

Memorandum of Understanding
between the
Fresno Unified School District
and
Service Employees International Union, Local 521
Substitute Custodians

Fresno Unified School District (“District”) and the Service Employees International Union, Local 521 (“SEIU” or “Union”) hereby enter into a memorandum of understanding including Substitute Custodians as members of SEIU.

The parties agree to modify Article 25 – Recognition to include the position of “Substitute Custodian.”

The parties further agree to amend the parties collective bargaining agreement to include Article 39 as set forth below.

ARTICLE 39 – SUBSTITUTE CUSTODIANS

1. Effective [insert date] substitute custodians shall become members in the Unit and subject to the terms of the parties Collective Bargaining Agreement as set forth in this article.

2. Substitute Custodians are subject to the following articles without modification:

Article 1	Article 13	Article 26
Article 2	Article 15	Article 28
Article 5	Article 20	Article 31
Article 6	Article 21	Article 33
Article 7	Article 22	Article 35
Article 8	Article 23	Article 38
Article 9	Article 25	Other Provisions
Article 12		

3. Substitute Custodians shall not be subject to the following articles:

Article 3	Article 16	Article 34
Article 4	Article 27	Article 37
Article 10	Article 30	

4. Substitute Custodians shall be subject to the following articles as modified below:

Article 11 – All sections of Article 11 shall apply to Substitute Custodians with the exception of section 1, which shall not apply.

Article 14 – For Substitute Custodians, Article 14 shall not apply, and shall be replaced with the Substitute Custodian Review Form language as follows:

1. When a site administrator submits a review form regarding a Substitute Custodian's performance, the administrator may, at his/her request, receive input from the plant coordinator for whom the Substitute Custodian worked, the custodian team at the site, and any other member of the school community. All Substitute Custodian Review Forms shall be sent to the Division of Human Resources/Labor Relations and to the Department of Maintenance & Operations.
2. The criteria which are to be used in completing a Substitute Custodian Review Form shall include the Substitute Custodian's ability to perform the necessary functions of the Custodian job description, whether instructions were followed, punctuality, and whether the Substitute Custodian demonstrated professional conduct in the workplace.
3. A negative Substitute Custodian Review Form must be submitted within 5 days of the occurrence prompting the sit administrator to fill out the Substitute Custodian Review Form.
4. A copy of any Substitute Teacher Review Form shall be provided to the Substitute Custodian by the Division of Human Resources/Labor Relations within (5) days from the completion of the Substitute Custodian assignment.
 - A. The Substitute Custodian shall have the right to submit a response to any such Substitute Custodian Review Form within fifteen (15) days.
 - B. A representative of Human Resources/Labor Relations shall review the response prior to entering the Substitute Custodian Review Form in the Substitute Custodian's official personnel file. Upon request, the employee representative may be included during the review.
 - C. If a representative of Human Resources/Labor Relations and the employee's representative agree that the charges are not valid the form will not be entered into the employee's personnel file and will be destroyed.
 - D. If the Substitute Custodian Review Form is filed in the Substitute Custodian's personnel file, the response shall be attached and filed with the evaluation in the Substitute Custodian's official personnel file.

- E. The Human Resources/Labor Relations representative's determination regarding whether a Substitute Custodian Review Form shall be entered in a personnel file shall not be subject to the grievance procedure.
 - F. The Human Resources/Labor Relations Representative shall make a final determination as to whether the Substitute Custodian Review Form at issue is a negative Substitute Custodian Review Form for the purposes of this article.
 - G. A Substitute Custodian who wishes to meet with a representative of Human Resources/Labor Relations to discuss a negative Substitute Teacher Review Form will be given an opportunity to do so.
5. Any Substitute Custodian who receives a serious negative Substitute Custodian Review Form or a serious complaint against him/her can be removed from the District list of available substitutes.
 6. Any Substitute Custodian who receives three negative Substitute Custodian Review Forms will automatically be removed from the District list of available Substitute Custodians. Negative Substitute Custodian Review Forms may not be used more than 2 (two) years after placement in the personnel file.
 7. If the Substitute Custodian is removed from the list of available Substitute Custodians in the District, upon request, the Union shall meet with the HR Administrator within 10 days to discuss the possibility of future employment.

Article 18 – The provisions of Article 18 shall not apply to Substitute Custodians, except for leaves as required by law.

Article 19 – All provisions except 3. apply to Substitute Custodians.

Articles 24 & 36 – The parties agree that promotions and transfers shall not apply to Substitute Custodians, but instead the District shall continue the Substitute Custodian lateral process whereby the District interviews and/or places transfer requests for vacant full-time custodian positions, and then places Substitute Custodians in order of seniority.

Article 29 – Substitute Custodians shall be placed at Step 1 of N-25 on the salary schedule. Sections 3., 4., and 5., of Article 29 do not apply to Substitute Custodians.\

Article 32 – Seniority for Substitute Custodians shall be defined as a Substitute Custodian's date of hire with the District. Upon a placement to a regular Custodian position, the Substitute Custodian's seniority date shall be the date of placement in the new classification.

Appendix A – Substitute Custodians are placed at Grade N-25

Appendix B – Substitute Custodians are placed at Step 1 of Grade N25 and shall not be subject to annual step advancement or anniversary increments.

Darwin Duncan, Internal Organizer
SEIU Local 521

Date

Roy Mansanalez,
President, Fresno Unified SEIU Local 521

Date

Paul Idsvoog, Chief of HR/Labor Relations
Fresno Unified School District

Date

Brian Christensen, Administrator, HR/Labor Relations
Fresno Unified School District

Date

Exhibit 1

OPERATIONS SUBSTITUTE CUSTODIAN COMPLAINT FORM

EMPLOYEE NAME _____ **SITE** _____ **DATE(S)** _____

Check areas that apply then detail problem(s) and corrective action in the Comments section below:

Late to Work	_____	Excessive phone Usage	_____	Leaving Early	_____
Leaving Site Unsecured	_____	Inappropriate Dress	_____	Unsatisfactory Work Ethic	_____
Not Completing Assignment	_____				

COMMENTS - NEGATIVE/POSITIVE			
CORRECTIVE ACTION TAKEN			
SIGNATURE OF RESPONSIBLE		DATE	

cbh
Updated 9/29/15