

APPROVED
EXECUTIVE BOARD MINUTES
NOVEMBER 19, 2009
DVC RM. LA-112

The meeting was called to order at 2:25 P.M.

PRESENT: Terri Adame, Emmanuel Akanyirige, Glenn Appell, Shirley Brownfox, , Milton Clarke, Vern Cromartie, Debra Dahl-Shanks, Katrina Keating, Bruce Koller, Stuart Lichter, Jason Mayfield, Jeff Michels, Steve Padover, Dionne Perez, Mary Ulrich, Donna Wapner, Rudy Zeller, Michael Zilber.

ABSENT: Casy Cann-Figel

1. ANNOUNCEMENTS –

- Michels announced that the *Contra Costa Times* has filed a request with the District for all of the documents related to the disciplinary hearings connected to the LMC football scandal. Michels explained that last year a single hourly employee was apparently helping students that played football and lived out of state to pay tuition fees as if they were California residents. Michels went on to say that there was a district-wide investigation, but no college employees were disciplined. The District has not agreed to turn over records of interviews conducted with faculty, and has said that these should be protected by attorney-client privilege (since the interviews were conducted by the District's law firm). But Michels is concerned that faculty's right to privacy might be threatened at some point, and he intends to consult with the UF's lawyer.
- Michels reported that the E-Board's decision to propose redefining a quorum for E-Board votes was accidentally not included in the constitutional changes put forward to the membership for a vote. Michels asked if the Board would be comfortable for now with an informal agreement not to put any question to a vote unless at least 50% of the E-Board is present, and then to propose that change to the membership as part of our next regular election in early spring (along with our ratification vote for Evaluation Revisions).

Following a motion by Zeller, seconded by Appell, MSU, to hold a vote on the quorum proposal in the spring, and to require in the meantime that at least 50% of E-Board members be present before taking votes.

- Michels announced that he has written an article for the FACCC magazine regarding taking a critical look at accreditation in California. Dahl-Shanks and Michels met with an aide at Torlakson's camp, and Michels will be meeting with Joan Buchanan on 11-20-09 also to discuss accreditation (as well as funding issues). Michels has also scheduled a meeting with George Miller's staff on December 7, 2009 at 10:00 a.m.
- Michels has asked UF Vice President from DVC, Glenn Appell, to form a task force to review the United Faculty's finances and accounting practices. Michels has also asked Jill

De Stefano, Brendan Brown, Michael Anker, Katrina Keating and Jason Mayfield to serve on the committee and make recommendations to the members of the UF Executive Board. Any E-Board member is welcome to serve on the Committee as well. Michels will not serve on the Committee but will be available to give financial information if requested. Appell stated that the idea behind the formation of this committee is to be sure that all financial issues are discussed thoroughly without taking up the E-Board's time to do it.

- Michels announced that the last CRC meeting was productive, and that there is a new actuarial study planned in connection with GASB to calculate the liability for retirees.
- Michels announced that the Governing Board ratified the UF Tentative Agreement at their meeting on November 18, 2009, and that it will go into effect retroactively to July 2009. Michels will attend a meeting next week with Gene Huff and Kindred Murillo at the District Office to discuss implementation and how new department chair funds for the fall will be calculated and then distributed.
- Michels announced that the District has changed the way in which they present their budget and that they are going to change their funding allocation model as well. Rather than funding this district from the District Office as they have always done, their plan is to now shift to the colleges, divide up all the money based on FTES and give the money to the colleges and then charge each college for District services.

Michels will be working with Michael Anker to analyze the new funding model and report to the E-Board. Michels will invite Vice Chancellor Murillo to a future E-Board meeting to review the new funding model with the Board. Michels noted that if decisions about spending are being shifted to the colleges, the UF will likely need to begin working more closely with the College CFOs.

- Michels announced that ballots and *Table Talk* went into the mail on November 17, 2009 and the due date for the return of the ballots is December 10, 2009.

2. EXECUTIVE BOARD MINUTES – tabled

Following a motion by Appell, seconded by Mayfield, MSC with 2 abstentions to table the meeting minutes from the November 5, 2009 meeting due to Akanyirige's proposed changes. Michels agreed to seek consensus with Akanyirige on the minutes before the next meeting.

3. STATE DISABILITY INSURANCE FOR PART-TIME FACULTY –

Michels welcomed Andrea York, Legislative Liaison from the FACCC to present an overview of how the California State Disability system works and how part-timers may be able to bargain independently to apply for and receive this benefit. York reviewed a power-point presentation with the Board, discussing the advantages of SDI, and the Board also reviewed with York the

procedures for negotiating inclusion into the system. York reviewed the new law that allows the Union to negotiate for part-time faculty separate from full-timers on this issue.

4. UPCOMING LEGISLATIVE ISSUES (w/Andrea) –

York noted that the FACCC Board is currently working on two issues besides the State budget and the pension initiative that they want to prioritize in the upcoming weeks and months. They are working on CTE legislation and also some measure of mandated seniority for part-time faculty. York said that many college districts do not have rehire rights or seniority written into their contracts for part-timers, and that there is movement from CFT, CTA, CTEA and FACCC to come together and find some sort of baseline of a minimum standard across the state.

In addition, York spoke of the State budget, retirement issues, healthcare fees, payroll spiking, arbitration, PERS, STRS, EDD website design, jobs policies, faculty layoffs, SLO's, the accreditation task force, and up and coming initiatives. York requested that Executive Board members speak with faculty about joining FACCC to assist them with lobbying, meeting with legislatures, sending out mailers, and getting their voice heard regarding all of the current community college issues.

5. UF SURVEYS –

Michels announced that negotiations will start up again soon and suggested that a faculty survey should be done early next semester to determine what issues should be at the top the UF's priority list. A brief discussion followed, which the Board agreed to continue at the next meeting.

6. CTE PROGRAM LEAD WORKGROUP UPDATE–

Wapner presented some information regarding CTE program leads. Wapner stated that just as Department Chairs have a list of duties and responsibilities above their teaching load that they are compensated for doing when in this role, the UF wants CTE faculty members who are in charge of certificated programs to know their duties and responsibilities and to be compensated for their efforts.

Wapner went on to say that there should be contract language to recognize these people and to let them get release time for all of the extra jobs and tasks that they are doing. Wapner presented a draft of a CTE faculty survey and a CTE job description document for Executive Board review. Michels noted that the District has not yet agreed to begin compensating CTE Program Leads, but there has been some positive feedback from managers as well as faculty. The first step towards negotiating for compensation is to agree on a list of duties.

Following a motion by Zilber and seconded by Cromartie, MSU to authorize the survey of the CTE program lead regarding the CTE job description and compensation.

7. MOU TO MOVE 20.3.2.8 –

Michels surveyed the Executive Board regarding a possible MOU to move Article 20.3.2.8 from Article 20, “Salary,” to Article 8, “Scheduling.” Michels announced that the UF team discussed the issue at CRC, and they agreed it should be moved. Members of the Executive Board discussed the issue, noting that the language in 20.3.2.8 is vague, but clearly about scheduling and not salary. The Board agreed that Michels would have an MOU written up for Executive Board approval at their next meeting. Michels also stated that he would like to include a question about this article in the next general survey to see how faculty feels about the issue of “first consideration” for current employees.

8. MOU REGARDING MULTIPLE EVALUATORS–

Michels announced that the UF has been asked whether 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, 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? The UF team discussed this issue at CRC, and it was agreed that the intent of the contract is for each evaluator to consider a different class meeting. Michels asked the Executive Board if they agreed and if an MOU on this issue seemed appropriate. Several Board members noted, however, that having two evaluators attend the same class meeting could be advantageous. Keating pointed out that in her tenure-review process, it had made logistical sense to have two evaluators come to the same class, and she had found the feedback useful since there were two perspectives on the same lesson. Zilber noted that in the case where an evaluatee was concerned about the objectivity of an assigned evaluator, inviting a second evaluator to attend the same class could be useful. After discussion, the Board agreed that allowing two evaluators to attend the same meeting should be permissible, so long as it is done with the consent of the evaluatee. The Board agreed that this was not a matter to be handled in an MOU but should be part of the new evaluation proposals, so that faculty would have a chance to review the policy and approve it. Michels agreed to raise the issue at the next Evaluation Workgroup meeting.

9. ARTICLE 25 AND PROGRAM NEEDS–

Michels announced that DVC Physics has asked the UF to review a proposed change in the department bylaws that would define “Program Needs” in terms of four discreet teaching areas that require different expertise. Having staffing preference in one area might not guarantee staffing in another area, when a faculty member has not demonstrated expertise according to the bylaws. Since staffing preference is granted in a department and not in an area, the Physics Department wanted to be sure their proposed bylaws were in keeping with Article 25 of the contract. The Department noted that “Program Needs” may outweigh staffing preference, but these needs are not clearly defined in the contract. The Department wanted to be sure that they could define those needs in their bylaws.

The UF team took this issue to CRC, and they reached consensus with the District that the proposed bylaws are not a contract violation. Michels asked the E-Board to weigh in, and the

Board agreed that departments should have some flexibility in defining program needs, and that so long as there was a transparent, fair process for making staffing decisions and honoring staffing preference, each department might handle such questions differently. The Board also agreed that the DVC Physics proposal did not appear to violate the contract. Michels agreed that he would communicate this to the Department.

10. OTHER BUSINESS–

Akanyirige noted that he still had some concerns about the budget, which he would share at a later date.

10. UPCOMING MEETINGS –

- A. 12/09/09 Governing Board Meeting
- B. 12/10/09 CRC
- C. 12/17/09 Next Executive Board Meeting at DVC in Room LA-112

The meeting was adjourned at 5:06 P.M.

Submitted by: Terri Adame