

Bargaining Update

October 29, 2009

On October 28 the District and UPM bargaining teams met for a "don't call it bargaining" bargaining session facilitated by the State appointed fact finder Claude Ames.

This meeting had been scheduled previously for the exclusive purpose of a presentation by the attorney for UPM, Bob Bezemek. Mr. Bezemek was to present to the facilitator the legal reasons why three of the District's proposals are illegal. When the time came on Wednesday for this presentation, the attorney for the District (who is also their chief negotiator) Larry Frierson informed everyone that in the absence of a complete counter-offer from UPM (there was an offer, the District just chose to ignore it), they had no interest in arguing the legalities of various proposals.

In an effort to somehow productively utilize the time, Mr. Ames (also an attorney) asked each party to provide in writing their top five articles currently under negotiation. Recall that the District had put 16 articles on the table, while UPM had opened fewer than half that number. Ames then engaged in shuttle diplomacy between the two parties, located in separate rooms on campus, in an effort to put together something that might pass as a contract agreement. This was his fourth day over a period of two months attempting to do this, after having gone through 8 months of fact finding (still not concluded), preceded by over two years of bargaining at the table. One might wonder what could have changed in nearly three years of negotiating on the part of the District, especially when their last complete offer is dated February 29, 2008 (yes, 2008, and essentially unchanged from August, 2007). However, Mr. Ames must have sensed something different because the District asked to go to the Board of Trustees on November 17 to discuss something. Ames scheduled two additional facilitation meetings for December 7 & 10, and reserved the week of December 14-20 if needed.

UPM has no choice but to participate in these sessions. Claude Ames is also our fact finder and should all of the above fail, the process will still continue in front of him, although it would then be only for the purpose of presenting the "facts" so that he may later issue a finding.

Future e-mails, meetings and newsletters will go into the details of the parties' respective "Favorite 5", but here are the generalities of each, with some limited observations (no priority in the order of the proposals):

District:

Article 14 Management Rights--the changes would effectively gut the contract, allowing "necessary" changes to the collective bargaining agreement at management's discretion. One other aspect would also allow a manager to select the textbook for YOUR class.

Article 8 Workload--among other things, would allow Saturday assignments as a regular assignment and require participation on District committees as assigned by

management. Would quadruple the time required for a part-timer to gain protected status under the contract.

Article 16 Upgrading--remove this article completely (in violation of Education Code, as our attorney would have pointed out), also eliminating a part-time employee's right to a guaranteed interview for any full-time jobs that open up.

Article 7 Evaluations--makes evaluations punitive and subjects a permanent employee to dismissal for a poor evaluation. All of this is made easier by surprise, unannounced evaluation visits by a manager. Union presence to protect you would not be required.

Article 5 Leaves--covers all types of leaves, but in particular would allow a deduction of 5 sick days even if you are absent for only 1, 2 or 3 days.

Remember there are still about a dozen more articles the District would change, these are just their Favorite 5 (the ones you can be sure of seeing in an imposed contract?).

UPM:

Article 3 Wages--a proposal that moves CoM pay into the average of the Basic Aid districts throughout the State. The raise would apply to all categories, full-time, part-time, credit and non-credit.

Article 3 Compensation--100% pro-rata for part-timers

Article 4 Benefits--maintain current benefits, increase the District contribution to the Certificated Retirement Account Trust, and increase dental coverage for part-timers.

Article 4 Retirees--allow a retiree under the current contract to return to work with priority.

Article 24 Professional Standards--changes in notifications for faculty requiring an accommodation under the Americans with Disabilities Act.

So we all will wait a little longer to see if the sessions next month result in mutual agreement on everything.

It is critical that all UPM members stay well-informed. If you know a member who is not receiving these informational mailings, please share it with her or him and ask that they send an e-mail request to be added to this list.

--UPM Executive Council