

Bonnie Prouty Castrey
Arbitrator Mediator Fact Finder
Post Office Box 5007
Huntington Beach, California 92615-5007

RECEIVED

JAN 02 2019

Office of the Chancellor

Office:

Mobile:

Fax:

December 19, 2018

✓ Henry Yong, Chancellor
Office of the Chancellor
P.O. BOX 4065
Modesto, CA 95352

Vice Chancellor Human Resources
Gina Leguria
2201 Blue Gum Ave.
Modesto, CA 95358

Jim Sahlman, President
Yosemite Faculty Association
435 College Avenue
Modesto, CA 95350

Guy A. Bryant, Esq.
Atkinson, Andelson, Loya Ruud & Romo
5075 Hopyard Road, Suite 210
Pleasanton, CA 94588

RE: **Fact Finding Report and Recommendations Yosemite
Community College District and Yosemite Faculty
Association SA-IM-3455-E**

Dear Chancellor Yong, Vice Chancellor Leguria, President Sahlman
and Mr. Bryant;

Enclosed please find the original signed Fact Finder's Report
with attachment for YCCD and I will sent YFA's concurrence when I
receive it.

I've enclosed the Chair's billing for services with a W-9 to
Vice Chancellor Leguria and sent it separately to YFA Executive
Assistant Wend per YFA.

As required in Government Code 3546.3.(a) cited below, I am
issuing this to you privately and "within 10 days", the District is
required to make the Report and Recommendations public.

Dispute Resolution Services
Arbitration Mediation Factfinding Facilitation Educational Programs
Consultation Intra-Organizational Conflict Management
Labor-Management and Community Disputes

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PROOF OF SERVICE BY MAIL
C.C.P. 1013A

Office of the Chancellor

I declare that I am a resident of or employed in the County of Orange, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my business is P.O. Box 5007, Huntington Beach, California 92615.

I am readily familiar with the ordinary practice of the business in collecting, processing and depositing correspondence in the United States Postal Service or FED EX and the correspondence will be deposited the same day with the postage thereon fully prepaid. The original service was by electronic mail.

On December ^{90BPC}19, 2018, I served the Fact Finding Report, PERB Case No. SA-IM-3455-E on the parties listed below by placing a true copy thereof enclosed in a sealed envelope for the collection and mailing in the United States Postal Service or Federal Express Service following ordinary business practices at Lahaina, Hawaii addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 19, 2018 at Lahaina, Hawaii.

Henry Yong, Chancellor
Office of the Chancellor
P.O. BOX 4065
Modesto, CA 95352

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^{90BPC}
December 19, 2018

FACT FINDING REPORT AND RECOMMENDATIONS

Between)
Yosemite)
Community)
College District)
And)
Yosemite Faculty)
Association)

Re: Case No. SA-IM-3455-E

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Office of the Chancellor

Impartial Chair

Bonnie Prouty Castrey
Post Office Box 5007
Huntington Beach, California 92615

District Panel Member

Laura C. Benson
Atkinson, Andelson, Loya, Ruud and Romo
Cerritos Office
12800 Center Court Drive, Suite 300
Cerritos, CA 90703
562-653-3200
lbenson@aalrr.com

Association Panel Member

Sarah Curl
3708 Rexford Drive
Modesto, CA 95356
209-484-1975
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Hearings Held

September 17-18, 2018
Yosemite Community College District
Administration Building
Modesto, CA

then explored possibilities for reaching agreement. After many hours of working with the parties, it became clear that we could not help them, at that time, to reach agreement.

The issues in dispute for recommendation are:

Article IV: Workload

Article XIV: Compensation

Appendix B: Workload.

In this matter, the Panel is guided by the California Government Code Section 3548.2 of the EERA which states in pertinent part:

In arriving at their findings and recommendation, the Fact Finders 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 employers involved in the fact finding 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

7. On or about July 25, 2018, the parties mutually selected Bonnie P. Castrey as the Fact Finding Chairperson, and the Public Employment Relations Board (PERB) was notified of this assignment on that date.
8. The parties have complied with the Education Employment Relations Act with regard to the selection of the Fact-finding Panel and are properly before the Panel, having met or waived all statutory time limitations applicable to this proceeding.
(DX C)

ISSUES AND RECOMMENDATIONS

Compensation

The parties reached agreement on a compensation formula and agreement in the 2006-2007 negotiations. They chose a specific cohort group to compare their compensation and a goal of placement at the median.

The contract language states:

ARTICLE 14: COMPENSATION AND FRINGE BENEFITS (For Salary Schedules, see Appendices A-1 and A-2)

14.1 TOTAL COMPENSATION FORMULA

Total Compensation is determined by adding the weighted average of fixed cost benefits (medical dental, vision, etc.) And all rate-driven benefits (STRS, workers' comp, Medicare, etc.) to each step of the highest non-doctorate salary column for each district in the cohort.

Cohort of Comparable Districts: The ten agreed upon comparable districts are Chabot/Las Positas, Contra Costa, Grossmont/Cuyamaca, Kern, Long Beach, Palomar, San Joaquin Delta, San Jose/Evergreen, State Center, and West Valley/Mission. Sierra and Merced will be used as alternates. Each of these districts must meet at least two of the following criteria: 1: located within 100 miles of YCCD, 2. multi-college district, 3. Ranked within ten of YCCD on FTES, and 4. Ranked within ten of YCCD on general fund apportionment.

2018). Further, the emails show that the Vice Chancellor emailed a worksheet version for the parties to use in the Spring of 2017 to calculate the costs for total compensation in the cohort. Again in the Spring of 2018, the YCCD provided YFA with the Simplified Benefits Comparison Worksheet. The Simplified Worksheet **excludes the employee contributions**. Based on that email exchange/agreement suggested by YCCD and agreed to by YFA, clearly the employee contributions were excluded to simplify the total compensation calculations of the cohort. (See the YFA response 10/3/18)

The YCCD also raised issues of two districts in the cohort which have become "basic aid" districts, funded by their local property taxes. The YFA points out that the District did not sunshine that they desired changes in the formula or the cohort and further they assert that even those two districts meet at least two of the criteria which are spelled out in the language regarding selection of the cohort. The Chair notes that in that language, the parties have also agreed to two alternate districts.

While the contract language is indeed a "goal" and aspirational, it is the agreed upon language and in July, 2007, it was funded at the median of the cohort. Since that time with the "Great Recession" and more minimal increases, the goal of the median has not been met.

The YCCD has not pled "inability to pay", but has indicated that other employees settled for 2%. The YFA also points out that a salary proposal of over 13.25% (Chair's notes), along with

And, to make matters more complex, the District is showing a decline in enrollment which affects the funding (DX G 3).

In order to move the total compensation toward the goal of the median over two contract years (July 2017-June 30, 2019), the Chair recommends that the parties agree to a total of 8% on schedule increases designated over the contract period from July 1, 2017 to January 1, 2019. By spreading the increases, the faculty realize the increases on schedule, however, the fiscal impact is spread out for the district's fiscal viability to maintain their appropriate reserve for economic uncertainty.

Hence, the Chair recommends two (2) percent on the schedule, retroactive to July 1, 2017 for all faculty employed in 2017-18 school year, two (2) percent on the schedule, retroactive to July 1, 2018, and four (4) percent, on the schedule on January 1, 2019. The 2% retroactive to July 1, 2017, will cost approximately \$862,894 in year 1 (2017-2018) and \$862,894 again in year two (2018-2019), as it is an ongoing schedule increase. Likewise, 2 percent July 1, 2018 will cost approximately \$862,894 in 2018-2019 and is an ongoing schedule increase. The 4 percent mid year, at January 1, 2019, will cost an additional \$862,894 in fiscal year 2018-1019 as it is for ½ of the 2018-19 fiscal year. But, as it is ongoing, on the schedule, in 2019-2020 the full 4 percent would be realized and will impact the 2019-2020 District budget for the entire year at approximately \$1,725,788. Moreover, as the term of the proposed agreement is through June 30, 2019, the parties will

The increase realized from this compression is significant for many Faculty and adds to their life time earnings. Overall, this compression also provides an additional increase of a minimum of two percent (2%). Therefore, this would move the total compensation even further toward the goal of median in the cohort.

Therefore the Chair recommends that the salary schedule be compressed as discussed by the parties and as outlined in the exhibits.

Class Size

A committee of YFA members and YCCD staff was assembled at the 2015-2016 time frame. They met and proposed to both YFA and YCCD that class sizes be determined in one of four standardized classes of 25, 30, 35 or 40.

Based on discussions of this matter, with Panel members, the parties have been meeting, since the hearing regarding this fact finding and are discussing possible settlement of this class size issue. As the parties continue their direct negotiations and apparently are close to a settlement, the Chair recommends that they continue in direct negotiations to resolve this matter by establishing a joint YFA/faculty and district administration committee, knowledgeable of the needs of the specific classes to resolve the issue of class sizes.

Workload Labs

The District proposes that all lab hours be credited at 0.75. The YFA proposes that they be credited at 0.85 and any lab at 1.0

The Panel Members representing the District and Union have reviewed the recommendations and met with the Chair in Executive Session by telephone conference calls on December 13, 2018, December, 17, 2018 to thoroughly discuss and finalize this Report and Recommendation. Based on the above Recommendations of the Chair they concur or dissent as follows:

For the District:

For the Union:

Concur with comment

Concur with comment

dissent

dissent



Laura C. Benson

Sarah Curl

District Panel Member

Faculty Association Panel Member

Issued on December 19, 2018 by email and mailed



Bonnie Prouty Castrey,

Panel Chair

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CONCURRING OPINION RE FACT-FINDING REPORT

Office of the Chancellor

The Yosemite Community College District (District) and the Yosemite Faculty Association (YFA) participated in a Fact-finding hearing/investigation (FFH) on September 17-18, 2018 in accordance with Government Code section 3548 et seq. During the FFH, the District and YFA each presented hundreds of pages of documentation explaining the District's budget and collective bargaining information. The extended time to review the various information presented reflected the in-depth investigation required as part of the fact-finding process.

The District issues this concurring opinion to the fact-finding report to further explain the bargaining history surrounding negotiations and to explain the complex budgetary and personnel issues that have guided the parties through the impasse process.

District Overview

Columbia College and Modesto Junior College are the two community colleges located in the Yosemite Community College District. The former Modesto Junior College District was expanded into the larger Yosemite Community College District in 1964 by action of the district electorate. The district is geographically one of the largest in the State and transects more than 100 miles of the fertile San Joaquin Valley from the Coast Range on the west to the Sierra Nevada on the east. The boundaries include nearly 4,000 square miles encompassing all of Tuolumne and Stanislaus Counties and parts of San Joaquin, Merced, Calaveras and Santa Clara Counties. Because of an increase in student enrollment, the need for greater educational opportunities in the mountain counties, and the great distance involved in travel for students to attend Modesto Junior College, the Yosemite Community College District Board of Trustees authorized the formation of Columbia Junior College and scheduled its opening for September, 1968. The word 'Junior' was dropped from the College name in 1978. Starting on the quarter system, Columbia College changed to the semester system on July 1, 1984.

Modesto Junior College, one of the oldest community colleges in the state, was organized in 1921 to serve the first junior college district established under a State Legislature Enabling Act. Modesto Junior College was established to meet the needs of the community. Today the college strives to maintain the same objective—that of dedication and service to the community.

Community College Funding in California

Community Colleges receive *revenue* from 3 main sources: student enrollment fees, property taxes, and state apportionment. The state calculates an “entitled” amount of revenues called the *Total Computational Revenue (TCR)* for colleges based on full-time equivalent students (FTES), size of the college, and other factors. The state determines how much revenue they will apportion to a community college district by subtracting collections of student enrollment fees and property taxes from the TCR. For example, if based on enrollment, the size of the college, and other factors, assume a community college district is entitled to \$50M as per the state's TCR formula. If a community college district collects \$8M in enrollment fees and collects \$22M in property tax revenues, then the state would apportion the community college district \$20M, the difference between \$50M entitled minus and \$30M collected in student enrollment fees and property tax

Community College District, Merced Community College District, Palomar Community College District, San Joaquin Delta Community College District, San Jose-Evergreen Community College District*, Sierra Community College District*, State Center Community College District, West Valley Mission Community College District*, and Yosemite Community College District.¹

Specifically, Article 14.1 provides in relevant part:

“Benchmarks- The benchmarks for comparison are as follows, with the goal that YCCD rank at least median of the cohort of comparable districts on each benchmark.

- Highest non-doctorate column at step 5
- Highest non-doctorate column at step 18
- Highest non-doctorate column at step 30

Total compensation calculation

When impasse was declared in April 2018, YFA asserted that their total compensation analysis determined that the faculty was being compensated at 13.25% below the goal of median. In support of YFA’s subsequent contention during fact-finding that faculty were actually paid approximately 22% below the goal of the median salary of the cohort (as provided in particular steps), YFA asserted that when calculating the “total compensation” (i.e., salary + benefits) individual employees of the cohort districts received it was no longer appropriate to subtract the amount the individual employees of the cohort districts were paying towards the employee benefits. YFA contended the District had agreed not to subtract the amount the individual employees of the member cohort districts paid towards the benefits received as part of the total compensation calculation some time during Interest Based Bargaining sessions the parties conducted in 2017. The District strongly disagreed with this assertion and no written agreement was proffered during the fact-finding process to confirm YFA’s assertion.

In contrast, after the FFH concluded, Brian Sanders, the current Vice President of Instruction reviewed his archived files from when he was on the YFA negotiation team and co-author of the Article 14 total compensation calculation analysis for the cohort. Mr. Sanders submitted a signed declaration and Excel worksheet from his time on the 2007 YFA bargaining team conclusively demonstrating that the YFA total compensation calculation was: “Salary + Average Rate-Driven Benefits + Average Fixed Cost Benefits minus Average Employee Contribution.” (See September 24, 2018 Declaration of Brian Sanders admitted.) Based on the foregoing, the District concurs with the fact-finding recommendation that faculty are not compensated 22% below the goal of the median salary of the cohort as claimed.

Moreover, the District concurs with the fact-finding report conclusion that the goal of faculty to attain “median” contained in Article 14 is “aspirational” and does not require mandatory

¹ *Represents community colleges that became “Basic Aid” districts after the cohort language contained in Article 14 was negotiated approximately 10 years ago. Basic Aid districts are allowed under current state law to keep all of their property tax revenue.

is just one example of many inequities. The example assumes the faculty member is teaching a four-unit class, with three units of lecture and one unit of lab, for a total of 54 hours of lecture + 54 hours of lab = 108 total hours of instruction.

Computer Science

MJC: Lec 18.18% + Lab 18.18% = 36.36% Total Load

Columbia: Lec 20% + Lab 15% = 35% Total Load

The variability is small but real, and when multiplied by all of the inconsistent lecture-lab loads it occurs across *thousands* of sections per year. Each division office calculates loads differently, making it particularly difficult to double-check results centrally. Having employees fairly and equitably compensated for the same work is a strong interest of the District. Therefore, the District concurs with the fact-finding recommendation with regard to Appendix B- Workload.

Class Size

The District has proposed that the parties honor the recommendations of the Class Size Committee which outlines a process for establishing class sizes. The Class Size Committee was established as a workgroup in support of the negotiation process between the District and the YFA. The Committee was comprised of faculty from both Columbia College and Modesto Junior College, including representation from both Academic Senate and YFA, as well as administrators from both colleges. Management of a comprehensive college district requires the constant balancing of faculty weekly student contact hours and class size in order to remain fiscally stable. The District's latest proposal listed a class size maximum of 40 as a possible option. The District concurs with the fact-finding recommendation with regard to the future handling of class size.

Term of Agreement

YFA has stated they will not accept an offer which falls short of expiring on June 30, 2021, which means they are demanding a contract term of five (5) years (2016-2021). YCCD and YFA have legally sunshined contract negotiations for a period of three (3) years (2016-2019). YFA's position is not consistent with California Government Code section 3540.1(h) which specifically limits the term for the length of a negotiated agreement to three years. The District concurs with the fact-finding recommendation with regard to the term of the agreement.

Informational And Clarification

The fact-finding recommendation is advisory pursuant to Government Code section 3548 et seq. It is understood by the fact-finding panel that the District's concurrence with the fact-finding recommendation is not a change of the District's bargaining position and the District does not waive its right to impose its LBFO after the impasse process has concluded if no agreement between the parties is reached.

APPENDIX A - District Facts

- STRS and PERS costs are projected to increase by \$4.6 million from 2018-19 to 2025-26 based on currently published rates. YCCD must be able to fund these increases out of ongoing funds.
- YCCD expends a greater percentage of its total expenditures on salaries and benefits than do a majority of the other Districts in the Cohort. In 2016/17, YCCD ranked the 5th highest in the cohort with 87.54% of YCCD's expenditures spent on salaries and benefits. In 2017/28, the number increased to 89%.
- While the Chancellor's Office has requested a 5% increase to FTES rates in 2019/20 in addition to COLA, this is not likely to occur due to lack of Proposition 98 funds to support such an increase. The Legislative Analyst's Office estimates the state will only have enough Proposition 98 revenue to fund COLA which they estimate at 3% versus the state Chancellor's Office estimate of 2.57%.
- The actual COLA will not be known until early May and, per EDC § 42238.1, is calculated based on the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States from the federal government. The COLA is only guaranteed for the first 3 years of the new funding formula. For YCCD, the total of new cost increases is projected to exceed new revenue in 2020/21.
- The increases districts have offered to unions, and some unions have accepted, have exceeded increases to the CPI since the economic recovery for community colleges began in 2013-14.
- YCCD's fund balance has decreased in five of the last six years and was 16.1% in 2016-17 compared with a cohort average of 2.2% and a statewide average of 21.3%.
- While YCCD is asked to provide YFA salaries at the median of the cohort, the district ranks 10 of 13th in the cohort in terms of revenues received per FTES (See attached chart – Appendix B for specific data).

APPENDIX B – Cohort Salary Comparisons continued.

	\$	\$	\$	\$	\$
Chabot- Las Positas	62,035	76,838	95,473	110,278	124,221
	\$	\$	\$	\$	\$
Contra Costa	59,616	67,716	86,964	103,344	108,288
	\$	\$	\$	\$	\$
Grossmont-Cuyamuca	51,279	58,301	73,078	94,888	102,045
	\$	\$	\$	\$	\$
Kern	71,210	80,568	97,536	115,199	123,262
	\$	\$	\$	\$	\$
Long Beach	67,275	79,862	94,456	109,165	113,930
	\$	\$	\$	\$	\$
Palomar	62,005	75,545	92,762	107,517	124,806
	\$	\$	\$	\$	\$
San Joaquin Delta	57,017	71,720	86,417	107,701	119,684
	\$	\$	\$	\$	\$
State Center	59,477	73,843	91,525	109,663	117,476
	\$	\$	\$	\$	\$
Yosemite	55,384	66,648	84,994	96,511	106,068
	\$	\$	\$	\$	\$
	59,616	73,843	91,525	107,701	117,476

Bonnie Prouty Castrey
Arbitrator Mediator Fact Finder

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RE: **Fact Finding Report and Recommendations Yosemite
Community College District and Yosemite Faculty
Association SA-IM-3455-E**

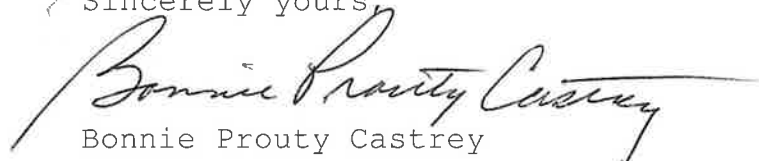
Dear Chancellor Yong, Vice Chancellor Leguria, President Sahlman
and Mr. Bryant;

Enclosed please find the concurrence of FYA Panel Member,
Sarah Curl, which I have been able to print today.

Please attach it to the original signed Fact Finder's Report
with attachment for YCCD Panel Member Laura C. Benson's
concurrence, which I emailed to you all on December 19, 2018 and
mailed by USPS December 20, 2018, when the post office opened.

I continue to wish you well in settling this matter.

< Sincerely yours,


Bonnie Prouty Castrey

Enclosure

CC Mary Weiss, PERB

YFA Panel Member Sarah Curl by email only

YCCD Panel Member Lauren C. Benson by email only

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JAN 02 2019

YFA Panel Member Concurrence
Sarah Curl, YFA Representative
December 21, 2018

Office of the Chancellor

The YFA Panel Member strongly concurs to the factfinding chair's advisory report (the Report). I believe the Report is well-reasoned and provides an excellent basis for the parties to meet and negotiate during the final 10-day window prior to the end of impasse, and also provides an important framework for the upcoming June 2019 negotiations.

I hope it serves as a launching off point for fair negotiations for faculty as the neutral factfinder has confirmed so many of YFA's positions during these negotiations, and hope it provides the District with a basis for finally resolving these negotiations that have now gone over three years. I know this Report will provide faculty even more resolve, and that it confirms YFA has been correct in its assessment that fair compensation is both necessary and affordable.

SUMMARY OF REPORT FINDINGS

1. A salary increase of 8% ongoing plus compression of the salary schedule for 2016-2019, with 2% retroactive for 2017-2018 and 6% + compression for 2018-2019, with 2% retroactive to July 1, 2018 and 4% beginning January 2019.
2. That the parties implement a plan for faculty to obtain median compensation of the currently negotiated cohort, using the currently negotiated calculation methods.
3. That lab loads be increased in most part and all standardized at 0.80.
4. That class size be negotiated pursuant to the parties' most recent offer, which calls for no increases to 45 students and for a joint faculty-administration committee to review class size based on pedagogy and financial considerations and which refers to YFA-YCCD negotiations in rare cases of deadlock.
5. That the term end June 30, 2019, with negotiations to resume at that time to implement a plan to obtain median compensation of the negotiated cohort.

REPORT DETAILS AND ANALYSIS

1. *The Negotiated Cohort and Plan to Obtain Median Compensation*

First and foremost, the Report provides a complete and total endorsement of the YFA-YCCD negotiated cohort and plan to obtain median compensation. It affirmed: (1) that the composition of the cohort districts is proper, (2) that YFA calculated total compensation properly in its conclusion that faculty were 22.3% below median, and (3) the parties should negotiate a plan to obtain median compensation of the cohort:

The Report recommends a salary increase for this contract term of 8% ongoing plus compression of the salary schedule for 2016-2019, with 2% retroactive for 2017-2018 and 6% + compression for 2018-2019.

The Report accurately notes that *even* an increase of 12% to 20% would only move faculty “to the goal of median” and would not even reach that median benchmark:

In studying the cohorts and the near bottom placement of YFA, in order **to move** to the goal of median, the YFA is probably needing about a **12% to 20% increase to the benchmark positions.** (p. 8, ¶ 2.)

These findings are consistent with my own. The Report’s recommended salary increase would take takes faculty **from average rank 10.1 to 8.8** and **to 10.6%** below median of the cohort, using the approved calculation methods.

Even though faculty will not obtain median, the Report crucially notes that they should implement a plan to obtain median compensation.

“A plan to get to median is possible, but will take time and collaboration between the parties to strategically think through all the necessary elements.”

Because of that recommendation; because the parties will begin negotiating this semester for the next round of negotiations to implement the plan to median; and, finally, as the Chancellor’s Office has announced an anticipated 5% increase to base funding for 2019-2020, I concur with these recommendations.

3. *Class Size and Lab Loading*

The YFA is pleased with these proposals and recommends that the parties’ most recent supposals in these areas be adopted without revision.

4. *The District Has the Undisputed Ability to Pay Faculty Median Compensation As Required*

The District has an undisputed current ability to pay median compensation. The Report accurately notes that **at no time during these negotiations has the District claimed it cannot afford YFA’s proposal for the required median** compensation. Instead has argued simply that YFA should settle for the same amount other units received in past years. The Report notes:

The YCCD has not pled “inability to pay”, but has indicated that other employees settled for 2%.” (p. 7, ¶ 4.)

Instead, as it cannot argue an inability to pay, the District instead tries to improperly rely on past offers to other employee groups and claims of speculative, future deficits as the basis for refusing to provide median compensation. These claims should be rejected, as the District has a practice of manipulating its budget projects to evade its contractual obligations to provide

YFA PANEL MEMBER RECOMMENDATIONS

The YFA panel member recommends that the Report's conclusions be accepted -- despite the proposed 8% salary increase over the 2016-2019 term only resulting in faculty only moving from an **average rank 10.1 to 8.8** and to **10.6%** below median of the cohort -- provided the recommendations are accepted in whole, including a plan to obtain median compensation, the affirmation of the cohort and calculation method, and lab loading and class size.

This recommendation is because the current negotiation term ends in a matter of mere months, June 2019. YFA will have the opportunity to continue to move toward median during this next negotiation cycle, especially as the Chancellor's Office's has requested a 5% increase in base funding for YCCD and other college districts.

Alternative Recommendation

In the alternative, I recommend that the parties agree to include 2019-2020 in any negotiated settlement to obtain a greater length of stability for the college district, with 5% on schedule added for that year to reflect the increased funding anticipated from the Chancellor's Office. The Chair notes the possibility for inclusion of 2019-2020 in these negotiations.

"The Chair notes that the 2019-2020 negotiations are NOT before this Panel, however, the parties may wish to negotiate for that year, as they meet to negotiate a settlement following the release of this "Report and Recommendations" in order to have a period of labor management peace." (p. 10, ¶ 1.)

I recommend that in this scenario, that YFA agree to 5% for 2019-2020, allow the District to implement CCAP agreements for Spring 2019 and thereafter, and also agree to evaluate the composition of the negotiated cohort and compensation calculation methods, *provided* that the parties maintain a plan to obtain median compensation of any new cohort.

I would like to thank my fellow panel members. I also would like to thank the YCCD community, students, staff, faculty for their consideration of this Report and Concurrence.