

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
AND
THE ASSOCIATION OF CLASSIFIED EMPLOYEES

This Memorandum of Understanding (“MOU”) is entered into by and between Foothill-De Anza Community College District (“District”) and the Association of Classified Employees (“ACE”).

WHEREAS "The Title 2 of the California Code of Regulations (C.C.R.) section 571 exclusively identifies and defines special compensation that is reportable for employees with Classic CalPERS membership. Only special compensation items that are in a collective bargaining agreement that meet the specific definitions pursuant to C.C.R. section 571 are reportable to CalPERS.

WHEREAS Special compensation as defined by the California Code of Regulations, section 571: Under topic #2, Educational Pay, where PGA is categorized:

“Educational Incentive is defined as compensation to employees for completing educational courses, certificates and degrees which enhance their ability to do their job. A program or system must be in place to evaluate and approve acceptable courses. The cost of education that is required for the employee’s current job classification is not included in this item of special compensation”.

WHEREAS The current language in (Article 8.5, Article 10.13 and Appendix A: Professional Growth Award Application, Appendix B) of the ACE Agreement is consistent with the above definition of an educational incentive plan.

WHEREAS The Professional Growth Award is not reportable as special compensation as it is currently reflected in the ACE Agreement.

THEREFORE: Recognizing that educational incentive is tied to completion of courses, degrees or certificates and is part of an existing program which evaluates and approves acceptable courses, the parties agree to the following:

1. Allow employees an opportunity to substitute/replace hours from PGAs in order for hours to become pensionable. Therefore, the following activities may be used and counted for substitution:
 - a. Classes previously used for Educational Assistance.
 - b. Course hours above previous limit of 200 hours while on Staff Development Leave.
 - c. Applicable hours from sections 1 and 5 (i.e. carryover hours from previous awards in section 1; job-related trainings previously from section 5).
 - d. Courses omitted from any previous PGA application.
 - e. New educational hours from an accredited institution.
 - f. New hours from job-related certified training and/or courses.

2. Provide updates to the PGA application, guidelines, and appendix B in order to align the process with CalPERS rules in order for new awards to be properly documented.

Following is the process for the PGA committee to review and reassign hours to previously awarded PGA awards as they relate to CalPERS requirements.

◆ **Purpose:**

The purpose of this process outline is to provide classified employees a way to replace PGA hours previously earned outside of section 1 which provide for additional PGA hours to be considered pensionable income in compliance with the California Code of Regulations.

Special compensation as defined by the California Code of Regulations, section 571: Under topic #2, Educational Pay, where PGA is categorized:

“Educational Incentive is defined as compensation to employees for completing educational courses, certificates and degrees which enhance their ability to do their job. A program or system must be in place to evaluate and approve acceptable courses. The cost of education that is required for the employee’s current job classification is not included in this item of special compensation”.

◆ **Process**

◆ **Scenario 1: New educational hours from an accredited institution.**

- Employee is responsible for initiating a request as follows:
 - Submit a Request for Hours Audit to the ACE President.
 - Complete the Request for Hours Application to substitute PGA hours.
 - Submit completed Application, Hours Audit & official transcript in accordance with the submission procedure.
- PGA Committee is responsible for reviewing and verifying the request as follows:
 - Verify number of hours earned outside of section 1.
 - Verify courses were taken after employee’s last PGA award.
 - Verify passing grades and number of hours earned.
 - Amend section 1 on previous award/awards.
 - Amend tracking sheet to indicate employee was approved for substitution of new educational hours.
 - Notify HR/Payroll and Employee.

◆ **Scenario 2: New hours from job-related certificated training and/or courses.**

- Employee is responsible for initiating a request as follows:
 - Submit a Request for Hours Audit to the ACE President.
 - Complete the Request for Hours Application to substitute PGA hours.
 - Submit completed Application, Hours Audit, proof of hours earned, and proof of successful completion/passing grade in accordance with submission procedures.
- PGA Committee is responsible for reviewing and verifying the request as follows:
 - Verify number of hours earned outside of section 1.
 - Verify courses were taken after employee’s last PGA award.
 - Verify successful completion/passing grades and hours earned.
 - Verify courses “enhance their ability to do their job”

- Amend section 1 on previous award/awards.
- Amend tracking sheet to indicate employee was approved/denied for substitution of unaccredited new educational hours.
- Notify HR/Payroll and Employee.

◆ **Scenario 3: Substituting old hours earned but not previously submitted for PGA award or were applied to section 5, including:**

- a. Hours in excess of the previous limit of 200 hours while on Staff Development Leave
- b. Carry over hours from previous awards in section 1
- c. Courses in the past simply omitted from any previous PGA application
- d. Courses not counted due to receiving Tuition Reimbursement
- e. Job-related trainings previously from section 5

- Employee is responsible for initiating a request as follows:
 - Submit a Request for Hours Audit to the ACE President
 - Complete the Request for Hours Application to substitute PGA hours.
 - Submit completed Application, Hours Audit and official transcript in accordance with submission procedures.
- PGA Committee is responsible for reviewing and verifying the request as follows:
 - Verify number of hours earned outside of section 1.
 - Verify courses were not included on previous award/awards.
 - Verify successful competition/passing grades and number of hours earned.
 - Amend section 1 on previous award/awards.
 - Amend tracking sheet to indicate employee was approved/denied.
 - Notify HR/Payroll and Employee.

This PGA review and application process is effective immediately and will continue through June 30, 2022. Current employees must submit the completed Application, Hours Audit and applicable documentation by the deadline in order to request a review of hours for the PGA substitution process. Applications submitted after June 30, 2022 will be deemed late and will not be processed.

Myisha Washington

Foothill-De Anza Community College District

10/22/2020

Date

Cliff

ACE President

10/22/2020

Date

Anthony Booth

Anthony Booth (Oct 22, 2020 14:57 PDT)

ACE Labor Relations Rep

10/22/2020

Date












ACE PGA Substitute MOU

Final Audit Report

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