

Benefits Report

Friday, 3/16: Health, Benefits, and Retirement Conference

The UF is partnering with the FACCC Education Institute again this year to host our annual Health, Benefits, and Retirement Conference at Diablo Valley College (in the Main Street Bistro of the HSF Building). This free event is open to all part-time and full-time faculty, as well as staff and managers and guests, and will include breakout sessions on financial planning and investing strategies; District health plans and benefits options; Social Security and CalSTRS Fundamentals; and more. We are just now finalizing guest speakers and breakout sessions, so if there is something you would like to add, please let us know. We have asked renowned labor lawyer Bob Bezemek to be our keynote speaker this year. (Bezemek has recently filed amicus briefs on behalf of the UF's parent organization, the California Community College Independents [CCCI], with both the United States and California Supreme Courts on cases affecting both the future of unions and of public pensions.) And we're bringing back our popular panel of recent retirees to discuss things they wish they had known before retiring. It should be a great event. Registration, breakfast, and information tables with investment firms, health care providers and others will start at 8:30 am, followed by a wide variety of breakout sessions, and then at lunch we will have our final panel and a FACCC raffle at 2:15pm. Registration is open now on the FACCC website (just click on the link to our conference on the left of their home page).

Legislative Report

Students and Faculty to Attend Budget Hearings

Between now and the "May Revise," the second draft of the Governor's budget, both the CA Assembly and Senate will hold hearings on aspects of the budget proposal. UF, CCCI and FACCC representatives, including some of our student interns, will be there advocating for student and faculty priorities and seeking to educate the legislators on our issues. The more students and faculty we bring with us, the better. Hearing dates and times sometimes change unpredictably, so if you would like to come to Sacramento with a UF team, please coordinate with the UF Office: 925-680-1771 (or uf@uf4cd.org). Upcoming hearing dates include: **March 6, 9am**, Room 447, Assembly Budget Subcommittee No. 2 on Education Finance California Community Colleges; **April 12, 9:30am**, Room 3191, Senate Budget and Fiscal Review Subcommittee No. 1 on Education Community College Budget and Online Community College Proposal; **April 19, 9:30am**, Room 3191, Senate Budget and Fiscal Review Subcommittee No. 1 on Education Proposed Funding Formula; **May 1, 9am**, Room 447, Assembly Budget Subcommittee No. 2 on Education Finance Faculty Diversity, Student Hunger and Student Mental Health.

Additionally, the UF will be bringing a team to the FACCC Advocacy and Policy Conference in Sacramento, March 4-5. State Chancellor Eloy Oakley will be there, as well as keynote speaker Dolores Huerta, famous for her leadership of the United Farmworkers. If you would like to join us, or if you know of students who might be interested in our paid intern program, please call the UF. Lastly, we note that FACCC-sponsored AB 310 (Medina) passed the Assembly last week with nearly unanimous bipartisan support. The bill aims to pressure districts into expanding office hours for part-time faculty.

E-Board Mourns the Loss of Michael Shannon

UF Part-Time Representative from CCC Michael Shannon (English) died of cancer on Jan. 2 after a prolonged illness. Michael was a passionate advocate for faculty, a young man full of life and humor and positive energy, and even though he had been sick, his loss was shocking and unexpected to many of us. Michael's family has asked that donations in Michael's name be made to the Stanford Cancer Institute or The Planetary Society. We will miss him.

President's Message

What Unions Do for Us

As public employees, faculty work under a complex set of rules and laws that are constantly in flux. We come up against legal and contractual boundaries all the time: in scheduling and staffing; in how we design our classes and report on student and program outcomes; in how we are paid or take leave or use our benefits. Sometimes faculty have a hand in making the rules that govern our jobs (as in academic and professional matters, where our academic senates have authority, or in collective bargaining, where the union negotiates over working conditions); and sometimes the rules are set by outside agencies or boards; or laws are passed by the legislature and subsequently changed by court rulings that set precedent. No individual faculty member could ever keep track of it all.



Donna Wapner

But when an issue arises, a complaint or a dispute, it is the Union's job to offer support and advice, to be a reference and sometimes a shield. This is why even a small independent union like ours keeps a lawyer on retainer. This is why we send E-Board members to Bay Faculty Association meetings and CCCI conferences. It's why we help employ a lobbyist in Sacramento (whose primary job is not only to advocate for us but also to research questions and keep us informed). It's why our UF voted to become a contract member of the Faculty Association (FACCC), and why so many UF leaders have served on the FACCC Board.

One focus of this issue of *Table Talk* is District investigations and our big round-one win at the Public Employment Relations Board. The District's approach to investigations has created huge issues for the UF for more than a decade. We've spent an enormous amount time and energy advocating for change by learning the rules, meeting with managers, speaking to trustees, and conferring with colleagues throughout the state. Most faculty, when they think of unions, think salaries and benefits, not investigations and disciplinary actions. But almost every professional at some point in his or her career faces some kind of complaint at work, and those moments are anxiety-provoking and confusing at best. To serve in those moments, the Union has to be up to date, informed and prepared.

Union membership is an insurance policy. Whether it's a student complaint or a faculty-manager dispute, whether it's a question of a safe work environment or appropriate treatment from a benefit provider, the Union's job is to be unambiguously on your side and to have at our disposal the resources to inform you and protect your rights. Sure, we fight for better working conditions, pay raises, and improvements in our contract. We also fight to protect pensions, safeguard academic freedom, and empower faculty and student voices. And these aren't theoretical fights either. We work with lawyers and file briefs statewide and even nationally; we mediate local disputes and negotiate grievance resolutions. And because unions do this work, faculty can focus on teaching, and when they come up against barriers, they can call on us to help.

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Contra Costa College	Los Medanos College
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Beth Goehring	Luis Morales
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Table Talk

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

February 8, 2018

News at a Glance

- **Lead Story:** *PERB Judge Rules for UF in Unfair Practice Charges*
- **Negotiations Update:** *Workgroups Begin Addressing Online Evaluations, Distance-Education Policy, and Load Equity*
- **Hot Topics:** *Faculty Respond to Governor's Performance-Based Funding Plan, New Online Community College, and Budget*
- **Full-Time Faculty Issues:** *Achieving the 75% FT Faculty Goal*
- **Part-Time Faculty Issues:** *Meeting the Spring Flex Obligation*
- **Benefits Report:** *UF/FACCC Retirement/Benefits Conference 3/16/18*
- **Legislative Report:** *Students & Faculty to Attend Budget Hearings*
- **President's Message:** *What Unions do for Us*

PERB Judge Rules for UF in Unfair Labor Practice Charges

After many years of frustration concerning how our district handles investigations when faculty members are accused of misconduct, the UF filed two unfair labor practice complaints with the Public Employment Relations Board (PERB) in November of 2016. We followed with written briefs and a two-day hearing, and finally, on December 29, 2017, Administrative Law Judge Donn Ginoza issued his ruling: "the Contra Costa Community College District ... violated the Education Employment Relations Act ... by failing to provide necessary and relevant information in response to requests by the United Faculty."

Judge agrees with UF that by refusing to share the substance of complaints when investigating alleged misconduct, District violates the law.

The Judge's "proposed order," which the District is appealing, calls for 4CD to "cease and desist from failing and refusing to provide a copy of ... complaints." Because the Union has a duty of fair representation that includes advising and protecting members of the bargaining unit, as well as a duty to enforce the contract, in the case of an investigation, "the union and employee need to know the nature and scope of the accusations: that is, what will and will not be the subject of the inquiry," Judge Ginoza wrote. "United Faculty has demonstrated that the information contained in the written complaints [is] necessary and relevant."

It is unclear at the moment the extent to which the Judge's ruling will immediately impact practices in our district, since 4CD has filed a lengthy "Statement of Exceptions and Brief" appealing the decision. Our understanding is that the appeals process could take anywhere from two months to two years, and in the meantime, the District should abide by the judge's decision, but we have not yet worked out the details locally with District management. Chancellor Fred Wood, responding not only to this case but to other issues the UF has been raising related to the way faculty are treated during investigatory interviews, has agreed to convene a workgroup, with representatives

from District Human Resources, the UF, and the Chancellor himself, to review and discuss our investigation procedures.

Notably, the Administrative Law Judge rejected many of the arguments our district has been making locally for years. The District has argued that telling faculty before an interview the substance of what of a complaint alleges would violate “confidentiality,” but the Judge wrote: “The confidentiality aspect of the District’s defense is unpersuasive.” He noted that allegations “are not solicited from the complainant under a promise of confidentiality,” and since the substance of complaints is “conveyed to the employee during the interview,” it just doesn’t make sense to say that providing details a few days earlier would violate confidentiality.

The Judge likewise rejected the District’s claim that its “policy of non-disclosure” helps prevent retaliation. He noted that there already exist plenty of protections so that retaliation “is already sufficiently deterred” without the District needing to surprise faculty members at investigatory interviews.

Lastly, the Judge disagreed with the District’s other core contention that giving faculty a chance to prepare for interviews somehow compromises the integrity of the process. He noted that the “absence of notice,” which creates an environment of fear, nervousness, and insecurity for employees, is “as likely to negatively impact ... candor as ... any intent to prevaricate.” In other words, nervous employees who fear an investigator is trying to trick or trap them give bad answers. Withholding basic information before an interview so that the Union can’t “place the controversy in context and identify mitigating circumstances,” the Judge affirmed, is what undermines investigations.

This case is the first legal complaint the UF has filed in more than a decade, and it is not over yet, but the ruling represents an important win for the Union and for all employees in our district. It also may affect the whole state. Had 4CD not chosen to appeal, the ruling would not set precedent for other districts, but if the UF prevails on appeal, all CA community college districts will be bound by the decision. Of course, many local districts already provide necessary information to their unions prior to investigatory interviews, but not all do, so faculty throughout the State will be watching our case closely.

Inside Negotiations

Negotiations Workgroups Schedule Spring Meetings



Jeffrey Michels

Last fall, the UF and 4CD ratified a two-year Collective Bargaining Agreement, so when we enter formal negotiations next year, we will be negotiating forward (looking towards 2019/2020) rather than backwards for a change, which should have some advantages. Most importantly, we’ll have a clearer financial picture than we usually do. In the meantime, we have agreed to establish pre-negotiation workgroups on a number of issues. Our On-Line Evaluation and Distance Education Group will begin work this coming Friday, February 9. We have an excellent team of faculty volunteers from all our colleges, plus management reps and some staff members too, but we still could add

members if anyone wants to join. Just send an email to the UF office if you want to join any of our workgroups: uf@uf4cd.org.

Our Load Task Force (LTF) is scheduled to resume work this spring as well. We know that following the bump to Science Lab Load negotiated last fall, many faculty are interested in a review of load equity in their areas as well. In the long run, the LTF’s goal is to meet with every department in the District. But because this particular group includes a number of senior administrators and must negotiate and reach consensus on each stage of the process, we

are moving slowly. We anticipate that this spring, the LTF will review Math, English, ESL and Speech, and perhaps Social Science. Our next step will be a meeting of the LTF steering committee to confirm this list and create a schedule. By the end of the month, we expect local LTF groups to be contacting departments at the colleges to collect data and schedule meetings.

Other groups still looking for members and planning to meet soon include our Academic Calendar Committee; Part-Time Staffing Preference Review Group; and our UF/4CD Benefits Committee. There are lots of ways to get involved with your United Faculty! For information about joining our Executive Board or any of our issue groups, just email or call the UF Office: 925-680-1771. We are also planning a general spring survey soon to get faculty input on upcoming issues.

Hot Topics

Faculty Respond to Governor’s Budget Proposals

Governor Brown’s January Budget Proposal for 2018/2019 increases funding for California Community Colleges by \$322.5 million and includes a healthy 2.51% (\$161.2 million) Cost of Living Adjustment (COLA). But many were surprised and disappointed that the Governor ignored key faculty priorities (as expressed in the system’s budget request): funding for full-time faculty hiring; support for part-time faculty pay equity, health care and office hours; and professional development.

Instead, the Governor proposed an increase of \$175 million “to support community college districts’ transition to a student-focused funding formula” and \$100 million (\$20 million ongoing) “to establish a fully online community college.” Both the new funding formula and the on-line college are ideas that have met with substantial resistance so far from faculty groups, including unions (CCCI, CFT and CTA), the Statewide Academic Senate, and the Faculty Association (FACCC). But as faculty leaders and others in the college system begin to work with legislators and the Governor’s office over the next few months, there appear to be opportunities even in these most controversial parts of the Governor’s Budget.

The new funding formula, for example, may be less threatening than it originally appears, if some key details can be changed. First, the Governor’s plan sets a permanent floor for per-FTE funding at current (2017/2018) levels, so no district would lose per-student funding as a result of the shift to the new formula. Then, the formula seeks to balance three areas: 50% of funding would be based on FTE (whereas currently 100% of apportionment is based on FTE); another 25% would be based on “need” (to be established based on the number of students who receive need-based financial aid); and the last 25% would be based on “student success” (defined generally as degrees, certificates and transfers). Conceptually, the last two columns should balance one another: colleges that serve the most low-income students may also serve less prepared students and so award fewer degrees, whereas colleges that serve richer populations may transfer more students to 4-year universities. And the advantage, in theory, would go to colleges that close economic achievement gaps.

But the details in the Governor’s proposal, as faculty have been explaining all this month in Sacramento, would undermine the goals. Outcomes-based funding does not work. If we incentivize the number of degrees or certificates, we invite grade-inflation and a watering down of degree requirements. Furthermore, the Governor’s initial proposal defines “success” far too narrowly. Not every student comes to our colleges seeking a degree in three years. However, if we can keep the framework and goals and revise the details, a new funding formula might help. If, for example, rather than performance-based funding, we used the formula to incentivize those local

decisions that most reliably would lead to improved student outcomes (such as improving full-time/part-time faculty ratios and counselor-to-student ratios), we might start to see real progress. If we expanded the “needs” category to include colleges that allocate local dollars for programs such as EOPS, DSPS, and support for veterans and foster youth, we would have additional funds to create or expand programs that work for targeted groups.

The on-line college proposal, similarly, seems to ignore key realities: the On-Line Education Initiative (OEI) has already created a framework for expanding and sharing on-line offerings, and the risk of a new online college competing with existing programs is real. But there may be ways to leverage the proposal and the dollars connected to it to arrive at a plan faculty could support. In short, this is going to be an intense few months for faculty, student and community college advocates in Sacramento.

Locally, the new proposals should mean increased funds for new full-time hires and other priorities. A 2.51% COLA would be worth more than \$3 million to our district, and initial rough estimates suggest the new funding formula could be worth an additional \$3-5 million in ongoing revenue.

Full-Time Faculty Issues

Achieving the 75% Full-Time Faculty Goal



Jason Mayfield

The Faculty Association of California Community Colleges (FACCC) is about to release a new book that demonstrates (again) the clear link between full-time faculty and student success. Collecting research and data from multiple studies, the new report will affirm what many of us have been saying for decades: the surest way to improve the quality of higher education is to invest in full-time faculty positions. Professors are simply more effective if they are not

piecing together work at multiple colleges and if they are not excluded from department meetings, professional development opportunities, curriculum development and participatory governance. Furthermore, students thrive when they can develop individual relationships with professors that last over a period of years, when they can find their faculty on campus. Nobody seems to dispute that having at least 75% of classes taught by full-timers is an important goal, but nothing seems to be changing. So what can we do? The State Chancellor’s Office established a Task Force which will soon release a plan that calls for mandated progress annually towards 75%. We should hear more about that this semester. But in addition to movement at the State level, we need local progress. The UF is preparing a goals statement we will be asking our District Governing Board to endorse. And although new FT hires is not an item we negotiate, the UF will continue to press hard at every meeting with our Chancellor, District Trustees, and College Presidents to see an increase in new FT positions next year. We know 4CD has the money to make progress.



Milton Clarke

Part-Time Faculty Issues

Part-Timers Should Plan for Flex Activities this Spring

One area that tends to confuse part-timers (and where some negotiated improvements would help) is “flex obligation.” This spring, every part-time faculty member who teaches owes some flex hours, and each college handles differently the question of how these hours may be served and should be reported. Check soon with your dean or department chair if you don’t know how many hours you owe or what counts as a flex activity.



Doug Dildine