

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of May 10, 2016**

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

Approval of a Tentative Agreement for hourly employees between the District and the International Union of Operating Engineers (IUOE) Local 39 from June 30, 2015 through July 1, 2018.

**SPECIFIC BOARD ACTION REQUESTED:**

Requesting that the District approve a Tentative Agreement for 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 April 14, 2016, the District and IUOE Local 39 signed a Tentative Agreement for hourly employees.

On April 20, 2016, IUOE Local 39 members 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 Date: 05/05/16  
[Trudy Largent, Vice Chancellor]

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by: Trudy Largent Date: 05/05/16  
[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: Ron Little Date: 05/05/16  
Ron Little, 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: Jowel c. Laguerre Date: 05/05/16  
Jowel C. Laguerre, Chancellor

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

**Tentative Agreement for Hourly Employees**

**June 30, 2015 – July 1, 2018**

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

**New Article - Vacancies**

Full-time vacancies shall be filled subject to the following provisions:

- a. Before the District considers utilizing an external applicant pool for custodial vacancies, a position announcement will first be advertised internally throughout the District to provide an opportunity for current permanent and hourly custodians to apply. The position announcement will be advertised for a period of five (5) working days. Hourly custodian applicants shall complete the required job application prior to the deadline date indicated on the job announcement.

All internal applicants determined by Human Resources to have met the minimum qualifications as stated in the job announcement shall be granted an interview with the Hiring Manager prior to consideration of external applicants. If no internal applicant is deemed qualified by the Hiring Manager for the vacant position, the District shall utilize an external applicant pool.

A current permanent custodian applicant shall be given consideration over an hourly custodian applicant. The Hiring Manager's decision shall not be subject to the grievance procedure.

**Article 8 - Hours and Overtime**

**4/10 2016 Summer Work Schedule:**

On March 16, 2016, the District and Local 39 negotiated an eight-week 4/10 Summer Work Schedule for Summer 2016. The dates were determined by the District. The District has designated June 6, 2016 through August 5, 2016 for the 2016 Summer Work Schedule.

During the summer of 2016, the Union agrees to work a 4/10 Summer Work Schedule for eight (8) weeks in duration for the following dates:

Start: Monday, June 6, 2016 (first 4/10 Friday is June 10, 2016)

End: Friday, July 29, 2016 (employees will return to a five (5) day, eight (8) hour week on Monday, August 1, 2016).

During the week of July 4<sup>th</sup>, Monday will be the Independence Day holiday and employees will work four (4), eight (8) hour days, Tuesday, July 5<sup>th</sup>, through Friday, July 8, 2016.

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
- Option 5: 6:00 am – 4:30 pm

- 3) By the end of the day (May 27, 2016), 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, if applicable:
    - i. Vacation Hours
    - ii. Previously earned Comp Time
    - iii. Floating Holiday Hours
    - iv. Leave without Pay
  - c. 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.
  - d. Classes are in session on July 5 through July 8, 2016. Thus, the District will be open for business. Therefore, during the week of July 5 – 8, 2016, employees will work a regular 5-day, 8-hour work week, with July 4, 2016 off, in observance of the 4<sup>th</sup> of July holiday.
  - e. All employees who work more than 10 hours per day during the 4/10 Summer Work Schedule will be entitled to overtime pay.

- f. 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.
- g. 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.
- h. The regular work schedule will return to a 5-day, 8-hour work day, effective August 8, 2016.
- i. 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 6, 2016, through August 5, 2016.

#### **4/10 Summer Work Schedule 2017-2018:**

During the Summer of 2017 and the Summer of 2018, the Union agrees to work to work a 4/10 Summer Work Schedule for nine (9) weeks in duration for the following dates:

Start: Dates to be determined – in consultation with the Union.

End: Dates to be determined – in consultation with the Union.

The District agrees that the week of the Independence Day Holiday, July 4<sup>th</sup>, will remain a 4/10 work week and July 4<sup>th</sup> will be honored as a 10-hour paid holiday. The Friday of that week will be a non-work day.

The District may elect not to implement the 4/10 work schedule.

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:
  - a. (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
- Option 5: 6:00 am – 4:30 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.
  - a. 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:
    - 4) Work 10 hours per day, Monday through Thursday.
    - 5) Work 8 hours per day, Monday through Thursday, and take 2 hours per day of any combination of the following types of leave, if applicable:
      - a. Vacation Hours
      - b. Previously earned Comp Time
      - c. Floating Holiday Hours
      - d. Leave without Pay
- 6) 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.
- 7) 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.
- 8) All employees who work more than 10 hours per day during the 4/10 Summer Work Schedule will be entitled to overtime pay.
- 9) 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.
- 10) 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.
- 11) The regular work schedule will return to a 5-day, 8-hour work day, effective date TBD.

12) 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 9 - Pay and Allowance**

An employee shall be moved to the next salary step of the salary range after completion of two thousand and eighty (2,080) hours of service within three (3) years of initial date of employment. Regular increments, or step advancements, are provided to employees after completion of each successive fifteen hundred and sixty (1,560) hours of service until step 5 is reached.

This language regarding salary step is effective on the date the parties reached a signed agreement and there is no retroactive pay involved for any employee.

Those current employees who have, as of the date of this agreement, completed the 2,080 hours will be eligible to move to the next step on the salary schedule.

Those current employees who have not completed the 2,080 hours will become eligible to move a step on the salary schedule effective the date they reach the 2,080 hours.

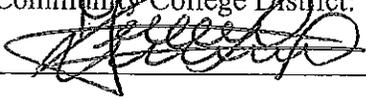
**Reopeners:**

Cost of living for 2016-2017 and cost of living for 2017-2018.

**"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 another employee group.

For Peralta Community College District:

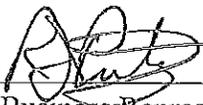
By:   
Jowel C. Laguerre, Chancellor

Date: 05-06-16

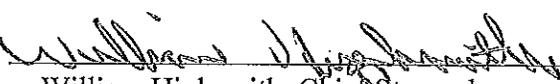
By:   
Trudy Largent, J.D.  
Vice Chancellor for Human Resources & Employee Relations

Date: 4/14/16

For Local 39:

By:   
Richard Putz, Business Representative

Date: 4/14/16

By:   
William Highsmith, Chief Steward

Date: 4-14-16