

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of April 7, 2009

ITEM # 6

ITEM TITLE: *(Please define the subject; e.g., change order – Berkeley City College)*

Consider approval of an agreement for an extension of the Collective Bargaining Agreement with the Service Employees International Union (SEIU Local 1021) for both the permanent and hourly contracts.

SPECIFIC BOARD ACTION REQUESTED:

The approval of the contract extension for both the permanent and hourly employees contracts for one year through June 30, 2010.

ITEM SUMMARY: *(PLEASE DISCUSS THIS ITEM)*

With the current state budget situation and the lack of visibility of the state's finances, the District believes it is prudent at this time to extend the current contracts as they are.

BACKGROUND/ANALYSIS:

ALTERNATIVES/OPTIONS:

EVALUATION AND RECOMMENDED ACTION:

The Chancellor recommends approval.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT): None

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES X NO

COMMENTS:

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

Thomas Smith, Vice Chancellor for Finance and Administration

DID A BOARD STANDING COMMITTEE APPROVE THE ITEM? YES NO X

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

PLEASE ACQUIRE SIGNATURES IN THIS ORDER:

DOCUMENT PREPARED BY:

Prepared by: _____ Date: _____
Thomas Smith, Vice Chancellor for Finance and Administration

DOCUMENT PRESENTED BY:

Prepared by: _____ Date: _____
Thomas Smith, Vice Chancellor for Finance and Administration

FINANCE DEPARTMENT REVIEW

Finance review required Finance review *not* required

If Finance review is required, determination is: Approved Not Approved

If not approved, please give reason: _____

Signature: Thomas Smith Date: 3/27/09
Thomas Smith, Vice Chancellor for Finance and Administration

GENERAL COUNSEL (Legality and Format/adherence to Education Codes):

Legal review required Legal review *not* required

If Legal review is required, determination is: Approved Not Approved
(Note: *as continued rollout plan*)

Signature: _____ Date: _____
Thuy T. Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

Approved, and Place on Agenda Not Approved, but Place on Agenda

Signature: Elihu Harris Date: 3/31/09
Elihu Harris, Chancellor

The District's "final and best" proposal on 1-year Extension
March 26, 2009

TENTATIVE AGREEMENT BETWEEN
THE PERALTA COMMUNITY COLLEGE DISTRICT AND
THE SERVICE EMPLOYEES INTERNATIONAL UNION (PERMANENT EMPLOYEES)

This is to acknowledge that the parties have agreed to renew the Agreement between the Peralta Community College District (the "District") and the Service Employees International Union, Local 1021 (the "Union") for Permanent Employees with all terms and conditions to remain in full force and effect through June 30, 2010.

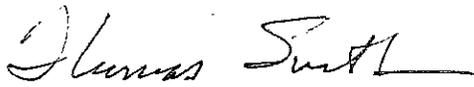
The Union expressly agrees that the attached Expedited Arbitration provision (Article 22.10) of the Agreement shall continue through June 30, 2010.

It is agreed and understood that the salary schedule shall be increased by a percentage reflecting the effective District COLA as identified and funded by the State for Fiscal Year 2008-2009 and 2009-2010. Reopener on any new general fund, growth money and non-designated money coming into the District Fiscal Year 2008-2009 and 2009-2010.

This renewal is subject to the approval of and ratification by the Union and the Peralta Community College District Board of Trustees. Once this renewal is fully executable, it shall remain in effect until the completion of a binding successor agreement by the parties, which shall supersede this contract renewal.

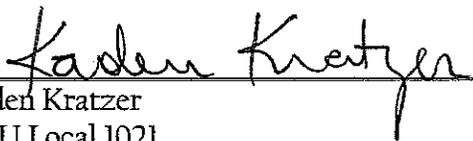
Signed and entered into this 26th day of March, 2009.

FOR THE DISTRICT:



Thomas Smith
Vice Chancellor for Finance
and Administration, PCCD

FOR THE UNION:



Kaden Kratzer
SEIU Local 1021
Worksite Organizer



Diana Lara
Chapter President, Peralta Community
College District, SEIU Local 1021

1 **22.10 Expedited Arbitration**

2 The parties have a mutual interest in resolving suspension appeals in a timely and
3 efficient manner. As a pilot project, for the duration of the Agreement through June 30,
4 2009, the parties have agreed to an expedited arbitration process for suspensions of
5 not greater than thirty (30) days.
6

7 **22.10.1** At the expedited hearing, the arbitrator may receive testimony and
8 other evidence, interview witnesses and conduct whatever investigation he/she
9 deems appropriate and issue a bench decision. If a bench decision is not
10 possible, then a written award shall be rendered to the Director of Employee
11 Relations no later than thirty (30) calendar days after the hearing. The hearings
12 shall be conducted without attorneys present for either party and without post-
13 hearing briefs. Each party shall have no more than two and one-half (2 ½) hours
14 to present its case. The Director of Employee Relations shall forward the award
15 to the Board of Trustees for consideration at its next regular meeting. The Board
16 shall adopt the arbitrator's award.
17

18 **22.10.2** The parties shall bear its own expenses related to the expedited
19 hearing, provided however that the fees and expenses of the arbitrator shall be
20 paid by the party against whom the arbitrator rules. The party requesting
21 cancellation of a scheduled hearing shall bear the full cost imposed by the
22 arbitrator. If either party fails to appear before a scheduled hearing date, the
23 other party shall present their case and the arbitrator shall issue a bench decision
24 based on the information provided at the hearing

The District's "final and best" proposal on 1-year Extension
March 26, 2009

TENTATIVE AGREEMENT BETWEEN
THE PERALTA COMMUNITY COLLEGE DISTRICT AND
THE SERVICE EMPLOYEES INTERNATIONAL UNION (HOURLY EMPLOYEES)

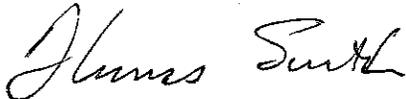
This is to acknowledge that the parties have agreed to extend the Agreement between the Peralta Community College District (the "District") and the Service Employees International Union, Local 1021 (the "Union") for Hourly Employees with all terms and conditions to remain in full force and effect through June 30, 2010.

This extension is subject to the approval of and ratification by the Union and the Peralta Community College District Board of Trustees. Once this extension is fully executable, it shall remain in effect until the completion of a binding successor agreement by the parties, which shall supersede this contract extension.

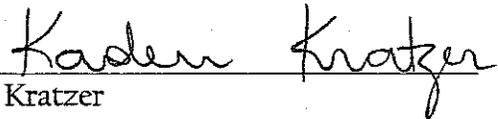
Signed and entered into this 26th day of March, 2009.

For the District,

For the Union,



Thomas Smith
Vice Chancellor for
Finance & Administration



Kaden Kratzer
Business Representative
SEIU Local 1021



Diana Lara
Chapter President, Peralta Community
College District, SEIU Local 1021

