

**PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 11, 2013**

ITEM TITLE: Request Board authorization to approve a request by a full-time faculty member, David Morales, to participate in the Reduced Workload Program, also known as the “Willie Brown Act” in accordance with California Education Code Section 87483 and Article 27 of the Collective Bargaining Agreement between the District and the Peralta Federation of Teachers.

Presenter: Vice Chancellor Trudy Largent

SPECIFIC BOARD ACTION REQUESTED: The Office of Human Resources and Employee Relations reviewed the request by David Morales to participate in the Reduced Workload Program. Mr. Morales has been verified as having met the qualifications pursuant to Education Code 87483 as follows:

- (a) The employee shall have reached the age of 55 prior to reduction in workload – **Mr. Morales is 64 years old.**
- (b) The employee shall have been employed full time in an academic position or a position requiring certification qualifications, or both, for at least 10 years of which the immediately preceding five years were full-time employment. – **Mr. Morales has been a full-time instructor for more than 10 years and was a part-time instructor since 1975.**
- (c) During the period immediately preceding a request for a reduction in workload, the employee shall have been employed full time in an academic position or a position requiring certification qualifications, or both, for a total of at least five years without a break in service. For purposes of this subdivision, sabbaticals and other approved leaves of absence shall not constitute a break in service. Time spent on a sabbatical or other approved leave of absence shall not be used in computing the five-year full-time service requirement prescribed by this subdivision. – **Mr. Morales has been employed full-time in an academic position for at least five years with no break in service.**
- (d) The option of part-time employment shall be exercised at the request of the employee and can be revoked only with the mutual consent of the employer and the employee. – **This option was requested by Mr. Morales.**

- (e) The employee shall be paid a salary which is the pro rata share of the salary he or she would be earning had he or she not elected to exercise the option of part-time employment but shall retain all other rights and benefits for which he or she makes the payments that would be required if he or she remained in full-time employment. – **Mr. Morales’ workload will be reduced by 25%.**
- (f) The minimum part-time employment shall be the equivalent of one-half of the number of days of service required by the employee's contract of employment during his or her final year of service in a full-time position. – **Verified by the Office of Human Resources & Employee Relations.**
- (g) The period of this part-time employment shall not exceed five years for employees subject to Section 20815 of the Government Code or 10 years for employees subject to Section 22713 of this code. - **This part time employment will not exceed 1 year.**
- (h) The period of part-time employment of employees subject to Section 20815 of the Government Code shall not extend beyond the end of the college year during which the employee reaches his or her 70th birthday. This subdivision shall not apply to any employee subject to Section 22713 of this code. – **Period will not extend beyond the end of the college year which the employee reaches his 70th birthday.**

ITEM SUMMARY: The request for a reduced workload by faculty member David Morales meets the requirements of Education Code 87483. Board contract approval is subject to negotiation and execution by the Chancellor.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT): N/A

BACKGROUND/ANALYSIS:

Mr. Morales has been employed by the District since 1975, when he was hired as a part-time Environmental Management & Technology Instructor and in 1989, he became a full-time instructor for Merritt College.

Mr. Morales’ request for a workload reduction at 75% shall become effective for the fall 2013 and spring 2014 semesters.

DELIVERABLES AND SCOPE OF WORK: N/A

ANTICIPATED COMPLETION DATE: END OF SPRING 2014 SEMESTER

ALTERNATIVES/OPTIONS: N/A

EVALUATION AND RECOMMENDED ACTION: The Chancellor recommends approval.

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

YES _____ NO _____ X _____

COMMENTS:

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING? VICE CHANCELLOR LARGENT

(***Board contract approval is subject to negotiation and execution by the Chancellor.)**

DOCUMENT PREPARED BY:

Prepared by: Trudy Largent

Date: June 5, 2013

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Trudy Largent

Date: June 5, 2013

Vice-Chancellor for Human Resources & Employee Relations

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: Ron Gerhard

Ron Gerhard, 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

Signature: _____

Thuy Thi Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: José M. Ortiz

Dr. José M. Ortiz, Chancellor