

Representative Council Meeting March 25, 2015

Negotiations Impasse



SDEA Declares Impasse on March 16, 2015

- **After more than 10 months of negotiations, the SDEA Bargaining Team informed the District of our intent to declare an impasse in bargaining.**
- **SDEA and SDUSD are at impasse over the following:**
 - Article 7: Wages**
 - Article 13: Class Size**

The parties have been certified by the Public Employee Relations Board for impasse.

SDEA and SDUSD are at impasse over the following:

Article 7: Wages

Goal : Increase wages to median or higher quartiles with comparable county & state districts that will attract and retain the highest quality educators.

WAGES	SDEA (2 year Term)	SDUSD (2 year Term)
Year 1 2014/15	1.5% increase	0% increase 1% one- time off-schedule
Year 2 2015/16	<u>6% Across the Salary Schedules</u> <ul style="list-style-type: none">• 4% increase, July 2015• 2% increase, Jan 2016	2% increase, July 2015

SDUSD's offer falls way short of our goal and does not bring our pay in line with comparable districts.

Article 13: Class Size

Goal: Establish class sizes and caseloads achieving optimal educator to students ratios.

	SDEA	SDUSD
Elementary *	TK-6 Class Size: 35 cap	TK-6 Class Size: Status quo 36 cap
Secondary	Cap: 35 with first 10 days grace period PE: Average of 50 pupils per period	Cap: Status quo 36 cap PE: Status quo 50 average over 4 months

SDEA and SDUSD have already reached an agreement on a 24 to 1 TK-3 site average effective July 1, 2015. Also, the elementary staffing formula has been revised to allocate more classroom teachers to grade 4-6.

Impasse

- The union (SDEA) and a school district (SDUSD) are unable to reach agreement on a new contract and SDEA declared an impasse. The Collective Bargaining Law (EERA) provides third-party assistance from the Public Employee Relations Board (PERB). The impasse procedure is two steps.
 1. Mediation
 2. Fact-finding

Mediation

First Session (tentative) April 16, 2015

- The Public Employment Relations Board (PERB) officially declares an impasse exists and certifies the parties for mediation.
- A mediator is appointed to intervene in the dispute in an attempt to bring the two sides together.
- The mediator's objective is to resolve the outstanding differences.
- Since nothing is binding, the parties are not limited to proposing settlements different from the last, best , & final in an effort to break the impasse.
- If the mediator is unable to broker an agreement, he/she certifies the dispute for fact-finding.

Fact-Finding

- A three person panel with one representative from each side, plus a neutral (fact-finder) selected from a list provided by PERB.
- The bargaining issues still in dispute are presented to the fact-finding panel.
- The two parties present to the panel their respective proposals and facts guided by established criteria, including; the employer's "ability to pay", comparability, total compensation and cost of living.
- Based on the presented facts, the neutral will issue a non-binding report.
- The union or district can agree or dissent with the report.

Post-Fact-finding Report: Next Steps

- The parties can bargain over the report in an effort to reach an agreement.
- The employer is free to impose conditions of employment (Last, Best & Final).
- The union can legally strike.

Bargaining: Impasse Wage Considerations

- SDEA's last proposal prior to the declaration of impasse needed to be positioned with the best set of facts.
- The set of facts for 2015-16 are stronger for the union than in 2014/15.
- For budgetary purposes, the 5% restoration is reported for 2014/15.
- SDUSD expended more than \$28 million in 2014/15 on SDEA certificated salaries. No wage expenditures have been reported for the out years (2015/16, 2016/17).
- Looking at comparable settlements for 2014-15, we are in a stronger position to capture monies for wage increases in 2015/16.
- Raising the salary schedule benchmarks to median is factually stronger to achieve prospectively by securing % increases to salary schedule in 2015/16.

San Diego County Settlement Comparability

San Diego 5-Year Salary Settlement Report

Permanent % Increase (Decrease) Across The Board (ATB)

District	2011-2012	2012-13	2013-14	2014-15	2015-16	5 Year Total
Cajon Valley	2.00%	0.00%	2.50%	3.50%		8.00%
Carlsbad	0.00%	0.00%	3.00%			3.00%
Chula Vista	0.00%	0.00%	3.00%	3.00%	1.00%	7.00%
Coronado	0.00%	0.00%	2.50%			2.50%
Escondido	0.00%	0.00%	2.50%	3.75%		6.25%
Escondido High	0.00%	0.00%	1.00%	5.00%		6.00%
Grossmont	0.00%	0.00%	1.00%	3.50%		4.50%
La Mesa-Spring Valley	0.00%	0.00%	1.00%			1.00%
National City	0.00%	0.00%	1.50%	3.50%		5.00%
Oceanside	0.00%	0.00%	2.33%	2.00%		4.33%
Poway	0.00%	0.00%	1.00%	1.00%		2.00%
San Diego EA	0.00%	2.00%	0.00%	5.00%		7.00%
San Marcos Unif.	0.00%	0.00%	1.05%	0.85%		1.90%
Santee	0.00%	0.00%	2.50%	4.00%		6.50%
South Bay	0.00%	0.00%	0.00%	4.00%		4.00%
Sweetwater EA *	0.00%	0.00%	2.00%	3.00%		5.00%
Vista *	0.00%	0.00%	3.28%	6.26%		9.54%
Average	0.12%	0.12%	1.77%	3.45%	1.00%	4.27%

- Vista Unified: 2013-14 and 2014-15 midyear implementation
- Sweetwater Unified: 2013-14 midyear implementation

Large Statewide Settlement Comparability

Statewide 6-Year Salary Settlement Report

	<i>% Permanent Increase/Decrease Across The Board (ATB)</i>						
District	2011-2012	2012-13	2013-14	2014-15	2015-16	2016-17	6 Year Total
Fresno	0.00%	0.00%	2.70%	3.50%			6.20%
Santa Ana	0.00%	0.00%	4.00%	2.00%			6.00%
Garden Grove	0.00%	0.00%	2.00%	6.00%			8.00%
Capistrano	0.00%	-1.20%	1.20%				0.00%
Sacramento	0.00%	0.00%	0.00%	2.00%	1.00%		3.00%
Long Beach	0.00%	0.00%	3.00%	5.00%			8.00%
Riverside	0.00%	0.00%	6.00%	0.00%			6.00%
San Bernadino	0.00%	0.00%	3.00%				3.00%
Corona-Norco	-2.06%	2.64%	4.21%	5.00%			9.79%
San Diego	0.00%	2.00%	0.00%	5.00%			7.00%
San Francisco*	0.00%	0.00%	0.00%	4.00%	3.00%	5.00%	12.00%
Los Angeles	0.00%	0.00%	0.00%				0.00%
Average	-0.17%	0.29%	2.18%	3.61%	2.00%	5.00%	5.75%

San Francisco (July 1/January 1) - 2014/15 2/2% 2015-16 1.5/1.5% 2016/17 2.75/2.25%

Bargaining: Fact-finding Considerations

- There is difference between what educators deserve vs. what set of facts support achieving our goal for a fair contract now.
- A fact-finder will look at the criteria and determine if the set of facts can support either party's proposals.
- Not in our interest to take particular articles or positions to impasse that are difficult to demonstrate strong facts, such as our health benefits.
- It is not good for the union to be in a position to receive a negative fact-finding report.

Bargaining: Must Show a “Good Faith” Effort

- Bargaining is a series of proposals and counter proposals.
- **By law**, the parties must bargain in “good faith” in an attempt to reach an agreement.
- The parties in an attempt to reach an agreement move off their initial proposals.
 - SDEA Initial: 2 year proposal : 10.25%
 - SDEA Impasse: 2 year proposal : 7.5%

 - SDUSD Initial proposal: 3 years of 0%
 - SDUSD Impasse 2 year proposal: 1% off schedule 2% on schedule