

## **NEGOTIATIONS COMMITTEE**

Pat Sabo, Chairperson  
Allen Freemon, Vice Chairperson  
Terri Jackson, Board Liaison  
Carissa Carrera, 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** -First Reading

Page 336, First 2 paragraphs under the following heading:

#### **Charter Schools**

CTA believes charter schools can have a positive role in California's education system. When not for profit charter schools are created by local, democratically elected school boards, they provide by providing students, parents and CTA members with educational opportunities in the public school setting.

CTA believes all charter school employees should be organized as union members to ensure both quality education for students and professional/employment rights for school employees. CTA believes procedures undertaken to organize and represent charter school employees should ensure harmonious relations among CTA members in charter schools and CTA chapters while providing equitable governance representation and service to CTA members working in charter schools.

### **OTHER ITEMS FOR IMMEDIATE ACTION**

A. Adopt the following CTA Bargaining Goals for 2013-14:

#### **California Teachers Association/NEA 2013-14 BARGAINING GOALS**

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

Core Values:

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 goals that are based on discussion with members. Evaluation begins with the analysis of environmental forces (organizational capacity and strategic leverage) that affect bargaining. The program continues with the planning of program strategies to achieve the bargaining goals through action and ongoing evaluation.

To support the organization's core values we honor the services of the certificated and classified bargaining unit personnel working to provide a quality educational program for all students.

Bargaining Goals:

#### Salary

1. Establish salary increases that reflect the growth in on-going, per-ADA revenue to achieve and maintain comparability and competitiveness, whether under the current funding formula or the Local Control Funding Formula.
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 and utilizes the benefits of the Affordable Care Act provisions.

#### 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 is a budget priority. Locals shall negotiate state revenues and the impact of those revenues on teaching and learning.
7. Unit members shall bargain the funding and the impact of the Common Core Standards on the conditions of teaching and learning.
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. NBI 6/13-18  
That CTA lobby the Joint Legislative Audit Committee to call for State performance and audits of charter schools by the politically neutral California State Auditor.
2. NBI 6/13-19  
That CTA submit the following referendum to active members: “CTA believes competition between public and charter schools is destructive to public education and separate sources of funding should be provided. CTA believes the full cost of administering charter schools, assessing, approving, revoking, oversight, must be paid from separate school funding,”
3. NBI 6/13-6  
That CTA take a stance advocating for a cap on district and COE reserves not to exceed 15-20%.
4. NBI 6/13-12  
That CTA Negotiations Committee report on dependent charter schools.
5. NBI 6/13-7  
That CTA work to pass legislation to amend section 17388 of the California Education Code to mandate that school districts appoint committees to advise the governing board in the development of district wide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes.

## **INFORMATIONAL ITEMS**

1. The committee adopted the following Bargaining Goals Discussion papers:

### **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 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

The bargaining program begins with goals that are based on discussion with members. 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.

At the current time, the environmental forces affecting public education are rapidly changing and are having significant impact, for now *and* for the foreseeable future, both internally and externally. The issues of the Local Control Funding Formula, the Common Core Standards, the Affordable Care Act, the proliferation of charter petitions by private, for-profit Charter Management Organizations under the guise of school reform and the influx of millions of dollars into local politics will all need to be analyzed and addressed.

Additionally, the concessions made over the last five (5) years at the bargaining table in order to allow districts to maintain viability during the loss of 23% of their discretionary funding, has created a chasm between members and their leaders. Educators and support professionals suffered a loss of job security, wages, benefits and working conditions. The need to unite members in order to restore concessions is crucial to the bargaining process.

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, 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.
- A program strategy will be more effective if the local listens to its community members and works together to achieve shared goals. Having a message that resonates with the community is critical to a successful bargaining plan.

### **Bargaining Goals**

#### **Salary**

##### **Mission:**

1. To protect and promote the wellbeing of its members
2. To improve conditions of teaching and learning
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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.
2. Attract and retain highly-qualified, highly motivated unit members with a quality salary schedule that is geographically comparable.

##### **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. Locals should not allow the district to adopt a "siege mentality" where they are determined to control everything in order to "win."

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 have needed to accept. The economic conditions are changing with the passage of Prop 30 and the additional revenue the state is bringing in. Unless the district is in declining enrollment, the bargaining team should work to restore any concessions made and to make gains in order to soften the impact of reduced salaries and benefits during a time when the cost of living was continuing to increase.

- Secure restoration language to regain class size or work year reductions when the economy improves;
- 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;
- Be aware of the District's accuracy as it pertains to budgeting Multiyear Projections and its willingness to rush to impasse in order to impose unnecessary cuts;
- Communicate often with bargaining unit members with accurate information to reframe the issue and 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.

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 and state reforms 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. It is important for locals to determine if they wish to represent the employees of charter schools within their district in order to maintain a high level of compensation and mitigate the erosion of working conditions.

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.

### **Bargaining Goals**

#### **Health Care Benefits**

##### **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

##### **Bargaining Goals:**

3. 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.
4. Create a workable benefit structure that does not establish a barrier to quality care and utilizes the benefits of the Affordable Care Act provisions..

#### **Environmental Forces**

Local associations will continue to face difficult choices when bargaining over health benefits. Districts that have bargained hard caps on their contribution to fringe benefits will most likely resist increasing the cap, trying to force 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 the impact of the new federal health care reform, the Affordable Care Act, and the implications, both short and long term, they might have at the negotiations table. Groups that might be helped by this reform include small district employees, subs, ESP and charter school employees.

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.

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. The impact of any potential changes discussed at the bargaining table should be analyzed as to how it affects all bargaining unit members and the necessity of making changes.

While working to promote and protect the wellbeing 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.

### **Bargaining Goals**

#### **Conditions of Teaching and Learning**

##### **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

##### **Bargaining Goals:**

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 is a budget priority. Locals shall negotiate state revenues and the impact of those revenues on teaching and learning.
7. Unit members shall bargain the funding and the impact of the Common Core Standards on the conditions of teaching and learning.
8. Unit members are 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 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.

The implementation of the Common Core over the next few years provides an opportunity for improved professional development, impacts credentialing and Education Support Professionals. Bargaining teams shall demand to bargain the funding and the impact of the Common Core on salaries and working conditions. Locals shall demand to bargain the pacing of program implementation, as well as purchasing books and materials. Districts shall utilize and compensate our members for doing work above what is normally required, such as developing assessments, curriculum and professional development.

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. CTA supports the positive impact of this program on student achievement. The improvements made in student test scores came about *not* by tying evaluation to test scores but by reducing class sizes, providing more counselor support, providing more beneficial professional development, having an exemplary administrator, having qualified and experienced teachers in the schools and by providing additional revenues for materials.

### **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.

2. The committee discussed the recommendations of the Teacher Evaluation Workgroup and will give input to our two representatives on that workgroup.
3. The committee heard reports from staff on the May Revise, LCAP, and the federal sequestration.
4. The committee elected the following members: Chairperson, Allen Freemon; Vice Chair, Jeff Johnston; Recorder, Carissa Carrera.
5. The committee bid a fond farewell to Chair Pat Sabo as she retires. The committee also said good-bye to Felice Strauss as she retires this year as well.