

## PAC Report

### CA Supreme Court Agrees to Hear Marin Pension Case

Working with the California Community College Independents (CCCI) and the Faculty Association for California Community Colleges (FACCC), the two umbrella organizations to which our United Faculty belongs, we sent a letter in October to the California Supreme Court requesting that they review a recent lower court ruling that seemed to threaten the security of faculty pensions. That decision, "Marin Association of Public Employees v. Marin County Employees' Retirement Association," suggested that vested pension benefits are not "immutable," which would be a significant change from current law. For decades, California courts have ruled that public employees are entitled to the pension that was in place on the day they were hired. Pensions can be cut for current employees only if an equivalent benefit is added, which makes pensions secure even when government wants to cut costs.

Just before Thanksgiving, in response to our letter and others like it sent by other faculty unions and even the State Teachers' Retirement System (CalSTRS) itself, the Supreme Court agreed to review the case. In closed session, according to the *Los Angeles Times*, the court "unanimously accepted labor unions' appeal" to consider the case. The next step for the UF, CCCI and FACCC will be to file a brief with the court making our argument against the Marin decision. A decision in the case is likely still several months away.

On the political front, several UF-supported candidates won recent elections, including longtime UF friend Nancy Skinner, who will replace Loni Hancock as State Senator representing District 9 (Richmond, Berkeley, Oakland); Tony Thurmond, who was reelected to the CA Assembly representing District 15 (Berkeley, Richmond, San Pablo, El Sobrante, Hercules, Pinole); and Greg Enholm, reelected as a 4CD Trustee representing Ward 5 (see below). Other UF-supported candidates lost local elections too, but our PAC volunteers made a good showing: walking precincts and spreading the word about pro-education candidates. Our attention will now turn to legislative efforts, as we seek to improve due-process rights during district investigations of alleged misconduct and to increase funds available for part-time pay equity and office hours. And of course, we will continue pressing on all fronts for accreditation reform and relief from worthless paperwork.

### Greg Enholm Reelected to 4CD Governing Board



Greg Enholm

Math and Economics Professor Greg Enholm (currently teaching at DeVry University's Oakland campus) won reelection to the 4CD Governing Board by a wide margin this November despite a strong challenge from a local businessman. A longtime library commissioner, Enholm joins former CCC part-timer John Marquez as one of two professors serving as district trustees. Along with newly appointed trustee Gary Walker-Roberts, a former LMC student and UF intern who still has strong ties to our district student body; Tim Farley, who works as Director of Communications and Government Relations for Saint Mary's College in Moraga; and Vickie Gordon, a former teacher who served for 15 years on the Martinez Unified School Board; this governing board may have more recent classroom and educational experience than any in recent memory. Will having a well-educated, "faculty-friendly" Board make a difference to the UF at the bargaining table? Time will tell. But as faculty (and former students) continue to move into leadership positions not only on the Governing Board but throughout the district, we certainly expect explaining the need for workplace improvements (part-time office hours, lecture-lab equity, investment in program leads and department chairs) will become easier.

## President's Message

### On the High Cost of Not Reaching Agreement

Last month, the UF filed an "Unfair Labor Practice" claim with the Public Employee Relations Board (PERB) for the first time in more than a decade. For years, we have unsuccessfully pressed our district to make changes in how they investigate allegations of faculty misconduct. Too often, our members leave meetings with district lawyers feeling disrespected, frustrated, and scared. Too often, these investigations seem to range far off the point, looking into all sorts of unfounded rumors from an employee's past and often leading to disciplinary documents that are dozens, even hundreds of pages long and often riddled with inaccuracies, half-truths, and worse. And too often, when the UF has complained, the District has simply made empty promises to look into it.



Donna Wapner

We have long argued that the District's law firm is anti-labor and a bad choice to question employees. And while the District has experimented a bit recently with using different investigators, we still lack protocols that should be in place to ensure that investigations don't turn into witch hunts and that faculty being questioned are treated as we would all want to be treated by our employers. So when we learned at our recent CCCI conference that faculty unions have essentially established through legal cases the right to see complaints made against their members (in order to adequately advise and represent them), we informed the District and demanded that in the future, they provide us all information required for every investigation. The District answered back with letters from their lawyers refuting our many precedents and telling us we were wrong. This we sent to our lawyer, who refuted their refutations... and now we will go to a judge. This will take more lawyering and certainly cost the District and the UF money. But the cost in trust may be much higher.

Clearly, this is a complicated legal case with repercussions for all faculty in CA. We have already heard, in fact, from colleagues and lawyers who want to file briefs in support of our position. Perhaps the District has as well. But PERB complaints are a bad way to do business. We should have come to an agreement on investigations years ago. As negotiations over lab load, program leads, and coaches were put off again, albeit only until spring this time, we have found ourselves contemplating job actions and protests. Must we bring science faculty to a Board meeting to tell our trustees directly how unfair science lab load is in our district? Should we organize a walkout of Program Leads right when the State is investing \$200 million in CTE? Should we stage a demonstration to protest inadequate support for coaches? These are tools we would never abandon, just as we would never shy from filing an Unfair Labor Practice complaint if left no better choice. But such distractions are bad for everyone, especially students. There are better ways to work through differences. Still, labor peace requires regular renewal. I am happy for the fall agreement (which took some compromise on both sides), but we have work to do this spring to avoid high-cost conflicts.

#### United Faculty Executive Board Members

<b>Contra Costa College</b>		<b>Los Medanos College</b>	
Vern Cromartie	Milton Clarke (Vice Pres.)	Beth Goehring	Marco Godinez
Jeffrey Michels (Vice Pres.)	Luis Morales	Aminta Mickles	Susan Reno (PT Rep)
Michael Shannon (PT Rep)			
<b>Diablo Valley College</b>			
Kamala Appell (PT Rep)	Glenn Appell	Doug Dildine (PT Faculty Advocate)	Rick Godinez
Bruce Koller	Jason Mayfield (Treasurer)	Katrina Keating (Secretary)	Donna Wapner (President)
Marina Crouse (Vice President)		Debra Stevens (PT Rep)	

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# Table Talk

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

December 12, 2016

## News at a Glance

- **Lead Story:** *UF and 4CD Reach Tentative Agreement for 2016-2017*
- **Inside Negotiations:** *Why We Agreed and Next Steps*
- **Hot Topics:** *Former UF Student-Intern Gary Walker Becomes District Trustee; New 4CD Chancellor Fred Wood Begins in Jan.*
- **Full-Time Faculty Issues:** *On Senior Faculty and New Hires*
- **Part-Time Faculty Issues:** *Expanding Office Hours*
- **Political Action Report:** *Supreme Court to Review Pension Case*
- **President's Message:** *On the High Cost of Not Reaching Agreement: UF Files "Unfair Labor Practice" Complaint, Contemplates Value of Labor Actions/Protests/Walkouts*

## UF/4CD Reach Tentative Agreement

On Friday, December 2nd, UF and 4CD negotiators reached a Tentative Agreement for 2016/2017 that would move the district to 16-week semesters (the so-called "compressed calendar") in fall of 2018 as well as paying faculty a one-time off-schedule bonus of about 1.25% for the year (calculated as 2.5% of base pay for the spring semester). The deal delays many key issues that have been on the table until further talks this spring, but it does include a separation incentive, important to the UF this year to make up for the delay in implementing the "Step 27" pay increase on which some senior faculty were counting prior to retirement.

The exact details of the agreement, especially changes to the contract necessitated by the shift to shorter semesters, will be available to faculty first thing this spring when we get back from winter break (which will allow for some time to word-smith and fine-tune the TA over the break). We will hold a ratification vote from Jan. 30, 2016- February 9, 2017. The UF has scheduled open meetings to discuss the TA and compressed calendar plans at all our sites.

An outline of the TA was emailed to faculty in a "joint statement" from UF and 4CD. In addition to the calendar provision, one-time bonus and retirement incentive, the TA includes agreements on safety and security, removing restrictions on some non-credit classes, and strong "intent" language related to science-lab load and articles that will remain open in the spring.

### Drop-In UF Meetings to discuss TA and 16-Week Calendar

**CCC:**  
**Mon., Jan. 30, 4-5pm**  
**Tues., Jan. 31, 12-1pm**  
**Both in GE-305**

**DVC:**  
**Mon., Jan. 30, 11am-12noon**  
**Wed., Feb. 1, 4-5pm**  
**Thurs., Feb. 2, 12:30-1:30pm**  
**All in L-151**

**LMC:**  
**Wed., Feb. 1, 12:30-1:30pm,**  
**Student Services Building 412**  
**Thurs., Feb. 2, 9-10am**  
**College Complex Room 229**

**SRC and Brentwood:**  
**TBA**



## Inside Negotiations

### Why We Agreed and Next Steps

When the idea of shifting to 16-week semesters was first raised, our UF compiled research and sought to engage our faculty district-wide in dialog about the pros and cons. In 2015, we brought faculty guests from colleges around California that had made this transition to our district to meet with our members and discuss their experiences. (Videos from those meetings, along with substantial research on compressed calendars, are still available on the UF website: [www.uf4cd.org](http://www.uf4cd.org).) Ultimately, we consulted the Academic Senates, and we surveyed our faculty to determine how best to proceed. From a purely labor perspective, the shift was easy to support. For full-time faculty, 16-week semesters would mean about three more weeks off each year for the same pay. For part-timers, the prospect of inter-session classes, either in the winter or in a more viable summer block, would likely mean more opportunities for work. And since available data seems to suggest that 16-week semesters would improve enrollment and retention (two big challenges for our district), the compressed calendar may help 4CD capture “growth” dollars, which are a key source of ongoing funds for salary increases and other priorities. But of course, faculty are not simply laborers; we are teachers, and we want to make decisions that serve not just ourselves but our students.



Jeffrey Michels

There is substantial evidence that students do better with shorter semesters, but for many faculty and in many disciplines, the data is not convincing. We all know that statistics are easy to manipulate, after all. So we were not too surprised that a sizable minority of those faculty who took our survey (about 28%) said that they opposed shortening our semesters. Still, we decided to move forward with negotiations on this issue, and we have been in talks with the district now for more than a year. We were swayed in part by the fact that the majority of our faculty seemed to support the switch, and particularly those who said they felt well informed about the issue. (Of that group, about 2/3 told us they supported shifting to 16-week semesters.) We were also swayed by the experiences of colleagues at other colleges, many of whom reported to us that both students and faculty have found the change beneficial, even in those disciplines where shorter semesters seem most likely to present challenges.

In the give and take of negotiations, however, we were reticent to reach agreement on something as large (and potentially controversial) as the compressed calendar without reaching resolution on some of our other issues. Science lab load has been a particular source of frustration for the UF, since we feel that we have been close to agreement on equitable changes for a couple of years now. We have also been fighting for the salary increase at Step 27 that was in last year's agreement but never implemented due to the District's citing unforeseen financial developments (4CD's structural deficit). Compensation for coaches and CTE Program Leads have been on the table for too long now too, and we considered delaying any new agreement until we had made clear progress on all these issues. But we decided that if spring goes well, as we hope it will with some potential for new money from the state in a new budget year and our new chancellor (a former chemistry professor) coming in, and if we address all our issues and also negotiate a salary increase for all and improvements in pay equity and office hours for part-time faculty, then the compressed calendar might seem to get lost or buried in the agreement. By reaching this TA, we allow faculty to more or less vote on the compressed calendar itself, and we saw that as an advantage.

There is some one-time money for faculty in this TA, but the “bonus” is

mainly connected to the compressed calendar to compensate for the one-time work associated with the transition. (Part of the bonus also covers work faculty are doing switching from Desire2Learn to Canvas.) The rest of the agreement is mostly revenue-neutral and cost-neutral. But the timing seemed important to us. A separation incentive helps a lot more if we agree to it now, since it may allow a few more faculty to plan their retirement and may open the door to a few new full-time hires too. The safety agreement mostly puts in writing plans that are already underway, but we saw no reason to delay in this area. Negotiated time-lines can only help keep the district on track in making improvements to campus security. And for faculty who want to take advantage of the new non-credit opportunities to grow enrollment and be paid at their regular rate, sooner is clearly better.

In short, we don't feel that we are giving up anything to reach this TA, and we can clearly point to some gains. Faculty will have a chance to review all the details and weigh in after the winter break. Clearly, spring of 2017 will be an important turning point for our negotiating teams. We are impatient to resolve old issues and move on to new challenges; and after a year with no salary increase, we will be looking for a raise next year as well. But as fall draws to a close, we are pleased to be able to report some progress that may help a little in the short run (using one-time money) and in the long run too (if 16-week semesters do indeed improve enrollment and retention).

### Hot Topics

#### Former UF Intern Gary Walker Becomes 4CD Trustee



Gary Walker-Roberts

Gary Walker-Roberts, an LMC alumnus who served as a student intern to the United Faculty, was appointed by 4CD's Governing Board at their Nov. 29 special meeting to fill the vacant seat representing Ward 4, left by John T. Nejedly, who died unexpectedly last month. Ward 4 includes the communities of Blackhawk, Byron, Danville, Diablo, Discovery Bay, San Ramon, and parts of Alamo, Antioch, Brentwood, Clayton, and Concord, and Gary's term will last two years before he will be up for reelection.

Gary graduated from LMC in 2013, Summa Cum Laude, with an A.A. in Behavioral Science and Social Science. He earned a second A.A. in Arts & Humanities in 2015. He also served on the community college board as a student trustee and was student body president of LMC in 2014-15. Since then, Gary went on to earn a B.A. in Ethnic Studies: Gender & Sexuality from Cal State East Bay in 2015 and a Masters degree in English from Arizona State University this year. Gary was chosen over a competitive field of applicants after a public process.

#### Governing Board Hires Fred Wood as Next 4CD Chancellor

Dr. Fred E. Wood, a former DVC student (AA in Chemistry) who grew up in Martinez, has been selected to become the next 4CD Chancellor; we expect him to start in January. Wood spent 26 years at UC Davis, the last five as vice chancellor of student affairs, and for the past four years he has served as CEO of the University of Minnesota Crookston, a small “workforce focused” college with a substantial distance education program. Wood is also a chemistry professor, who taught through much of his administrative career and began his teaching as a part-timer at DVC. Wood holds a Ph.D. in Chemistry from UC Davis.



Fred Wood

## Full-Time Faculty Issues

### Balancing Needs of Senior Faculty and New Hires

Retiree medical benefits is an issue that divides faculty in some districts. This is because once, nearly all faculty retired with full district-paid medical benefits, and then at some point, under financial pressure because of skyrocketing costs for retiree benefits, most unions gave up post-Medicare insurance coverage for new hires. As more faculty have come in under the new rules, unions have split between those who have retiree benefits (and thus a lot to protect in this area) and faculty who do not. In our district, we have tended to prioritize good health benefits in negotiations



Marina Crouse

(for both actives and retirees), and we made concessions in this area later than most. But where faculty hired before July 1, 2005 still enjoy fully paid lifetime medical benefits (plus 50% premiums for a spouse), those hired after 2005 get only 50% premium costs paid by the district after they retire and must pay 100% for a spouse. This is better than at many districts in CA, but when we fight to protect retiree benefits, we are mostly devoting resources to senior faculty. Step 27 or longevity bonuses in any form likewise target senior faculty, and to some new hires, this may seem unfair or unwise, since those already at the top of the salary schedule are earning the most.

That said, for the most part, everyone becomes senior faculty eventually, just as we all become retirees. So making sure that faculty positions continue to improve throughout one's career, and protecting pensions and retiree benefits are crucial functions for the union and an investment in all our members. Of course, we fight for our new hires too, not only to get new full-time positions in the first place but also for investment in innovation, professional development, leadership (and adequate reassigned time to take on leadership roles), as well as better pay and salary placement. Our district actually compares more favorably with other districts in terms of salary at the bottom of the salary schedule than at the top, and this in part is due to choices we have made at the bargaining table over the years. Equity in representation is a matter of balance for any union, and it is something we take seriously and that we often challenge our district to take seriously too. Only good jobs with promising futures attract good people, after all.

### Part-Time Faculty Issues

#### Expanding Office Hours

Expanding office hours for part-time faculty has long been a UF goal, but it bears repeating as we head into spring negotiations that our innovative plan to invest some Equity funding in expanding opportunities for part-timers to be compensated for work outside of class with students has not solved the basic problem. Special programs using special funds seem to be all the rage in CA these days. But students deserve full-service faculty, and that means part-timers should hold office hours in the same proportion as full-timers do. Being available one hour a week for every class one teaches seems like an obvious minimum. The research is clear: students who find faculty mentors persist and succeed at a higher rate. So if the District really wants to invest in “student success,” it will invest in more office hours for part-timers. The state is starting to recognize this need too, so some extra money may be coming our district's way, but we should not wait for state funds. We should invest in faculty-student relationships ourselves. Better retention and persistence will pay the bill in the end.



Milton Clarke



Doug Dildine