



**COMMUNITY COLLEGE DISTRICT
SPECIAL BOARD MEETING
PALM SPRINGS CONVENTION CENTER
277 N. AVENIDA CABALLEROS
PALM SPRINGS, CA 92262
AGUA CALIENTE BOARDROOMS
MONDAY, FEBRUARY 2, 2015
1:00 pm**

- I. **CALL TO ORDER** - Chair Stefan called the meeting to order at 1:06 pm and asked O'Neill to lead the pledge of allegiance.

Dr. Kinnamon – Dr. Kinnamon conducted the roll call:

Trustee Broughton
Trustee O'Neill
Trustee Stefan
Trustee Sanchez
Trustee Wilson
Student Trustee Campbell (late entry)

Laura Schulkind – Liebert, Cassidy & Whitmore
Lisa Howell – VP Administrative Services
Anna Davies – EVP Student Success/Student Learning
Diane Wirth – Interim Executive Director, Human Resources
Angela Walton – Executive Assistant
Mike Hadley – Information Systems

II. **AGENDA:**

- B. **CONFIRMATION OF AGENDA:** Approve the agenda of the Special Meeting of February 2, 2015, with any additions, corrections, or deletions.

Motion: Motion made by Trustee Sanchez, and seconded by Trustee Broughton to approve the agenda as presented. The motion passed unanimously.

III. **OPEN SESSION – 1:08 pm**

IV. **PUBLIC COMMENTS:**

None were received.

V. **INTRODUCTION OF THE SPEAKER** – Dr. Joel Kinnamon

Dr. Kinnamon introduced Ms. Laura Schulkind of Liebert, Cassidy & Whitmore. Ms. Schulkind presented “Board Efficacy in the Labor Negotiations Context” and discussed best practices for the governing Board of Trustees during labor negotiations.

Highlights:

- The Board of Trustees meeting is a public meeting; the Board members are conducting business in the presence of the public, but are not in a meeting with the public
- The Board sets policy, establishes the budget, hire/fire/supervise the President, oversee the legal conduct of the District, and approve all contracts
- Ground rules are not rigid rules, but an internal tool utilized by the Board of Trustees to promote effectiveness and willingness to compromise on their ongoing work on behalf of COD
- The Board of Trustees should treat Executive Cabinet as their primary source of expertise
- The only person the Board of Trustees should request information from is the President
- The Board of Trustees acts as a body, not individually; it is taken as a given that each Trustee and the President act in good faith on behalf of the District
- Decisions will be based on relevant data and reliable sources of information that has been made available to all Board members
- All Board members will respect and support the action of the quorum once action has been taken

The role of the Governing Board in the labor negotiation process:

- There is a legal obligation to meet and negotiate
- Educational Employment Relations Act (EERA) requires local agencies to meet and negotiate in good faith
- Good faith – duty to meet until reached an agreement or meaningful end, not an obligation to agree or to make concessions but an obligation to try, to fully consider proposals, and to make changes and adjust where appropriate. Negotiation would not abridge employer’s freedom to exercise managerial prerogatives essential to achieve district’s mission, and transparency is essential
- Philosophy and expectations of the Board should be explained to the chief negotiator early in the negotiation process
- Violations of EERA include failure to bargain in good faith, direct dealing, or to impose, threaten, or discriminate against employee organization because of exercise of rights
- Unlawful for the district to interfere with employee and association rights under the Act, refuse to meet and negotiate in good faith, interfere with, dominate, or discriminate among employee organizations, or refuse to participate in impasse procedures
- Bad faith per se – unilateral action without bargaining decision or effects/refusal to bargain, failure to execute agreed on contract, or conditioning bargaining on waiver of rights, or insistence to impasse on non-mandatory rights
- Bad faith is determined by totality of conduct – surface bargaining, representatives lack of authority to negotiate, take it or leave it proposals, dilatory (delay) tactics, Bypassing the designated representative, withdrawal of prior agreements, regressive proposals as negotiations continue

- Communication with bargaining unit members – refrain from discussing negotiations away from the table
- Communication is legal if it is factual, no threats, no promises, do not circumvent the bargaining table, and is not in violation of ground rules
- Communication with bargaining unit members – individual right to speak to elected officials, must avoid direct dealing, union communications with Board members must not circumvent bargaining table and must not violate ground rules
- Role of Governing Board – give direction to District negotiators in closed session. Under EERA, initial district proposal must be sunshined at a public meeting. Final decisions have to approve contract, declare an impasse or impose last, best, final offer
- Sunshine Proposals – must provide public notice of proposals, both the District’s and the exclusive reps, may not negotiate until reasonable time after notice, allow the public to become informed and to express views, district adopts its proposal at public meeting, and sunshine new subjects as they arise
- Impasse – provide authority to each step of impasse procedure, mediation, fact-finding, unilateral implementation of last, best and final offer
- Do meet early in the process, do establish parameters and expectations, do know the facts

VI. ADJOURN

There were no objections to adjourning the meeting. Meeting adjourned at 4:31 pm.


By: Aurora Wilson, Clerk