



Board Office Use: <b>Legislative File Info.</b>	
File ID Number	23-2790
Introduction Date	December 13, 2023
Enactment Number	23-2168
Enactment Date	12/14/2023 os

## MEMO

**To:** Board of Education

**From:** Kyla Johnson-Trammell, Superintendent  
Lisa Grant-Dawson, Chief Business Officer  
Jenine Lindsey, Interim General Counsel

**Board Meeting Date:** December 13, 2023

**Subject:** Board Approval of Tentative Side Letter Agreement Between American Federation of State, County and Municipal Employees Local 257 and the Oakland Unified School District Pending compliance with Government Code Section 3547.5, Government Code Section 3540.2 and all applicable AB 1200 Public Disclosure requirements.

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### **Action Requested and Recommendation**

Board of Education approval of tentative agreement between American Federation, of State, County and Municipal Employees Local 257 (“AFSCME”) and the Oakland Unified School District (“OUSD” or “District”) pending compliance with Government Code Section 3547.5, Government Code Section 3540.2 and all applicable AB 1200 Public Disclosure requirements.

### **Background and Discussion**

AFSCME represents classified staff in OUSD including Custodians, Paraeducators, Food Service Workers, LVNs, 504 Techs and other classified positions. The collective bargaining agreement between AFSCME and OUSD (“CBA”) expires on June 30, 2024. The tentative agreement includes one-time compensation and an extension of the CBA through October 31, 2024. Attached to this memo and legislative file is the December 7, 2023 tentative agreement between AFSCME and the District is attached in its entirety.

Government Code 3547.5(a) states: “Before a public school employer enters into a written agreement with an exclusive representative covering matters within the scope of representation, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years, shall be disclosed at a public meeting of the public school employer in a format established for this purpose by the



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Superintendent of Public Instruction.” The Agreement, including all major provisions, is attached in its entirety.

AB 1200 (specifically Government Code section 3540.2) requires: “A school district that has a qualified or negative certification . . . shall allow the county office of education in which the school district is located at least 10 working days to review and comment on any proposed agreement made between the exclusive representative and the public school employer, or designated representatives of the employer, pursuant to this chapter. The school district shall provide the county superintendent of schools with all information relevant to yield an understanding of the financial impact of that agreement.” In response, “[t]he county superintendent of schools shall notify the school district, the county board of education, the district superintendent, the governing board of the school district, and each parent and teacher organization of the district within those 10 days if, in his or her opinion, the agreement reviewed pursuant to subdivision (a) would endanger the fiscal well-being of the school district.”

### **Fiscal Impact**

The tentative agreement will be reviewed by the Alameda County Office of Education (“ACOE”) through the AB 1200 process. Public disclosures and other requirements of Government Code Sections 3540.2 and 3547.5 will occur post the completion of ACOE’s review. The projected one-time costs of the one-time payments to unit members is \$9,050,138. One time payments will be funded from the District’s one time COVID Fund Resources (ESSER III).

### **Attachments**

- *December 7, 2023 Tentative Side Letter Agreement between OUSD and AFSCME*

**TENTATIVE AGREEMENT**  
**Concerning Compensation and an Extension of the Collective**  
**Bargaining Agreement for fiscal 2023-2024**  
**between the**  
**American Federation of State, County and Municipal Employees**  
**Local 257**  
**and the**  
**Oakland Unified School District**

This Side Letter of Agreement (“Agreement”) is entered into between the American Federation of State, County and Municipal Employees Local 257 (“the Union”) and the Oakland Unified School District (“the District”) to resolve all reopeners to the collective bargaining agreement between the parties (“CBA”).

**Compensation**

**1. One Time Compensation:**

- a. **For the 2023-24 school year, unit members shall receive one-time compensation as follows:**
  - i. Unit members employed by the District at the time of ratification of this Agreement by the Board of Education shall receive payments as follows:
    1. For unit members who .5 FTE or greater, shall receive this one-time payment of \$7,800.00.
    2. Unit members with less than a .5 FTE shall receive a one-time payment of \$4,500.00.
  - ii. All compensation included in this section is contingent upon a determination by the Alameda County Office of Education that the combined financial impact of all tentative agreements with OUSD labor partners reached in the 2023-2024 school year do not endanger the fiscal well-being of the District.

**Duration of the Agreement (extension of the CBA)**


1. (ARTICLE 29) The CBA, including all provisions of this Agreement, shall be extended through October 31, 2024. All Articles and provisions of the CBA between the Parties not addressed in this tentative agreement shall remain in effect.
2. Nothing in this Agreement shall prevent the Parties from continuing negotiations or returning to the table to negotiate the reopeners included in Article 29 of the CBA between the Parties (up to **three** remaining) for the 2023-24 school year on non-monetary items publicly sunshined as required by law and on wages for 2024-25.


3. Any provisions of the CBA inconsistent with this Side Letter Agreement shall be deemed modified henceforth. All components of the current CBA between American Federation of State, County and Municipal Employees and the District not addressed by the terms of this Agreement shall remain in full effect.

In witness whereof the parties hereto have executed this agreement this \_\_\_\_\_ day of December, 2023.

**AFSCME Local 257**

**OAKLAND UNIFIED SCHOOL DISTRICT**

By:  \_\_\_\_\_  
Dana wood (Dec 12, 2023 20:10 PST)


By:  \_\_\_\_\_  
GIA WHITE (Dec 12, 2023 19:10 PST)


By:  \_\_\_\_\_

By: \_\_\_\_\_

Approval as to form:

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Jenine Lindsey, Interim General Counsel

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Mike Hutchinson, President, BOE

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Kyla Johnson-Trammell, Superintendent & Secretary, BOE