

NEGOTIATIONS COMMITTEE

Mary Strobridge, Chairperson
Jolene Tripp, Vice Chairperson
Terri Jackson, Board Liaison
Barbara Walls, Recorder
Jeff Good, Co-Consultant
Felice Strauss, Co-Consultant
Seth Bramble, Legislative Advocate

MAJOR POLICY - Immediate Action (2/3rd vote required)

A. None

MAJOR POLICY -Second Reading

A. Add to Charter Schools, page 336.

ab. CTA believes that in order for a public school to receive legal protection from litigation, all health and safety provisions of the Education Code must be met.

OTHER ITEMS FOR IMMEDIATE ACTION

1. Not recommend NBI 3/12-8, that “CTA supports basic disability insurance for all education employees either through districts or State Disability Insurance and would support changes in the law that allow all education employees to be covered, including substitute teachers and other part time certificated employees.”

Rationale: While the Committee supports the intent of NBI 3/12-8, the issue is covered in existing policy (page 208, Benefits: Health and Welfare) and should be addressed through local collective bargaining.

2. CTA adopt the following Statewide Bargaining Goals:

Salary

1. Establish salary increases that reflect the growth in on-going, per-ADA revenue to achieve and maintain comparability and competitiveness.
2. Attract and retain highly-qualified, highly motivated unit members with a quality salary schedule that is geographically comparable.

Health and Welfare Benefits

3. Provide, at district expense, a comprehensive program including health, dental, vision, life and income protection for the unit member and his/her family.

4. Create a workable benefit structure that does not establish a barrier to quality care.

Conditions of Teaching and Learning

5. The conditions of teaching and learning demonstrate respect for the profession and are able to attract/retain highly qualified, highly motivated unit members.
6. The learning environment, including the salary and benefits of certificated and classified bargaining unit personnel, is a budget priority.
7. Unit members shall identify professional development opportunities based on their determination of need.
8. Unit members are the primary decision-makers on issues that affect the conditions of teaching and learning.

REFERRALS TO THE BOARD OF DIRECTORS

- A. None

MATTERS PENDING

1. Chairs of the ACT, C&I, FPE, NEG, PR&R, and TEAF committees met to discuss a referral from the CTA Board of Directors to study the impact and effects of online learning. The chairs agreed to revisit the referral after the November 2012 election.
2. In Strategy Committee: Referral from the Board of Directors regarding review of the *Turnarounds with New Leaders and Staff* by the Center for Comprehensive School Reform and Improvement.
3. School Pool.

INFORMATIONAL ITEMS

1. The committee adopted the attached discussion papers for the CTA State Bargaining Goals.
2. The committee took positions on 6 pieces of legislation: Approve: AB 1431, AB 1800, AB 1859, AB 2155, SB 1538; Oppose: AJR 36
3. The committee received a report from Seth Bramble, CTA staff from the Health Benefits Advisory Coordinating Committee, on the Statewide School Pool efforts.
4. Scott Miller, a member of the Negotiations Committee, led a discussion on the Teacher Evaluation Workgroup Framework.

5. The committee heard a staff report from Jeff Good on the May Revise and RTTT-D.
6. The committee heard a staff report from Seth Bramble on AB 1172 and SB 1530. All members of State Council are urged to help defeat Senator Padilla's bad teacher dismissal legislation, which will be heard next in the Assembly Education Committee.
7. The committee said good-bye to the following committee members who are terming out of Council: Mary Strobridge (Chair), Paula Jacobs, and Scott Miller
8. The committee elected Pat Sabo for Chair, re-elected Jolene Tripp for Vice Chair, and elected Carissa Carrera.

California Teachers Association/NEA

BARGAINING GOALS

The California Teachers Association bargaining goals are grounded in the organization's mission and are part of a bargaining program that includes on-going evaluation, planning, and action.

Mission:

1. To protect and promote the wellbeing of its members
2. To improve conditions of teaching and learning
3. To advance the cause of free, universal, quality public education
4. To protect human dignity and civil rights
5. To secure a more just, equitable and democratic society

The bargaining program begins with the goals. Evaluation begins with the analysis of environmental forces (organizational capacity and strategic leverage) that effect bargaining.

The program continues with the planning of program strategies to achieve the bargaining goals through action.

Environmental Forces

The environmental forces in a bargaining program are the factors, both internal and external, that affect our ability to reach our bargaining goals. Since environmental forces change over time and may be different regionally, they must be analyzed and assessed at all levels of the organization.

For example, some factors that affect health care bargaining differ regionally: access to providers and plans is a critical issue in rural areas, while the number of providers in the Southland keeps the market competitive and rates relatively low. This difference greatly affects a local association's program strategy. On the other hand, public attitudes about health care that view as unreasonable those who want to protect fully-paid benefits are threats to all members across the state. Therefore, a statewide program strategy would be needed to address this factor.

Since environmental forces continually change, they must be continually analyzed and assessed. Statewide governance and departments should regularly review the more global environmental forces and give guidance to local associations. Locally, leadership and staff should adapt the more global forces to meet their own situations and needs, provided, however, that any such adaptation maintains consistency with the organization's core values and the statewide bargaining goals.

Program Strategies

A program strategy is "making a plan to make it happen." "Making a plan" is figuring out how to change the environmental forces, i.e. building your organizational capacity and strengthening your strategic leverage. "Making it happen" is successful achievement of the bargaining goals. Or, in simple terms, once you know where you want to go, the program strategy is how you get there.

For example: Our work to build stronger CTA locals is an example of a program strategy because when you build your local you are more likely to achieve your bargaining goals.

- Program strategies address the need for flexibility locally and regionally. They vary according to the needs of the local at the time.

Examples: 1) A growth district would need to address the conditions of teaching and learning through transfer and reassignment and internal education of new members/hires.

2) A program improvement district would need to address the conditions of teaching and learning through length of work year and day,

Discussion Papers – June 2011

professional development, and work to build support for public education in the community.

- Program strategies would be more effective by utilizing the expertise of Primary Contact Staff and/or Executive Directors, Regional Organizers, and Department staff, including Negotiations and Organizational Department Specialist, in the development of your program strategies.
- While developed locally, the implementation of the program strategies needs to be consistent with the core values and be coordinated regionally and statewide.
- An effective program strategy will fail if the assessments of organizational capacity and strategic leverage are not open, authentic, and honest. There are a variety of internal assessment tools available for this activity. Locals should develop a rubric, with specific indicators, to help them gauge their own performance.

Salary

Mission:

1. To protect and promote the well being of its members
2. To improve conditions of teaching and learning
3. To advance the cause of free, universal, quality public education
4. To protect human dignity and civil rights
5. To secure a more just, equitable and democratic society

Bargaining Goals:

1. Maintain comparable and competitive salaries by protecting existing salary schedules, mitigating the impact of revenue reductions on bargaining unit members, and restoring any reductions in salary or increased workload as funding is restored.

Environmental Forces

During significant and prolonged economic downturns, when revenue is reduced and districts are contemplating significant program cuts and personnel reductions, management bargaining teams may make concessionary proposals that are based on budget assumptions and predictions that are overly conservative. Any consideration of salary reductions or other concessions needs to be made in an environment of facts and not fear. Local associations need to make their own independent assessment of the district's true financial condition, and respond to proposals that are made on authentic assumptions.

Bargaining teams should follow the strategy of **Protect, Mitigate, and Restore**; i.e. teams should work to protect the compensation and working conditions of bargaining unit members by carefully and thoroughly assessing the true financial condition of its district, mitigating the impact of revenue reductions on members, and bargaining restoration language for any cuts teams may need to accept. The economic conditions are temporary; therefore the response needs to be temporary. Recommended bargaining objectives under such conditions are:

- Temporary solutions to temporary problems;
- If there is a "give," there should be a "get." Work to obtain a quid pro quo for any concessions, such as other workload reductions to counter higher class size, furlough days in exchange for salary reductions so there is less work for less pay;
- Secure restoration language to regain class size or work year reductions when the economy improves;
- Be sure to set a reduced work year up so that members do not lose STRS or PERS credit;

Discussion Papers – June 2011

- Consider early retirement incentives to lower salary costs
- Reject so-called “fair share” cuts, since they can be manipulated by management;
- Differentiate between the “wants” and “needs” articulated by the district.
- Communicate often with bargaining unit members with accurate information to counter the persistent “doomsday” predictions that may be coming from the district and other external sources, and to build support for true long-term solutions so that funding is adequate, stable and ongoing for public education and essential public services.

In late 2012, local associations will face very difficult conditions at the bargaining table if the tax initiative on the November ballot does not pass. The failure of the revenue initiative will trigger significant cuts to all programs in K-12, community colleges, and the CSU system. Local associations need to be prepared for such a contingency, and will need to organize as soon as possible to inform members about the importance of protecting education programs by working to get the initiative passed.

If salary comparability is low and the employer’s reserves are high and/or growing, then association leaders and bargaining teams should continue to organize for increased compensation regardless of the external economic factors.

The federal Race To The Top grant and the requirements for Persistently Lowest Achieving Schools push the political agenda of tying educators’ compensation and retention to student growth and test scores. **CTA policy opposes all forms of merit pay, including compensation based on test scores.**

The union derives its power from the collective unity of its members; therefore, the local association’s approach to salaries and compensation must always seek to build the union and its organizational capacity.

If the district is declining in enrollment or experiencing structural losses in revenue, then the infrastructure (number of employees, etc.) must be modified in a way that is proportional. Good position control, reduction in the use of consultants, and attrition are key means toward mitigating the impact of lower revenue.

Charter schools, if unorganized and/or paid at levels below comparable public schools’ salary levels, will erode salary standards and local associations’ bargaining power.

The economic/employment environment in our communities may affect salary negotiations and a local association’s strategic leverage. We must consider community perspectives as we work locally to improve the salaries of our members

Program Strategies

Program strategies need to be developed on a more local basis but coordinated regionally. Regional conferences, coordinated bargaining councils, service center meetings and chapter meetings are perfect venues for initiating discussions about how to develop a quality salary schedule.

Health Care Benefits

Mission:

1. To protect and promote the well being of its members
2. To improve conditions of teaching and learning
3. To advance the cause of free, universal, quality public education
4. To protect human dignity and civil rights

Discussion Papers – June 2011

5. To secure a more just, equitable and democratic society

Bargaining Goals:

2. Establish and maintain a comprehensive program including health, dental, vision, life and income protection for the unit member and his/her family, at district expense.
3. Establish and maintain a workable benefit structure that does not establish a barrier to quality care.

Environmental Forces

Local associations will continue to face difficult choices when bargaining over health benefits. In this time of reduced or flat revenues, districts that have bargained hard caps on their contribution to fringe benefits will not likely increase the cap, forcing the entire brunt of higher healthcare costs onto the bargaining unit member. Districts without caps might blame program cuts on higher healthcare costs. Industry forces continue to blame consumers for the high cost of health care, which leads members and leaders to consider accepting higher co-pays or deductibles to control cost. The marketing of high deductible health plans along with Health Savings Accounts cause more divisions within the bargaining unit, as the higher paid or younger/healthier members consider such plans to save money for themselves while causing more adverse selection and higher premiums for those who remain in the regular health plans.

Health benefits must unite and not divide a bargaining unit. The union derives its power from the collective unity of its members; therefore, the local chapter's approach to benefits must always seek to build the union and its organizational capacity.

The optimal way to achieve this is to bargain a single plan that covers all members equally, equitably, and consistent with our core values.

We must treat health benefits as a right and not as a commodity. Once we treat the matter of health care as a commodity, we endorse a view that health care will be distributed according to ability to pay instead of according to need. Health Savings Accounts, cash-in-lieu arrangements, opt outs and placing benefit monies on the salary schedule all treat health care as a commodity and cause more fragmentation of the risk pool. Tiered rates, with substantially higher premiums for family coverage, may cause significant migration of families to HMOs, which in turn leads to a reduced risk pool and higher premiums for those remaining in point of service plans until they become entirely unaffordable. Prohibiting opt-outs should be the first choice in bargaining to protect the integrity of the risk pool. If that is not achievable then local associations should bargain that districts shall be required to make health care premium contributions for all unit members even if they opt out of coverage so that there is no financial incentives for districts when members opt out.

Allocating health care based on the ability to pay contradicts our core values. A society in which health is tied to wealth is not just or equitable. A society that denies care to the children we teach because of their family's inability to pay denies basic human dignity. A union must protect the well-being of all members, and endorsing health care as a commodity leads to disparate protection: members at the lower end of the salary schedule pay a disproportionate price for their well-being if health benefits are paid for entirely through their salary.

Work closely with CTA staff to maintain awareness of new federal health care reform and the implications, both short and long term, they might have at the negotiations table.

Inconsistency of positions on health care among local associations continues to undermine our statewide strategic leverage. Statewide, CTA should develop and maintain a consistent message on health care that encourages members and local associations to talk about benefits and our core values, and to bring a more unified approach to bargaining benefits that will build organizational capacity and strategic leverage.

Discussion Papers – June 2011

Association leaders must be engaged in the actuarial evaluation process for OPEB liabilities to insure that the assumptions and methodologies used are reasonable and appropriate.

Program Strategies

Program strategies need to be developed on a more local basis but coordinated regionally. Regional conferences, coordinated bargaining councils, service center meetings and chapter meetings are perfect venues for initiating discussions about how the health care system is broken, unjust and wrong, and how all members should demand substantive change. Staff can include these key points when discussing benefits with bargaining teams, too.

Program strategies should include joining or forming reform coalitions and expanding education of members and leaders about the health care system.

While working to promote and protect the well being of our members at the bargaining table, our plans should include explicit acknowledgement that continuing to “nibble around the edges” of this issue will have limited long-term effect, and that organizing for substantive change needs to take place.

Conditions of Teaching and Learning

Mission:

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2. To improve conditions of teaching and learning
3. To advance the cause of free, universal, quality public education
4. To protect human dignity and civil rights
5. To secure a more just, equitable and democratic society

Bargaining Goals:

4. Establish and maintain the conditions of teaching and learning that demonstrate respect for the profession and are able to attract/retain highly qualified, highly motivated unit members.
5. Establish and maintain the learning environment, including the salary and benefits of certificated and classified bargaining unit personnel, as a budget priority.
6. Establish and maintain professional development opportunities based on unit members determination of need.
7. Establish and maintain unit members as the primary decision-makers on issues that affect the conditions of teaching and learning.

Environmental Forces:

The Race To The Top (RTTT) grant, which pushes an agenda of tying educator compensation and evaluation to “student growth,” will likely be the model for the reauthorization of ESEA/NCLB. While a savings clause protects current language in collective bargaining agreements, the political pressure to change compensation and evaluation systems to take into account student test scores will continue to grow. If the onerous provisions of RTTT appear in the reauthorization of ESEA/NCLB, local associations will need to prepare, educate and organize both internally with members and externally with local communities to deal with any such proposed requirements.

The recently added designation of “Persistently Lowest Achieving Schools” (PLAS) places additional burdensome interventions on members and districts alike, and districts that apply for and receive School Improvement Grants (SIG) are being required, as a condition of receiving the grant, to include some aspect of “student growth in evaluation, retention and compensation decisions. Local associations should be cautious about agreeing to any changes due to SIG or PLAS, and should avail themselves of CTA resources from the Instruction and Professional

Discussion Papers – June 2011

Development (IPD) department and the Negotiations and Organizational Development Department (NODD) before agreeing to any changes. Districts are establishing scripted curriculums, common final exams and other curricular requirements that have the effect of reducing or eliminating teachers' autonomy and creativity. There is a consistent need for intense teacher participation in professional issues, including, but not limited to, professional development, curriculum design, and the development of any site or district improvement plan.

Professional development is a critical ingredient in enhancing quality teaching resulting in improved student learning. Professional development should be primarily school-based and built on the needs and interests of the unit members. Districts and external entities or consultants are attempting to circumvent the involvement of unit members and dictate professional development activities they deem necessary or appropriate to improve student achievement. The LEA Plans require, and best practices support, the involvement of teachers in the design of the professional development activities that will assist the teachers at any individual site to improve the conditions of teaching and learning.

The 2008-09 school year was the first year of implementation of SB 1133, the Quality Education Investment Act. The school staff and the Association should monitor closely how the funds are being spent at these sites by the School Site Councils. Many of the categorical funds allotted to these sites have more flexibility and can be spent to support the QEIA program rather than for the categorical program.

Program Strategies

Program strategies need to be developed on a more local basis but coordinated regionally. Regional conferences, coordinated bargaining councils, service center meetings and chapter meetings and trainings are perfect venues for initiating discussions about how to ensure the conditions of teaching and learning continue to support and promote the cause of free, universal, quality public education.