



Peralta Community College District

333 East Eighth Street · Oakland, California 94606 · (510) 466-7200

Office of Human Resources & Employee Relations

May 10, 2012

Matt Goldstein, President
Rick Greenspan, Chief Negotiator
Peralta Federation of Teachers
500 E. 8th Street
Oakland, CA 94606

Re: Negotiability of Proposed District Policies

Dear Matt and Rick,

It is my understanding that recently Rick suggested that a subcommittee comprised of members of the Planning and Budget Council (PBC) be formed to address certain proposed District policies which PFT believes affects working conditions and thus, are negotiable (if this is not accurate, please let me know). In addition, the May 8, 2012 PFTe-Communique stated in relevant part:

*"*Board policies continue to be rolled out at each BoT meeting, and PFT keeps finding that some of the new policies contain language that must be negotiated. If a policy affects working conditions, discipline, or union-protected rights generally, the district is obligated to negotiate it with PFT."*

As you may know, on April 23, 2012, Chancellor Allen provided Bob Bezemek with a letter regarding the PBC shared governance process as it related to review of proposed Board Policy and the issues raised by PFT regarding negotiability of certain policies. A copy of this letter is attached for your reference. As indicated by Chancellor Allen, the District understands its obligation to negotiate those policies which are within the scope of bargaining.

In my prior communications regarding the negotiability of proposed policies, I have always stated that the District welcomes and looks forward to the opportunity to meet with PFT, discuss any concerns, and if there are issues determined to be within the scope of bargaining, the District will negotiate those issues.

However, other than the general statement by PFT that if a policy affects working conditions, discipline, or union-protected rights generally, the District is obligated to negotiate it with PFT, the District has not received: 1) notification from PFT that it wishes to negotiate any of the recent proposed policies brought before the PBC; and, 2)

information from PFT specifically identifying the issues it believes are negotiable and the reason. Therefore, the District is not currently in negotiations with PFT regarding any proposed policies. That being said, I encourage PFT to identify those issues, in a timely manner, it believes are negotiable and meet with me to address these concerns.

Regarding any suggestions that may have been made, with respect to a subcommittee of the PBC addressing issues that PFT believes are negotiable, the District does not believe that this is the appropriate body to resolve matters, which may be within the scope of bargaining. As you know, the District and PFT, by working collaboratively together, addressed a number of major issues during the recent collective bargaining negotiations. I am confident that any we can continue to continue to work together on any future issues with the same spirit of collaboration.

Should you wish to meet with me prior to the end of the semester to discuss any concerns about a proposed Board Policy, I would be pleased to do so.

Sincerely,



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

cc: Jim Grivich
George Herring
Betty Inclan
Jannett Jackson
Elnora Webb
Ron Gerhard
Deborah Budd
Eric Gravenberg
Linda Berry
May Chen
Anita Black
Susan Rinne
Connie Willis
Shirley Slaughter
MaryBeth Benvenutti
George Kozitza
Thuy Nguyen

Enclosure



Peralta Community College District

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Office of the Chancellor

April 23, 2012

Robert J. Bezemek, Legal Counsel
The Latham Square Building
1611 Telegraph Avenue, Suite 936
Oakland, CA 94612

Dear Mr. Bezemek,

This is in response to your letter dated March 8, 2012 which raises two issues:

First, that the District engaged in improper "direct dealing" with bargaining when it utilized the District Planning and Budget Council ("PBC") to be involved in the drafting of District policies, in that such District policies included matters which were within the scope of bargaining.

With respect to your contention that conferring with the PBC in the formulation of proposed District policy constitutes direct dealing with unit members, the District disagrees. There is no attempt to bypass legitimate negotiations between the parties on matters within the scope of bargaining. The PBC, and its membership from different groups, including academic senates, is simply a part of the shared governance principles of AB 1725.

The purpose and composition of the PBC are a lawful and appropriate implementation of the shared governance principles of AB 1725. Faculty who are also unit members would participate in shared governance is specifically contemplated by Education Code Section 70901(b) (1) (E) by its reference to "faculty."

Second, that there are proposed policies which must be negotiated with PFT, since they are within the scope of bargaining.

Regarding the issue of negotiability of proposed District Policies, the District recognizes that the PBC process does not relieve the District from its negotiations obligations, where appropriate of proposed Policies, or parts thereof, which may be within the scope of bargaining.

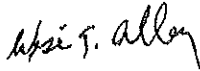
Robert J. Bezemek
April 23, 2012

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Upon the District receiving a proper request to negotiate, and PFT identifying those issues they believe to be negotiable, the District will evaluate the request to determine whether the given matter is or is not negotiable.

I have asked Trudy Largent, Vice Chancellor for Human Resources & Employee Relations to work with the appropriate Peralta Federation of Teachers representative regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wise E. Allen".

Wise E. Allen
Chancellor

cc: Trudy Largent, Vice Chancellor for Human Resources & Employee Relations