

# MVWSD's Negotiations News

February 28, 2022

Issue 6

District's Negotiations with  
MVEA

To promote transparency and open communication with the community, employees and other stakeholders, the Board of Trustees of the Mountain View Whisman School District has asked its team to provide accurate, factual and timely updates about its negotiations with the Mountain View Educators Association.



## **Impasse Mediation Requested by MVEA Begins Tomorrow.**

**Tomorrow's Mediation Session.** The District looks forward to a good faith and productive mediation session. The District hopes that negotiations can be completed expeditiously and successfully for the benefit of certificated employees and the District. Because mediation sessions are confidential, neither the District nor MVEA will be able to share details once mediation begins. Again, the District hopes that the District and MVEA can resolve their differences soon.

The Mountain View Whisman School District ("District") and the Mountain View Educators Association ("MVEA") have been negotiating since October 25, 2021. Despite several months of negotiating, the District and MVEA have not resolved all Articles related to hours, compensation, and class size. (See the "The District's Last Proposals to MVEA Prior to Impasse" section below for details on the District's offer.) To review updates about negotiations and answers to frequently asked questions, [please click here](#).

In January 2022, MVEA requested that the Public Employment Relations Board ("PERB") confirm that an impasse exists. The teams will meet with a state-appointed mediator tomorrow for the first impasse mediation session.

What follows is an overview of the impasse mediation and fact-finding processes as well as a summary of the District's last proposals to MVEA.

## **Bargaining Teams**

### MVEA Team Members:

Lisa Silberman Kafka,  
Graham Middle School  
Kirstin Solorzano,  
Graham Middle School  
Michael Newman,  
Crittenden Middle School  
Jennylyn Fung,  
Castro Elementary  
Demetrio Gonzalez, CTA

### District Team Members:

Tara Vikjord,  
Chief Human Relations Officer  
Rebecca Westover,  
Chief Business Officer  
Swati Dagar,  
Director of Curriculum, Instruction, and  
Assessment  
Heidi Galassi,  
Principal, Graham Middle School  
Jonathan Pearl,  
District Legal Counsel

**What is “Impasse?”** Impasse exists when “the parties to a dispute over matters within the scope of representation have reached a point in meeting and negotiations at which their differences in positions are so substantial and prolonged that future meetings would be futile.” (Gov. Code, § 3540.1(f).)

To reach impasse, one party, or both together, must request a determination from the Public Employment Relations Board (PERB) by submitting the appropriate form. Either party may do so. MVEA requested an impasse determination in January 2022.

As mentioned above, PERB certified that an impasse exists and a mediator has been assigned from State Mediation and Conciliation. The mediator will meet with the parties to attempt to resolve the dispute. Typically, the mediator first meets with the parties in a joint session and then separates the parties and moves between the two groups in an attempt to build consensus.

Significantly, the mediator has no authority to force a specific resolution. Where bargaining is stalled on multiple issues, a mediator may schedule days of mediation. Mediation may last for several weeks or many months.

**What is “Factfinding?”** If settlement is not reached through mediation, the mediator has the power to release the parties to factfinding upon request by one or both parties. (Gov. Code, § 3548.1.) Factfinding is a process where the parties submit factual evidence to the factfinding panel in a hearing so that the panel may make recommendations for terms of settlement. The factfinding panel consists of three people: a neutral (either appointed by PERB or selected and paid for by the parties) and one person selected by each party. The three-person factfinding panel then must hold a hearing and issue a report making findings of fact and recommending terms of settlement. (Gov. Code, § 3548.3.)

The factfinding panel considers a list of factors including, but not limited to the following: State and federal laws that are applicable to the

employer; the interests and welfare of the public and the financial ability of the public school employer; comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with those of other employees performing similar services and with other employees generally in public school employment in comparable communities; and the overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, and medical and hospitalization benefits.

Once the advisory report is issued to the parties, but before it becomes public, the parties meet again to determine if they can negotiate given the information in the factfinding report. If the parties cannot reach agreement at that stage, then a “second impasse” is reached. At this stage, the employer can implement its last best and final offer and the union may strike.

**The District’s Last Proposals to MVEA Prior to Impasse.** The District and MVEA have not resolved the following Articles - Article 3: Hours; Article 5: Compensation; and, Article 7: Class Size.

**Article 3 (Hours).** MVEA’s work day proposal (6 hours and 55 minutes) would be the shortest work day in the County. MVEA also proposed that unit members be compensated for many professional responsibilities that occur or extend beyond that work day, including parent meetings and special education meetings. MVEA also proposed to dramatically limit the number of staff meetings, currently no more than one hour a week, convened by each site principal.

District will continue to implement previously discussed interim measures:

- Hiring additional permanent substitutes
- Designating one staff meeting per month for additional collaboration/planning time
- Hiring additional noon duty supervisors to serve students and free up additional time for unit members
- Scheduling more IEPs, 504s and SSTs during the work day

**Article 5 (Salary).** The District proposed two compensation options for MVEA: (1) a one-year proposal for 2021-2022, or (2) a multi-year proposal for 2021-2022, 2022-2023 and 2023-2024.

The one-year proposal includes a 4% salary schedule increase:

2021-2022: 4% increase to Teachers' Salary Schedule, effective July 1, 2021

The multi-year proposal provides a 12% salary schedule increase as follows:

2021-2022: 5% increase to Teachers' Salary Schedule, effective July 1, 2021  
 2022-2023: 4% increase to Teachers' Salary Schedule, effective July 1, 2022  
 2023-2024: 3% increase to Teachers' Salary Schedule, effective July 1, 2023

The District team has previously shared with MVEA that a multi-year approach would help retain and attract high quality employees and provide certificated employees with more security and stability during the three year period. At the same time, the multi-year approach would help the District plan with more certainty regarding salary expenditures and their impact on the overall budget and instructional programming. For these reasons, the District's multi-year proposal is higher than its one-year proposal. MVEA has indicated that it is only interested in the one-year option.

Please [click here](#) to see how the District's certificated employees compare with other area school districts on total compensation. The District's multi-year proposal would continue a strong and leading trend regarding total compensation for certificated employees.

**Article 7 (Class Size).** The District has provided [data](#) that shows that the District's average class sizes are lower than what the current contract requires, and that the District's class sizes are consistent with class size averages across the county. MVEA declined the District's offer to use a portion of the proposed salary increases for class size reduction. MVEA's total request would force MVWSD to make budget cuts that will impact instructional programming. Further class size reduction would require either removing Response to Instruction/STEAM teachers and Instructional Coaches or hiring more teachers and costing the District more than \$2.3 million annually.