



Negotiations Update February 11, 2013

We have had three negotiation meetings since our last communication on December 5, 2012. Although we have a few articles left to agree upon, and we have made some progress on the language, we still have six articles left: Union Rights, District Rights, Health and Welfare Benefits, Compensation, Retirement Benefits and Grievances. Please read the status of each article below.

Union Rights

- The CCE negotiations team has been asking for status quo, the rights under the law to serve the members. The District has struck-out the specific Contracting Out language and agreed to their rights to Contract Out as provided by law. The District's lead negotiator stated that he will be bringing this Article to the Governing Board and has not countered our proposal.

District Rights

- Our current agreement does provide for specific management rights. The CCE negotiations team has asked for status quo, and proposed that the contract provide an affirmation of the rights afforded to the District under the Education Code or Statutory Law, as well as language in case of emergencies. The District's lead negotiator stated that he will be bringing this Article to the Governing Board and has not countered our proposal.

Health and Welfare Benefits

- Due to the passage of Proposition 30 and the newly released Governor's Budget, the CCE negotiations team has proposed for benefits to remain status quo, with no changes to our Benefits package. The District's proposal still requested for some takeaways.

Compensation

- Due to the passage of Proposition 30 and the newly released Governor's Budget, the CCE negotiations team has proposed status quo, with no changes to the Compensation.
- The CCE negotiations team has also asked for a reinstatement of COLA **if** the state's budget provides one.
- The CCE negotiations team has proposed a formula for distribution if the apportionment is greater than expected.
- VP Ron Perez gave a budget update at the January 30th negotiations meeting, stating that although the state budget looked positive and that although Proposition 30 passed, the school has not received any money yet and that it will not be until the May Revision that the District will have a better clue how funds are to be spent. Questions regarding backfill, COLA, and growth cannot be answered until then.

- When asked if it was the intent of the District to wait until May Revise to actively negotiate compensation, the District's lead negotiator stated the District would continue to negotiate.
- The District has proposed that the Union would need to negotiate the step increases on a yearly basis, which is NOT status quo. Currently classified staff receive the annual step increase automatically on their July paycheck. The CCE negotiations team would like to keep the step increases status quo so the increases would not have to be re-negotiated annually, which would be an unprecedented move.

Retirement Benefits

- The CCE negotiations team has presented the identical proposal as the PFF negotiations team; using the same language of the faculty Retirement Benefits article which has been tentatively agreed upon by the PFF & District. This maintains the benefits under the contract; we will update as we get closer to an agreement.

Grievances

- The CCE negotiations team feels that Binding Arbitration is a necessary part of our grievance process. The District refuses to agree to Binding Arbitration, stating that it is not necessary. The CCE negotiations team has been attempting to get similar language that is afforded to the Faculty not only for equity, but also for a firm conclusion to our grievance process.
- The CCE negotiations team has suggested that the District's lead negotiator bring this Article to the Governing Board. The District's lead negotiator stated he will take this Article to the new Governing Board for direction on where to go since binding arbitration is the only thing holding this article up for a tentative agreement.

During our last negotiations meeting the CCE negotiations team lead negotiator, Frank Oppedisano, CFT Field Representative, expressed the CCE negotiation team's intent and our hope to reach the conclusion of our first contract before June because of the positive fiscal status (Palomar's ending balance, passing of prop 30 and Governor's Budget) and asked the District if that was a possibility.

Next Negotiations Sessions with the District have been tentatively scheduled for March 6th and March 21st.

Other News:

Classification Study

- The CCE negotiations team respectfully requested that the District's lead negotiator also take the Classification Study MOU back to the Governing Board along with the Grievance Article since there has not been any movement on this matter.

Working out-of-class request for information

- The CCE negotiations team has requested information from the District regarding working out-of-class practice and procedures. Specifically looking in to disparity of compensation (calculating salary adjustments) and length of out-of-class placements. This is currently being discussed at the negotiations table and the additional information is needed before submitting our counterproposal.

JUSTICE (Joint Union Staff Teachers Investigating Common Equity) TEAM 6

JUSTICE Team 6 will be meeting with Frank Oppedisano and CFT's Budget Analyst to discuss and review Palomar's budget. The last time the team met with their Budget Analyst it was very fruitful. She went over the District's budget reporting and with her assistance we were able to find additional funds in Fund 41; she was truly a catalyst for jump starting this process. We look forward to working with her again.

The CCE negotiations team and E-Council will be setting up another all Classified meeting to continue to present the TA'd articles and to discuss the findings of JUSTICE Team 6. We hope to address those findings and how that information will impact the remaining articles.

Unfair Practice Charge – Public Employee Relations Board(PERB)

An unfair practice was filed against the District and on January 30, 2013. PERB has issued a complaint of violation of Government code section 3543.5 – District interfered with the administration of the CCE/AFT Local 4522 and interfered with the rights of the employees to be represented by the CCE/AFT Local 4522. PERB has sent a Notice of Informal Conference and we are scheduled to appear before the PERB on **Friday, April 5, 2013 at 10:30a.m.** We will keep you all updated.

In Unity, CCE/AFT Negotiations Team,

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Frank Oppedisano, CFT Field Representative / Lead Negotiator