

**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.

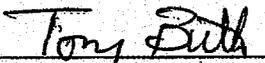
At the hearing, the District provided the Panel with eleven (11) separate reasons why the school calendar should be moved to a pre-Labor Day calendar. Their reasoning was articulate and compelling. Further, the Association failed to rebut the reasons provided by the District.

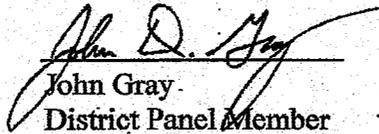
Recommendations

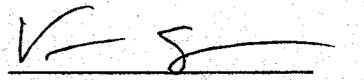
Subsequent to the close of hearing, the three Panel members met to discuss the one outstanding issue. Based on those discussions, we unanimously agree to this factfinding report and recommendations as follows:

- (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