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Via Electronic Mail to lblanchard@mpc.edu

Lauren Blanchard, President
Monterey Peninsula College Teachers Association
c/o Monterey Peninsula College
980 Fremont Street
Monterey, CA 93940

Re: Request for Additional Bargaining Dates in March, April, and May 2017

Dear Lauren:

As you know, this law firm provides counsel to the Monterey Peninsula Community College District (“District”) with respect to its collective bargaining with the Monterey Peninsula College Teachers Association (“MPCTA”). At yesterday’s collective bargaining session, the District reiterated a request that it has made on several occasions in the past; namely, that MPCTA provide additional dates for collective bargaining sessions with the District.

In Spring 2016, the District received the results of an institutional review conducted by the Collaborative Brain Trust (“CBT”), which recommended significant changes in the District’s organization, operational procedures, and fiscal planning. Accordingly, at the parties’ first negotiations session in October 2016, the District advised MPCTA that the parties should meet frequently and from ½ to a full workday for negotiations, to address the significant issues facing the parties during the 2016-17 fiscal year.

At that time, MPCTA advised the District of several reasons why it did not want to schedule bargaining sessions at the District’s requested frequency or duration, including: (1) bargaining team members had to teach students and did not want a substitute or a class cancellation; and (2) MPCTA’s union representative had an impacted schedule with bargaining sessions for many other union chapters. With due respect, it is likely true that both the MPCTA and District team members have impacted schedules with competing demands on their time, and it is certainly true that both teams are obligated to prioritize the negotiations to avoid unnecessary delays in the bargaining process. We note that MPCTA has resisted the District’s various requests for additional bargaining dates in each of the past few months. As a result, the parties have met on the average of two times per month for two to four hours at each session.

On February 10, 2017, the District and MPCTA bargaining team members attended an open forum hosted by Superintendent/President Walt Tribble regarding the Accrediting Commission for Community and Junior Colleges’ (“ACCJC”) Action Letter, dated February 6, 2017, issued to the District with recommendations that the District must take action to implement by March 15, 2018. As affecting our negotiations, those recommendations include: (1) the inclusion of the assessment, review, and utilization of student learning outcomes in the faculty evaluation process; (2) the increase in efficiencies and staffing levels through a change in workload factors and redistribution of coordination by division and department chairs; and (3) addressing imbalances in the District’s revenues and expenditures by carefully negotiating contract provisions with a fiscal impact on the District.

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As you know, MPCTA has a good faith obligation under the Educational Employment Relations Act (“EERA”) to make itself available to bargain with the District and impeding the progress of collective bargaining through scheduling delays can evidence a lack of good faith. At our bargaining session on February 10th, MPCTA acknowledged the importance of addressing the ACCJC recommendations through collective bargaining on an expedited basis. The District agrees that it is important to promptly address the CBT and ACCJC recommendations through a diligent focus at the bargaining table.

Yesterday, however, MPCTA again declined the District’s request to schedule more frequent sessions. When the District asked MPCTA to provide a third date for bargaining in March, and a third date for bargaining in April, MPCTA flatly rejected the request. Additionally, the District asked MPCTA to add a second bargaining date in May. However, MPCTA declined this request and stated its preference to “we can wait and see how we’re doing” when we meet on May 5th.

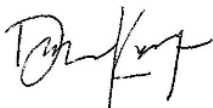
The District team was disappointed to hear MPCTA expressing a lack of faith that a successor contract could be bargained in the next few months. The District contends that regular and diligent attention to the parties’ statutory duty to bargain can, and will, resolve the parties’ divergent positions. By prioritizing bargaining appointments during the rest of the academic year, the parties can potentially avoid the need to bargain during the summer break. We remind you that summer negotiations are both legal and feasible, and MPCTA cannot dismiss a request for further bargaining sessions simply because the sessions might occur outside of the academic year. (Gonzalez Union High School District (1985) PERB Dec. No. 0840E.)

Yesterday, MPCTA asserted that its bargaining team was too busy to spend more time on negotiations or bargaining preparations. Again, the District’s bargaining team members do not receive overtime, released time, or comp time, and must prepare for and attend negotiations in addition to the multitude of their other administrative duties. The District reminds MPCTA that, under the CBA, MPCTA’s bargaining team members have taken a decreased teaching load precisely to engage in union activities such as collective bargaining. If MPCTA is not utilizing its full amount of TLUs available for this purpose, the District encourages MPCTA to facilitate our collective bargaining sessions by using its contractual release time.

The District believes that unreasonable scheduling delays can be avoided if both parties prioritize the scheduling of negotiations sessions. In that vein, this letter serves as the District’s formal request for MPCTA to provide additional dates in March, April, and May 2017 on which the District and MPCTA may negotiate a successor agreement for the fiscal year(s) 2016-17, 2017-18, and 2018-19.

Please respond at your earliest convenience.

Best regards,



Darren Kameya

cc: Governing Board
Dr. Walt Tribbley, Superintendent/President
District Bargaining Team