



PERB Received
11/08/21 13:38 PM

REQUEST FOR IMPASSE DETERMINATION/ APPOINTMENT OF MEDIATOR

DO NOT WRITE IN THIS SPACE: Case No:

Date Filed: 11/08/2021

INSTRUCTIONS: A request for impasse determination must be filed with the appropriate regional office (see PERB Regulation 32075). A request which is not jointly filed must be served on the other party as required by Regulation 32792(b). Proof of service must accompany the request. Attach additional sheets if more space is required.

1. The employer of the employees in the established unit is an employer within the meaning of the :

- Educational Employment Relations Act (EERA) (Gov. Code, §§ 3540-3549.3).
- Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, §§ 3560-3599).
- Ralph C. Dills Act (Dills Act) (Gov. Code, §§ 3512-3524).

1. EMPLOYER

Name: Alum Rock School District
Address: 2930 Gay Ave. San Jose, CA 95127

Agent to be contacted:

Name:
Title:
Agency/Law Firm:
Address:
Phone:
E-mail Address:

2. EXCLUSIVE REPRESENTATIVE

Name: Alum Rock Educators Association
Address: 1333 Piedmont Rd. San Jose, CA 95132

Agent to be contacted:

Name:
Title:
Agency/Law Firm:
Address: CA
Phone: (408) 928-6503
E-mail Address: tereasa.smith@live.com

4. DESCRIPTION OF ESTABLISHED UNIT

Shall Include:

Shall Exclude:

5. APPROXIMATE NUMBER OF EMPLOYEES IN THE UNIT:

6. DATE EXCLUSIVE REPRESENTATIVE WAS RECOGNIZED OR CERTIFIED:

7. TYPE OF DISPUTE

- Initial Contract Successor Contract Reopener(s) in Existing Contract Effects of Layoff Other (describe)

8. PUBLIC NOTICE REQUIREMENTS

Date exclusive representative's initial proposals presented to the public:

Date employer's initial proposals presented to the public:

Los Angeles Regional Office
425 W. Broadway, Suite 400
Glendale, CA 91204
(818) 551-2822

Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4174
(916) 322-3198

San Francisco Regional Office
1330 Broadway, Suite 601
Oakland, CA 94612-2514
(510) 622-1016

9. HISTORY OF NEGOTIATIONS/MEET AND CONFER

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Date of first negotiations session:

Approximate total number of hours spent in negotiations to date:

Total number of negotiating sessions to date:

10. STATUS OF NEGOTIATIONS/MEET AND CONFER

Date impasse was declared by a party/parties pursuant to PERB Regulation 32792(a):

Total number of unresolved issues which remain in dispute:

Number of issues on which the parties have reached tentative agreement:

Issues which remain in dispute:

Issues on which tentative agreement has been reached:

11. STATEMENT OF FACTS

Provide a clear and concise description of the negotiations which have occurred, including the extent to which the parties have made counter- proposals and have discussed the issues which remain in dispute. Identify the facts which indicate that future meetings without the assistance of a mediator would be futile.

DECLARATION

I declare under penalty of perjury that the statements herein are true to the best of my knowledge and belief.

NAME OF AUTHORIZED REPRESENTATIVE: _____ Teresa Smith

SIGNATURE OF AUTHORIZED REPRESENTATIVE: _____ /s/ Teresa Smith

Title: _____ Director of Human Resources

Date: _____ 11/08/2021



REQUEST FOR IMPASSE DETERMINATION/ APPOINTMENT OF MEDIATOR

DO NOT WRITE IN THIS SPACE: Case No.:

Date Filed: November 8, 2021

INSTRUCTIONS: A request for impasse determination must be filed via the e-PERB Portal. A request which is not jointly filed must be served on the other party as required by Regulation 32792(b). Proof of service must accompany the request. Attach additional sheets if more space is required.

1. The employer of the employees in the established unit is an employer within the meaning of the:

- Educational Employment Relations Act (EERA) (Gov. Code, §§ 3540-3549.3).
- Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, §§ 3560-3599).
- Ralph C. Dills Act (Dills Act) (Gov. Code, §§ 3512-3524).

1. **EMPLOYER**

Name: Alum Rock Union Elem. Sch. District
 Address: 2930 Gay Avenue, San Jose, CA 95127

Agent to be contacted:
 Name: Tereasa Smith
 Title: Director of Human Resources
 Agency/Firm: Alum Rock Union Elem. Sch. Dist.
 Address: 2930 Gay Avenue, San Jose, CA 95127

Phone: 408-928-6503
 E-mail Address: tereasa.smith@arUSD.org

2. **EXCLUSIVE REPRESENTATIVE**

Name: Alum Rock Educators Association/CTA
 Address:
 1333 Piedmont Road, San Jose, CA 95132

Agent to be contacted:
 Name: Jocelyn Merz
 Title: AREA President
 Union/Firm:
 Address: 1333 Piedmont Road, San Jose, CA 95132
 Phone: 408-272-0601 ext. 212
 E-mail Address: areapresident@gmail.com

4. **DESCRIPTION OF ESTABLISHED UNIT**

Shall Include:
 Classroom teachers, psychologists, nurses, resource teachers, counselors, speech therapists, speech therapists, music teachers, and as in CRA
 Shall Exclude:
 Substitute teachers and independent contractors

5. APPROXIMATE NUMBER OF EMPLOYEES IN THE UNIT:
Approx. 480 FTEs

6. DATE EXCLUSIVE REPRESENTATIVE WAS RECOGNIZED OR CERTIFIED:

Not currently known.

7. **TYPE OF DISPUTE**

- Initial Contract Successor Contract Reopener(s) in Existing Contract Effects of Layoff
- Other (describe)

8. **PUBLIC NOTICE REQUIREMENTS**

Date exclusive representative's initial proposals presented to the public: January 14, 2021
 Date employer's initial proposals presented to the public: January 14, 2021

9. **HISTORY OF NEGOTIATIONS/MEET AND CONFER**

Los Angeles Regional Office
 425 W. Broadway, Suite 400
 Glendale, CA 91204
 (818) 551-2822

Sacramento Regional Office
 1031 18th Street
 Sacramento, CA 95811-4174
 (916) 322-3198

San Francisco Regional Office
 1330 Broadway, Suite 601
 Oakland, CA 94612-2514
 (510) 622-1016

Date of first negotiations session: February 12, 2021

Approximate total number of hours spent in negotiations to date: 60

Total number of negotiating sessions to date: 12

10. STATUS OF NEGOTIATIONS/MEET AND CONFER

Date impasse was declared by a party/parties pursuant to PERB Regulation 32792(a): November 3, 2021

Number of issues on which the parties have reached tentative agreement:

None

Issues on which tentative agreement has been reached: 2021-2022 Calendar

Total number of unresolved issues which remain in dispute:

7

Issues which remain in dispute:

Please see attached page with response.

11. STATEMENT OF FACTS

Provide a clear and concise description of the negotiations which have occurred, including the extent to which the parties have made counter-proposals and have discussed the issues which remain in dispute. Identify the facts which indicate that future meetings without the assistance of a mediator would be futile.

Please see attached page with response.

DECLARATION

I declare under penalty of perjury that the statements herein are true to the best of my knowledge and belief.

NAME OF REQUESTING PARTY: Alum Rock Union ESD

SIGNATURE OF AUTHORIZED REPRESENTATIVE:

YB Smith

Title: Director of Human Resources

Date: November 8, 2021

NAME OF REQUESTING PARTY:

SIGNATURE OF AUTHORIZED REPRESENTATIVE:

Title:

Date:

(Attach a completed Proof of Service form.)

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Santa Clara,
State of California. I am over the age of 18 years. The name and address of my
Residence or business is Alum Rock Union Elem. Sch. Dist.,
2930 Gay Avenue, San Jose, CA 95127

On November 8, 2021, I served the Request for Impasse Determination/
(Date) (Description of document(s))

Appointment of Mediator in Case No. _____
(Description of document(s) continued) PERB Case No., if known)

on the parties listed below by (check the applicable method(s)):

- placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid;
- personal delivery;
- electronic service - I served a copy of the above-listed document(s) by transmitting via electronic mail (e-mail) or via e-PERB to the electronic service address(es) listed below on the date indicated. (May be used only if the party being served has filed and served a notice consenting to electronic service or has electronically filed a document with the Board. See PERB Regulation 32140(b).)

(Include here the name, address and/or e-mail address of the Respondent and/or any other parties served.)
By Regular U.S. Mail:

Jocelyn Merz, President
Alum Rock Educators Association CTA/NEA
1333 Piedmont Road, San Jose, CA
Kris Clarke, Mt. Hamilton CTA, San Jose,

By e-mail:
areapresident@gmail.com; kclarke@cta.org

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 11/8/2021,
(Date)
at San Jose, CA.
(City) (State)

Tereasa Smith

(Type or print name)

(Signature)

ATTACHMENT TO REQUEST FOR IMPASSE DETERMINATION/APPOINTMENT OF MEDIATOR
In the matter of:
Alum Rock Union Elem. Sch. Dist./Alum Rock Educators Association/CTA/NEA

SECTION 10 (Status of Negotiations/Meet and Confer):

Issues which remain in dispute:

Salary and benefits for 2021-2022 school year, longevity increments for 25 years +; class size; psychologists to students ratio; counselor positions

SECTION 11 (Statement of Facts):

Provide a clear and concise description of the negotiations which have occurred, including the extent to which the parties have made counter-proposals and have discussed the issues which remain in dispute. Identify the facts which indicate that future meetings without the assistance of a mediator would be futile.

The parties began successor contract negotiations on February 12, 2021. Since then the parties have spent approximately 60 hours in negotiations and exchanged proposals and counter-proposals on Articles 4 (Calendar), 9 (Hours), 10 (Class Size), 14 (Transfer/Assignment/reassignment), 15 (Leaves), 16 (Salary) and 17 (Benefits). One of the key issues on which the parties are at impasse is the issue of salary for the current fiscal year (2021-2022). (The parties have agreed to reopeners on salary for the 2022-2023 and 2023-2024 years.)

For the 2018-2021 contract only, the parties had agreed to increase the work year for unit members by three (3) professional development (PD) days with compensation for the 3 additional days added to and reflected in unit member's salary schedule. Those 3 PD days expired on June 30, 2021. On February 12, 2021, AREA proposed the reduction in the work year for unit members from 185 days to 182 days, acknowledging the elimination of the 3 PD days. On May 18, 2021, AREA informed the District that it had agreed to the elimination of 3 PD days. On or about May 10, 2021, the parties agreed upon an instructional year calendar based on a 182-day work year and without any PD days.

Since then, AREA salary proposals have been based upon an increase to a 185-day work year salary schedule, even though the parties are in agreement about a 182-day work year. Taking into account the reduced 182-day work year, the District last proposal on salary amounts to an approximately 6% proposed increase to the salaries of unit members for this year, and AREA's proposal amounts to an approximately 9% proposed increase. Despite repeated efforts and meetings, the parties have not been able to establish a common understanding as to the baseline for the parties' respective salary proposals. The school district believes that reaching that common understanding is critical to reaching agreement on a successor contract.