



OFFICE OF THE CHIEF HUMAN RESOURCES OFFICER
LABOR RELATIONS, 0921

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LA JOLLA, CALIFORNIA 92093-0921

November 16, 2020

IBU-ILWU Marine Division
Attn: Marina Secchitano, President
1711 West Nickerson Street, Suite D
Seattle, Washington 98119
VIA EMAIL: ibusf@pacbell.net

Re: HEERA Initial Proposal Posting Process
IBU-ILWU UC San Diego Marine Crew (B6) Initial Contract Bargaining

Dear Ms. Secchitano:

With the establishment and an agreement on the composition of the Marine Crew bargaining unit (B6) along with PERB's certification that the IBU-ILWU has majority support, the next phase is to bargain the first agreement.

In accordance with Higher Education Employer-Employee Relations Act ("HEERA") Section 3595 (Government Code §3595), the University is required to post its initial proposals in order to sunshine the proposals and provide an opportunity for the public to comment prior to the commencement of bargaining.

In order to establish a collective bargaining agreement, the University is proposing to add the following non-economic articles:

- **Corrective Action and Dismissal** – procedures for disciplinary action up to and including dismissal;
- **Campus Closure** – procedures for campus closure/curtailment;
- **Duration** – specify the length of the Agreement and specific terms regarding opening the Agreement for successor negotiations;
- **Health and Safety** – procedures for when health and safety issues arise;
- **Hours of Work and Overtime** – procedures for assignments and hours beyond regular work periods;
- **Labor-Management Meetings** – process for meeting during the life of the agreement;
- **Layoff and Reduction in Time** – notice, reasons for layoff, and severance provisions;
- **Management Rights** – standard provisions for a collective bargaining agreement;
- **Medical Separation** – procedures for when medical separation issues arise;
- **Non-Discrimination in Employment** – protected classifications and procedures for when discrimination claims arise;

- **Past Practices** – practices and policies now existing, not raised in the bargaining process and not in conflict with the MOU, may remain in effect;
- **Payroll Deductions** – procedures for deducting dues for union members;
- **Performance Evaluation** – process and criteria for job performance review;
- **Positions/Appointments** – definitions and descriptions of appointment types including per diem appointments;
- **Personnel Files** – denotes where files are kept, what information is contained in a file, and the procedure for gaining access to files;
- **Posted Sailing Time** – procedures for communicating sailing times;
- **Probationary Period** – definition and procedures for probation;
- **Reasonable Accommodation** – procedures for reasonable accommodation;
- **Recognition and Classifications** – list the titles included in the bargaining unit, description of origin of the Agreement, and provisions for adding or removing classifications;
- **Release Time for Bargaining** – process for releasing bargaining team members to participate in bargaining;
- **Resignation and Job Abandonment** – procedures for resignations and for dismissal when a bargaining unit member abandons their position;
- **Severability** – standard provisions for a collective bargaining agreement;
- **Union Access** – standard provisions for work site access;
- **Waiver** – standard provisions for a collective bargaining agreement, including bargaining waivers of external rules applying to mariners;
- **Work-Incurred Injury or Illness** – procedures for when a mariner is injured on the job, including maintenance and cure.

Conditional Proposals: Provided the University and IBU-ILWU agree to a No Strikes article, the University will agree to propose Grievance and Arbitration Procedure articles.

- **Grievance Procedure** – a multi-step process for industrial jurisprudence;
- **Arbitration Procedure** – a binding hearing process through a third-party neutral. The University will propose a separate arbitrability hearing with one arbitrator and if arbitrable, a different arbitrator shall hear the merits;
- **No Strikes** – an agreement for labor peace during a settled and closed agreement.

The University proposes to add the following economic articles to the agreement:

- **Benefits** – the current benefits program for academic and staff employees, including specific health benefits and retirement benefits, where applicable;
- **Compensation** – description of pay structure and annual increases (if any) for the unit;
- **Out of Classification Assignment** – standards for evaluating temporary reassignments and associated compensation;
- **Travel, Meals, and Quarters** – provisions for travel, meals, and housing.

The University proposes to add the following ancillary economic articles to the agreement:

- **Leaves** – other leave benefits;
- **Holidays** – provisions for holidays;
- **Parking and Transportation** – maintain location-specific programs;
- **Sick Leave** – sick leave benefits;
- **Vacation** – vacation leave benefits.

The University reserves the right to add, delete, or modify its proposals as bargaining progresses. The University also reserves the right to consolidate some of the above referenced articles into articles specific to the different title series in the unit and/or specific to address the terms. Given the differences between some of the title series, consolidation may make more sense.

The sunshine process meetings will be publicly noticed to take place starting a week after we have mutually exchanged proposals, (tentatively these meetings will take place from 9:00 a.m.-11:00 a.m., on Wednesday, November 25, 2020, and December 9, 2020, via open Zoom meetings (details to be provided in the public notice)).

The first bargaining session is yet to be agreed-upon, but may take place as soon as the afternoon of December 9, 2020, also via Zoom.

Sincerely,



Kristin Beattie
Chief Negotiator
Labor Relations Advocate, UC San Diego

cc: Office of the President, Labor Relations
Terri Winbush
UC Bargaining Team