



2008 - 2009 CONTRACT NEGOTIATIONS SUMMARY

February, 2009

The contract between Classified Staff and the District has been in place for over thirty years, and is reviewed every year by each side. Every third year is a full contract year. Both sides open the entire document. In between are “successor years”. In successor years we open 3 articles, with Salary [Art 10] and Benefits [Art 12] being the constants along with one additional article based on Chapter input.

This was not a full contract year, therefore both CSEA and the district each chose one article to open in addition to the two articles that are always included [as part of the previous year’s agreement]; Article 10 Pay and Allowances and Article 12 Health and Welfare Benefits. Last spring your negotiation team surveyed Chapter membership to see what issues the members wanted to have addressed. It was determined that we would open Article 15 Leaves and the district wanted to open Article 9 Hours, Overtime, and Allowances.

We began meeting in August and examined issues ranging from bilingual stipends to call back pay; from the potential for additional insurance coverage to out-of-class expectations. Some of the topics we discussed with the district were not changes to the contract language but clarification regarding application.

We have Tentative Agreements [TA] for all four reopened articles. Those articles have been sent to CSEA in San Jose for their review. We will sunshine the TAs and plan for a ratification vote in February. At copy of the same documents will go to the BOT at the February meeting [Feb 17th]. Their acceptance would be predicated on Chapter ratification.

This year we will be reopening Articles 10, 12 and 18 [reclassification] along with one more article to be decided by the Chapter this spring.

ARTICLE 9 HOURS, OVERTIME AND ALLOWANCES [TA 1/26/09]

Issues • Clarification of eligibility for call back pay, compensation during travel on District business, definition of paid status.

9.5, 9.6 and 9.7.6 were all examined, with the agreement that the contract language is accurate and correct. Issues arise from inconsistent contract application, not from the contract language. The District proposes to begin regular information sessions with administrators, based on input from CSEA and HR, as a method to resolve issues at the lowest level possible.

We established a common understanding of “paid status,” which can relate to overtime compensation. The issue of compensation during District travel is still unresolved. Our contract language is correct in that employees are entitled to compensation at the ‘appropriate rate’.

There is a difference of opinion as to some specific situations that would make overtime compensation the appropriate rate. Specifically, when the employee is traveling at a time mandated by the District outside of

*For CSEA: Bruce Gourley,
Marian Quaid Maltagliati,
Joni McDonald, Kathy
Buckey & Dave Hunt.
Debra Cole, CSEA LR*

*For the District: Rebecca
Alarcio, Will Bruce,
Richard Carmody, Betty
Miller*

*For Human Resources:
Helen Carroll*

Facilitator: Joanne Bodine

their normal work schedule. Our position is that the employee is under the control of the employer, and therefore is compensated when they travel to District sanctioned destinations. This may require a legal finding, but it is a disagreement about circumstance, not our Contract. CSEA will continue to educate, and assist, staff in knowing their rights and responsibilities under our contract.

ARTICLE 10 PAY AND ALLOWANCES [TA 1/26/09]

Issues • Salary schedule, Bilingual stipends, and compensation for working out of class.

It was decided that bilingual stipends were working within the language of the contract. The District and CSEA concluded that the stipends are being accurately compensated, whether as part of the employee's job description or as a department specific need. The District is examining methods to determine the competency of current and future stipend recipients.

Based on input from HR, and our experience with the confusion created by out-of-class assignments, CSEA proposed a checklist for managers and staff to follow when out of class assignments become necessary. The District resisted a specific checklist, but has modified their process for out of class assignments to start with HR, and work from there. The District will advise employees to contact CSEA when an out of class assignment is being considered. In addition to providing consultation, CSEA will offer the checklist as a tool to any employee going through this transition.

The State budget situation degraded during the fall while we met and negotiated with the District. It is clear that there will be no COLA or additional funding coming to the college that could be put towards salaries. The BOT, thru Dr. Ortiz, has communicated the belief that there will be no new money available for salary increases this year, and its' commitment to equity among the constituent groups. We have extended our trust to the District, but if the situation changes, we anticipate meeting with the District to look at all options.

ARTICLE 12 HEALTH AND WELFARE BENEFITS [TA 11/12/08]

[Plan dates were the only language change] Issues • Increase in health benefits costs, expansion of coverage to include vision.

Covering benefit increases are a lower priority with Classified Staff than salary increases, assuming monies are available. Current benefit cost increases for the plan year 10/1/08 - 9/30/09 are in effect. In September 2008, members were informed that uncertainties in the State budget made holding off policy increases against future COLA seem unrealistic.

Vision care was examined, and as a cost item didn't fit within our mandate from the chapter. The issue will be forwarded to the Benefits committee in Spring 2009. An option from that committee could be considered as part of future negotiations.

ARTICLE 15 LEAVES [TA 9/24/08]

Issues • Expand catastrophic leave [15.14]

Redefined leave eligibility to allow for utilization in events other than illness. [15.14.2.1, 15.14.2.2, 15.14.2.4]

CSEA to be notified of catastrophic leave requests, and will notify staff that there has been a request for leave donations. Currently the leave bank is empty.

