

**PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 9, 2015**

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

Approval of a Tentative Agreement for permanent and hourly employees between the District and the International Union of Operating Engineers (IUOE) Local 39.

SPECIFIC BOARD ACTION REQUESTED:

Requesting that the District approve a Tentative Agreement for permanent and hourly employees between the District and the International Union of Operating Engineers (IUOE) Local 39.

ITEM SUMMARY: *(PLEASE DISCUSS THIS ITEM. IF A VENDOR IS INVOLVED, PLEASE INCLUDE THE COMPANY NAME AS WELL AS THE INDIVIDUAL.)*

On May 19, 2015, the District and IUOE Local 39 signed a Tentative Agreement for permanent and hourly employees.

On May 28, 2015, IUOE Local 39 ratified the Tentative Agreement.

The Chancellor recommends approval.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

GENERAL FUNDS

BACKGROUND/ANALYSIS:

N/A

DELIVERABLES AND SCOPE OF WORK:

N/A

ANTICIPATED COMPLETION DATE:

N/A

ALTERNATIVES/OPTIONS:

N/A

EVALUATION AND RECOMMENDED ACTION:

N/A

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY): NO

YES _____ No _____

COMMENTS: N/A

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING? (VICE CHANCELLOR):

VICE CHANCELLOR LARGENT

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

DOCUMENT PREPARED BY:

Prepared by: Trudy Largent, Vice Chancellor Date: 06/02/15
[Enter Here - Your Name and Title of Individual]

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Trudy Largent Date: 06/02/15
[Enter Here - Name of College President, (if originating from a college) or Vice-Chancellor (if originating from the District)]

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: Susan Rinne Date: 06/02/15
Susan Rinne, Interim 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: _____
General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: José M. Ortiz Date: 06/02/15
Dr. José M. Ortiz, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT and
INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 39**

Permanent Employees Contract Tentative Agreement

The Peralta Community College District ("District") and the International Union of Operating Engineers Local 39 (Union) have met in good faith and hereby agree to the following:

For 2014-2015:

Article 12 Hours of Work:

4/10 Summer Work Schedule 2015:

During the 2014-2015 calendar year, the Union agrees to work a 4/10 Summer Work Schedule for eight weeks in duration for the following dates:

Start: Monday, June 1, 2015 (first 4/10 Friday is June 5, 2015)

End: Friday, July 24, 2015 (employees will return to a 5-day, 8-hour work day on Monday, July 27, 2015)

Exception: Classes are in session on Thursday July 2, 2015. Thus, the District will be open for business. Therefore, during the week of June 29, 2015, employees will work a regular 5-day, 8-hour work week, with Friday, July 3, 2015 off, in observance of the holiday.

Implementation of the 4/10 Summer Work Schedule includes the following provisions:

1. The District shall be closed to the public on Fridays, Saturdays, and Sundays.
2. The standard work day during this period will be for 10 hours, from 8:00 a.m. to 6:30 p.m. However, at the discretion of the first level manager, employees may choose one of the following options:

(Note: Any other alternate schedule must be approved by the first-level manager.)

Option 1:	8:00 am – 6:30 pm
Option 2:	7:00 am – 5:30 pm
Option 3:	7:30 am – 6:00 pm
Option 4:	8:30 am – 7:00 pm

3. By the end of the day Thursday, May 28, 2015, each employee must inform their first-level manager of the schedule option they wish to take during this period. The Office of Human Resources will issue the form on which the employee will indicate their work schedule.

This schedule will indicate whether the employee is agreeing to work either an 8- or a 10-hour day for each day during the designated period of 4/10 work schedule. For all days in which the employee will work 8 hours, they will also indicate which type of leave they want to designate to make up the remaining two (2) hours in the workday. During this period, employees will have the following options:

- A. Work 10 hours per day, Monday through Thursday.
 - B. Work 8 hours per day, Monday through Thursday, and take 2 hours per day of any combination of the following types of leave:
 - a. Vacation Hours
 - b. Previously earned Comp Time
 - c. Floating Holiday Hours
 - d. Leave without Pay
4. If an employee who normally works a swing shift or graveyard shift will work a 10-hour day, their workday will start 2 hours earlier so that the ending time of their shift does not change.
 5. Classes are in session on Thursday July 2, 2015. Thus, the District will be open for business. Therefore, during the week of June 29, 2015, employees will work a regular 5-day, 8-hour work week, with Friday, July 3, 2015 off, in observance of the holiday.
 6. All employees who work more than 10 hours per day during the 4/10 Summer Work Schedule will be entitled to overtime pay.
 7. All work in excess of 10 hours in any 24-hour period shall be paid for at one and one-half (1 ½) times the regular rate for the first 4 hours of such excess, and at two (2) times the regular rate for the balance of such excess.
 8. Except for health and safety reasons, such as science labs and/or horticultural programs that may require refrigeration or tending, all indoor district facilities, including College of Alameda, Berkeley City College, Laney College, Merritt College, and the District Office will be closed to the public on Fridays, Saturdays, and Sundays during the 4/10 Summer Work Schedule.
 9. The regular work schedule will return to a 5-day, 8-hour work day, effective July 27, 2015.
 10. An exception to the Friday District and facility closure shall be made for all permanent and hourly employees working at District Childcare facilities in that their regular work schedules shall continue at 8 hours per day, 5 days per week, Monday through Friday. The District and Union are in agreement that all District Childcare Centers may remain open and operational on Fridays, commencing during the week beginning June 1, 2015, through July 24, 2015.

Article 26 Pay and Allowances:

- A. The District will provide IUOE Local 39 the equivalent of a 3% across-the-board salary increase effective July 1, 2014, on the permanent employees' Salary Schedule for fiscal year 2014-2015 only for employees who were employed with the District on or after July 1, 2014.

"Me-too" Clause

If during the duration of this agreement, the District agrees to provide a higher salary increase to another employee group, upon finalization of such an agreement, the District shall provide members of IUOE Local 39 the same salary increase paid to other employee groups.

For 2015-2016:

Article 12 Hours of Work:

4/10 Summer Work Schedule 2016:

During the 2015-2016 calendar year, the Union agrees to work a 4/10 Summer Work Schedule for eight weeks in duration with specific dates to be determined by the District.

Start: Date TBD (first 4/10 Friday is Date TBD)

End: Date TBD (employees will return to a 5-day, 8-hour work day on Date TBD)

Exception: Classes are in session on Date TBD. Thus, the District will be open for business. Therefore, during the week of Date TBD, employees will work a regular 5-day, 8-hour work week, with Date TBD off, in observance of the holiday.

Implementation of the 4/10 Summer Work Schedule includes the following provisions:

- 1) The District shall be closed to the public on Fridays, Saturdays, and Sundays.
- 2) The standard work day during this period will be for 10 hours, from 8:00 a.m. to 6:30 p.m. However, at the discretion of the first level manager, employees may choose one of the following options:

(Note: Any other alternate schedule must be approved by the first-level manager.)

Option 1: 8:00 am -- 6:30 pm

Option 2: 7:00 am -- 5:30 pm

Option 3: 7:30 am -- 6:00 pm

Option 4: 8:30 am -- 7:00 pm

- 3) By the end of the day Date TBD, each employee must inform their first-level manager of the schedule option they wish to take during this period. The Office of Human Resources will issue the form on which the employee will indicate their work schedule.

This schedule will indicate whether the employee is agreeing to work either an 8- or a 10-hour day for each day during the designated period of 4/10 work schedule. For all days in which the employee will work 8 hours, they will also indicate which type of leave they want to designate to make up the remaining two (2) hours in the workday. During this period, employees will have the following options:

A. Work 10 hours per day, Monday through Thursday.

B. Work 8 hours per day, Monday through Thursday, and take 2 hours per day of any combination of the following types of leave:

- a) Vacation Hours
- b) Previously earned Comp Time
- c) Floating Holiday Hours
- d) Leave without Pay

- 4) If an employee who normally works a swing shift or graveyard shift will work a 10-hour day, their workday will start 2 hours earlier so that the ending time of their shift does not change.
- 5) Classes are in session on Date TBD. Thus, the District will be open for business. Therefore, during the week of Date TBD, employees will work a regular 5-day, 8-hour work week, with Date TBD off, in observance of the holiday.
- 6) All employees who work more than 10 hours per day during the 4/10 Summer Work Schedule will be entitled to overtime pay.
- 7) All work in excess of 10 hours in any 24-hour period shall be paid for at one and one-half (1 ½) times the regular rate for the first 4 hours of such excess, and at two (2) times the regular rate for the balance of such excess.
- 8) Except for health and safety reasons, such as science labs and/or horticultural programs that may require refrigeration or tending, all indoor district facilities, including College of Alameda, Berkeley City College, Laney College, Merritt College, and the District Office will be closed to the public on Fridays, Saturdays, and Sundays during the 4/10 Summer Work Schedule.
- 9) The regular work schedule will return to a 5-day, 8-hour work day, effective Date TBD
- 10) An exception to the Friday District and facility closure shall be made for all permanent and hourly employees working at District Childcare facilities in that their regular work schedules shall continue at 8 hours per day, 5 days per week, Monday through Friday. The District and Union are in agreement that all District Childcare Centers may remain open and operational on Fridays, commencing during the week beginning Date TBD, through Date TBD.

Article 26 Pay and Allowances:

- A. The District will provide IUOE Local 39 the equivalent of a 3% across-the-board salary increase effective July 1, 2015, on the permanent employees' Salary Schedule for fiscal year 2015-2016 only for employees who were employed with the District on or after July 1, 2015.
- B. No re-openers on salary for 2015-2016.

"Me-too" Clause

If during the duration of this agreement, the District agrees to provide a higher salary increase to another employee group, upon finalization of such an agreement, the District shall provide members of IUOE Local 39 the same salary increase paid to other employee groups.

For Fiscal Year 2015-2016:

Article 24 Health & Welfare Benefits:

The District's maximum contribution for dental expense shall be based on the maximum premium at each coverage level for United Healthcare (UHC) Dental rate relative to each unit member's actual enrollment.

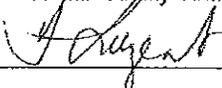
The projected cost over cap for 2015-2016 is \$64,497 is satisfied by the District savings resulting from an increase to office visits and prescription drug copays for our medical plans from \$10 to \$15 implemented in fiscal year 2013-2014.

Members will not make out-of-pocket payroll contributions for fiscal year 2015-2016 for dental coverage.

For Peralta Community College District:

By:  Date: 5.20.15

José M. Ortiz, Chancellor

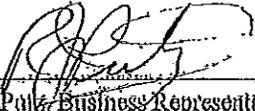
By:  Date: May 19, 2015

Trudy Largent, J.D.

Vice Chancellor for Human Resources & Employee Relations

For Local 89:

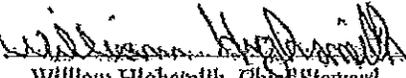
By:


Richard Pate, Business Representative

Date:

5/18/15

By:


William Elghstall, Chief Steward

Date:

5/18/15

**PERALTA COMMUNITY COLLEGE DISTRICT and
INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 39**

Hourly Employees Tentative Agreement

The Peralta Community College District ("District") and the International Union of Operating Engineers Local 39 (Union) have met in good faith and hereby agree to the following:

For 2014-2015:

Article 12 Hours of Work:

4/10 Summer Work Schedule 2015:

During the 2014-2015 calendar year, the Union agrees to work a 4/10 Summer Work Schedule for eight weeks in duration for the following dates:

Start: Monday, June 1, 2015 (first 4/10 Friday is June 5, 2015)

End: Friday, July 24, 2015 (employees will return to a 5-day, 8-hour work day on Monday, July 27, 2015)

Exception: Classes are in session on Thursday July 2, 2015. Thus, the District will be open for business. Therefore, during the week of June 29, 2015, employees will work a regular 5-day, 8-hour work week, with Friday, July 3, 2015 off, in observance of the holiday.

Implementation of the 4/10 Summer Work Schedule includes the following provisions:

1. The District shall be closed to the public on Fridays, Saturdays, and Sundays.
2. The standard work day during this period will be for 10 hours, from 8:00 a.m. to 6:30 p.m. However, at the discretion of the first level manager, employees may choose one of the following options:

(Note: Any other alternate schedule must be approved by the first-level manager.)

- Option 1: 8:00 am -- 6:30 pm
- Option 2: 7:00 am -- 5:30 pm
- Option 3: 7:30 am -- 6:00 pm
- Option 4: 8:30 am -- 7:00 pm

3. By the end of the day Thursday, May 28, 2015, each employee must inform their first-level manager of the schedule option they wish to take during this period. The Office of Human Resources will issue the form on which the employee will indicate their work schedule.

This schedule will indicate whether the employee is agreeing to work either an 8- or a 10-hour day for each day during the designated period of 4/10 work schedule. For all days in which the employee will work 8 hours, they will also indicate which type of leave they want to designate to make up the remaining two (2) hours in the workday. During this period, employees will have the following options:

- A. Work 10 hours per day, Monday through Thursday.
 - B. Work 8 hours per day, Monday through Thursday, and take 2 hours per day of any combination of the following types of leave:
 - a. Vacation Hours
 - b. Previously earned Comp Time
 - c. Floating Holiday Hours
 - d. Leave without Pay
4. If an employee who normally works a swing shift or graveyard shift will work a 10-hour day, their workday will start 2 hours earlier so that the ending time of their shift does not change.
 5. Classes are in session on Thursday July 2, 2015. Thus, the District will be open for business. Therefore, during the week of June 29, 2015, employees will work a regular 5-day, 8-hour work week, with Friday, July 3, 2015 off, in observance of the holiday.
 6. All employees who work more than 10 hours per day during the 4/10 Summer Work Schedule will be entitled to overtime pay.
 7. All work in excess of 10 hours in any 24-hour period shall be paid for at one and one-half (1 ½) times the regular rate for the first 4 hours of such excess, and at two (2) times the regular rate for the balance of such excess.
 8. Except for health and safety reasons, such as science labs and/or horticultural programs that may require refrigeration or tending, all indoor district facilities, including College of Alameda, Berkeley City College, Laney College, Merritt College, and the District Office will be closed to the public on Fridays, Saturdays, and Sundays during the 4/10 Summer Work Schedule.
 9. The regular work schedule will return to a 5-day, 8-hour work day, effective July 27, 2015.
 10. An exception to the Friday District and facility closure shall be made for all permanent and hourly employees working at District Childcare facilities in that their regular work schedules shall continue at 8 hours per day, 5 days per week, Monday through Friday. The District and Union are in agreement that all District Childcare Centers may remain open and operational on Fridays, commencing during the week beginning June 1, 2015, through July 24, 2015.

Article 26 Pay and Allowances:

- A. The District will provide IUOE Local 39 the equivalent of a 3% across-the-board salary increase effective July 1, 2014, on the Short-term (Hourly) Employees' Salary Schedule for fiscal year 2014-2015 only for employees who were employed with the District on or after July 1, 2014.

"Me-too" Clause

If during the duration of this agreement, the District agrees to provide a higher salary increase to another employee group, upon finalization of such an agreement, the District shall provide members of IUOE Local 39 the same salary increase paid to other employee groups.

For 2015-2016:

Article 12 Hours of Work:

4/10 Summer Work Schedule 2016:

During the 2015-2016 calendar year, the Union agrees to work a 4/10 Summer Work Schedule for eight weeks in duration with the specific dates to be determined by the District.

Start: Date TBD (first 4/10 Friday is Date TBD)

End: Date TBD (employees will return to a 5-day, 8-hour work day on Date TBD)

Exception: Classes are in session on Date TBD. Thus, the District will be open for business. Therefore, during the week of Date TBD, employees will work a regular 5-day, 8-hour work week, with Date TBD off, in observance of the holiday.

Implementation of the 4/10 Summer Work Schedule includes the following provisions:

- 1) The District shall be closed to the public on Fridays, Saturdays, and Sundays.
- 2) The standard work day during this period will be for 10 hours, from 8:00 a.m. to 6:30 p.m. However, at the discretion of the first level manager, employees may choose one of the following options:

(Note: Any other alternate schedule must be approved by the first-level manager.)

Option 1: 8:00 am -- 6:30 pm

Option 2: 7:00 am -- 5:30 pm

Option 3: 7:30 am -- 6:00 pm

Option 4: 8:30 am -- 7:00 pm

- 3) By the end of the day Date TBD, each employee must inform their first-level manager of the schedule option they wish to take during this period. The Office of Human Resources will issue the form on which the employee will indicate their work schedule.

This schedule will indicate whether the employee is agreeing to work either an 8- or a 10-hour day for each day during the designated period of 4/10 work schedule. For all days in which the employee will work 8 hours, they will also indicate which type of leave they want to designate to make up the remaining two (2) hours in the workday. During this period, employees will have the following options:

- A. Work 10 hours per day, Monday through Thursday.
 - B. Work 8 hours per day, Monday through Thursday, and take 2 hours per day of any combination of the following types of leave:
 - a) Vacation Hours
 - b) Previously earned Comp Time
 - c) Floating Holiday Hours
 - d) Leave without Pay
- 4) If an employee who normally works a swing shift or graveyard shift will work a 10-hour day, their workday will start 2 hours earlier so that the ending time of their shift does not change.
 - 5) Classes are in session on Date TBD. Thus, the District will be open for business. Therefore, during the week of Date TBD, employees will work a regular 5-day, 8-hour work week, with Date TBD off, in observance of the holiday.
 - 6) All employees who work more than 10 hours per day during the 4/10 Summer Work Schedule will be entitled to overtime pay.
 - 7) All work in excess of 10 hours in any 24-hour period shall be paid for at one and one-half (1 ½) times the regular rate for the first 4 hours of such excess, and at two (2) times the regular rate for the balance of such excess.
 - 8) Except for health and safety reasons, such as science labs and/or horticultural programs that may require refrigeration or tending, all indoor district facilities, including College of Alameda, Berkeley City College, Laney College, Merritt College, and the District Office will be closed to the public on Fridays, Saturdays, and Sundays during the 4/10 Summer Work Schedule.
 - 9) The regular work schedule will return to a 5-day, 8-hour work day, effective Date TBD

10) An exception to the Friday District and facility closure shall be made for all permanent and hourly employees working at District Childcare facilities in that their regular work schedules shall continue at 8 hours per day, 5 days per week, Monday through Friday. The District and Union are in agreement that all District Childcare Centers may remain open and operational on Fridays, commencing during the week beginning Date TBD, through Date TBD.

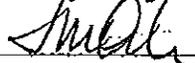
Article 26 Pay and Allowances:

- A. The District will provide IUOE Local 39 the equivalent of a 3% across-the-board salary increase effective July 1, 2015, on the Short-term (Hourly) Employees' Salary Schedule for fiscal year 2015-2016 only for employees who were employed with the District on or after July 1, 2015.
- B. No re-opens on salary for 2015-2016.

"Me-too" Clause

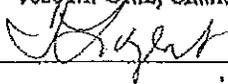
If during the duration of this agreement, the District agrees to provide a higher salary increase to another employee group, upon finalization of such an agreement, the District shall provide members of IUOE Local 39 the same salary increase paid to other employee groups.

For Peralta Community College District:

By: 

Date: 5.20.15

Jose M. Ortiz, Chancellor

By: 

Date: May 19, 2015

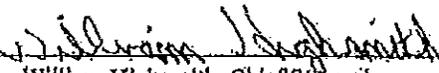
Trudy Largent, J.D.
Vice Chancellor for Human Resources & Employee Relations

For Local 39:

By: 

Date: 5/18/15

Richard Fatz, Business Representative

By: 

Date: 5/18/15

William Highsmith, Chief Steward

