

President's Message

I hear sometimes from part-timers who feel that the contract and the Union don't do them justice; they make up half of our workforce, but they have little job security and are mostly paid less for the classes they teach. I hear just as often from full-timers who worry that part-timers are taking over, that by supporting part-timers the UF is degrading working conditions for full-timers and making it easier for the District to rely on cheaper part-time labor. These days, the stakes are getting even higher. Some districts have put limits on full-time overload to save part-time jobs. Some are cutting as many part-timers as possible to avoid full-time layoffs. Amid scheduling cuts and hiring freezes and nothing but bad news on the State's financial horizon, some ask me how one union can represent both groups at the same time.

One key, I think, lies in our overlapping interests. Full-time overload in our system pays at the part-time rate, so full-timers find out firsthand just what their part-time colleagues are paid every time they seek to earn some extra income by teaching an extra class. This makes pay parity for part-timers a full-time issue too, a mutual interest. Plus, as I have often written, nothing will increase the full-time to part-time ratio in our district faster than making part-timers just as expensive as full-timers.

More full-time jobs is another overlapping interest: good for part-timers seeking full-time jobs; good for full-timers looking to build stronger programs and share administrative work.

Many issues, in fact, that seem one-sided actually affect all faculty. Sick-leave donation for part-timers is absolutely a full-time issue. Ask any full-timer looking for donated leave if he'd prefer to be able to ask part-time colleagues as well. More release-time for Chairs and release-time for Program Leads, even though they are all full-timers, can benefit part-timers too. Not only will the Chairs and Leads have more time to do the work of their programs (which often involves scheduling and supporting part-timers), but more time released from teaching leaves more classes open to be staffed.

As a Union, our task is to bring members together to advance our overlapping interests. And we rely on one another to strengthen our hand. In fact, we rely on all the sectors of our community: our students, staff, managers, even the public, since the core interest that unites us all is our aim to offer top quality classes and educational services. This is the great insight of Interest Based Bargaining, which we use in negotiations: that by articulating and discussing our interests, we discover that we share most of them. Finding solutions somehow becomes easier after that.

I hope that our full-timers will not view as a threat the notion that we want to establish a part-time leader through our constitution. I hope that our part-time members will not deem it too little: a mere one spot added to the E-Board. There are overlapping interests at stake. When we focus on those, we find that the dedication and consistency of our mostly full-time Board has been an asset; and yet cultivating leaders from our part-time ranks will only strengthen us further. Please vote yes on the change.

United Faculty Executive Board Members

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Vern Cromartie
Stuart Lichter
Jeffrey Michels (Pres.)
Dionne Perez
Rudy Zeller (Vice Pres.)

Los Medanos College
Casy Cann-Figel (P-T Rep)
Milton Clarke
Michael Zilber (Vice Pres.)

Diablo Valley College
Emmanuel Akanyirige
Glenn Appell (Vice Pres.)
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UF and District Discussing Two MOUs

An MOU (Memorandum of Understanding) describes an agreement that interprets some aspect of our contract for the sake of improved clarity or consistency of practice. The UF leadership meets regularly with the District Chancellor and Vice Chancellors in our Contract Review Committee (CRC). Together, we routinely review issues that have come up where the contract seems unclear or ambiguous. And sometimes these discussions result in our agreeing to write MOUs.

Recently, two questions arose that will likely lead to MOUs. Nothing has been written yet, and the E-Board still needs to discuss them, but we thought we would report on them here in case our members have suggestions, and to give some insight into our processes.

The first concerns evaluations. In the case where more than one evaluator is involved in an evaluation, as in tenure-review or in the seventh semester for a part-timer, we were asked whether both evaluators could attend and evaluate the same meeting of the same section on the same day. Or did they need to attend different class meetings? Finding no clear answer in Appendix X, we took the question to our CRC, where we agreed that the intent of the contract is for each evaluator to consider a different class meeting. Rather than wait to make this clear in the evaluation revisions, we are considering using an MOU.

The second question relates to part-time scheduling. Article 20.3.2.8 of the UF contract states:

"Part-time assignments will be made available after contract, regular, overload (AC), long-term substitute, and categorically funded assignments have been made.

The District recognizes, according to the California Education Code, the fact that part-time instructors have no legal right to or expectation of continued employment. However, when making part-time assignments, first consideration shall be given to current part-time instructors based on qualifications, educational preparation to fulfill a particular assignment, performance (evaluations), availability and the needs of the District. Consideration of current part-time instructors need not be given for courses outside the employee's discipline or to effectuate an increase in teaching load."

We have been asked: what does "first consideration" mean in this context? Does it mean that a department cannot decide to offer a section to a new hire before offering it to a qualified current part-timer? Or is it enough simply to think about offering a class to a current part-timer, even if they then decide to offer the class to someone new?

In CRC, we noted that past practice does not suggest that "first consideration" gives anyone an enforceable right to sections, but we could not easily reach consensus on whether it should. We agreed that any tightening of the language or the policy would require collective bargaining. But we also noted that the paragraph is misplaced. It belongs in Article 8, "Scheduling," and not in Article 20, "Salary." So we are considering an MOU that would move the paragraph to Article 8. This would allow both sides to consider this question again when we next discuss scheduling policies and practices.



Table Talk

The Newsletter of the United Faculty of
Contra Costa Community College District

November 18, 2009

News at a Glance

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UF Members Ratify Tentative Agreement for 2009/2010

By a vote of 311 yes to 12 no, the UF ratified our Tentative Agreement with the District for 2009/10. This Agreement will go before the District Governing Board on November 18. And once the Board ratifies it, the Agreement will go into effect retroactive to July 1, 2009. We are still discussing the details regarding how the department-chair funding increase will be applied for the fall. We expect chairs to receive some retroactive compensation, but we are not yet sure when.

E-Board Reviews UF Constitution, Proposes New Position

According to the UF Constitution, the Executive Board must regularly review provisions related to representation and may, if needed, recommend amendments to the members. The last time our Constitution was changed was April, 2001. This year, the E-Board is proposing several minor changes and one major addition: a new Executive Board position titled "Part-Time Faculty Advocate" (PTFA).

The drive to create the PTFA position is grounded in today's reality that a much higher percentage of UF members (and CCCC faculty) are now part-timers than when the UF was created. To represent these members, we are increasingly finding it necessary to have a part-time representative at the table, not only in negotiations but also on District-wide committees and workgroups, such as our Contract Review Committee and our Evaluation Revision Workgroup. We discussed creating a Part-Time vice president, but we agreed that this wasn't quite right, since our current UF VPs work hard to represent the interests of part-time faculty as well as full-timers, and we did not want to suggest otherwise. Still, the current job description for our PT Issues Committee Chair (which the PTFA position will replace) has seemed inadequate compared to our need for part-time faculty leadership.

Plus, many members have been seeking for some time to see part-timer representation on the E-Board increase. By creating the PTFA position in the Constitution, we'll be adding one new part-time repre-

sentative to the Board. Currently, we have one position from each college for a part-time faculty member: a total of 3 on a Board of 19. This proposal will add a fourth part-timer, appointed by the President and confirmed by a vote of the entire UF membership (much like a VP).

It may be that in the future, the E-Board will propose adding more part-time positions to the Board. This is a subject on which we plan to survey our members and to which we will certainly return. For now, after considering costs (part-time representatives are paid to serve on the Board) and other factors, including our most pressing needs, the Board decided to propose adding the PTFA as a first step.

The PTFA will be a salaried position, with compensation determined based in part on the experience and expertise of the member who fills it. UF President Jeff Michels has told the Board that he hopes to appoint current UF PT Committee Chair Deborah Dahl-Shanks, and that the budgeted salary (worth about 40% load as compared to the 50% load given to UF VPs and the 20% load allocated in the past to the PT Committee Chair) would be off-set for at least the first two years by spending cuts. (Reorganizing the UF leadership team while some members are on sabbatical has allowed for some projected savings.)

Other proposed constitutional changes are essentially clarifications. We have added language to make clear that all UF officers serve a two-year term. We have changed the description of the Treasurer to more accurately reflect the job. And we added that "regular elections" take place not only in September but also in January (since we sometimes have E-Board vacancies in the spring).

The UF will hold general meetings on all three main campuses to discuss these changes to the UF Constitution, as well as our budget, on Nov. 23 and Nov. 24. Ballots are being distributed along with this issue of *Table Talk*. Members may vote by completing the paper ballot or by emailing, calling or faxing the UF Office (see details on the ballot itself). Votes are due in the UF Office by noon on December 10. There will be separate votes for the UF Budget and constitutional changes, and should the membership reject the proposed amendments to the constitution, this will not affect the budget.

Election Begins on UF Budget and Constitution Changes

Ballots are in mailboxes now. Votes are due in the UF Office by noon on December 10. The Budget does not depend on the constitutional changes, so one could pass without the other. The E-Board recommends a yes vote on both the budget and the constitutional changes.

General UF Meetings to Discuss Budget and Constitution

LMC: Mon., 11/23, 3-4:30pm, Room 473 (above Pres' office)
CCC: Mon., 11/23, 12:30-2pm, LA 107
DVC: Tues., 11/24, 12:30-2pm, L-151 (media room)

UF Budget Overview

For the second year in a row, the UF budget aims at rebuilding the Union's reserves. This is part of a three-year plan, after which we will reassess our dues and expenditures. Overall spending has remained fairly constant for the past several years. In fact, we are budgeting within a couple thousand dollars of what we spent in 2006-07. But since revenues increased last year because of the changes in UF dues, we are in much better financial shape than in previous years.

Revenues in 2008-09 were better than expected (due in part to growth and some new full-time faculty positions). At the same time, a number of contingencies for which we had budgeted did not wind up costing what they might have, including grievance processing and changes to our benefits costs. These factors combined to produce a better-than-expected surplus, and our reserves have been the beneficiary. We are projecting a decrease in revenues next year, however, due to schedule reductions and related staffing cuts.

Payroll taxes and workman's compensation expenses are projected to rise next year, since we have learned that some UF positions which we have treated for IRS purposes as independent contractors should more accurately be treated as employees in the future. But personnel-related costs are expected to decrease slightly overall (due to some reorganizing). We've added a maintenance contract for our office copier (which broke this year and was expensive to repair). And we've increased slightly our budget for conferences and workshops in an effort to widen our representation at state meetings and expand our connections with other unions and statewide faculty leadership.

The full budget proposal is printed on the back of the ballot.

New Law Opens Door for Part-Timer Disability Insurance

In October, the Governor signed into law FACCC-sponsored AB 381, a bill giving part-time faculty the right to negotiate separately from full-time faculty to participate in State Disability Insurance. More exactly, the law "allows community college districts to elect to provide SDI coverage to academic employees who are permanent, part-time, or temporary" without requiring that the election would "be contingent upon coverage of other academic employees of the community."

Educational employers are not required to provide SDI, and most community college districts have not done so because full-time faculty already have adequate coverage under negotiated sick leave and maternity leave benefits. Full-timers are also covered under the Family Medical Leave Act. This is not true for part-time faculty, but since SDI is funded by employee contributions, full-time members of the bargaining unit have generally not wanted to incur the extra expense. This new law will allow our union to let part-time faculty vote on participation in SDI as a sub-unit of the total bargaining unit.

SDI insurance premiums are paid by employee contributions as a percentage of gross pay. The current rate is 1.1% of gross per month. SDI benefits are paid to cover temporary disabilities or maternity, and the benefits range from \$50 to \$959 per week, depending upon earnings.

The UF E-Board will be hosting Andrea York from FACCC at our next meeting: Thursday, November 19, at DVC in Room LA 112. The meeting begins at 2:15pm, and Ms. York is scheduled to speak from 2:50-3:30pm. All are welcome. After we have learned more about SDI and the process for negotiating inclusion in the program, we will share more information in *Table Talk* and probably survey our part-time members on the subject.

New Health Options for Part-Timers through FACCC

FACCC has arranged with JC Insurance to offer part-time faculty (or any FACCC member including retirees or non-educator supporting members) group health care through Kaiser. There are 10 different plans, some with co-pays, some with deductibles. Since these are group plans, all pre-existing conditions must be accepted. The costs are higher than through the District, but for those who don't qualify for District benefits, these plans are worth considering. Premiums change based on age and type of plan chosen. The only requirement for participation in these plans is FACCC membership at \$50/year. Details are available on FACCC's website at www.faccc.org or call Scott Lucas at 1-800-552-6427 to discuss options and costs. JC Insurance also now offers through FACCC: Delta Dental, Critical Illness, Disability, Hospital only, Accident, Cancer and Life insurance.

Member Surveys in Advance of Spring Negotiations

Although neither the UF nor the District has officially announced plans for 2010/2011 reopeners, we know that we'll be negotiating in the spring over compensation and part-time pay parity. Both sides have also been talking recently about distance education and the need for some intellectual property rights spelled out in the contract. We have heard some ideas floated about benefits: a pure PPO; a three-tier drug option; a Roth IRA; State Disability Insurance, a tax-credit for those who bike to work. And the UF still seeks some changes in Leaves: family leave; sabbatical leave; sick-leave donation for part-timers. We also are seeking compensation for our CTE Program Leads, most of whom work many hours to coordinate certificated programs with little support. To get prepared, and to see what other issues our members would like us to pursue, we are planning to survey faculty early in the spring. In the meantime, if there are issues you would like to see the UF pursue, please send us an email at uf@uf4cd.org.

Senates Express Confidence in UF on Evaluations

All three Academic Senates voted last month to express confidence in the UF moving forward to the last phase of our collective bargaining on evaluation revisions. We have gathered more faculty feedback, and we'll be working to finalize our proposals with the District over the next month. We have agreed to aim for a ratification vote in early spring, which will give us most of the spring semester to work on refining the look of the forms (and perhaps creating usable electronic versions) and on training. If we ratify an agreement on evaluation revisions in the spring, we will implement the agreement and begin using the new forms in fall of 2010. The proposals are available for review on the UF website at www.uf4cd.org, and there is still time to give us feedback or suggestions.