employees
- Part-time and Full-time
- Personnel Files
- Leaves of Absence
- Discipline
- Layoff
- Agency Shop
- Overtime

Court Cases

- **Skelly Meetings**
1975 – guarantees due process to employees

- **Weingarten Rights**
1975 – employees are entitled to representation in meetings which reasonably may relate to discipline

MPC Board Policy

- Recognizes MPCTA as exclusive bargaining agent for academic employees
- Recognizes MPCEA as the exclusive bargaining agent for classified employees
- Gives bargaining units access to employees
- Defines sunshine requirements for new proposals

Monterey Peninsula College *Faculty Association*

Monterey Peninsula College Teachers Association (MPCTA)/CTA/NEA

- The current agreement between MPC and MPCTA is through June 30, 2012 with no reopeners unless mutually agreed.
- Dr. Celine Pinet meets regularly with MPCTA's chief negotiator(s) to address issues and keep each other informed of pertinent matters.
- Negotiating team includes Dr. Pinet, Stephen Ma and Barbara Lee.
- Addendum to contract includes postponed items and study groups.
- Currently working on response to economic situation and interest in another one year extension to existing agreement.



Monterey Peninsula College *Classified Employees*

California School Employees Association Chapter #245-MPCEA/CSEA

- MPCEA is an agency shop.
- The current agreement between MPC and MPCEA is through June 30, 2014, with two annual reopeners each; additional reopeners may be added as mutually agreed.
- District negotiating team includes Stephen Ma, Larry Walker and Barbara Lee.
- Barbara Lee meets weekly with the MPCEA President and Vice President to resolve issues at the lowest level possible and keep each side informed.
- Current discussions focus on responding to the current economic situation.



Negotiating Methods

Traditional vs. Interest Based

Position Based Approach

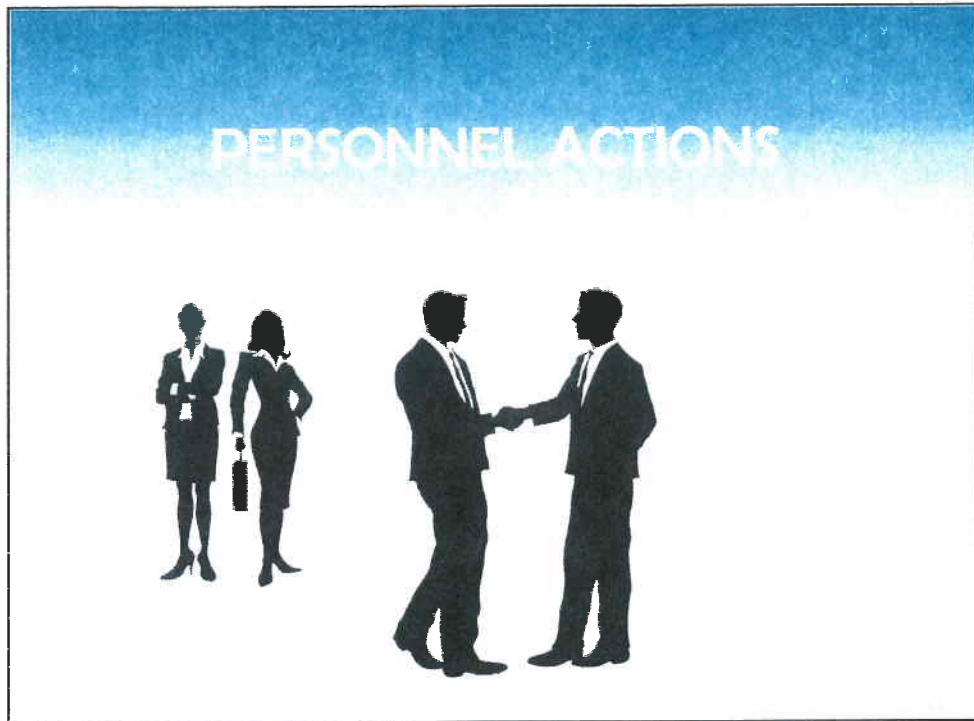
- Information used tactically
- Solutions committed to at the beginning
- Focus is on positions
- Focus is only on preferred solutions
- Try to convince, if not, coerce
- Argue to win
- Decisions made separately
- Independently decide how to treat each other

Interest-Based Approach

- Information fully disclosed
- Commitment deferred until end
- Focus is on interests
- Many solutions are explored
- Rational persuasion
- Understanding gained through questioning
- Decisions made together
- Agreement made on how to treat each other

Interest-Based Bargaining

- Analysis
 - Planning
 - Discussion
- ✓ DESCRIBE the problem
 - ✓ IDENTIFY stakeholders and their interests
 - ✓ CREATE options
 - ✓ EVALUATE options against interests
 - ✓ COMMIT to solutions



EMPLOYMENT

- Board Policy 5005
 - Board hires each employee and sets compensation and term of employment

- Board Policy 5010
 - Superintendent/President is delegated authority to offer employment subject to subsequent ratification by the Board

TENURE PROCESS

Education Code 87608-87610

- Contract I: first year
- Contract II: second year
- Contract III: third – fourth years
- Tenure
 - Before making a decision on continued employment, Board determines that faculty member has been evaluated, received a statement of most recent evaluation and recommendation of the Superintendent at a Board meeting.
 - Decision to NOT continue employment must be given no later than March 15.

MINIMUM QUALIFICATIONS and EQUIVALENCY

Education Code 87359

Administrators and faculty who do not meet state minimum qualifications must be determined by the governing board to have equivalent qualifications.

Board Policy and Administrative Procedure 5340

Establish equivalency process jointly with Academic Senate.

RESIGNATIONS

- Board Policy 5030
 - The Superintendent/President is delegated to accept resignations on behalf of the Board.
 - Although not required, resignations submitted to the Board for ratification.
- Resignation for the purpose of retirement
- Emeritus
 - Faculty – 10 years in education, the last 5 at MPC
 - Administrators – 10 years in education, the last 8 at MPC

Other Personnel Actions

- Authorization to recruit
- Establishment/elimination of positions
- Salary schedules
- Job descriptions
- Leaves without pay
- Reduction of assignment for early retirement
- Discipline
- Placement of employees on 39-month rehire list

Complaints Against Employees

Board Policy 1055 and 5595

- Any complaints presented to the Board or individual Board members will be referred to the Superintendent/President.
- Anonymous complaints are disregarded.

QUESTIONS?