

# *Potential Staffing Considerations and Negotiations Related to Late Start*



# Potential Staffing Considerations

- Transportation
  - Staggered start times have been used by some districts to reduce the number of drivers needed. This would likely not be an option for CUSD; due to the size of the District and where students are transported to and from on a daily basis.
  - If start times are pushed back uniformly, it may result in a change to the number of drivers needed based upon afterschool activity times and childcare/supervision.
  - If start times are switched, it may result in an increase of drivers needed due to an increase in district provided childcare/supervision.
  - If the secondary times are pushed back and athletics/activities remain at the same times, additional drivers may be needed to provide both services unless:
    - Fewer routes are offered;
    - Athletic/Activity transportation is reduced;

# Potential Staffing Considerations (*cont.*)

- Before & After School Care
  - If scheduled start times are pushed back uniformly, it may require a shift of staff time from the morning to the afternoon or require additional staffing.
  - If start times are switched, it may result in a need for increased child care/supervision. If younger students are out of school earlier, those who have older siblings who currently provide child care will need to find another alternative for child care.

The current programs provide services to the following numbers of students:  
*Before = 66, Kinder Hour = 70, After = 140.*

# Potential Staffing Considerations (*cont.*)

- Other Staffing Areas
  - Child Nutrition services may be impacted, depending upon the schedules. The District operates a central kitchen and changes in meal times may impact the ability of the District to produce, transport, and serve meals with existing staff.
  - With the current District recommendations, certificated staffing would likely not change but identified effects of the changes would need to be negotiated. Other options might result in additional staffing needs.
  - Shifting all school start times back uniformly runs the potential risk of losing existing classified staff. Some classified staff members have more than one job. If the schedules move too much it might mean they will have to decide whether or not to stay in their position with CUSD.
  - The labor market is complex right now and CUSD remains competitive, however specific positions remain difficult to fill. For example, there were 1,125 vacancies for bus drivers in California as of August 30, 2022.

# Negotiations Considerations

- “Hours of employment” is an “enumerated” subject of bargaining, meaning this phrase appears in the EERA’s\* definition of the scope of negotiations. (Gov. Code section 3543.2 (a) (1).)
- Over the years, PERB\*\* decisions have construed “hours of employment” very broadly to include almost every aspect of the employee work day.
- Both the CSEA and ACT Collective Bargaining Agreements for CUSD were reviewed and, no language was found addressing start and end times or shifts. Thus nothing in the agreements allow or prohibit the alteration of such hours.
- Consequently, absent a very clear, known and established past practice of the District changing start and end times, such alterations would be negotiable.

\*EERA - *Educational Employment Relations Act*

\*\*PERB - *Public Employment Relations Board*

# Negotiations Considerations (*cont.*)

- In this situation:
  - the District is required to follow the normal, legally mandated, protocol regarding negotiating the effects of a decision:
    - Written notice to the unions setting forth the intended change (we want to give this notice sufficiently in advance of our intended implementation date to provide sufficient time to find mutually agreed upon solutions);
    - The intended effective date of the change and, accordingly, the need to commence any discussions by an appropriate date; and
    - Apprising the unions to let the District know if they have any questions.

# Negotiations Considerations (*cont.*)

- Once the unions receive this notice, they would need to identify actual or likely effects on the workday, that must be negotiated.
- Based upon our current use of the IBB\* process for negotiations, the District would meet with the union representatives to determine whether we can identify any ways we can mutually agree to mitigate the identified effects, and then go from there.
- The recommendations being brought to the Board of Education will be collaboratively constructed by a diverse group of CUSD staff, which will include bargaining unit members and leadership.

\*IBB - Interest Based Bargaining

# Questions & Comments

