

2012-13 JOBS AND SERVICES RESTORATION AGREEMENT
LOS ANGELES UNIFIED SCHOOL DISTRICT AND
UNITED TEACHERS LOS ANGELES

This 2012-13 Jobs and Services Restoration Agreement ("this Agreement") is made and entered into this 8th day of June, 2012 by and between the Board of Education of the Los Angeles Unified School District ("the District") and United Teachers Los Angeles ("UTLA").

1. **Purpose:** This Agreement is entered into (a) in response to the critical financial need to reduce costs and save jobs and related services; (b) to save, restore and stabilize school staffing and facilitate proper school planning for the 2012-13 school year; (c) pursuant to the statutory authority to establish a shortened instructional year; (d) to spread out the impact of the potential furloughs essential to restore 2012-13 jobs, commencing with the implementation of some furlough days in 2011-12 and continuing with additional days in 2012-13; and (e) to direct the savings from all furloughs in both years to be devoted exclusively to the restoration of jobs and services for the 2012-13 school year. Such 2012-13 restorations will include some 4,149 full-time-equivalent positions by restoring K-8 class sizes, much of the SRLDP program, nurses, Options programs, librarians, counselors, ROP instructors, and many Early Childhood Education and Adult Education teaching positions, all as detailed in section 5a below.

2. **Definition of Furlough Day:** Furlough days, as the term is used throughout this Agreement, are days that would normally be a paid part of the assignment/paid year basis, but as furlough days will become unpaid days. Such furlough treatment shall reduce annual salary, but shall not affect the current regular salary schedules or step/column advancement. The 2008-09 salary schedules shall be retained and the daily rates and hourly rates shall not be reduced. However, for purposes of calculating STRS service credit (earning a full year of service) the annual salaries shall be reduced to reflect such furlough days.

3. **Re-Direct 2011-12 Furlough Savings to Save 2012-13 Jobs:** The five 2011-12 furlough days, which the April 12, 2012 Arbitration Award held to be contractually required, shall be reduced to four (4), consisting of three (3) instructional days and one (1) pupil-free day, scheduled per the calendar provided in the parties' Payroll Calendar Agreement dated February 3, 2012. However, rather than the resulting furlough salary savings being applied to the 2011-12 budget as was required under the 2011-12 Agreement, all of such 2011-12 savings shall instead be dedicated exclusively to job restorations and reduction of layoffs for 2012-13, as provided in section 5 below.

4. **2012-13 Furloughs:**
 - a. **Number and Nature of Days:** The ultimate number of furlough days for 2012-13 shall be dependent upon the outcome of the November election. The furlough schedule will include six (6) furlough days (five instructional days and one pupil-free day) consisting of days that would have been work days, and four (4) days that would have been paid non-work days.

 - b. **Schedule of 2012-13 Furloughs and of Related Payroll Impacts:**
 - (1) The first three (3) furlough days shall be scheduled for the instructional days normally observed during Thanksgiving week (November 19, 20 and 21, 2012). These furlough days shall occur without regard to the results of the Governor's Initiative election of November 2012. The payroll impacts of

these three days will occur on September 17, November 20 and December 28, 2012. These three furlough days are also subject to possible restoration pursuant to section 4e below.

- (2) The next four (4) furlough days are scheduled to occur, and also have their payroll impact, on the paid non-work days of January 21, February 18, March 29, and May 27, 2013, subject to revision in light of the November election outcome pursuant to the provisions of sections 4e and 4f below.
- (3) The last three (3) furlough days are scheduled to occur on the final two days of instruction (June 3 and 4, 2013) and the pupil-free day (June 5, 2013). The payroll impact will occur on April 1, June 4 and June 5, 2013 – subject to revision in light of the November election outcome pursuant to the provisions of sections 4e and 4f below. With respect to the above-referenced pupil-free day, it shall be scheduled for the last day of each employees’ annual assignment rather than any earlier time during the school year, any local calendar preferences or decisions notwithstanding.
- (4) The following is a summary chart of the above, as it pertains to those employees on the District’s K-12 single track instructional calendar:

Furlough Day Observed	Payroll Impact Date
Nov. 19, 2012 (Instructional Day)	Sept. 17, 2012
Nov. 20, 2012 (Instructional Day)	Nov. 20, 2012
Nov. 21, 2012 (Instructional Day)	Dec. 28, 2012
Jan. 21, 2013 (Paid Non-Work Day)	Jan. 21, 2013
Feb. 18, 2013 (Paid Non-Work Day)	Feb. 18, 2013
Mar. 29, 2013 (Paid Non-Work Day)	Mar. 29, 2013
May 27, 2013 (Paid Non-Work Day)	May 27, 2013
June 3, 2013 (Instructional Day)	April 1, 2013
June 4, 2013 (Instructional Day)	June 4, 2013
June 5, 2013 (Pupil Free Day)	June 5, 2013

The calendars for four-track Year-Round Schools, Early Childhood Education and the Division of Adult Education are attached and incorporated herein as Appendix A.

- c. **Ending Balances from 2011-12:** Due to the uncertain and high-risk financial conditions affecting the District for the 2012-13 school year, it is understood and agreed that the District shall, in the absence of a Board of Education-declared emergency (e.g., natural disaster) requiring other action, preserve the 2011-12 unassigned/unallocated unrestricted General Fund balance as of June 30, 2012, as reported in the 2011-12 Closing of the Books (Unaudited Actuals Financial Report) of September 2012, in excess of the amount identified in the Second Interim Report of March 2012. The increase, if any, between those two amounts shall be preserved as a resource to address the potential impacts of the November elections upon District finances and upon all District bargaining units and employees for 2012-13.
- d. **Required Status Meetings:** As soon as (a) the 2012-13 Final State Budget has been adopted, including the final trailer bills to implement the effects of the Governor’s Initiative, and (b) the unaudited final results of the 2011-12 District Budget, including unallocated ending balances, the parties shall meet, review and discuss the District’s pre-election fiscal situation, together with the variables that will accompany either outcome of the Governor’s Initiative in the November election. Such meeting(s) shall occur prior to September 28, 2012. In addition, the parties shall meet immediately after the November

2012 election to review the nature and amount of the resources available to the District as a result of the election, and the timing thereof, together with the 2011-12 ending balances identified in section 4c above.

e. **If the Governor's Initiative Measure Succeeds at the Polls:**

- (1) **Ending Balance:** If the Governor's Initiative measure succeeds, the ending balance, if any, described in section 4c above shall first be used to restore the 2012-13 instructional year, day by day to the extent of such funds, to make up the three (3) instructional days furloughed during Thanksgiving week. To the extent that such funds are insufficient for that purpose, the District may, in its discretion, still restore such days using the resources (such as deferral pay-down) resulting from the Governor's Initiative passing. If such ending balance funds are in excess of the amount required to restore those three (3) days, the excess shall be used to rescind the furlough days for all District employees, and as to UTLA's proportionate share, shall do so in the order indicated in sections 4b(2) or 4(b)3 above, starting with the January 21, 2013 furlough. These same principles shall also apply to the furlough days scheduled for the Adult Education and Early Childhood Education programs.
- (2) **Election-Derived Resources:** With respect to any additional State resources being allocated to the District as the result of the election and the final State budget and related trailer bills (generally described in the Governor's May Revise as an acceleration of the pay-down of deferrals), it is agreed such funds shall be used for additional furlough reductions, proportionately. It is understood that the District will likely face significant cash-flow issues due to the anticipated delay in the receipt of any such resources by the District, so that the timing of such reductions cannot be assured. However, if the District actually receives enough FY 2012-13 General Fund cash income from the above election-derived sources to have reduced (or eliminated) the remaining 2012-13 furlough days (up to a maximum of seven), but was unable or unwilling to do so, then the District shall use that income to reimburse the employees for the lost salary related to such remaining 2012-13 furlough day(s) that the District did not eliminate due to cash flow issues. (Again, any such District financial capacity shall be viewed and measured in the context of all bargaining units and employees, and limited by the total of such cash resources actually received by June 30, 2013.)

f. **If the Governor's Initiative Measure Fails at the Polls:** If the Governor's Initiative fails at the polls, the resulting financial and operational impacts, and the very limited time and options available to re-balance the 2012-13 budget that far into the school year, cause the following to be required:

- (1) The parties shall immediately re-open their negotiations of this Agreement on an urgent basis, to make all reasonable efforts to address the consequences of electoral defeat of that Initiative.
- (2) The District shall incorporate into any proposal it makes in such re-opener negotiations the ending balance described in section 4c above, in order to reduce the number of additional requested furlough days.
- (3) In the event that the implementing statutes or initiative terms associated with defeat of the Governor's Initiative authorize or effectively mandate additional furlough days as the method for balancing school district budgets for 2012-13 (either directly or indirectly, such as by curtailing the number of State-funded instructional days), the parties agree to negotiate all aspects of such matters.

5. **2012-13 General Fund Program and Position Restorations:**

- a. **Programs and Positions:** Based in large part upon the savings to be generated by the above-described 2011-12 and 2012-13 furlough programs, and subject to section 5c below, the District shall implement the General Fund (unless otherwise indicated) program restorations for 2012-13 listed below, which are estimated to result in the restoration of the numbers of UTLA-represented full-time-equivalent positions listed below:

<u>Program Restorations</u>	<u>FTE Positions</u>
Restore K-3 Class Size to Current Level	1,583
Restore Grades 4-6 Class Size to Current Level	281
Restore Grades 6-8 Class Size to Current Level	83
Restore Elementary Arts Program to Current Level	203
Partial Restoration of SRLDP	308
Restore Nurses to Current Level	44
Restore Accelerating Academic Literacy Package	34
Restore Options Program to Current Level	151
Restore Librarians to Current Level	50
Restore Secondary Counselor Ratios to Current Levels	82
Partial Restoration of Early Childhood Education. This restoration number also includes positions related to the California State Preschool Program funding.	500
Partial Restoration of ROP	177
Partial Restoration of Adult Education CTE, ESL, AWD, POA, and AEWC subject to section 5c below. This restoration number also includes positions related to Perkins/WIA funding.	653
Total Estimated FTE Position Restorations	<u>4,149</u>

All of the above restorations, as with all positions that were not on the reduction list, will remain subject to reduction based upon (a) those caused by a school's change of instructional calendar from year-round to traditional; (b) normed or enrollment-driven reductions pursuant to the restored norm/enrollment tables; (c) those determined by categorical program/funding changes; (d) those driven by school reorganizations, consolidations or closures; and (e) school program or service delivery changes or reorganizations.

- b. **Impact Upon Matrix Procedures:** Schools shall immediately, in anticipation of final ratification and adoption of this tentative Agreement, commence anew (on a tentative basis) their matrix planning and assignment procedures in accordance with the position restorations of section 5a above. The resulting initial assignments shall, however, be considered tentative and shall not be made until this tentative Agreement has been ratified by UTLA and adopted by the Board of Education. For this purpose, the normal June 1 deadline for notification of assignments shall be extended. Immediately upon execution of this Tentative Agreement, the District shall so notify all schools as to the above requirements.
- c. **Condition Precedent:** Various of the above-listed job restorations arise within programs that are dependent upon a coordinated effort among various bargaining units and thus are financially and operationally dependent upon job restorations funded by furloughs or other cost-saving measures being contributed by such other bargaining units. In the event that such support does not materialize in a

timely manner, the District may cancel the program restoration in question, but in such event shall meet and discuss the situation and options with UTLA, and if the cancellation goes forward the parties will agree upon an alternative restoration so that the overall purposes of this Agreement are not lost.

- d. **Adult Education Proviso:** The initial restoration of Adult Education FTE positions enumerated above shall cause the rescission of layoff notices and/or reemployment, and the offers of 2012-13 jobs to the approximately 400 Adult Education employees in seniority order whom the District has classified as Permanent as of March 15, 2012, provided that they possess the requisite credentials and experience to meet the needs of the restored instructional program. During the ongoing staffing of DACE programs for 2012-13, the remainder of the above-enumerated Adult Education FTE positions shall be filled pursuant to Article XXI and applicable law. Commencing immediately, the District and UTLA shall consult on a regular and ongoing basis with respect to the 2012-13 redesign and staffing of the Adult Education programs. Toward that end, it is agreed that a Human Resources Department designee, the Executive Director of DACE and a UTLA designee shall commence meeting within five days of the execution of this Tentative Agreement.
6. **Parity:** If, for the 2012-13 contract year, the District enters into a furlough agreement with any other bargaining unit which provides for fewer 2012-13 furlough days than under this Agreement, UTLA may reopen this Agreement for purposes of negotiating parity matters. For this purpose a day shall be considered a furlough day whether it involves what would otherwise be a work day or what would otherwise be a paid non-work day.
7. **Grievance and PERB Charge:** In further consideration of this Agreement, UTLA agrees to withdraw Grievance No. 2012-100195 (3/20/2012).
8. **Impact Upon Negotiations:** This Agreement is intended to deal with its stated subject matters only, and shall not foreclose or affect other pending or anticipated negotiations between the parties relating to 2012-13 and future years, such as the pending contract negotiations concerning Evaluation Procedures and other matters subject to negotiation.

The above is subject to ratification by the UTLA membership and to final adoption by the District Board of Education.


Dated: June 8, 2012


Los Angeles Unified School District

Dr. John Bowes
Dick Fisher
Rob Samples
Dr. Tom Stekol

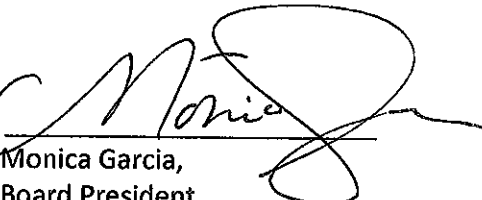
United Teachers Los Angeles

Tim Delia
Betty Forrester
Neal Gluckman
Lydia Laurans
Cecily Myart-Cruz
Jesus Quinonez
Juan Ramirez
Mary Jan Roberts

By: 
Dr. John Bowes
Assistant Chief Human Resources Officer
Office of Staff Relations

By: 
Warren Fletcher
President
United Teachers Los Angeles

Adopted and approved by the Board of Education on 12 JUNE, 2012.

By: 
Monica Garcia,
Board President

Appendix A

(1) The following is a summary chart of the above, as it pertains to those employees on the District's K-12 four-track instructional calendar:

Track A

Furlough Day Observed	Payroll Impact Date
Nov. 19, 2012 (Instructional Day)	Nov. 20, 2012
Nov. 20, 2012 (Instructional Day)	Nov. 21, 2012
Nov. 21, 2012 (Instructional Day)	Dec. 28, 2012
Jan. 1, 2013 (Paid Non-Work Day)	Jan. 1, 2013
Jan. 21, 2013 (Paid Non-Work Day)	Jan. 21, 2013
Feb. 18, 2013 (Paid Non-Work Day)	Feb. 18, 2013
May 27, 2013 (Paid Non-Work Day)	May 27, 2013
Feb. 11, 2013 (Pupil Free Day)	Feb. 11, 2013
June 27, 2013 (Instructional Day)	June 27, 2013
June 28, 2013 (Instructional Day)	June 28, 2013

Track B

Furlough Day Observed	Payroll Impact Date
Nov. 19, 2012 (Instructional Day)	Nov. 19, 2012
Nov. 20, 2012 (Instructional Day)	Nov. 20, 2012
Nov. 21, 2012 (Instructional Day)	Dec. 28, 2012
Jan. 21, 2013 (Paid Non-Work Day)	Jan. 21, 2013
Feb. 18, 2013 (Paid Non-Work Day)	Feb. 18, 2013
Apr. 22, 2013 (Paid Non-Work Day)	Apr. 22, 2013
May 27, 2013 (Paid Non-Work Day)	May 27, 2013
May 6, 2013 (Pupil Free Day)	May 6, 2013
June 27, 2013 (Instructional Day)	June 27, 2013
June 28, 2013 (Instructional Day)	June 28, 2013

7
AS
12/7

Track C

Furlough Day Observed	Payroll Impact Date
Nov. 19, 2012 (Instructional Day)	Nov. 19, 2012
Nov. 20, 2012 (Instructional Day)	Nov. 20, 2012
Nov. 21, 2012 (Instructional Day)	Dec. 28, 2012
Jan. 21, 2013 (Paid Non-Work Day)	Jan. 21, 2013
Feb. 18, 2013 (Paid Non-Work Day)	Feb. 18, 2013
Feb. 25, 2013 (Paid Non-Work Day)	Feb. 25, 2013
May 27, 2013 (Paid Non-Work Day)	May 27, 2013
Mar. 25, 2013 (Pupil Free Day)	Mar. 25, 2013
June 27, 2013 (Instructional Day)	June 27, 2013
June 28, 2013 (Instructional Day)	June 28, 2013

Track D

Furlough Day Observed	Payroll Impact Date
Nov. 8, 2012 (Instructional Day)	Nov. 8, 2012
Nov. 9, 2012 (Instructional Day)	Nov. 9, 2012
Nov. 13, 2012 (Instructional Day)*	Dec. 28, 2012
Jan. 1, 2013 (Paid Non-Work Day)	Jan. 1, 2013
Jan. 21, 2013 (Paid Non-Work Day)	Jan. 21, 2013
Feb. 18, 2013 (Paid Non-Work Day)	Feb. 18, 2013
May 27, 2013 (Paid Non-Work Day)	May 27, 2013
Feb. 15, 2013 (Instructional Day)	Feb. 15, 2013
May 6, 2013 (Instructional Day)	May 6, 2013
May 7, 2013 (Pupil Free Day)	May 7, 2013

**Note that November 7, 2012 will become a Pupil-Free work day (moved from November 13, 2012)*



- (2) For employees in the Division of Adult Education, their 2012-13 furlough days and payroll impact dates shall be as follows:

Furlough Day Observed
Sept. 3, 2012 (Paid Non-Work Day)
Nov. 19, 2012 (Instructional Day)
Nov. 20, 2012 (Instructional Day)
Nov. 21, 2012 (Instructional Day)
Jan. 21, 2013 (Paid Non-Work Day)
Feb. 18, 2013 (Paid Non-Work Day)
May 27, 2013 (Paid Non-Work Day)
June 3, 2013 (Instructional Day)
June 4, 2013 (Instructional Day)
June 5, 2013 (Instructional Day)

- (3) For employees of Early Childhood Education program, their 2012-13 furlough days and payroll impact dates shall be as follows:

Furlough Day Observed
Aug. 31, 2012 (Paid Non-Work Day)
Nov. 21, 2012 (Instructional Day)
Nov. 23, 2012 (Paid Non-Work Day)
Dec. 24, 2012 (Instructional Day)
Jan. 2, 2013 (Instructional Day)
Jan. 21, 2013 (Paid Non-Work Day)
Feb. 18, 2013 (Paid Non-Work Day)
March 25, 2013 (Instructional Day)
May 27, 2013 (Paid Non-Work Day)
June 28, 2013 (Instructional Day)

C-basis employees at Early Education Centers shall observe the same furlough schedule as K-12 teachers (see 4b(4) above).