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 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.

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 (FACC), and why so many UF leaders have served on the FACC 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 of 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.

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We are moving slowly. We anticipate that this spring, the LTF will review Math, English, ESL, and Speech, and Social Science. Our next step will be a meeting of the LTF to confer on the 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 University 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 2018/19 increases funding for California Community Colleges by $322.5 million and includes a healthy 2.5% ($161.2 million) Cost of Living Adjustment (COLA). But many were surprised and disappointed that the Governor ignored faculty priority issues 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 $715 million “to support community college districts’ transition to a student-focused funding formula” and $400 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 of FACC.

As faculty and others in the system begin to work with legislators and the Governor’s office over the next few months, there appear to be opportunities in these two most controversial parts of the Governor’s budget.

The new funding formula, for example, may be less threatening than it originally appears. If it some how can be set as a per FTES funding, we will 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 Evaluating and Distance Education workgroup will begin their work this coming Friday, February 9. We have an excellent team of faculty volunteers from all our colleges, plus management members 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: ufuf4cd.org.

**Negotiations Workgroups Schedule Spring Meetings**

Jeffrey Michels

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

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 of the existence of a substance in a complainant’s object to violations of 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 to which 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 not apt to deter the District needing to surprise faculty members at investigatory interviews.

Last year, the Judge rejected 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 other incentive.” 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. The Judge’s ruling is an important win for the UF 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 district’s action in this regard. Of course, many others 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**

Jeffrey Michels

**Achieving the 75% Full-Time Faculty Goal**

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 years: that one way to increase the quality of higher education is to invest in full-time faculty positions. Professors are simply more effective if they are not piecing together too many (or part-time) colleagues 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 a full-time faculty member over the long 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 has 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.

**Part-Time Faculty Issues**

Doug Dildine

**Fart Timers Should Plan for Flex Activities this Spring**

One area that tends to confuse part-timers (and where some negotiated improvements would help) is “flexibility.”

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 severed and should be reported. Check with your dean or chair if you don’t know how many hours you owe or what counts as a flex activity.