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PERB CASE NO. SF-IM-3236-E
FACTFINDER CASE NO. 19-08-30 FF

FACTFINDING PROCEEDINGS PURSUANT TO
THE EDUCATIONAL EMPLOYMENT RELATIONS ACT

WEST SONOMA COUNTY UNION HIGH SCHOOL
DISTRICT

and

WEST SONOMA COUNTY TEACHERS ASSOCIATION,
CTA-NEA

Issue: 2018-19 Contract Year Collective Bargaining Impasse

NEUTRAL FACTFINDER
PANEL CHAIR
RECOMMENDATIONS

October 25, 2019

FACTFINDING PANEL

Factfinder for the Union:

Mark Mitchell
Regional Uniserv Staff
California Teachers
Association, NEA

Factfinder for the Employer:

Paul N. Boylan
Attorney

Neutral Factfinder Panel Chair:

Renée Mayne
Arbitrator, Mediator

APPEARANCES

For the Union:

Erik Olson Fernández
Regional Uniserv Staff
California Teachers Association, NEA

Brian Miller, President
West Sonoma County Teachers Association,
CTA-NEA

For the Employer:

John Gray, President, and CEO
School Services of California, Inc.

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INTRODUCTION

This factfinding arose due to an impasse in collective bargaining under the State of California Educational Employment Relations Act (EERA, Government Code §3548.2) between the West Sonoma County Teachers Association, CTA-NEA (Union) and the West Sonoma County Union High School District. (Employer, District)

Under the procedures of the California Public Employment Relations Board (PERB), Renée Mayne was selected by PERB to serve as the Neutral Factfinder Panel Chair. (PERB letter August 26, 2019) Paul Boylan was appointed by the District as the Panel Member to represent the Employer, and Mark Mitchell was appointed by the Union to represent the Union.

The parties waived the applicable statutory timelines for these factfinding proceedings. The parties agreed that all procedural requirements of the impasse had been met, and the impasse was properly before the Factfinding Panel to issue a recommendation to resolve the collective bargaining dispute. (August 29, 2019 Employer, Union emails; Union Tab D; Employer Tab 3)

The factfinding hearing convened on October 7, 2019, at the regional office of the California Teachers Association, 2490 Guerneville Road, Santa Rosa California. The parties had full opportunity to present and submit relevant exhibits and evidence, and to discuss and argue the issues in dispute. The factfinding record officially closed on October 7, 2019, and the dispute was submitted to the Factfinding Panel for their recommendations.

ISSUES AT IMPASSE

According to the District's filing for impasse with PERB, the parties were at an impasse in negotiations for the 2018-19 contract year proposals in the following articles:

Article 3 – Wages

Article 5 – Class Size

Article 6 – Health and Welfare Benefits

Article 14 – Retirement

Appendix B – Extra-Curricular Payment Schedule

(Union Tab D; Employer Tab 3)

GOVERNING STATUTE

The Educational Employment Relations Act Government Code §3548.2(b) sets forth the criteria to be used in the factfinding process.

In arriving at their findings and recommendations, the factfinders shall consider, weigh, and be guided by all the following criteria:

- (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 school employer.
- (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) Any other facts, not confined to those specified in paragraphs (1) to (6), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

SUMMARY OF FACTS

The District is composed of three high-achieving high schools in the heart of the wine country of California. The steep cost of living in this region, and particularly housing, was exacerbated by the 2017 Tubbs Fire and the loss of 1,500 homes. The cost of living and comparability for salary and benefits are the main factors for the Union's proposed economic terms. The District maintains that its salary and health insurance proposals are fair based upon regional comparability, the consumer price index, and current salary and benefits.

Declining average daily attendance and student enrollment, and rising special education costs, are also affecting the District's budget. With increased economic uncertainty and escalating pension, health insurance and other post-employment benefits, the District forecasted that it could not afford the Union's salary and health insurance proposals.

(Union Tab F.4-5; District Tab 7:36-39)

The District and Union began negotiating for a successor agreement on November 27, 2018. After five sessions, the parties agreed to declare an impasse. The District filed for impasse with PERB on April 15, 2019. Following two mediation sessions, PERB certified the impasse on August 13, 2019. The primary issues that remain in contention are teachers' salaries, and health insurance for current teachers and those retired. (Union Tabs D-E; Employer Tabs 4-5)

Parallel to the parties negotiating their successor contract, the Sonoma County Office of Education certified the District was in "qualified" status for fiscal years 2018-19, 2019-20, and 2020-21, meaning that the District may not be able to meet its financial obligations during these fiscal years. The Union said that the District had been in qualified status for eight of the last ten years, only surpassed by the school districts in Los Angeles and Oakland.

According to the Union, the District exhibited a pattern of overbudgeting and understating its fiscal health. The Union showed that in the past six years, the District's budget trended downward 8% for teacher salaries while significantly upward for services and other operating expenses, also 8%. The Union said the District's operating expenditures for services and supplies in 2018-19 was 21% of the budget, far exceeding the statewide average of 8.5%. (Union Tab F.3;7)

While in qualified status, the District is required to submit a financial recovery plan to the County Office of Education, as well any collectively bargained tentative agreement reached by the parties. The Office of Education provides oversight to ensure the District only commits to a labor agreement it can afford to pay while remaining solvent, and one in which does not adversely affect

Summary of Facts

the quality of education. The County Office of Education must approve the parties' tentative agreement before the District's Board of Trustees and the Union ratify any deal that has a budgetary impact. (Employer Tab 7.21:116-123)

The parties submitted testimony, documents, and evidence under the criteria found in Government Code §3548.2(b). The following is a summary of the facts, evidence, and arguments the Union and District presented at the factfinding hearing for the issues at an impasse.

Article 3 – Wages

The Union proposed three 4% salary increases, effective July 1 in fiscal years 2018-19, 2019-20, and 2020-21. Based upon the Union's statewide comparability study, using 2017-18 state data, the District's teachers are \$12,070 below the California average for salary and \$18,695 below the average of California high school districts. Their survey indicated that it would require a 17.6% salary increase to catch up with the state average for all teachers, and 27.3% for parity with the average salary of high school teachers. The Union's analysis was based upon the following: the average California teacher salary is \$80,680 per year, the average high school teacher salary is \$87,305, and the District's average teacher salary is \$68,610. (Tab F.4)

The District countered the Union with a proposed two-year agreement. The offer had no salary increase in 2018-19. The District said it offered 3% in 2019-20 in exchange for a reduction in health insurance benefits, because the District's budget would not permit more without deficit spending. Further, the District asserted it does not have a challenge with recruitment or retention, as evidenced by the longevity of their teachers' careers at the District, and their salary and benefits comparability with regional districts. (Employer Tab 8:155;157)

The District compared their teachers' salaries, and salaries plus the average contribution for health benefits, with thirteen school districts with high schools within a 35-mile circumference

of the District. Using 2017-18 state data, the survey showed that the District was at the median for their entry-level teacher salary at \$48,079. Combining salary and its average health insurance contribution, the District was at the top at \$67,642. For the maximum teacher salaries and benefits, the District was third-highest among its thirteen surveyed districts. (Employer Tab 8:157-160)

In the current step and column salary schedule within the contract, the District said that its teachers receive an average 1.6% annual salary increase; this is in addition to any across-the-board wage increase. The Union countered that without a wage increase and relying solely on the step and column salary schedule, there would be numerous years when a teacher would have a frozen salary before the next step increase. Moreover, a local newspaper reported that Sonoma County was the fourth least affordable county for teachers in California. (Union Tab F.4-5)

Regarding salary plus District-paid health insurance contributions, the Union presented that the California teacher average is \$94,560, the state high school teacher average is \$102,706, and the District's teachers' total compensation average is \$86,955. The teachers do not pay into Social Security. Therefore, the amount of their pay, upon which CalSTRS retirement benefits are based, takes on greater importance. (Union Tab F.4)

The District maintained that its salary increases in the past three years exceeded the state consumer price index (CPI). The Union contended that the Bay Area CPI reflected the actual region's cost of living, and that teachers need higher salaries to afford to live within the District. A slide submitted by the Union, titled, "Feeder Districts Address the Problem," showed recent salary increases for teachers in Sonoma County. The chart is shown on the next page.

The District averred that these school districts receive Basic Aid Supplemental Funding and the County Office of Education has its own funding, therefore these districts are not comparable. The District further held that when compared to these districts, the District is at the top of the market for total compensation.

Union Submitted “Feeder Districts” Salary Increases in Sonoma County

Harmony: 3 years 2018-19 4%, 2019-20 4%, 2020-21 4%	Oak Grove: 3 years 2018-19 5%, 2019-20 5%, 2020-21 3%
Twin Hills: 2 years 2018-19 5%, 2019-20 4.5%	Sebastopol: 2 years 2018-19 5%, 2019-20 4%
County Office of Education: 3 years 2019-20 4.5%, 2020-21 4.5%, 2021-22 3%	Forestville: 3 years 2018-19 5%, 2019-20 5%, 2020-21 3%
Gravenstein: 3 years 2018-19 5% , 2019-20 4% after every cell on the salary schedule is increased by \$1,500 2020-21 3%	

(Union Tab F.7:108; District Tab 7:36)

Article 5 – Class Size

The parties have an agreement in concept on class size.

Article 6 – Health and Welfare Benefits and Article 14 – Retirement Benefits (Health Insurance)

According to the District, its health benefit costs constitute more than 15% of its expenses. An examination of the District’s total compensation comparability study showed that the District provides its teachers with the highest cost for health insurance among the surveyed districts. Moreover, health benefit costs for the District’s retirees are heavily supplemented by the general fund. The District described during the hearing how containing health insurance costs is part of its plan to remain solvent while raising teacher salaries. (District Tab 7:37)

The current benefit for health insurance for teachers hired before July 1, 2015, is a 90/10 cost share between the District and teacher for any contracted health plan. Those hired after July 1, 2015, have a flat-dollar cap that can be used for any contracted plan, and two plans are fully funded for family coverage under the current contract language. The District said two plans would continue to be funded under its proposal cap. (District Tab 13:18-19)

For current retirees, the District proposed to limit the period of time a retiree is eligible for District-paid benefits. Those under 55 years of age would continue to receive benefits for three years, and those 55 and over would continue to receive benefits for six years. Employees hired before July 1, 2019, would continue to be eligible for benefits as detailed in Article 14.

(District Tab 5)

The District explained that the classified employees reduced their health insurance plan to the current level of the teachers hired prior to 2015 in exchange for a salary increase. Though the classified employees now have the level of benefits for teachers who were grandfathered under their contract in 2015, the District said that it funded classified salary increases with the negotiated health insurance savings. The Union reviewed the District's stated budget deficit through its analyses and said that it showed the District's budget and expenditures did not prioritize teachers.

Appendix B – Extra-Curricular Payment Schedule

The District proposed to eliminate some stipends primarily due to the lack of program funding. The District also proposed to establish new stipends. The District said it is relying on an agreement for this proposal to fund the class size proposal in Article 5.

POSITION OF THE UNION

The Union asserted that the District's teachers are under severe financial stress due to the cost of living in the region. The teachers' stress is affecting the students and their education. The District can change this through more austere use of funds that the District receives and by prioritizing the teachers in the District budget.

POSITION OF THE DISTRICT

The District maintained that the Union's proposal is not reasonable and would cause an unsustainable budget deficit. All other employee groups settled in 2018-19 and they agreed to health benefits concessions. To provide salary increases, the District required health benefit concessions from the teachers.

NEUTRAL FACTFINDER PANEL CHAIR DISCUSSION

The most persuasive evidence presented was the economic environment under which this impasse occurred. The District is experiencing reduced enrollment and lower average daily attendance. Concurrent with these conditions, the employer's contributions for active employee and retiree health insurance premiums, as well as the employer's mandatory pension contributions to CalSTRS and CalPERS, continue to rise.

The Neutral Factfinder Panel Chair finds it not surprising that the District is unsure if it can pay for its financial obligations in its three-year budget. Yet, under the same macroeconomic conditions, in the same county, seven districts recently negotiated salary increases with their teachers that averaged 4% in multi-year agreements. The Union proposed 4% each year in a three-year contract.

The statutory factfinding criteria requires the consumer price index to be considered as one criterion for the Factfinding Panel's consideration. The District used the California CPI as evidence of fair prior salary increases. The Union maintained that the best indication of the cost of living in the District is within the federal Bay Area CPI. The Neutral Factfinder Panel Chair finds the Bay Area data to be more relevant based upon the cost of living.

Neither party's salary and health insurance contribution studies fully proved their positions. Nonetheless, the Union's comparison of recent multi-year salary settlements for teachers in the region demonstrated that other districts facing similar macroeconomic challenges as the District,

i.e., health insurance, retirement, and other post-employment costs, managed to offer significant salary increases. Though other districts increased their health insurance benefits, the District pays more in health benefits than both party's comparable districts. The Neutral Factfinder Panel Chair finds that the District's health insurance obligations are too high.

The Neutral Factfinder Panel Chair finds that to increase teacher salaries, the District's proposal to cap health insurance premiums could still maintain competitive health insurance benefits. However, there should be one health maintenance organization option that is fully funded for the family premium. This is to ensure that there is one option with low out-of-pocket costs for family health care. The Neutral Factfinder Panel Chair also recommends the District's proposal for limiting retiree health insurance benefits for those hired after full ratification of the contract.

The Neutral Factfinder Panel Chair recommends taking a collaborative approach to future health insurance provider changes. The District and Union would benefit from establishing a committee to compare the current cost of health insurance with CalPERS plans and requirements, as well as opt-out options for the current health plan.

While the District asserted that its budgetary obligations prevent it from offering higher salary increases to their teachers, the local economic climate is not sustainable for their teachers due to the ratio between their salaries and housing costs. The District's teacher salaries make it difficult for them to buy or rent a home in the District where they work. Based upon the region's high cost of living and the teachers' salaries, the Union described the teachers' financial stress under which they live and work. The Neutral Factfinder Panel Chair finds that the teachers' salaries are too low, and a competitive salary increase is necessary. The Neutral Factfinder Panel Chair recommends the regional average salary increase of 4% per year for a three-year contract: 2% July 1, and 2% January 1 in fiscal years 2018-19, 2019-20, and 2020-21.

Neutral Factfinder Panel Chair Discussion

In accordance with Government Code §3548.2(b) the Neutral Factfinder Panel Chair provides recommendations to resolve the dispute. These recommendations would provide the District's teachers multi-year wage increases that are comparable to other teacher wage settlements in the region, while reducing the District's active employee and retiree health insurance costs.

In the event the parties cannot agree on a multi-year agreement, the Neutral Factfinder Panel Chair also provides recommendations for an alternative, one-year agreement for the parties' consideration for the 2018-19 contract year.

NEUTRAL FACTFINDER PANEL CHAIR RECOMMENDATIONS

Article 3 – Wages

- A. In accordance with Government Code §3548.2(b)(4)(6)(7), for fiscal years 2018-19, 2019-20, and 2020-21, the District shall increase unit member salaries 2% on July 1 and 2% on January 1 in each year of the agreement. Retroactive payments shall be made for 2018-19 and 2019-20. (Union proposal; modified recommendation)
- B. In accordance with Government Code §3548.2(b)(3), increase initial placement on the salary schedule for nurses, psychologists, and speech therapists, up to Step 12, based on full-time years of service experience. (District proposal)
- C. Add nurses to the psychologists/speech therapist's salary schedule; and, increase to 1.15 the pay rate based on the certificated salary schedule for nurses, psychologists, and speech therapist's salary schedule. (The parties have an agreement in concept)

Article 5 – Class Size: The parties have an agreement in concept.

Article 6 – Health and Welfare Benefits

- A. In accordance with Government Code §3548.2(b)(3)(4)(6), for unit members with a 0.8 full time equivalent assignment or greater, an employer-capped contribution to health insurance premiums equal to the family premium of a health maintenance organization plan, and employer-paid vision and dental insurance. This shall become effective following the next open enrollment and on the date the employees' plan selection becomes effective. (District proposal; modified recommendation)

Neutral Factfinder Panel Chair Recommendations

- B. In accordance with Government Code §3548.2(b)(7), the vision and dental plans shall move to Redwood Empire Schools Insurance Group. This shall become effective following the next open enrollment and on the date the employees' plan selection becomes effective. (District proposal; modified recommendation)
- C. In accordance with Government Code §3548.2(b)(7), the District and Union shall establish a committee to compare the current cost of health insurance with CalPERS plans and requirements, as well as opt-out options for the current health plan.
(Union proposal)

Article 14 – Retirement Benefits (Health Insurance)

- A. In accordance with Government Code §3548.2(b)(3)(4)(6), effective the first day following the full ratification of the contract, only unit members hired prior to this date shall continue to receive District health benefits upon retirement as detailed under Article 14. (District proposal; modified recommendation)
- D. In accordance with Government Code §3548.2(b)(3)(4)(6), effective the first day following the full ratification of the contract, retirees under the age of 55 shall receive the District's benefits for a maximum of three years, and retirees 55 and over shall receive the District's health benefits for a maximum of six years. (District proposal; modified recommendation)

Appendix B – Extra-Curricular Payment Schedule: The District's proposed salary schedule, effective upon full ratification of the contract.

ALTERNATIVE

2018-19 CONTRACT YEAR RECOMMENDATIONS

Article 3 – Wages

- A. In accordance with Government Code §3548.2(b)(4)(6)(7), for fiscal year 2018-19, the District shall retroactively increase unit member salaries 2% on July 1, 2018, and 2% on January 1, 2019. (Union proposal; modified recommendation)
- B. In accordance with Government Code §3548.2(b)(3), increase initial placement on the salary schedule for nurses, psychologists, and speech therapists, up to Step 12, based on full-time years of service experience. (District proposal)
- C. Add nurses to the psychologists/speech therapist's salary schedule; and, increase to 1.15 the pay rate based on the certificated salary schedule for nurses, psychologists, and speech therapist's salary schedule. (The parties have an agreement in concept)

Article 5 – Class Size: The parties have an agreement in concept.

Article 6 – Health and Welfare Benefits – Status quo.

Article 14 – Retirement Benefits (Health Insurance) – Status quo.

Appendix B – Extra-Curricular Payment Schedule: The District's proposed salary schedule, effective upon full ratification of the contract.

This Factfinding Report is respectfully submitted to the West Sonoma County Union High School District and the West Sonoma County Teachers Association, CTA-NEA.

Renée Mayne

Renée Mayne
Neutral Factfinder Panel Chair

October 25, 2019

Date

Factfinder for the Union

Mark Mitchell, Regional Uniserv Staff with the California Teachers Association, provided concurrences and dissents with the recommendations contained in this factfinding report in the attached letter.

Factfinder for the District

Paul Boylan, Attorney, provided concurrences and dissents with the recommendations contained in this factfinding report in the attached letter.



October 25, 2019

PERB CASE NO. SF-IM-3236E
FACTFINDER CASE NO. 19-08-30 FF

Dear Ms. Mayne:

Please accept this communication as my concurrence in part and dissent in part regarding your final report in this case.

I concur as to your recommendations regarding Article 3-Wages and Article 5-Class Size.

I dissent as to your findings regarding Article 6-Health & Welfare Benefits, Article 14-Retirement Benefits and Appendix B-Extra-Curricular Payment Schedule, as follows:

Article 6-Health & Welfare Benefits

- The District has not shown that health care costs for active employees are in fact a significant economic concern. In fact, in its presentation the Union showed on page 59 (Attached hereto) that the District's increased costs related to healthcare from 2017-2018 to 2018-2019 were in fact less than 1% per year. This fact, combined with the District's unwillingness in bargaining to explore CalPERS Health Plans or other potentially cost saving health care alternatives, strengthens the union's position that active teachers' health care is in fact NOT a driving factor with regard to the finances of the District. Further, the District relies heavily in its advertisements for vacant teaching positions that teachers will receive "Excellent medical, dental and vision benefits for employee and family." (see page 105). To reduce the healthcare benefits at this time will further degrade the District's own ability to recruit and retain highly qualified, permanent, certificated educators for West County students. Recruitment and retention has been a problem as the Union pointed out on page 106 (attached) where it highlighted issues in the Math and English departments at Analay High School.

Article 14-Retirement Benefits

- As to the limited health care benefit currently available to certain retirees, the District failed to show evidence as to whether its proposed changes would save any money at all, and so the status quo should prevail. The retiree health benefits serve now as a significant incentive for higher paid, more senior teachers to retire prior to reaching Medicare eligibility. If the current limited retiree health benefits were slashed as recommended by the neutral here, this would likely lead to more senior teachers working more years of service at their higher rates of pay, thus actually costing the District tens of thousands of more dollars per year per teacher. The proposed change here makes no sense given how its implementation would, in reality, likely trigger higher costs. Additionally, the proposed change would create two classes of employees in the bargaining unit,

which would engender the creation of institutionalized division and unfairness. This same issue was addressed in the Forestville fact finding report and decided in favor of the Union by referencing these same concerns (See page 101). Finally, as pointed out on page 95 (attached), even if one were to use the District's model of combining salary and benefits, the West Sonoma County teachers are still significantly behind the average for teachers statewide and drastically behind high school teachers statewide.

Appendix B-Extra-Curricular Payment Schedule

- As to Appendix B, the union disagrees with the propriety and fairness of the District's proposed rates of pay. Since there is no agreement here, the status quo should prevail.

Finally, I must voice my objection and my strong dissent with regard to the inclusion of the "Alternative 2018-2019 Contract Year Recommendations." The parties never presented any evidence regarding the propriety or desirability of a one-year agreement for last school year only. This entire negotiation, impasse and factfinding process has been for a full successor contract, for a collective bargaining agreement which expired June 30, 2019. A one year agreement for last year only would effectively leave the teachers again with no union contract, a situation which would only lead to further labor strife.

Please attach this concurrence in part and dissent in part to the final decision to be filed with PERB.

Thank you for your service to the parties. It has been a pleasure to serve on this panel with you.

Sincerely,



Mark Erwin Mitchell
Regional UniServ Staff
California Teachers Association

■ **District's Unaudited Actuals & Adopted Budgeted for Last Two Years:**

	REAL #S	PROJECTED #S	REAL #S	PROJECTED #S
	2017-18 Unaudited Actuals	2018-2019 Budget	2018-19 Unaudited Actuals	2019-2020 Budget
EMPLOYEE BENEFITS	\$7,436,076	\$7,596,415	\$7,493,080	\$7,906,099

■ **Key Highlight:**

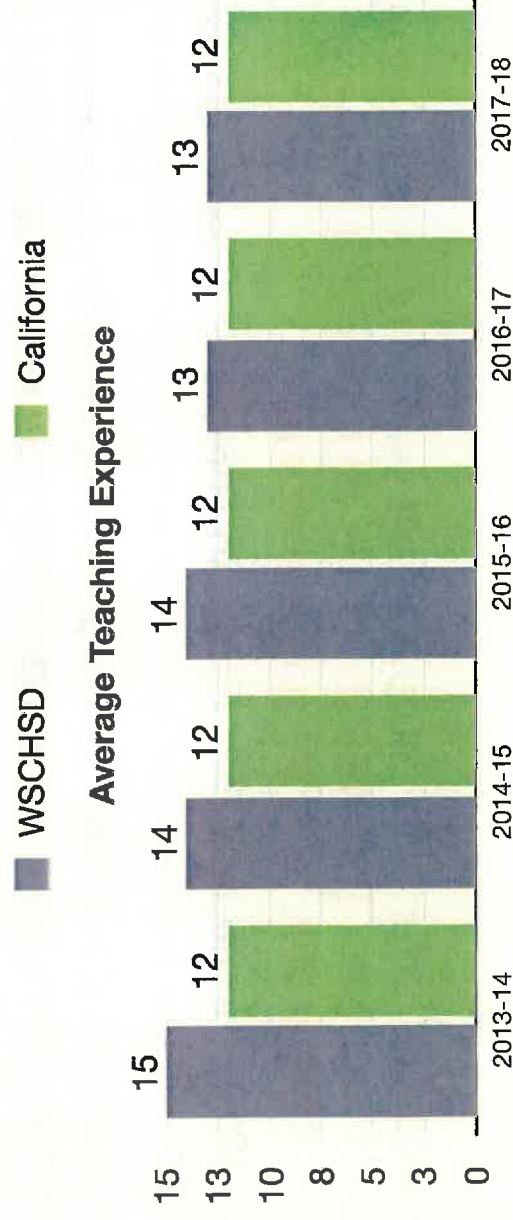
- Employee Benefits remained about the same from one year to the other -- going up only about \$57k but still more than \$100k under the projected 2018-19 budgeted amount. So, Employee Benefits do not seem to be a problem.

- When combining our salary and benefits package the district still find themselves far behind the total compensation of the average California teacher.
- WCHSD has very good medical benefits. But teachers cannot pay their rent, childcare, student loans, etc. with their medical benefits. We need good quality healthcare for good quality teaching and a living wage for the community we teach in.
- **WCHSD teachers would need an 8.75% raise to get to the state average total compensation and an 18.11% to get to state average High School District compensation.**

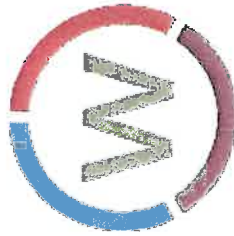
	Avg Salary	Avg Benefits	Avg Total Compensation
WCHSD	\$68,610	\$18,345	\$86,955
CA Average	\$80,680	\$13,880	\$94,560
CA High School District Avg	\$87,305	\$15,401	\$102,706

- The districts current offer is to setup a tiered system of retirement benefits based on your age and hire date. The WSCATA rejects any offer that breaks up the union by making benefits available to some and not others.
- On July 10, 2019, the neutral Fact Finder in Forestville (feeder elementary school district) wrote:
 - "I do not find that the District presented a compelling argument to impose this prospective elimination of this benefit to new employees. I find any cost savings to be speculative, especially at this small employer. At the extreme, an employee would have to be 45 or older when hired and work for 10 years for the District, for this change to have any impact ten years from now. It is more likely that a new hire would be more than ten years from retirement requirements. It is unknown what the health and welfare benefits for active employees will be like in ten or more years. In the interim, the proposed change will potentially create two classes of employees in the bargaining unit, which would engender a perception of unfairness. I recommend that: Article 24 remain unchanged as to the health and welfare benefits provided for retirees."

- The union advocates for the use of public funds to recruit and retain quality educators.
- Does the WCHSD have a retention and recruitment issue? Yes.
 - In the past 5 years, at Analy High School, 20 different people have taught English in a department that has about 9 teachers.
 - In the past 5 years, at Analy High School, 17 different people have taught Mathematics. The department has approximately 7 people.
 - The average teaching experience in the district has been decreasing.



- The district is proposing cutting our health benefits while they use the quality of our health care benefits as a recruitment tool.



WEST SONOMA COUNTY HIGH SCHOOL DISTRICT

CERTIFICATED VACANCY ANNOUNCEMENT EL MOLINO HIGH SCHOOL 1.0 FTE ENGLISH TEACHER

Mia Del Prete
Director of Human
Resources

462 Johnson Street
Sebastopol, CA 95472
(707) 824-6403
(707) 824-6499 Fax
www.wscuhsdk12.ca.us

Application Deadline:
Until Filled

Start Date:
August 12, 2019

Salary

Placement on Certificated Salary Schedule

Successful certificated candidates are hired at temporary status

Excellent medical, dental and vision benefits for employee and family

**West Sonoma County Union High School District-West Sonoma County Teachers
Association, CTA-NEA**

PERB Case Number SF-IM-3236-E, Impasse Factfinding

**Concurring in Part and Dissenting in Part Opinion of the
District Appointed Panel Member, Paul Nicholas Boylan**

This opinion is submitted under the provisions of Government Code 3548.3 and I submit the following to be permanently attached to the report of factfinding after hearing dated October 7, 2019.

Concurrence in Part:

The District concurs with the neutral panel chair's recommendation for a one-year settlement for a 2% salary increase effective July 1, 2018, and a 2% salary increase effective on January 1, 2019, and the proposals as recommended for Article 5 Class Size and Appendix B – Extracurricular payment schedule. The District also concurs with the additional proposals for status quo on Article 6 – Health and Welfare Benefits and Article 14 Retirement Benefits.

In the proposed three-year recommendation by the neutral factfinder, the District concurs with the following:

- Article 3 Wages: Recommendation to implement the District's proposal relative to the placement of nurses on the psychologist and speech therapist salary schedule, with up to 12 years of prior service credit applied, and the increase in the pay rate to 1.15.
- Article 5 Class Size: Recommendation to implement the District's proposal to increase the overage payments to \$4
- Article 14 Retirement Benefits: Recommendation to implement changes to the retiree health benefits program eligibility and term of service.
- Appendix B – Extracurricular Payment Schedule: Recommendation to modify the schedule to reflect current stipends offered for funded programs.

The District strongly concurs with the facts stated in the neutral factfinders report including those related to the current compensation offered to District teachers and the extreme budget pressures faced by the District:

“The District maintains that its salary and health insurance proposals are fair based upon regional comparability, the consumer price index, and current salary and benefits. Declining average daily attendance and student enrollment, and rising special education costs, are also affecting the District's budget. With increased economic uncertainty and escalating pension, health insurance and other post-employment benefits, the District forecasted that it could not afford the Union's salary and health insurance proposals.”

The District also strongly concurs with neutral panel chair's finding that the District's compensation is outstanding when compared to school districts serving secondary or high schools within commuting distance to the District—of the thirteen comparable districts, the District's total compensation for teachers is in the top three of the group.

Total Compensation: Salary Paid for BA+30, Step 1, Plus Average District Contribution for Health and Welfare Benefits			
District	Total Compensation	Salary at BA+30, Step 1	Average Health and Welfare Benefit Contribution
<i>West Sonoma County UHSD</i>	<i>\$67,642</i>	<i>\$48,079</i>	<i>\$19,563</i>
John Swett USD	\$65,334	\$48,213	\$17,121
Cotati-Rohnert Park USD	\$63,120	\$43,955	\$19,165
Sonoma Valley USD	\$62,375	\$44,583	\$17,792
Novato USD	\$61,310	\$49,755	\$11,555
Napa Valley USD	\$61,191	\$55,844	\$5,347
Windsor USD	\$59,536	\$43,182	\$16,354
Petaluma City Schools	\$58,700	\$44,318	\$14,382
Vallejo City USD	\$57,946	\$49,396	\$8,550
Healdsburg USD	\$57,796	\$46,918	\$10,878
Santa Rosa City Schools	\$56,579	\$55,151	\$1,428
Cloverdale USD	\$54,250	\$46,914	\$7,336
Middletown USD	\$54,082	\$42,024	\$12,058
Geyserville USD	\$52,881	\$46,069	\$6,812

Source: 2017–18 state certified reports: J-90, CBEDS, SACS

Total Compensation: Salary Paid for BA+60, Step 10, Plus Average District Contribution for Health and Welfare Benefits			
District	Total Compensation	Salary at BA+60, Step 10	Average Health and Welfare Benefit Contribution
Novato USD	\$86,502	\$74,947	\$11,555
West Sonoma County UHSD	\$85,723	\$66,160	\$19,563
John Swett USD	\$83,033	\$65,912	\$17,121
Petaluma City Schools	\$82,360	\$67,978	\$14,382
Sonoma Valley USD	\$81,661	\$63,869	\$17,792
Cotati-Rohnert Park USD	\$81,377	\$62,212	\$19,165
Napa Valley USD	\$80,492	\$75,145	\$5,347
Windsor USD	\$77,100	\$60,746	\$16,354
Cloverdale USD	\$75,283	\$67,947	\$7,336
Vallejo City USD	\$74,981	\$66,431	\$8,550
Healdsburg USD	\$73,651	\$62,773	\$10,878
Santa Rosa City Schools	\$72,512	\$71,084	\$1,428
Middletown USD	\$70,586	\$58,528	\$12,058
Geyserville USD	\$70,233	\$63,421	\$6,812

Source: 2017–18 state certified reports: J-90, CBEDS, SACS

Total Compensation: Maximum Scheduled Salary, Plus Average District Contribution for Health and Welfare Benefits			
District	Total Compensation	Maximum Scheduled Salary	Average Health and Welfare Benefit Contribution
Novato USD	\$108,806	\$97,251	\$11,555
John Swett USD	\$104,137	\$87,016	\$17,121
West Sonoma County UHSD	\$103,513	\$83,950	\$19,563
Napa Valley USD	\$103,139	\$97,792	\$5,347
Cotati-Rohnert Park USD	\$100,459	\$81,294	\$19,165
Petaluma City Schools	\$98,350	\$83,968	\$14,382
Sonoma Valley USD	\$97,644	\$79,852	\$17,792
Healdsburg USD	\$96,569	\$85,691	\$10,878
Vallejo City USD	\$92,901	\$84,351	\$8,550
Windsor USD	\$92,386	\$76,032	\$16,354
Cloverdale USD	\$91,962	\$84,626	\$7,336
Santa Rosa City Schools	\$91,678	\$90,250	\$1,428
Geyserville USD	\$84,734	\$77,922	\$6,812
Middletown USD	\$80,797	\$68,739	\$12,058

Source: 2017–18 state certified reports: J-90, CBEDS, SACS

The Association argues that large salary increases were provided to the six feeder districts. The District offers very competitive total compensation as compared with the six feeder districts, and the raises provided by these districts were due to their comparatively low rankings. The ranking of the six feeder districts are provided in the following three tables.

Total Compensation: Beginning Salary Paid for BA+30, Step 1, Plus Average District Contribution for Health and Welfare Benefits				
District	Rank	Total Compensation	Salary at BA+30, Step 1	Average Contribution to Health and Welfare Benefits
West Sonoma County UHSD	1	\$67,642	\$48,079	\$19,563
Harmony UESD	2	\$64,894	\$49,364	\$15,530
Oak Grove UESD	3	\$61,286	\$47,452	\$13,834
Sebastopol UESD	4	\$59,301	\$45,916	\$13,385
Gravenstein UESD	5	\$58,763	\$51,474	\$7,289
Forestville UESD	6	\$58,349	\$48,581	\$9,768
Twin Hills UESD	7	\$55,028	\$45,101	\$9,927

Source: 2017–18 state certified reports: J-90, CBEDS, SACS

Total Compensation: Midlevel Salary Paid for BA+60, Step 10, Plus Average District Contribution for Health and Welfare Benefits				
District	Rank	Total Compensation	Salary at BA+60, Step 10	Average Contribution to Health and Welfare Benefits
West Sonoma County UHSD	1	\$85,723	\$66,160	\$19,563
Harmony UESD	2	\$83,188	\$67,658	\$15,530
Sebastopol UESD	3	\$80,875	\$67,490	\$13,385
Oak Grove UESD	4	\$76,093	\$62,259	\$13,834
Gravenstein UESD	5	\$74,779	\$67,490	\$7,289
Forestville UESD	6	\$72,426	\$62,658	\$9,768
Twin Hills UESD	7	\$71,865	\$61,938	\$9,927

Source: 2017–18 state certified reports: J-90, CBEDS, SACS

Total Compensation: Maximum Scheduled Salary, Plus Average District Contribution for Health and Welfare Benefits				
District	Rank	Total Compensation	Maximum Scheduled Salary	Average Contribution to Health and Welfare Benefits
Harmony UESD	1	\$104,515	\$88,985	\$15,530
West Sonoma County UHSD	2	\$103,513	\$83,950	\$19,563
Oak Grove UESD	3	\$100,950	\$87,116	\$13,834
Gravenstein UESD	4	\$98,000	\$90,711	\$7,289
Sebastopol UESD	5	\$96,566	\$83,181	\$13,385
Forestville UESD	6	\$91,632	\$81,864	\$9,768
Twin Hills UESD	7	\$90,650	\$80,723	\$9,927

Source: 2017–18 state certified reports: J-90, CBEDS, SACS

Dissent in Part:

The Educational Employment Relations Act requires the factfinding panel to consider the financial realities of the District, including the impact of any negotiated settlement. (*See* Government Code section 3548.2(b), criterion 3.)

The facts presented at the hearing clearly demonstrate that the District's financial ability is not the same as other school districts in the area. Unlike surrounding school Districts, the West Sonoma County Union High School District was certified with a qualified budget status in 2018-19 and was mandated by the Sonoma County Office of Education to implement a fiscal recovery plan to identify and implement budget reductions, including but not limited to a \$600,000 mandated reduction for next year. The District has already cut certificated bargaining unit member positions, and must identify significant program changes in future years to reduce expenditures.

Because of this, the District must dissent with the neutral panel chair's three-year recommendation for a 4% increase each year of 2018-19, 2019-20, and 2020-21. The District has demonstrated time and again that it cannot afford the increases proposed by the Association, and doing so will force the District to have a qualified, and possibly negative budget certification, requiring additional oversight from the Sonoma County Office of Education, and extreme cost reductions.

The neutral factfinder also modified the District's proposal for a cap to medical benefits affecting Article 6 of the contract, but the District must dissent on this recommendation as the proposed cap of a fully-funded HMO plan is not a cap. The District currently provides the largest contribution to medical benefits as illustrated in the preceding figures of total compensation.

The District also must dissent on the factfinder's decision to not include the implications of the expiration of the current parcel tax in 2020-21, ending a revenue stream of approximately \$1.15 million. The parcel tax pays for 8.6 full time equivalent (FTE) certificated staff—teachers and counselors—and 3.2 FTE classified staff providing services to students—outreach therapists and librarians. Absent the passage of a new parcel tax the District will not be able to backfill this loss of revenue and will be forced to eliminate these positions in 2021-22.

Given the District's current funding levels, on-going declining enrollment, and significant reductions the District has already enacted, the Chair's recommendations are not in the best interest of the District, as the District attempts to balance an on-going deficit with the interest and welfare of the students it serves.

Conclusion

As a reminder, this report is advisory and in no way binds the parties. I recommend that the District reject the three-year salary and medical benefits recommendations in the report. The parties should either work to settle the year at impasse, 2018-19, according to the Chair's one year alternative recommendation, or continue to negotiate locally to achieve a multiyear settlement that balances the needs of the West Sonoma County Teachers Association, and the interest and welfare of the students.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul N. Boylan". The signature is fluid and cursive, with a large initial "P" and a stylized "N".

Paul Nicholas Boylan
District Panel Member