

TORRANCE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. AS-01-18/19

**RESOLUTION REGARDING IMPLEMENTATION OF TERMS AND
CONDITIONS OF EMPLOYMENT FOLLOWING RECEIPT OF
RECOMMENDATIONS MADE TO THE TORRANCE UNIFIED SCHOOL
DISTRICT AND THE TORRANCE TEACHERS ASSOCIATION BY
FACTFINDING PANEL**

WHEREAS, the Torrance Unified School District (“District”) and the Torrance Teachers Association have engaged in negotiations for a successor collective bargaining agreement; and

WHEREAS, on February 6, 2018, the District presented its written last, best and final offer to the Torrance Teachers Association during negotiations; and

WHEREAS, the District and the Torrance Teachers Association exhausted impasse proceedings, including mediation and a factfinding hearing on May 4, 2018, before a PERB appointed factfinding chair and a representative from the District and a representative from the Torrance Teachers Association in PERB Case No. LA-IM-3977-E; and

WHEREAS, on May 15, 2018, the three member factfinding panel issued its "Factfinding Report and Recommendations," to the District and the Torrance Teachers Association, Attachment 1; and

WHEREAS, the District made public the Factfinding Report and Recommendations; and

WHEREAS, both parties considered the Factfinding Report and met in post-factfinding negotiations on June 4, 2018; however, no tentative agreement was reached and the District and the Torrance Teachers Association remain at impasse over negotiations.

**NOW, THEREFORE, HAVING, REVIEWED AND CONSIDERED THE
FACTFINDING REPORT AND RECOMMENDATIONS, BE IT RESOLVED AS
FOLLOWS:**

1. Terms and Conditions of Employment: The following terms and conditions of employment are hereby adopted.

1.1 1% salary increase retroactive to January 1, 2018 and 1% effective July 1, 2018 applied to all TTA unit salary schedules.

1.2 Increase High School Instrumental Music Stipend to that of the Varsity Football Coach, effective July 1, 2018.

- 1.3 Maintain the post-Labor Day start work calendar for the 2018-19 school year, work year calendar is Attachment 2.
- 1.4 The new pre-Labor Day work calendar is effective commencing with the 2019-20 school year, see Attachment 3. This will allow sufficient time for families, students, staff and administration to plan for and implement the new pre-Labor Day calendar. The District appreciates the Panel's factfinding and recommendations regarding the pre-Labor Day calendar.
- 1.5 Starting the pre-Labor Day calendar with the 2019-20 school year, will allow 12 months advance notice so that families and staff may schedule extra-curricular activities, vacations, and child care as needed. (On the other hand, if the new pre-Labor Day calendar were adopted starting in August 2018, there would be an interruption of already planned activities, vacations, and child care needs.) The District is also offering during summer 2018 learning opportunities for students and professional development for teachers which would have to be interrupted if there were a pre-Labor Day start for 2018-19.
- 1.6 Starting in the 2019-20 school year, elementary students will be evaluated for progress as follows: progress report, achievement report, parent conference, progress report, parent conference (if needed), progress report, achievement report; retention conferences to be held as needed through the school year.
- 1.7 Make language changes to the reduced assignment form language.
- 1.8 Redefine "state mandated program" descriptor to read: "California Adult Education Block Grant funded program."
- 1.9 Eliminate the words "newly created classes and/or" from Article XXI B. Definitions, 5. Unassigned hours.
- 1.10 Eliminate the following departments from Article XXI B. Definitions, 6. Departments: Parent Education, Older Adult Education, Health & Safety Education, and Home Economics Education.
- 1.11 Provide priority to qualified internal candidates when assigning hours in Article XXI D, assignments.
- 1.12 Add two additional sentences to Article VII Evaluation, E. Evaluator. New language will read: If October 1 falls on a non-work day, this deadline will default to the next workday. At sites with more than one administrator, once the unit member has been assigned the name of

the evaluator, the unit member may be granted a meeting with the principal upon request to discuss changing their evaluator.

- 1.13 Terms and conditions of employment shall be deemed effective upon adoption of this Resolution unless a different effective date is stated in this Resolution.
- 1.14 Consistent with the negotiations between the parties there will be salary and fringe benefits reopener negotiations for the 2018-19 and 2019-20 school years, along with two items of choice in each of the 2018-19 and 2019-20 school years from the Association and the District and one of mutual consent.

2. Future Negotiations: This Resolution is not intended to, nor does its adoption constitute a waiver of the right of either party to bargain pursuant to the Educational Employment Relations Act.

The foregoing resolution was passed and adopted at a regular meeting of the Board of Education on July 16, 2018.

President of the Board of Education for
Torrance Unified School District

ATTEST:

Secretary to the Board of Education of the
Torrance Unified School District

**Factfinding Report and Recommendations
Torrance Unified School District and the Torrance
Teachers Association
PERB Case # LA-IM-3977-E**

Background

The Torrance Unified School District (District) filed for Factfinding in the above captioned matter. Thereafter, the parties were unable to mutually agree on a Factfinding Panel Chair, and also were unable to agree on any waiver of time limits for the proceeding.

Pursuant to statute, PERB therefore unilaterally appointed Tony Butka as Factfinding Chair by letter dated April 24, 2018. The other Panel members were John Gray, from School Services of California, representing the District, and Vern Gates, Negotiations Specialist, CTA, representing the Torrance Teachers Association (Association).

A hearing was held on May 4, 2018, at the District's headquarters. The District was represented by Spencer E. Covert of Parker & Covert, LLP, and the Association was represented by Mario Di Leva, Executive Director for the Torrance Teachers Association.

All parties were afforded full opportunity to present their case, call and cross examine witnesses, and present evidence.

Subsequent to the closing of the hearing, the Panel met in closed session, and ultimately arrived at the recommendations enumerated below.

Bargaining History

The last agreement between the parties expired June 30, 2015. The set of negotiations which resulted in the impasse before our Panel was a tentative agreement (TA) with a term of July 1, 2017 to June 20, 2020. However, the Association notified the District in late October 2017 that the TA had been rejected by the bargaining unit members.

In February 2018, the parties filed a notice of impasse with PERB and requested the services of a mediator. Denise Williams of the Mediation Service met with the parties in an attempt to resolve their differences, but that effort was not successful. Therefore the mediator filed a notice with PERB releasing the impasse to Factfinding, and the District requested same.

Statutory Criteria

Government Code Section 3548.2 lists the following criteria to be considered by the Factfinding Panel:

1. State and Federal laws that are applicable to the Employer.
2. Stipulations of the parties.

3. The interests and welfare of the public and the financial ability of the public schools.
4. Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of other employees performing similar services and with other employees generally in public school employment in comparable communities.
5. The Consumer Price Index for goods and services, commonly known as the cost of living.
6. The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
7. Such other facts, not confined to those specified in paragraphs 1 through 6, inclusive, which are normally and traditionally taken into consideration in making such findings and recommendations.

Issues

A heartfelt thank you is due both the District and the Association for limiting the issues before the Panel. Prior to our hearing the parties agreed to stipulate to the financials, and further agreed to use the Last, Best & Final offer of the District as the framework for an agreement, with three outstanding issues to be determined by the Panel.

Discussion

Prior to the scheduled date for Factfinding of May 4, 2018, the Panel members worked with their parties to attempt to narrow the issues for Factfinding. Through the diligence of Vern Gates and John Gray, they were able to obtain an agreement that there would be one issue before the Panel. That agreement was memorialized by way of return emails between Vern Gates and John Gray on April 30, 2018:

Issue	District Position	Association Position
<u>Salary</u>	1% salary increase all schedules retroactive to 1/1/2018. 1% effective 7/1/18 all salary schedules.	1% salary increase all schedules retroactive to 1/1/2018. 1% effective 7/1/18 all salary schedules.
<u>Work Year Calendar</u>	2018-19 work year calendar 2019-20 pre-Labor Day work calendar	Only accept 2018-19 work calendar Negotiate 2019-20 work calendar during 2018-19 negotiations
<u>Reopener Negotiations</u>	Reopener negotiations in 2018-19 and 2019-20. No reopeners for 2017-18.	Reopener negotiations in 2018-19 and 2019-20. No reopeners for 2017-18.

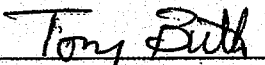
At the hearing, the District provided the Panel with eleven (11) separate reasons why the school calendar should be moved to a pre-Labor Day calendar. Their reasoning was articulate and compelling. Further, the Association failed to rebut the reasons provided by the District.

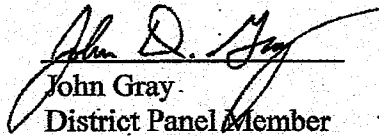
Recommendations

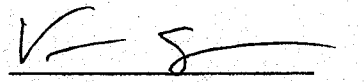
Subsequent to the close of hearing, the three Panel members met to discuss the one outstanding issue. Based on those discussions, we unanimously agree to this factfinding report and recommendations as follows:

- (1) The parties should implement the salary increase as written in the TUSD last, best, and final offer dated February 6, 2018,
- (2) The Torrance Unified School District should implement a pre-Labor Day calendar commencing with the 2018-19 School Year,
- (3) The parties should immediately begin successor negotiations for the 2018-19 year.

Submitted:


Tony Butka
Panel Chair


John Gray
District Panel Member


Vern Gates
Association Panel Member

Date: May 15, 2018

Torrance Unified School District

2018-19 School Year Calendar

AUGUST					SEPTEMBER					OCTOBER					NOVEMBER					DECEMBER				
M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F
		1	2	3	* 3	^# 4	# 5	: 6	7	1	2	3	4	5				1	2	3	4	5	6	7
6	7	8	9	10	10	11	12	13	14	# 8	# 9	10	11	12	5	6	7	8	9	10	11	12	13	14
13	14	15	16	17	17	18	19	20	21	15	16	17	18	19	* 12	13	14	15	16	17	18	19	20	X 21
20	21	22	23	24	24	25	26	27	28	22	23	24	25	26	19	20	X 21	* 22	* 23	* 24	* 25	X 26	X 27	X 28
27	28	29	30	31						29	30	31			26	27	28	29	30	* 31				

JANUARY					FEBRUARY					MARCH					APRIL					MAY				
M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F
	* 1	X 2	X 3	X 4					1					1	1	2	3	4	5			1	2	3
7	8	9	10	11	4	5	6	7	8	4	5	6	7	8	X 8	X 9	X 10	X 11	X 12	6	7	8	9	10
14	15	16	17	18	* 11	12	13	14	15	11	12	13	14	15	15	16	17	18	19	13	14	15	16	17
* 21	22	23	24	25	* 18	19	20	21	22	18	19	20	21	22	22	23	24	25	26	20	21	22	23	24
28	29	30	31		25	26	27	28		25	26	27	28	29	29	30				* 27	28	29	30	31

JUNE					First Semester: 89 days		Second Semester: 91 days		End of Trimester (ES)		End of Quarter (HS/MS)		Graduation (Promotion MS)	
M	T	W	TH	F										
3	4	5	6	7					1 st Trimester	November 20	1 st Quarter	November 9	Adult School June 13	
10	11	12	13	14					2 nd Trimester	March 1	1 st Semester	February 1	High School June 19	
17	18	19	» 20	+ # 21					3 rd Trimester	June 20	3 rd Quarter	April 5	Middle School June 20	
24	25	26	27	28					Parent Conferences (ES)		2 nd Semester	June 20	Adult Education	
									December 3 - December 14				Fall Sep 10 – Dec 13	
									March 13 - March 15				Winter Jan 7 – Mar 21	
													Spring Mar 25 – Jun 13	

* HOLIDAYS PER EDUCATION CODE §37220				DATE IN 2018/19		DAY OF WEEK		# SBCP Staff Development/Student Free Days (K-12)	
*HOLIDAY	DATE IN 2018/19	DAY OF WEEK	DAY / DATE EACH YEAR						
*Independence Day	July 4	Wednesday	July 4	# September 4	Tuesday	Teachers Report			
*Labor Day	September 3	Monday	1 st Monday in September	# September 5	Wednesday	Orientation/Planning			
*Veteran's Day	November 12	Monday	November 11	# October 8	Monday				
*Thanksgiving Day	November 22	Thursday	4 th Thursday in November	# October 9	Tuesday				
*Thanksgiving Holiday	November 23	Friday	4 th Friday in November	# June 21	Friday	Teachers Last Day			
*Christmas Eve	December 24	Monday	December 24	X Non-Teaching Days					
*Christmas Day	December 25	Tuesday	December 25	X November 21	Wednesday	Local Non-Instructional Day			
*New Year's Eve	December 31	Monday	December 31	X Dec. 21, 26 - 28 and Jan. 2 - 4		Winter Break			
*New Year's Day	January 1	Tuesday	January 1	X April 8 thru April 12	Monday thru Friday	Spring Break			
*M.L. King Jr. Day	January 21	Monday	3 rd Monday in January						
*Lincoln Day	February 11	Monday	February 12						
*President's Day	February 18	Monday	3 rd Monday in February						
*Memorial Day	May 27	Monday	Last Monday in May						

Torrance Unified School District 2019-20 School Year Calendar

AUGUST					SEPTEMBER					OCTOBER					NOVEMBER					DECEMBER				
M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F
			1	2	* 2	3	4	5	6		1	2	3	4					1	2	3	4	5	6
5	6	7	8	9	9	10	11	12	13	7	8	X 9	10	11	4	5	6	7	8	9	10	11	12	13
12	13	14	15	16	16	17	18	19	20	14	15	16	17	18	* 11	12	13	14	15	16	17	18	19	20
19	20	21	^ # 22	# 23	# 23	# 24	25	26	27	21	22	23	24	25	18	19	20	21	22	X 23	* 24	* 25	X 26	X 27
26	27	28	29	30	30					28	29	30	31		X 25	X 26	X 27	* 28	* 29	X 30	* 31			

JANUARY					FEBRUARY					MARCH					APRIL					MAY				
M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F
		* 1	X 2	X 3	3	4	5	6	7	2	3	4	5	6			1	2	3					1
6	7	8	9	10	* 10	11	12	13	14	9	10	11	12	13	X 6	X 7	X 8	X 9	X 10	4	5	6	7	8
13	14	15	16	17	* 17	18	19	20	21	16	17	18	19	20	13	14	15	16	17	11	12	13	14	15
* 20	21	22	23	24	24	25	26	27	28	23	24	25	26	27	20	21	22	23	24	18	19	20	21	22
27	28	29	30	31						30	31				27	28	29	30		* 25	26	27	28	29

JUNE					First Semester: 89 days		Second Semester: 91 days		Progress Reports (ES):		End of Quarter (HS/MS)		Graduation (Promotion MS)	
M	T	W	TH	F										
1	2	3	4	5	^ <u>Teachers Report</u>		August 22		October 4		1st Quarter		Nov 1	
8	9	10	» 11	+ # 12	: <u>Students Report</u>		August 26		February 14		1st Semester		Jan. 24	
15	16	17	18	19	» <u>Students Last Day</u>		June 11		April 24		3rd Quarter		Apr 3	
22	23	24	25	26	+ <u>Teachers Last Day</u>		June 12		November 22		2nd Semester		June 11	
29	30				<u>Parent Conferences (ES):</u>		December 2 – December 13 and March 4 – March 6		June 11					

<u>* HOLIDAYS PER EDUCATION CODE §37220</u>				DATE IN 2019/20		DAY OF WEEK		DAY / DATE EACH YEAR		# SBPC Staff Development/Student Free Days (K-12)	
*Independence Day	July 4	Thursday	July 4			# August 22	Thursday	Teachers Report			
*Labor Day	September 2	Monday	1 st Monday in September			# August 23	Wednesday	Orientation/Planning			
*Veteran's Day	November 11	Monday	November 11			# September 23	Monday				
*Thanksgiving Day	November 28	Thursday	4 th Thursday in November			# September 24	Tuesday				
*Thanksgiving Holiday	November 29	Friday	4 th Friday in November			# June 12	Friday	Teachers Last Day			
*Christmas Eve	December 24	Tuesday	December 24			<u>X Non-Teaching Days</u>					
*Christmas Day	December 25	Wednesday	December 25			X October 9	Wednesday	Local Non-Instructional Day			
*New Year's Eve	December 31	Tuesday	December 31			X November 25-27	Monday thru Wednesday	Local Non-Instructional Days			
*New Year's Day	January 1	Wednesday	January 1			X Dec. 23, 26 – 27, 30; Jan 2 - 3		Winter Break			
*M.L. King Jr. Day	January 20	Monday	3 rd Monday in January			X April 6 – 10		Spring Break			
*Lincoln Day	February 10	Monday	February 12								
*President's Day	February 17	Monday	3 rd Monday in February								
*Memorial Day	May 25	Monday	Last Monday in May								