

Feb. 14, 2022  
UF Negotiations Update

Dear Colleagues,

First, we wish you all good health and/or a speedy and full recovery to you and your loved ones who have been affected by the recent and ongoing Omicron surge. In this email, you will find information relevant to the recent negotiation impasse, COVID-19 Spring 2022 MOU negotiations, and other related matters.

### **Negotiation Impasse:**

#### Defining Impasse

The word “impasse” is often used loosely to describe a “deadlock.” However, there is also a legal definition that requires three components: prolonged negotiations leading to a deadlock, the parties consistently bargained in good faith, and further negotiations must be futile. Last December, an impasse was filed and certified by the Public Employment Relations Board (PERB).

#### What is next?

The next step is mediation. Fortunately, the process is already moving faster than it did in the last impasse (from 2020) and we have our first mediation session on March 4th. Alan Frey has been assigned by CTA to work with us through the impasse process. We are very excited to work with Alan, as he has decades of experience. If mediation does not result in an agreement, the next step will be fact-finding (which we anticipate taking place late in the Spring semester). During fact-finding, PERB assigns a neutral party as part of a three-party panel to hear evidence from both sides and issue a report with a non-binding recommendation for a settlement. One of the priorities of fact-finding is determining the District’s ability to pay, and with our District’s financial wherewithal, what we are experiencing is a District that chooses to put its faculty last, rather than a financial inability to pay.

### **Temporary COVID-19 Spring 2022 MOU Negotiations:**

Last week, we provided the District with a follow up proposal that reflects the recent changes to our working conditions. Due to the recent Omicron surge and scheduling changes, we requested a \$1500 Pandemic Bonus for all faculty. Our next meeting is scheduled for 2/28/21, but we requested that the District provide us with a response via email and ahead of our upcoming meeting to expedite negotiations.

Fortunately, last Wednesday the Governor signed a bill to extend the COVID-19 Supplemental Sick Leave (SLS). This is great news! The SLS extension would apply to all businesses with 26 or more employees. The bill requires employers to provide up to 40 hours of flexible paid COVID-19 sick leave for full-time workers who are sick or

caring for an ill loved one. It would also require employees to provide proof of a positive test to qualify for an additional 40 hours of paid time off. The supplemental leave not only goes into effect immediately, it also retroactively covers COVID-19 related illnesses beginning Jan. 1, 2022.

## **Other Matters:**

### NOCCCD: The Tale of the Three Budget Categories

Please review the attached document carefully. Every year the Board of Trustees approves a District budget. This budget contains proposed/projected amounts for income, expenses, and the year-end balance. Every year the District is required to provide a report of the actual year-end balance amounts to the state, which is the source we are using. The District projects how much money will be dedicated to specific cost items or cost areas. This money is then set aside (restricted) for these **projected** costs. Every year the budget contains the following three categories of projected costs: Supplies and Materials; Other Operating Expenses and Services; and Capital Outlay, as seen in the attached chart.

The District projections for Supplies and Materials; Other Operating Expenses and Services; and Capital Outlay are increasingly overbudgeted by multimillions year after year, despite consistent actual costs. For example, the District projected that the total cost in these three areas would increase by 109% between the years of 2014 and 2021, when the actual cost only increased by 17%.

### What Can Faculty Do to Support Our Union during Impasse?

- Work To Contract Only (No work beyond the contractually required hours)
- Attend Board Of Trustees Meetings and voice your concerns.
- Wear your red United Faculty T-shirts on Wednesdays.
- Follow us or visit our page on Facebook for regular updates: <https://www.facebook.com/ufnorthorange/> (You don't need a Facebook account)

One final note: Please be careful regarding rumors about union action or claims about changes to our working conditions that may be coming from the District. Directions regarding union action and updates will come directly from the UF leadership and/or the UF Organizing Committee through one or multiple methods of communication. If you are not sure about anything, please do not hesitate to reach out to us to clarify.

In Solidarity,

Mohammad M. Abdel Haq, M.A.  
UF Lead Negotiator

*"Power concedes nothing without a demand. It never did and it never will"* - Frederick Douglass