

INTERIM AGREEMENT BETWEEN
OPTIONS FOR LEARNING
AND
SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 99
REGARDING
WAGES, EMPLOYEE BENEFITS AND PERSONNEL POLICIES
UNDER THE SEPTEMBER 2022 REOPENER TO THE LABOR AGREEMENT

RECITALS

Under Article 24 - *Reopeners* of the Labor Agreement between Options for Learning (“Options”) and Service Employees International Union, Local 99 (“the Union”), Options timely notified the Union in writing it was reopening Article 7 - *Personnel Policies*, Article 8 - *Employee Benefits* and Article 9 - *Wages* of the Labor Agreement for negotiations. (The 2012-2016 Labor Agreement between the Parties, as amended, is referred to herein as the “Labor Agreement.” Options and the Union are sometimes each referred to herein as a “Party” and together as the “Parties.”)

Options also timely notified the Union about the nature, structure and type of benefits Options is offering bargaining unit employees and the changes and premiums starting January 1, 2023, under Section 8.13 of the Labor Agreement.

Options applied to the Office of Head Start for increased funding for cost-of-living adjustments for wages (“HS COLAs”) for bargaining unit positions funded with Head Start monies. The Office of Head Start granted Options’ application for HS COLAs of 5% for bargaining unit employees in the Head Start Division.

Options receives funding for the bargaining unit positions in the Full-Day Preschool, State Preschool, and Surround Care Divisions based on contracts with the State of California. Those contracts are administered by several State of California agencies such as the California Department of Education (“CDE”) and the California Department of Social Services (“CDSS”) (collectively “the CAL Agencies”).

The CAL Agencies increased Options' reimbursable contract rate for the contracts between Options and the CAL Agencies by a 5% cost-of-living adjustment for wages ("State COLAs") for bargaining unit positions in the Full-Day Preschool, State Preschool, and Surround Care Divisions.

Based on the HS COLAs and the State COLAs, Options and the Union have agreed upon the hourly wage rate increases for bargaining unit job classifications in each of the Full-Day Preschool, Head Start, State Preschool, and Surround Care Divisions covered by the Labor Agreement.

The Parties have also agreed to modify Article 7 - *Personnel Policies*, Personnel Policy Number 1009 – *Family Care and Medical Leave*, Personnel Policy 1031 – *Paid Time Off -Nonexempt Employees*, Article 8 – *Employee Benefits*, and Article 9 – *Wages* of the Labor Agreement.

Options and the Union have bargained in good faith during the September 2022 Reopener and satisfied their obligations under section 8.13 of the Labor Agreement.

Options and the Union hereby agree to amend the Parties' Labor Agreement as set forth in this Interim Agreement as follows:

A. PERSONNEL POLICIES.

1. Section 7.3 of Article 7 – *Personnel Policies* is added to the Labor Agreement as set forth in Exhibit A to this Interim Agreement.

2. Personnel Policies 1009 and 1031 are amended as set forth in Exhibits B and C to this Interim Agreement.

B. EMPLOYEE BENEFITS

1. Exhibit D to this Interim Agreement is the amended Article 8 – *Employee Benefits* of the Labor Agreement in a redlined format showing the changes.

2. Exhibit E to this Interim Agreement sets forth the employee benefits available to bargaining unit employees during calendar/benefit year 2023 and the monthly premiums for such benefits. The benefits described in Exhibit E are subject to the terms and conditions of the benefit plans, the agreements with the plans' insurance carriers and benefits providers, and the law, including regulations

C. WAGES

1. **Article 9.** Exhibit F to this Interim Agreement is the amended Article 9 – *Wages* of the Labor Agreement in a redlined format showing the changes.

2. Full-Day Preschool Division.

(i) Exhibit G to this Interim Agreement is titled *Options for Learning Full-Day Preschool Division Job Titles and Hourly Wage Rates 2022-2023 Reopener*. It contains the hourly wage rates for the job titles of the bargaining unit positions in the Full-Day Preschool Division. Exhibit G is incorporated into Appendix A of the Labor Agreement and replaces the current wage rates and job titles for the Full-Day Preschool Division.

(ii) The hourly rates in Exhibit G reflect a 5% COLA.

(iii) Subject to the conditions in section D subsections 1 and 2 below of this Interim Agreement, and to the extent authorized by law and the rules of the CAL Agencies, the State COLAs for the Full-Day Preschool Division bargaining unit employees in the job titles outlined in Exhibit G to this Interim Agreement will be retroactive to July 1, 2022, if the Parties execute this Interim Agreement by November 30, 2022.

3. Head Start Division.

(i) Exhibit H to this Interim Agreement is titled *Options for Learning Head Start Division Job Titles and Hourly Wage Rates 2022-2023 Reopener*. It contains the hourly wage rates for the job titles of the bargaining unit positions in the Head Start Division. Exhibit H is incorporated into Appendix A of the Labor Agreement and replaces the current wage rates and job titles for the Head Start Division.

(ii) The hourly rates in Exhibit H reflect a 5% COLA.

(iii) Subject to the conditions in section D, subsections 1 and 2 below of this Interim Agreement, and to the extent authorized by law and the rules of the funding agency, the Head Start COLAs for the Head Start Division bargaining unit employees in the job titles outlined in Exhibit H to this Interim Agreement will be retroactive to: (i) December 1, 2021, if the Parties execute this Interim Agreement by November 30, 2022, or (ii) December 1, 2022, if the Parties execute this Interim Agreement on or after December 1, 2022, but by November 30, 2023.

4. State Preschool Division.

(i) Exhibit I to this Interim Agreement is titled *Options for Learning State Preschool Division Job Titles and Hourly Wage Rates 2022-2023 Reopener*. It contains the hourly wage rates for the job titles of the bargaining unit positions in the State Preschool Division. Exhibit I is incorporated into Appendix A of the Labor Agreement and replaces the current wage rates and job titles for the State Preschool Division.

(ii) The hourly rates in Exhibit I reflect a 5% COLA.

(iii) Subject to the conditions in section D, subsections 1 and 2 below of this Interim Agreement, and to the extent authorized by law and the rules of the CAL Agencies, the State COLAs for the State Preschool Division bargaining unit employees in the job titles outlined in Exhibit I to this Interim Agreement will be retroactive to July 1, 2022, if the Parties execute this Interim Agreement by November 30, 2022.

5. Surround Care Division.

(i) Exhibit J to this Interim Agreement is titled *Options for Learning Surround Care Division Job Titles and Hourly Wage Rates 2022-2023 Reopener*. It contains the hourly wage rates for the job titles of the bargaining unit positions in the Surround Care Division. Exhibit J is incorporated into Appendix A of the Labor Agreement and replaces the current wage rates and job titles for the Surround Care Division.

(ii) The hourly rates in Exhibit J reflect a 5% COLA.

(iii) Subject to the conditions in section D, subsections 1 and 2 below of this Interim Agreement, and to the extent authorized by law and the rules of the CAL Agencies, the State COLAs for the Surround Care Division bargaining unit employees in the job titles outlined in Exhibit J to this Interim Agreement will be retroactive to July 1, 2022, if the Parties execute this Interim Agreement by November 30, 2022.

D. OTHER MATTERS

1. Payment of Retroactive Head Start COLAs and State COLAs.

(i) Subject to the other conditions described in this Interim Agreement, Options will pay the retroactive Head Start COLAs, and the retroactive State COLAs consistent with Options' regular payroll and paycheck practices, as soon as practicable after the effective date and Parties' execution of this Interim Agreement.

(ii) Subject to the other conditions described in this Interim Agreement, to receive the Head Start COLAs or State COLAs retroactively, otherwise eligible bargaining unit employees must be employed by Options on the date Options' payroll department distributes the retroactive payroll checks. Accordingly, if a bargaining unit employee is not employed by Options on the date Options distributes the retroactive paychecks, including distribution by direct deposit, for the Head Start COLAs for employees in the Head Start Division or the State COLAs for the employees in the Full-Day Preschool, State Preschool and Surround Care Divisions, the employee is not eligible for the retroactive pay.

2. The hourly wage rates and job titles in Exhibits G, H, I and J of this Interim Agreement will become effective January 1, 2023, on the condition this Interim Agreement is executed by December 31, 2022.

3. This Interim Agreement is effective the latest date set forth below and supersedes and amends all prior agreements, including prior interim agreements, regarding the matters covered by this Interim Agreement. This Interim Agreement will remain in full force and effect until the Parties' future collective bargaining results in them agreeing to amend the Labor Agreement incorporating the matters covered by this Interim Agreement, or the Parties agree to a subsequent interim agreement regarding the issues covered in this Interim Agreement, or the Parties' future negotiations regarding the matters covered by this Interim Agreement reach an impasse, whichever occurs earlier.

Date: October , 2022

SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 99

By _____
Michael Haberberger, Project Director

Date: October , 2022

OPTIONS FOR LEARNING

By _____
Paul F. Pulver
Chief Executive Officer