Classification Bargaining 101

Typically, there is a three-step process involved with creation of a new classification or the revision of an existing classification:

- Develop classification standards
- Seek approval of the Public Employment Relations Board for the placement of the new/revised classifications in the appropriate bargaining unit
- Bargain with the CSU over the impact of the new/revised classifications

- Pursuant to Article 17, Section 17.14, of the Contract between CSUEU and CSU, either party may request to meet regarding the creation of a new classification or the modification of an existing classification.
  - When the CSU determines that a study to develop new classifications or to revise current classifications is necessary, the CSU shall notify the Union. Within thirty (30) days of such notification, the Union may request to meet with the CSU to discuss the classification study. The Parties agree to meet and discuss the classification study within sixty (60) days of the University providing draft classification information to the Union. Such a meeting shall be held at the Office of the Chancellor, unless both parties agree to meet at a campus.
  - When the CSUEU believes that a study to develop new classifications or to revise current classifications is necessary, the Union may submit a written request and submit data in support of the request to the CSU. The parties agree to meet and discuss CSUEU’s classification request within sixty (60) days of receiving the request.
  - The CSU shall notify the Union of the establishment of any new bargaining unit classification(s). The Union may, within 30 days of such notification, request the University meet and confer on the impact of the implementation of any such newly established or revised (provided there are meet and confer requirements pertaining to the revised classification) bargaining unit classification(s). The Parties agree to meet within sixty (60) days of the request to meet and confer on the impact of any issues involving mandatory bargaining topics under HEERA related to the implementation of any such newly established or revised bargaining unit classification(s).

Typically, CSUEU and CSU reach an agreement on the text of the classification and qualification standards. In the absence of an agreement, the CSU can unilaterally issue new or revised standards. Nevertheless, the impact of any proposed changes to classifications or any new job classifications is subject to bargaining.

The placement of new/revised classifications in CSUEU-represented bargaining units is subject to mutual agreement between CSEA, CSU, and the Public Employment Relations Board (PERB). If employees performing the work specified in the new/revised standards are represented by CSUEU, the approval process is fairly simple. If, however, incumbents are represented by different unions, as was the case with Library Assistants and Athletic Trainers, there could be a lengthy hearing process. PERB’s decision is based primarily on the “community of interest” between employees in the new/revised classification and other employees in the appropriate bargaining unit.
After PERB determines which bargaining unit is most appropriate for the new/revised classification, the union representing that unit bargains with the CSU over the impact of the new series on incumbent employees. Seven subjects are within the scope of bargaining:

(1) the transfer of work from one class to another;
(2) retitling of classifications;
(3) all matters related to salaries, including salary range to which newly created classifications are assigned and any changes in salaries or salary ranges of existing classifications;
(4) reassignment of employees from existing classifications to different or newly created classifications;
(5) allocation of positions to classifications;
(6) the grouping of classifications into occupational groups;
(7) and the effects, if any, on terms and conditions of employment of those classification decisions within the employer's exclusive prerogative, including the creation of new classifications to perform functions not previously performed, the abolition of classifications to cease engaging in functions previously performed, and the revisions of job specs. [Alum Rock, 1983, PERB Decision 322, 7 PERC 14184, 5 PERC 12121]

Bargaining over the impact of a new/revised classification follows the same laws and regulations as all other bargaining under the Higher Education Employer-Employee Relations Act (HEERA). If no agreement is reached, the statutory impasse procedures of mediation and fact-finding are used. If the impasse procedures are exhausted without an agreement being reached, the CSU has the right to unilaterally implement a new or revised classification. This process has only been used once with CSUEU-represented employees. In 1996, the CSU unilaterally implemented the Information Technology (IT) series at the same time they imposed open ranges and performance pay.

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