

**Montebello Unified School District's Initial Sunshine Proposal for
2018/2019 Contract Negotiations with the Montebello Teachers Association**

The Montebello Unified School District (District) intends to commence negotiations with the Montebello Teachers Association (MTA) for a successor agreement to the current agreement, set to expire on June 30, 2018. The following initial proposal is submitted for public review and comment as required by the Educational Employment Relations Act (EERA) and District policy. Government Code Section 3547 provides that proposals which relate to matters within the scope of representation shall be presented at a public meeting, and thereafter, shall be a public record. The public shall be given an opportunity to comment on the initial proposal at a subsequent meeting, after which the Board of Education will adopt its initial proposal.

The District's initial proposal includes the following:

RECITALS

- Discuss the necessity of the Recitals and possible elimination from Agreement.

ARTICLE I (PREAMBLE)

- Review and clarify/modify language throughout the Article.
- Discuss reason for subsection D pertaining to striking post-factfinding.

ARTICLE II (RECOGNITION)

- Review and clarify/modify language throughout the Article.

ARTICLE III (DEFINITIONS)

- Review and clarify/modify language throughout the Article.
- Add definitions for terms missing from the Agreement, including a definition for Support Personnel.

ARTICLE IV (HOURS AND ASSIGNMENT)

- Review and clarify/modify language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity, deleting provisions no longer in effect, and updating to current practices.
- Discuss absenteeism, including provisions for when a unit member misses meetings and assignments.
- Discuss hours of service, including changing operations from Professional Day to Board Day.
- Discuss including Wednesdays to be determined as School Business meetings.

- Discuss parent conferences (Fall and Spring), including students not meeting standards as determined by Smarter Balanced Assessment Consortium and benchmark assessment results.
- Discuss summer school, including summer school preparation time.
- Discuss modification of teaching and preparation time including lesson plans.
- Discuss modification of minimum days and end-times for school/district business.

ARTICLE V (SUPPORT PERSONNEL)

- Review and clarify/modify language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity.
- Update definition of Support Personnel.

ARTICLE VI (ADULT EDUCATION)

- Review and clarify/modify language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity and duplicate statements.
- Discuss combining certain provisions that this Article shares with other Articles (e.g., Leave Policy) and creating a new separate Article to cover that subject.
- Discuss definitions of what constitutes a full-time Adult Education assignment and what constitutes a temporary Adult Education assignment.
- Clarify that Adult Education position are grant-funded positions with restricted funding.
- Clarify that notices/requests provided to Director of Adult Education should also be provided to Director/Assistant Superintendent of Human Resources.
- Discuss hours of assignment, reduction of hours, employment, and release from service.

ARTICLE VII (ROP)

- Review and clarify/modify language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity and duplicate statements.
- Modify to include Career & Technical Education (CTE).
- The District also wants to discuss combining certain provisions that this Article shares with other Articles (e.g., Leave Policy) and creating a new separate Article to cover that subject.

ARTICLE VIII (CLASS SIZE)

- Review and clarify/modify language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity and duplicate statements.
- Discuss class size overage, including stipends and eliminating option to refuse stipend.
- Clarify Resource Specialist Program max caseload as per Education Code.

ARTICLE IX A. (TEMPORARY CONTRACT TEACHERS)

- Clarify what constitutes a temporary contract teacher per Education Code.

ARTICLE X (ORGANIZATIONAL SECURITY)

- Review and clarify/modify language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity and duplicate statements.
- Discuss a fee the District could charge the MTA for deducting dues and service fees.
- Discuss the process applicable to religious objectors, the charitable organizations identified in the Agreement, and the pending *Janus* decision.
- Discuss the indemnification provision, and include language pertaining to Hudson notices.

ARTICLE XI (GRIEVANCE PROCEDURES)

- Review and clarify/modify language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity and duplicate statements.
- Review and modify the grievance process itself, including provisions that:
 - deems the Administration's failure to adhere to a deadline means the grievant prevails;
 - precludes the District from having an attorney represent it at any grievance mediation;
 - the selection process for arbitrator;
 - requires the mediator to also serve as the arbitrator; and
 - requires the losing party to pay the costs of the arbitrator.
- Review the process for appeal and what triggers the statute of limitation in terms of receipt of Level 1 and 2 grievance responses.

ARTICLE XII (WAGES)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity as to the compensation paid.
- Discuss the Revenue and Expense Committee and whether separate article should be established that covers all District committees.
- Discuss wages, including Advancement Via Individual Determination (AVID) stipend at intermediate schools and 1/6th assignments.
- Discuss Support Personnel compensation for coverage of classroom during Board Day.

ARTICLE XIII (TRANSFER AND REASSIGNMENT POLICY)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity, including specifying the term "days" to mean either "calendar days" or "workdays."
- Eliminate definitions from the Article since the definitions are either already covered in Article III or should be added to Article III.
- Discuss time period for unit members to interview for vacancies, the reason for including reference to reduction in force in this Article, and the announcement date for transfers.

ARTICLE XIV (HEALTH AND WELFARE BENEFITS)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity as to the benefits provided.
- Discuss the Health and Welfare Benefits Committee, composition of same, Committee's authority to be advisory to District administration who will make final decision.
- Establish set amount of District contribution for health and welfare benefits not to exceed actual cost of the premiums, with maximum amount subject to cap.

ARTICLE XV (EARLY RETIREMENT OPTION)

- Modify/clarify language to include early retirement notification incentives three years out with notifications by October 31st and January 31st.
- Early retirement notification payment to the employee at the time of retirement (declared retirement date).

ARTICLE XVI (LEAVE POLICY)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity as to the benefits provided.
- Discuss moving the leave provisions under Articles VI and VII to this Article to eliminate duplicative provisions.
- Discuss making "Sabbatical Leave" its own Article and adding language that requires the unit member who took Sabbatical Leave provide a presentation to the Board of Education on the research/study/project performed while on Sabbatical.
- Discuss Pregnancy Leave and the benefits provided for adoption of a child
- Discuss sick leave and military leave.
- Clarify that sick leave and personal necessity leave shall not be used for purposes of extending time off (e.g., holidays, breaks).

ARTICLE XVII (SAFETY, SECURITY, AND GENERAL WORKING CONDITIONS)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity as to the benefits provided.
- Discuss the necessity of the provisions pertaining to "Intent."
- Discuss Site Safety Committee and whether separate article should be established that covers all District committees.

ARTICLE XVIII (EVALUATION PROCEDURES)

- Discuss whether this Article should be combined with Article XXIII – Peer Assistance and Review

ARTICLE XIX (NEGOTIATING PROCEDURES)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, and eliminating ambiguity.
- Discuss release time and what qualifies as release time.
- Discuss logistics of negotiations and mileage reimbursement.

ARTICLE XX (RIGHTS AND RESPONSIBILITIES)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity.
- Review language to ensure that it is consistent with state and federal laws, including Education Code section 44987.

ARTICLE XXI (EMPLOYEE DISCIPLINE)

- Review and clarify language throughout the article and in greater depth regarding the discipline process.
- Review and revise limitation period District may use for counting infractions for purposes of progressive discipline, and make consistent with Education Code.

ARTICLE XXII (CHILD ABUSE PROCEDURES)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity, and ensuring that it is consistent with state and federal laws.

ARTICLE XXIII (PEER ASSISTANCE AND REVIEW [PAR])

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity, and ensuring that it is consistent with state law.
- Add Article XVIII - Evaluation Procedures.

ARTICLE XXIV (HIGHLY QUALIFIED TEACHER ISSUES IN THE ELEMENTARY AND SECONDARY EDUCATION ACT [ESEA])

- Eliminate this provision as it is no longer in effect.

ARTICLE XXV (RELOCATION/REASSIGNMENTS DUE TO REMODELING)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity.

ARTICLE XXVI (INSTRUCTIONAL APPROACHES TO DATA MANAGEMENT)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity, and maintaining management rights.

ARTICLE XXVII (CAPTIONS, PRONOUNS)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity.

ARTICLE XXVIII (STATUTORY CHANGES, SEPARABILITY AND SAVINGS)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity, and ensuring that it is consistent with state and federal laws, and the doctrine of federal preemption.

ARTICLE XXIX (EFFECT OF AGREEMENT)

- Review and modify/clarify the language with the intent of ensuring that the language is consistent with state and federal laws, and the doctrine of federal preemption.

ARTICLE XXX (SUPPORT OF AGREEMENT)

- Review and modify the title of the Article to specify “No Strike” and/or create a new Article with title “No Strike/No Lockout.”

ARTICLE XXXI (NOTICES)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity.

ARTICLE XXXII (SIGNATURES)

- Review and modify/clarify the language throughout the Article with the intent of making the language clear and concise, eliminating ambiguity.