

**APPROVED
EXECUTIVE BOARD MINUTES
JANUARY 28, 2010
DVC RM. LC-109**

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

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

GUEST: Marco Godinez, Licia Morrow

1. ANNOUNCEMENTS –

- Michels announced that we have a couple of new additions to the Executive Board from LMC and that there are no more Executive Board positions open.
- Michels announced that the District has not hired a new CFO. Michels went on to say that they might have to open up the recruitment effort again but for now they are keeping Roy Stutzman, Judy Breza, and Kindred Murillo in place to perform the duties of the District CFO, and the Committee is planning to interview two more candidates soon.
- Michels broadly reviewed the Governor’s budget proposal and noted that it is predicated on unlikely assumptions. The Governor’s plan to make up a substantial deficit is to bill the Federal Government for 6.9 billion dollars, but the Feds are very unlikely to pay California. The Governor has also proposed a “negative COLA” as well as new cuts to part-time parity and EOPS that community college advocates will oppose as the budget process goes forward. In all, however, the cuts to education proposed so far are comparatively small.

Michels went on to say that our District has still has 3 million dollars in undesignated reserve that was basically earmarked for mid-year cuts; and some of that money may be available to backfill some of the cuts to categoricals, including parity. Michels reported that some members of the CCCCDD Governing Board have advocated that the 3 million be spent this year, the idea being that it is a rainy-day fund and it is raining. Michels also reported that Appell gave a presentation at the Governing Board meeting regarding keeping a full curriculum that includes keeping the Arts programs funded. Board member Reyes was particularly supportive of Appell’s position.

- Michels announced that he and Clarke met with Mark De Saulnier to discuss community college issues and accreditation. De Saulnier was receptive and offered to speak to the State Chancellor about perhaps arranging a meeting of legislators and community college constituents to explore legislative options for seeking reform to the accreditation process. The State Chancellor has set up a task force that made a number of recommendations to the accrediting commission, such as to be more collegial, stop being punitive, work more on

improvement than punishment, and to have more opportunities for input and other recommendations to that effect. The Commission did not seem receptive to such suggestions, however.

- Michels reported that Chancellor Benjamin met recently with Mark De Saulnier, Loni Hancock, Joan Buchanan, Nancy Skinner and Congressman George Miller to discuss the American Graduation Initiative and related issues of accountability.
- Michels reported that the FACCC magazine will be out next week and will include Michels' cover story on the subject of Accreditation.
- Michels announced that Mark De Saulnier is hosting a Crab Feed on Friday January 29th at a Buchanan Field Airport hangar in Concord. Michels and Keating will be attending and there are two extra tickets. If any Board Member is interested in going to please call the UF office.
- Michels passed out a document with information regarding the FACCC Advocacy and Policy conference coming up in Sacramento on February 28 through March 1st. Anyone who wants to go to please contact the UF office.
- Michels reported that at the recent BFA meeting, Jonathan Lightman spoke about the State Budget and other community college issues. Michels reported that he is teaching on Monday nights this semester and so will not always be able to stay for the whole BFA meeting. He requested that Executive Board members attend if they can. The BFA meets the last Monday of every month at a restaurant near the Oakland Airport, from 3:30pm-7pm.
- Michels announced that the CCCI conference is in April this year and at the top of the agenda is exploring the possibility of hiring a lobbyist.
- Michels announced that the last day to send in your request to retire under the current retirement incentive plan is January 29th. Michels went on to say that he does not know how many people are retiring under the incentive at this time. Michels reported that the UF will be proactive in the pressing the colleges to replace F-T faculty.
- Michels announced that the Evaluation Proposals are almost completed and he hopes to have them finished in time for the CRC meeting on February 4th. Michels went on to say that after CRC, he will bring them to the Executive Board for review and approval and then to the Chancellor's cabinet, and then to the Faculty for a ratification vote in February.
- Michels announced that there will be a confirmation ballot for Debra Dahl-Shanks sent to the members to confirm her new position as Part Time Faculty Advocate.
- Michels announced that his laptop computer is broken and would like the United Faculty to purchase a new one for his use. The new laptop would be considered the property of the UF.

Following a motion by Zeller, seconded by Akanyirige, MSU, to approve the purchase of a laptop computer for the United Faculty’s President’s use. The anticipated cost for a MacBook is \$1100-\$1500.

2. EXECUTIVE BOARD MINUTES –

Following a motion by Zeller, seconded by Mayfield, MSC, with two corrections and two abstentions to approve the meeting minutes from the Executive Board meeting on 12/17/09.

3. NEW EXECUTIVE BOARD MEMBERS –

Michels appointed a new member, Nancy Bachmann, representing Los Medanos College. Bachmann has served on the United Faculty’s Executive Board before, and the Board expressed happiness that she was back.

Following a motion by Mayfield, seconded by Cann-Figel, MSU, to appoint Nancy Bachmann to the Executive Board to represent Los Medanos College.

4. VARIANCE REQUESTS –

Following a motion by Bachmann, seconded by Zilber, MSC, with two no votes, and three abstentions to approve DVC’s request for Jean Dickinson to waive her peer evaluation due to her retirement in May of 2010.

Following a motion by Cann-Figel, seconded by Dahl-Shanks, MSC, with one abstention, to approve DVC’s request to delay Andy Kivel and Ruth Sison’s evaluations until Fall of 2010.

CONTRACT VARIANCES for SPRING 2010

Campus	No. of Times Within Six Semesters	Adjunct Professor	Area	Executive Board Approval
Diablo Valley College	Request to waive peer evaluation	Jean Dickinson	DVC Humanities	Approved
Diablo Valley College	Request to delay Evaluation To Fall 2010	Andy Kivel Dept. Chair	DVC Library	Approved
Diablo Valley College	Request to delay Evaluation to Fall 2010	Ruth Sison Instruction Librarian	DVC Library	Approved

5. FINANCIAL REPORT –

Keating presented the financial reports from November and December of 2009 to the Executive Board for review and approval. Included in the Executive Board Packet was a schedule of Spring Financial Reports as follows:

<i>Financial Statements to the Executive Board</i>	
1/28/10	November and December 2009 Statements
2/25/10	January 2010 Statement
3/25/10	February 2010 Statement
4/29/10	March 2010 Statement
5/27/10	April 2010 Statement
<i>For the UF Webpage</i>	
3/4/10	First Quarter Financial Statement posted to the web site
6/3/10	Second Quarter Financial Statement posted to the web site

Keating presented the financial statements from November and December of the new fiscal year which were exported directly into an Excel spreadsheet from the UF Quickbooks program in a new format. Keating went on to say that we are at 16.7% year to date in the first quarter and that except for a small one-time correction from one year ago that had needed to be made to reconcile our records and reports, there was nothing out of order in the UF’s current revenues or spending. We are essentially on track and within budget so far this year. Keating mentioned that we had a thumbs up from the auditor last week and that the audit is complete and there are no material findings. The auditor’s written report should be ready for the E-Board to review at the next meeting.

Zeller noted in the UF Financial Statement that a percentage was not included on the spreadsheet and Mayfield noted a mistake with one of the account codes. Keating agreed to make correction, and to share updated records with the E-Board when she presents the quarterly report next month.

Akanyirige suggested that the statements be presented to the Executive Board ahead of time for review. Akanyirige went on to say that the income statement and the balance sheets should be printed and submitted for the Executive Board for review in addition to the financial statement. Keating assured him that she checks the QuickBooks statements against the UF Financial Statements for accuracy before bringing them to the Board. Akanyirige requested that he would like to receive the QuickBooks income statement and the balance sheets each month to back up the information on the financial statement. Michels said that he will discuss this with Akanyirige after the Executive Board meeting today.

Michels reminded the Board that Appell will be leading a work group that will include former UF President Brendan Brown and Jill DeStefano, to meet, review and discuss the UF’s accounting and reporting practices and make recommendations to the Board within the next few weeks. Michels went on to say that the Executive Board will review and then approve quarterly statements for submission to the UF’s website for membership review.

6. CONSTITUTIONAL CHANGES –

Michels reported that the UF's accountant, while conducting his audit, has made some suggestions to the UF with regards to new IRS rules that govern non-profit organizations. These might be part of the final auditor's report. They include adding to the UF's bylaws a whistleblower policy, and a conflict of interest policy. The Board briefly discussed what these policies might include, and Michels offered to write drafts for the Board to review at a future meeting. Akanyirige noted that there was little point discussing the auditor's suggestions before the Board had actually seen the written report.

7. PAYROLL ISSUES–

The Board revisited the issue of how certain UF personnel are paid. The UF has members on the payroll that are considered contract workers and therefore receive a 1099 IRS form at year's end for income tax reporting. At past meetings, the Board has discussed changing the status of these positions to be United Faculty employees, which would include the UF paying additional payroll taxes and workers compensation fees. Positions under consideration include the Part-time Faculty Advocate; Budget Analyst; United Faculty President; and *Table Talk* Editor. Michels reported that he raised the issue with the UF's attorney and the UF's auditor, and they both seemed to think the positions were more accurately employees than contractors. But the UF's auditor noted that the Union was not compelled to change the status of these positions at this time.

Michels explored the possibility that the Union might qualify for exemptions in paying workman's compensation, but found out that none of the positions would qualify for exemptions. Michels stated that the added expense to the UF is about \$5,500 more than we are paying now. Michels asked the Executive Board to choose between three options as follows:

1. Leave it at the Status Quo, and keep the members as consultants;
2. Move to paying the four members as employees;
3. Pay 3 of the members as employees and keep the President as a consultant to avoid any appearance of conflict-of-interest or impropriety.

A lengthy discussion ensued as follows:

Appell wanted a list of interests, such as what they do in IBB. Pros and cons and then compare and decide.

Akanyirige stated that you can pay anybody as an employee, however the membership recently agreed to the dues increase to build reserves and not to add payroll expenses, and he does not see the sense in this member change from consultant to employee.

Dahl-Shanks suggested contacting other Unions in the area and see how they are paying their members.

Padover motioned to leave things Status Quo; Cromartie seconded.

MSC with 3 no votes, 5 abstentions, to keep contract employees on the same pay status as before. The Board also agreed that after more research on the subject has been completed on how other unions handle payroll taxes, the issue might be revisited.

8. EXECUTIVE SESSION–

Michels reported that there are some personnel issues that came up and there is a Skelly hearing scheduled, as well as a couple of possible grievances and a lawsuit pending. The Board briefly reviewed the details.

Michels announced that the District will open benefits and load in the upcoming negotiations meetings. Michels went on to say that the United Faculty will discuss opening leaves and reassigned time in order to keep pressing for increased family leave, improvements to the sabbatical-leave process, sick leave donation for part-timers, and compensation for CTA Program Leads, among other issues.

9. UF SURVEY–

Michels passed out two first drafts of surveys for the Executive Board to review and discuss. Michels announced that he would like to get feedback regarding the surveys from the Executive Board in the next couple weeks and then send them out to members.

Michels reported that the District and Local One may be interested in participating in a benefits survey for all employee groups.

10. OTHER BUSINESS–

Michels will be setting up some dates for negotiations and is currently planning to send out a *Tabletalk* within the next couple of weeks to announce the surveys and other pertinent issues.

Akanyirige mentioned that he would have like to have been present at the Executive Board meeting when they approved a monetary-hardship loan to a faculty member in December. He expressed some concerns about the decision and thought that taking up a collection to help a colleague in need was a better approach than having the Union make loans. Michels said that there will be more discussion on the subject of a UF Policy on Emergency Loans at a future Executive Board meeting but that the loan is being paid back via District payroll deductions over the next 2 months.

Zilber asked if the United Faculty wanted to contribute to the Haiti relief effort. Michels suggested that the UF might survey the faculty to find out if they would like their PAC funds to go to this relief effort.

11. UPCOMING MEETINGS–

A. 02/04/10 CRC

B. 02/11/10 Next Executive Board meeting at DVC in room LC-109

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

Submitted by: Terri Adame