

May 19, 2022
Negotiations

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Associate
Superintendent
of Human
Resources
FCUSD



The History

- 1648 Shoemakers and Coopers guilds organized in Boston
- 1776 the Declaration of Independence was signed in the Carpenter's Hall
- 1790 Pawtucket textile mill was staffed entirely by children under 12
- 1845 Female Labor Reform Association reduced workday from 13 to 10 hours
- 1881 3,000 Black women laundry workers staged a large and effective strike
- 1903 Congress created the Department of Labor and Commerce
- 1949 The Folsom Union High School District joined with the Granite Grammar School District to become Folsom Cordova Unified School District
- 1962 President Kennedy issued EO 10988 giving the public sector the right to join unions and bargain
- 1965 Winston Act allowed employees to meet and confer but no written binding agreements of negotiations
- 1975 California Educational Employment Relations Act (EERA)
- 1993 President Clinton signed the Family and Medical Leave Act (FMLA)



The Law

- 1975 Rodda Act (Educational Employment Relations Act)
 - Requires the school board and the union to review the terms of the existing agreement at least once every three years.
 - The result of this negotiation determines the salaries and benefits, hours, calendar, and most aspects of teachers' working conditions.
 - Negotiators can also discuss problems and address new issues that have arisen during the period of the contract (i.e. COVID-19).
 - The "sunshine" clause of the Rodda Act requires that each party's initial bargaining proposal be presented for public comment at a publicized school board meeting (i.e. Openers).
 - The school board must explain the financial impact of any proposed settlement before adopting the final contract.
 - Negotiations eventually result in a signed contract that is binding on both the board and the union. It applies to all the employees in the bargaining unit whether or not all of them have joined the union.

Purpose of EERA

- Improve employee-employer relations within public schools
- Guarantees Rights
 - Individuals
 - Unions
 - Exclusive representation
 - Good faith Bargaining
 - Protection against unfair labor practices
- Enforced by Public Employment Relations Board (PERB)

Test for Negotiability

It is logically and reasonably related to wages, hours, or conditions of employment.

The subject is of such concern to management and employees that conflict is likely to occur, and the mediatory influences of the collective negotiations is the appropriate means of resolving the conflict.

And, the employer's obligation to negotiate would not significantly abridge its freedom to exercise those managerial prerogatives essential to the achievement of the district's mission (fundamental education policy decisions).

What's Negotiable?

Wages, overtime pay,
extra duty pay, stipends

Use of district vehicles

Benefits, payroll
deductions

Hours for work, work
calendar, in-services and
PD, holidays, vacations,
leave, release time, prep
time

Evaluation process,
promotions,
transfers/reassignments,
grievance procedure,
arbitration of grievances

Removal/transfer of
bargaining work

Contents of a Contract

- **Compensation:** cost-of-living adjustment, salary schedule, pay for specific duties (department chair, coach), minimum teacher salaries, expenses, travel reimbursement, tuition reimbursement, mentor teacher selection process
- **Benefits:** health and welfare premiums, specific plans offered, retiree benefits
- **Hours:** length of work day, work year, student year, calendar (holidays, vacations), minimum days, preparation periods, lunch
- **Leaves:** bereavement, pregnancy, child rearing, religious, sick, disability, sabbatical, personal need/necessity, jury duty, military, industrial accident/illness, catastrophic illness
- **Retirement:** early retirement, benefits
- **Nondiscrimination**
- **Job assignment:** assignment, promotion, transfer, reassignment
- **Class size and caseloads:** pupils per teacher, students per counselor, number of teaching periods, instructional aides
- **Safety conditions**
- **Evaluation:** procedures and remediation
- **Grievance:** procedures, appeal process, mediation, arbitration
- **Discipline:** procedures and criteria
- **Layoff and Reemployment**
- **Organizational security:** payroll deduction of union dues ("agency fee"), maintenance of membership, fair share fees, union rights
- **Work stoppage:** "no-strikes" clause
- **Contract:** duration, reopeners
- **Savings clause:** contract in effect if portion invalidated by court, Legislature
- **Management rights:** authority "to the full extent of the law"
- **Consultation:** topics, procedures

FCUSD Contracts

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What is Management's Prerogative?



Budget priorities



Terms & conditions for management



Policies and Regulations governing non-employees



Hiring decisions, staffing levels, decisions to layoff



Creation or abolition of classifications



Assignment of duties reasonably contemplated within existing job

What's not negotiable?

Federal law requiring non-exempt employees be paid overtime after 40 hours in a workweek

Federal and State law prohibit discrimination on the basis of protected class or protected activity

One union tries to bargain terms governing another union's bargaining unit members

Supersession- cannot contract away Ed Code protections and obligations

Effects or Impact Bargaining

- Non-bargainable decisions may nevertheless have a duty to bargain effects or impacts
- Duty to Employer:
 - Provide advance notice to the Union and opportunity to bargain before implementing decisions within management prerogative that has reasonably foreseeable effects.
- Duty to Union:
 - Must demand to bargain or risk waiver
 - Demand must identify what matters within the scope it proposes to bargain and must clearly indicate a desire to bargain effects as opposed to the decision.



Communications: Board, District, and Community

Board

- Closed and open sessions of Board Meetings

District

- [District Website](#)
- Joint Communications
- Published Contracts/ Memorandums of Understanding/ Job Descriptions/ Salary Schedules
- Monthly meetings with Superintendent, Associate Superintendent, and Union President/ Lead Negotiator

Community

- FCUSD Website
 - [Announcements](#)
 - [District News](#)

District Website



Human Resources

- Welcome
- Absence Management
- Absence Management Mobile APP
- Calendars for Staff 2021-2022
- Calendars for Staff 2022-2023
- Care Solace
- Certificated Information
- Classified Information
- ⌵ Complaints
- Employee Assistance Program (EAP)
- Employee Training
- Employee Negotiations
- Employment
- Evaluations
- Fingerprinting
- ⌵ Job Descriptions
- Salary Schedules
- Substitutes
- ⌵ Volunteer Procedures
- Worker's Comp
- Employee Negotiations - work in progress

Employee Negotiations

- FCUSD Negotiation Updates
- CSEA Negotiations
- FCEA Negotiations
- FCLA Negotiations

FCUSD Negotiations Homepage

The purpose of this homepage is to provide regular updates on bargaining activities between the Folsom Cordova Unified School District and its employee organizations:

[California School Employees Association](#) (CSEA) Chapter #528 (Comprehensive and Transportation Units), which represents over 1,000 employees: bus drivers, food service workers, maintenance staff and other non-teaching positions.

[Folsom Cordova Education Association](#) (FCEA), which represents over 1,200 certificated teachers, counselors, and other certificated staff throughout the District.

[Folsom Cordova Leadership Association](#) (FCLA), which provides a meet and confer opportunity for certificated management, classified management, and classified confidential employees.

District Website



California School Employees Association (CSEA) Chapter #528 (Comprehensive and Transportation Units), which represents over 1,000 employees: bus drivers, food service workers, maintenance staff and other non-teaching positions.

2021 - 2022 CSEA

[CSEA MOU #16: Applications Specialist and Applications Specialist - PowerSchool Job Descriptions](#)

[CSEA Joint Communications: April 27, 2022](#)

[CSEA MOU #15 Learning Recovery Summer School and Extended School Year Compensation Rates 03.28.22](#)

[CSEA MOU #14 Additional Compensation for Extraordinary Working Conditions 03.28.22](#)

[CSEA Joint Communications: March 28, 2022](#)

[CSEA MOU #13 Changes to Fiscal Department Staffing 02.09.22](#)

[CSEA MOU #12 Summer Assistance Program 12.07.21](#)

[CSEA MOU #11 Early Notification of Retirement Incentive 12.01.21](#)

[CSEA MOU #10 Reclassification of Transitional IA to Para Educator 10.25.21](#)

[CSEA MOU #9 Reclassification of Instructional Assistant IASA LVL II to Special Education Instruction Assistant 10.25.21](#)

[CSEA MOU #8 Reclassification of Administrative Assistance I to II 09.28.21](#)

[CSEA MOU #7 Job Descriptions 02.08.22](#)

[CSEA MOU #6 Compensation 2021-2023 Comprehensive and Transportation 10.18.21](#)

[CSEA MOU #5 COVID-19 Administrative Assistant 10.25.21](#)

[CSEA MOU #4 COVID-19 Health Clerk 10.25.21](#)

[CSEA MOU #3 Hourly Rates of Pay for One-time Professional Development 08.30.21](#)

[CSEA MOU #2 Changes to ETIS Staffing 08.30.21](#)

Folsom Cordova Education Association (FCEA), which represents over 1,200 certificated teachers, counselors, and other certificated staff throughout the District.

2021 - 2022 - FCEA

[FCEA MOU #12 Special Education Intern Teacher Mentors 3/17/2022](#)

[FCEA MOU #11 Mitchell Middle School Schedule Change 3/16/2022](#)

[FCEA MOU #10 Summer School During the 2021-2022 School Year 3/16/2022](#)

[FCEA MOU #9 Additional Compensation for Extraordinary Working Conditions 2/11/2022](#)

[FCEA MOU #8 Secondary CTE Teacher Stipend 2/4/2022](#)

[FCEA MOU #7 CTE Digital Promise Representative 2/4/2022](#)

[FCEA MOU #6 CTE Lead Teacher for the Business & Finance/Marketing, Sales and Services Sector Community of Practice 2-4-2022](#)

[FCEA MOU #5 Updates to Collective Bargaining Agreement 1-21-2022](#)

[FCEA & FCUSD Joint Communication 3-17-2022](#)

[FCEA 11-19-2021 Side Letter to MOU #9 Special Education Release Days 05-27-21](#)

[FCEA MOU #4 Early Notification of Retirement Incentive 11-16-21](#)

[FCEA Side Letter to MOU #2 - Modification/Explanation of Compensation for Substituting and Proctoring 10-14-2021](#)

[FCEA MOU #2 Compensation for Substituting and Proctoring 09-03-2021](#)

[FCEA MOU #1 All Day First & Second Grade Schedule Pilot \(at 9 Elementary Schools\) 08-18-2021](#)

FCUSD Negotiations Model



Each union schedules monthly meetings



Labor and Management teams develop priorities independently



Agenda is created collaboratively (Common Vision & Shared Values)



Union teams meet prior to the meeting to plan for negotiations



Negotiations Meetings

Agendized items discussed using collaborative thinking (Constraints/ Demands/ Choices)
Formal Proposals (Contracts, MOUs, and Job Descriptions)



Joint Communication



Ratification by Board, Collective Bargaining Units

Negotiations Teams

FCUSD	
Don Ogden	Chair
Lori Emmington	Director
Keely Morales	Admin Secretary
Aaron Storey	Special Services
Amy Strawn	Middle School Principal
Howard Cadenhead	High School Principal
Sara Parenzin	Elementary School Principal
Janelle Reuter - Fiscal	Fiscal Services
Kim Bogard	Legal
FCEA	
Mary McNulty	Labor Relations Rep
Angelica Miklos	FCEA President
Deb Krikourian = Chair	Chair
Amy Wallace	Secondary Rep
Mike Lobitz	Intermediate Elementary
Kevin Wheeler	Special Services
Kristina Messersmith	TK-3
Meg Hanley	Primary
Michele Richards	Secretary/Middle School
Tracy Suter	High School

FCUSD	
Don Ogden	Chair
Lori Emmington	Director
Kim Bogard	Legal
Keely Morales	Admin. Secretary
Janelle Reuter	Fiscal Services
Lilia Neal	Admin. Secretary
Shawn Lundberg	Elementary School Principal
Jerad Hyden	High School Principal
Sean Martin	Asst. Supt. Business Services
Linda Thurlo	Director
CSEA	
Dominic Gualco	Labor Relations Rep
Rob Thomas	President
Omera Johnson	1st Vice President
Renee Justice	Comp Unit VP
Candince Krueger	Secretary
Jeanne Harrington	Site Rep Coord
Marissa Nicknig	Food Services
Roger Lundberg	Transportation

Folsom Cordova Education Association
Deb Krikourian
Lead Negotiator



California School Employees Association
Chapter #528
Rob Thomas
President



AFL-CIO

California School
Employees Association

FCUSD - Donald Ogden



- What
 - Represent and communicate
 - District goals and priorities in negotiations
 - Also represent the students, staff, and community
 - Lead negotiations teams
 - Board parameters
 - Superintendent's vision
 - Present clear information to Board, Superintendent, and management team
- How
 - Open Door / phone / text
 - Collaborate- Collective thinking
 - Scheduled meetings monthly
 - Outward Mindset
 - Joint Agendas and Communications
 - Advocacy while maintaining relationships
 - No Surprises

Currently Negotiating

- FCEA
 - 2022-2023 Compensation
 - Article 2- Recognition (2021-2022)
 - Article 8 Work Year, Work Day, Hours of Employment
 - Article 10 Class Size
 - Impacts and Effects Bargaining
- CSEA
 - 2022-2023 Compensation Closed unless FCEA receives 2.5% or greater compensation increase in 2022-2023
 - Article 8: Layoff- Re-employment
 - Article 9: Other Terms and Conditions
 - Article 11: Hours of Employment
 - Article 12: Leaves



Questions?

