



North Orange County United Teachers

Susan Belenardo, Superintendent,
La Habra City School District
500 North Walnut
La Habra, CA 90631

October 27, 2010

Dr. Belenardo,

I received another email response from Mr. Mrvichin in regards to LHEA's last letter asking that the district negotiate with LHEA. While much of Mr. Mrvichin's comments were a continuation of assertions that are factually inaccurate, the central issue of his email appears to be that the district is still refusing to negotiate with LHEA.

Earlier today, you were notified by Tony Butka, presiding conciliator with the State Mediation and Conciliation Service that post fact finding mediation "...is entirely a voluntary act, and so the Mediation service can only mediate with mutual agreement from both parties".

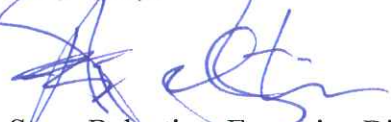
Now that it is clear that post fact finding mediation is a voluntary process, the parties should abide by the requirements outlined by the Public Employment Relations Board (PERB) when fact finding has been concluded. PERB case law cites that the parties have a duty to negotiate after the fact finding report has been published. LHEA continues to assert that this is the process that must be followed.

LHEA has no interest in relinquishing its bargaining rights or skipping steps in the process. Nonetheless, now that the district has confirmed it is "...interested in exploring if there is room for settlement using the fact finders report as a framework", LHEA is willing to meet. Unfortunately Friday October 29 is not available due to the numerous children's activities that are slated for the Halloween holiday. However, LHEA is able to meet on November 5, 2010, to have this discussion.

Please note that this should not be construed as LHEA waiving its bargaining rights. To the contrary, LHEA is simply trying to "break the ice" and move the process forward by having a meeting. After meeting, the parties can decide on the following steps. LHEA is also willing to have an outside party facilitate this discussion, if the district feels that it may be helpful to the process. But again, it must be understood that the parties are not engaged in post fact finding mediation.

If this is acceptable, please contact me at your earliest convenience.

Very Truly,



Steve Balentine, Executive Director
North Orange County United Teachers

cc: Danette Brown, LHEA President
LHEA Rep Council
LHCSD School Board members

North Orange County United Teachers

Susan Belenardo, Superintendent,
La Habra City School District
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October 22, 2010

Dr. Belenardo,

I received an email response from Draza Mrvichin in regards to LHEA's formal letter requesting that the parties agree to post fact finding negotiations. The email stated that the district is contacting the State Mediation Service and requesting post fact finding mediation.

Please know that the state appointed mediator gave up jurisdiction on this matter when the parties were certified for fact finding. In addition, this process requires both parties to agree to utilize the services of an outside neutral party, and LHEA was never asked or consulted about this beforehand.

This is the third time the district has sought an outside party, and previous efforts have not been productive. When the district unilaterally declared impasse last November, the mediator certified the parties to fact finding within hours. This was done because the district was entrenched in its proposals that were ultimately shown to be excessive.

At the fact finding hearing, the panel attempted to facilitate an agreement. LHEA made several proposals and all were rejected. After the hearing, the panel chair continued her efforts to mediate. Several proposals were offered by LHEA and all were virtually ignored. Just before the report was issued, the panel chair offered the third post fact finding proposal, but was rejected by the district even though it was almost identical to the report's recommendations.

After the fact finding report is issued, the parties are obligated to seriously discuss the report so that the parties may determine whether movement towards a settlement is a possibility. To date there has been no discussion and it appears that the district is unwilling to meet, seriously discuss the report's recommendations, and to consider the possibility of a settlement.

LHEA stated in its October 20, 2010 letter that LHEA has reviewed the findings and recommendations, and "...believes that the report provides an excellent framework for an agreement between the parties and is committed to using it as such." LHEA's acceptance of the report and willingness to use it as a framework for an agreement represents concessions from its pre-impasse positions, represents a significant change in circumstances, and indicates an agreement is possible. The district now has a clear duty to negotiate and there is no basis for the district to refuse.

If, after meeting and determining that the services of a mediator would assist in reaching an agreement, LHEA would be willing to accept post fact finding mediation as a recourse, but to avoid face-to-face meetings would be contrary to the collective bargaining statutes. The Public Relations Employment Board (PERB) has stated, "(a)n ultimate purpose of the Act (EERA) is to promote stability in employer-employee relations in public schools. This is best served when the parties resolve their disputes at the negotiating table."

Before asking another outside party to resolve our disputes, LHEA believes that the parties should return to the table as prescribed by PERB. If the district believes that that the fact finding report can provide a framework for a settlement, then LHEA requests that the district agree to resume negotiations as soon as possible. LHEA is prepared to meet any day next week or the following week.

Please contact me at your earliest convenience.

Very Truly,



Steve Balentine, Executive Director
North Orange County United Teachers

cc: Danette Brown, LHEA President
LHEA Rep Council
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October 20, 2010

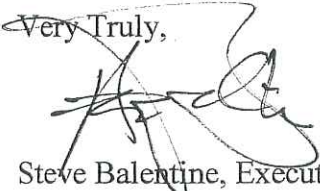
Dr. Belenardo,

LHEA is in receipt of the Fact Finding Report, and has reviewed the findings and recommendations. LHEA believes that the report provides an excellent framework for an agreement between the parties and is committed to using it as such. LHEA would like to resume negotiations and is hereby requesting that the district agree to post fact finding negotiations.

Having heard Susan Hango, school board president, state at a recent school board meeting that the district was waiting for the report and wanted to use the report as a framework for an agreement, LHEA is hopeful that the district will honor its statement.

Please contact me to schedule a date for bargaining.

Very Truly,



Steve Balentine, Executive Director
North Orange County United Teachers

cc: Danette Brown, LHEA President
LHEA Bargaining Team