



May 2022

Staff Union CBA Manager Orientation

California College of the Arts

AGENDA



Introduction; Roles & Responsibilities;
Glossary of Terms

FYI Articles & Appendices

Key Articles (not daily use)

Daily Use Articles

Scenarios

Considerations & Key Takeaways



OVERVIEW & GOALS

- Review and discuss your role as a manager under a CBA and with union employees
- Discuss some shifts in mindset that you may need to take as a manager
- Orient you with the CBA and key articles
- Start to put the CBA into action
- Gather feedback for additional resources
- Answer questions



CBA BASICS

- Term of Agreement: June 8, 2022 - June 30, 2025
- 32 Articles and 2 Appendices
- Key Terms:
 - ◆ Article, seniority, grievance, just cause...
 - ◆ More on the Staff Union Portal page
- Roles & Responsibilities:
 - ◆ Human Resources
 - ◆ Managers
 - ◆ Legal
 - ◆ JLMC
 - ◆ Union Stewards & Union Representatives



FYI ARTICLES & APPENDICES

- Term of Agreement
- Scope of Agreement
- Recognition of the Union and Coverage
- Definition of Seniority
- Savings Clause
- Bargaining Unit Info
- Union Security and Checkoff - union dues and membership
- No strike/no lockout
- Employment policies - per employee handbook
- Leaves of Absence
- Health & Safety
- Tuition Remission
- Employee Orientation
- Personnel Files
- JLMC
- Management Rights - same as faculty CBA
- Grievance and Arbitration Procedures
- DEIB - training recommendations with JLMC and VP DEIB
- Paid Time Off - vacation and sick time
- Retirement - maintain at 2.5%, increase to 3.5% by January 1, 2025
- Appendices: Guidelines for Remote and Hybrid Positions



KEY ARTICLES (NOT DAILY USE)

Economic Articles

→ Wage Rates

- ◆ July 1, 2022: 3.5% (increase & union dues) plus \$1,500 for under employees earning less than \$28/hr
- ◆ July 1, 2023: 2% plus \$1,500 for under employees earning less than \$28/hr
- ◆ September 1, 2024: 3% pool and increase to \$26/hr as the new minimum rate

→ Pandemic Supplemental Stipend

- ◆ Lump sum payment equal to what employees received during the pandemic

→ Work Stipend

- ◆ \$50/month for remote internet and cell, as well as commuting
- ◆ Reimbursement for other expenses

→ Classification System

- ◆ Reclassify 15 positions from exempt to nonexempt
 - No employee will suffer a loss of pay and will receive the hourly equivalent to salary level of same position
- ◆ Work with a consultant to develop pay levels for union positions
 - Interim bargaining during summer 2024 on ranges, steps and pay for lowest paid positions



KEY ARTICLES (NOT DAILY USE)

Non-Economic Articles

→ **Effects Bargaining - Campus Unification**

- ◆ Changes to the conditions of employment or other items under CBA - follow the CBA first; it's the union's role to decide if they want to request to bargain
- ◆ Reduction in staffing by more than 10%
- ◆ Department reorganized and that leads to increased workload by more than 10%
- ◆ Connect with HR about position changes tied to unification!

→ **Performance Evaluations & PIP**

- ◆ If changes are made to either form, HR will share the changes with the union for review
- ◆ If you believe that a union employee will need to go on a PIP, will need to share with the union and consider its input

→ **Layoff, Recall & Severance**

- ◆ Must provide at least 30 days notice to the union and the reasons for the layoff -
 - Parties meet to bargain over effects of the layoff, including alternatives to the layoff
- ◆ Guidelines in determining who should be laid off; looking at the department and job family, least senior employee will be laid off first
- ◆ Severance and re-employment
 - Severance repayment and application process for re-employment



KEY ARTICLES (NOT DAILY USE)

Non-Economic Articles

→ **Discharge and Discipline**

- ◆ If the employee is not on probation, discipline and discharge must be for just cause
 - **Just cause** means that we need to have a reason to act in disciplining and ultimately discharging an employee, and the reason must be fair and just. CCA is an at-will employer and technically no reason is needed for employment actions, but that is no longer the case under the CBA for union employees.
- ◆ This makes the probationary period very important!!
- ◆ A disciplinary action could be a written warning, demotion, or suspension without pay

→ **Union Access & Representatives**

- ◆ The union will notify CCA of up to 10 union stewards and chapter officers (we must receive written notice to recognize them in this role)
 - Will have a number of hours of service during the term of the CBA and be allowed release time from work duties, for union business
 - Release time could be for employee orientation, disciplinary/discharge meetings, grievances
- ◆ Access to CCA emails, bulletin boards (where other college items are posted), and a portal page
- ◆ Option to use meeting space



KEY ARTICLES (NOT DAILY USE)

Non-Economic Articles

→ Job Descriptions

- ◆ Each employee has a job description that is maintained by HR
- ◆ The employee and the union can request a copy
- ◆ If the employee believes that the job description is not accurate, they can submit a request to meet to resolve it. The meeting can include the employee, HR, manager and a union steward.
- ◆ **Considerations:**
 - Changing the job level versus expanding duties
 - What if the employee doesn't want to do something on their job description?
 - What about "additional duties as assigned"?
 - When does the union need to be involved in job description updates?
 - Important to have very clear and outlined minimum qualifications - leads into the Job Posting and Vacancies article



DAILY USE ARTICLES

→ Hours of Work

- ◆ **Work Schedules:** Should not be permanently changed without advance notice of 2 weeks and the opportunity for mutual discussion
- ◆ **Shift Differentials:** Applies only to non-exempt staff
 - Employees will be paid an additional 5% of their regular rate for work assigned between 10pm - 6am or 6pm on Friday - 7am on Monday, except when it's at the request of the employee.
 - Applies if this is their regular shift
 - No overlap between overtime and shift differential
 - Should be approved by manager in advance if possible and must be recorded in Workday
- ◆ **Call-back Pay:** If an employee is asked to commute back to campus for work outside of their regular shift, they will receive at least 2 hours of pay at their regular rate
- ◆ **Higher Classification Pay:** HR must approve in writing the assignment of higher level work ("predominant portion of the duties"). If the work is approved, the employee will receive at least a 5% premium for the duration of the work; no overlap with overtime
 - Worktag will be assigned in Workday; no timeframe
 - Examples: providing coverage for a position during an LOA or vacancy, taking on a significant project that requires other duties to be reallocated, covering for your manager while they are out for an extended period of time



DAILY USE ARTICLES

→ **Position Postings and Vacancies**

- ◆ Must post all positions internally for 7 days first, and then post externally for at least 7 days
 - What about promotions?
- ◆ Job posting must include title, department, location, remote status, rate of pay, work schedule, qualifications and job description.
- ◆ It will also include that a position is union eligible and will have union dues/agency fees.
- ◆ Internal applicants that meet the minimum qualifications will have a finalist interview
 - If there are multiple internal applicants with similar qualifications, the most senior applicant will get the job
- ◆ Work closely with HR on the interview process, if you have internal candidates
- ◆ Be very clear about minimum qualifications for a position

→ **Temporary, Fixed Term & 9.5 Month Positions**

- ◆ Temporary - employees who are hired for less than 6 months; not covered by CBA
 - What if you extend an assignment?
- ◆ Fixed Term - start and end date is defined in writing, used for LOA, specific project, grant-funded position
 - Must be noted when posted; covered by CBA except for layoff/severance
 - Benefits eligible only if meet eligibility rules
- ◆ 9.5 Months - work during academic year, exclude the summer
 - Receive full benefits, accrued time, seniority not impacted
 - Can work outside of their regular schedule, if requested and accept - give at least 10 business days notice, if possible
 - March 2023, college and union will review the program



SCENARIOS & DISCUSSION

Recruitment & Hiring

You have a vacancy for a Program Manager and you post the position on the internal CCA job site for 7 days. You have three internal candidates apply - one from within Academic Affairs and two from other departments at CCA. All meet the minimum qualifications for the position.

- Can you post the position externally?
- Who do you need to interview for the position?
- What happens if two internal candidates are equally qualified?
- What happens if you have an internal and external candidate equally qualified?



SCENARIOS & DISCUSSION

Hours of Work

1) It's Commencement Week and CCA employees who are members of the union are in charge of overseeing installation, staffing, and deinstallation for end-of-year exhibitions. The schedule is as follows:

- Monday - Thursday, 9am-5pm / installation
- Friday, 12pm-9pm / overseeing opening reception setup and event, which takes place during evening hours
- Saturday-Sunday 10am-3pm / staffing gallery hours
- Monday -Tuesday 9am-5pm / deinstallation

The goal is to avoid overtime in a single day, but there isn't really a way around having the same individual work 9 days in a row.

- How would this work with the CBA?
- How is this recorded in Workday?

2) A union position is scheduled to work Sundays - Thursdays 9am - 5pm as their regular shift during the academic year. In summer, they can work Monday - Friday.

- How does a regular weekend shift work with the CBA?
- Would their hourly rate need to change on Sunday?
- How do pay differentials impact the departmental budget?



MANAGER CONSIDERATIONS

- Meal breaks and rest periods
 - ◆ Continue to be managed in the same way as in the employee handbook - 15 minute paid rest periods within every 4 hours and up to 1 hour for lunch, unpaid. Lunch breaks are documented on timesheets.
 - ◆ If an employee is called back early, they get paid for their time (this could lead to a meal penalty)
- Overtime
 - ◆ Should be requested in advance, whenever possible
 - ◆ Managers approve timesheets - if see inappropriate patterns, contact HR
- Exemption Status Changes
 - ◆ July 1, 2022 will adjust 15 union positions from exempt to non-exempt
 - ◆ Employees given notice to prepare for change in pay schedules
- Pay Adjustments
 - ◆ Handled by the CBA, not ad hoc, can't set precedents
- Union Stewards
 - ◆ Union field representative and Chapter President will be kept in the loop about more serious disciplinary or performance issues, and the union rep/union steward should be present at meetings, along with HR. Union stewards should not be joining all conversations with a manager, if they are around typical fluctuations in a position.
 - ◆ Union stewards will be assigned to each department, so union staff know who to contact (can provide a map)
- Union Communication
 - ◆ New hire orientation with union representative/union steward
 - ◆ Union updates are communicated by the union; it's not the college's responsibility; can provide union representative contact information



KEY TAKEAWAYS

What do you need to pay attention to?!

- Interviewing internal applicants
- Timing of job postings - internal and external
- Work schedule changes
- Shift differentials
- Higher classification pay
- Probationary period
- Performance issues and PIP process
- Position changes tied to unification
- Union Stewards and their role

Reach out to HR if you aren't sure!



MANAGER RESOURCES

- Staff Union Portal Page
 - ◆ CBA FAQ & Glossary of Terms
 - ◆ Full CBA PDF
 - ◆ CBA Summary/Highlights
 - ◆ Manager FAQ
- Additional manager training in the summer
- Human Resources
- JLMC

QUESTIONS?