

UF Welcomes New Full-Time Office Administrator



Faby Hadley

After receiving more than 200 applications to replace retired UF Office Administrator Terri Adame, the UF has hired Fabiola (Faby) Hadley, only the fourth person to hold the position in the UF's 46-year history. A DVC alumna with a BS in Business from Golden Gate University, Faby brings extensive experience as a bookkeeper and office manager as well as strong computer and organizing skills. She also speaks fluent Spanish and Italian. In addition to keeping the books and managing the day-to-day operations of the UF Office, Faby will be upgrading UF publications and communications (including our website) as well helping to coordinate membership recruitment and other special projects (like research to support our collective bargaining efforts). She will also oversee renovations to the UF Office over the summer, as DVC has agreed to change the carpet and make other improvements. During her free time, Faby enjoys volunteering in church projects, doing family history research, and traveling.

Legislative Report

Faculty Win a Round in Fight for Stable Funding

The stakes seemed high last week as faculty groups geared up for a public meeting of the Student-Centered Funding Formula Oversight Committee. Even as faculty shared talking points about how the "supplemental allocation," which accounts for 20% of total funding in the new model, will hurt districts like ours in high-cost regions, UF leaders met with others from the California Community College Independents (CCCI) and the Faculty Association of California Community Colleges (FACCC) to reconsider our strategy. For months, we had been pushing the Committee to recommend changes to the formula so that 4CD and other Bay Area districts would not lose millions in State funding because of metrics that ignore the cost of living. But we seemed headed for a loss, a deadlocked committee that would make no recommendation for change. We read previous statements from the Committee and tried to understand why they were reluctant to support changing what is clearly a flawed funding model. Of course, we appreciate the need and desire to better support low-income students. But our colleges serve hundreds of thousands of disadvantaged students whose funding would be cut by this overly simplistic formula. Why would a committee charged with "oversight" disregard that?

Their written statements gave us a clue: they had called for more study. And we all agreed that the funding formula had been pushed through too hastily, without running scenarios and discussing possible consequences. We wanted more study too. So we decided that if we lost in our call to remake the formula now, we would push for more time. And the strategy seemed to work. The Committee deadlocked 6-6 in the vote to add a cost-of-living adjustment to the supplemental allocation (which means the motion failed), but they voted 8-4 to call for a study and to extend the "hold harmless period" for another two years. Their recommendation is just a step; the Governor and Legislature will make the final decisions. But we hope the Committee's vote will carry some weight. Ironically, the stable funding offered by the current "hold harmless" provision of the new funding formula has been a real win for districts who are able to plan ahead for at least a couple of years with some confidence.

After decades of funding boondoggles, faculty are still fighting for simple, stable funding and investment in the classroom (more full-time faculty and better supported part-time faculty). Last week's little victory may loom large in budget advocacy next year and beyond.

President's Message

Next Steps After PERB Ruling on 4CD Appeal

At the end of the TA, we put a list of still-open issues. This has been a longstanding practice: when we get close to an agreement, we often have a handful of issues where we have not yet concluded talks. Sometimes we just haven't agreed. Sometimes we want more time to survey faculty or think through options. If an issue is not a "deal-breaker," we may decide to kick the can down the road. Sometimes this feels frustrating, but it has mostly worked over the years to keep negotiations from derailing. Of everything on that list this year, discipline and district investigations into alleged misconduct have been on the table the longest and are probably the most pressing.



Donna Wapner

On June 26, 2019, the Public Employee Relations Board (PERB) issued a 44-page ruling overturning the initial decision of an administrative law judge (ALJ) in response to two "Unfair Labor Practice" complaints filed by United Faculty in 2016. Where the ALJ had found that the District violated the Educational Employment Relations Act by refusing to provide UF with copies of written complaints prior to investigatory interviews, PERB found that "a union has a right to reasonable notice of the alleged wrongdoing in advance of an initial investigatory interview, but the union does not obtain the right to an underlying written complaint until after the initial investigatory interview." The unfair practice complaints and underlying unfair practice charges were therefore dismissed.

Although PERB ruled in favor of the District, the lengthy decision does not resolve many key issues that have been in dispute, and on many issues PERB sided with the UF. They rejected any "blanket rule" for refusing to provide the Union with information regarding complaints but suggested that a case-by-case "two-way negotiation" should take place balancing privacy concerns and other factors with the Union's legitimate need for information in order to represent its members. Much of the ruling describes the "nuanced approach" that should govern the sharing of information during misconduct investigations, noting that providing "only general information" may be "too vague to allow meaningful representation." But the ruling is not specific in articulating exactly what sort of information an employer must provide or when.

Instead, the ruling seems to invite more litigation, even to the point of suggesting that the District "likely violated the reasonableness standard by strategically withholding the substance of allegations," but noting that this standard is not referenced in the UF's complaints. We could appeal or file fresh charges, but we hope we can now reach agreement and develop new protocols for investigations and disciplinary matters using the PERB ruling as a starting point. If not, then we will not hesitate to relitigate. We have posted the full ruling for faculty to review on the UF website: www.uf4cd.org.

United Faculty Executive Board Members

Contra Costa College	Los Medanos College
Manu Ampim	Joshua Bearden
Vern Cromartie	Milton Clarke (Vice Pres.)
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Mary Johnson (PT Rep)	Luis Morales
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Anne Kingsley	Katrina Keating (Treasurer)
Jason Mayfield (Vice Pres.)	Eric Moss (PT Rep)
Matthew Powell	Donna Wapner (President)

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Table Talk

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

November 14, 2019

News at a Glance

- **Lead Story:** *Ratification Vote on New TA Starts Monday*
- **Negotiations Update:** *Comments on TA from UF Negotiating Team*
- **Hot Topics:** *Issue-by-Issue Highlights of the Tentative Agreement; UF Welcomes new Office Administrator Faby Hadley*
- **Legislative Report:** *Fighting for Stable Funding and More Full-Time Faculty Positions*
- **President's Message:** *Next Steps after PERB Ruling on 4CD Appeal*

Ratification Vote on New TA Starts Monday

UF and 4CD negotiators have reached a Tentative Agreement (TA) that raises salaries for all faculty, adds two new articles to the contract (on Academic Freedom and Distance Education) and extends the current collective bargaining agreement through June 30, 2022. An issue-by-issue discussion of the details is included in this issue of *Table Talk*, and the full text of the TA is available for review at the UF's website: www.uf4cd.org.

The UF will begin our ratification vote on Monday, Nov. 18, with votes due (either electronically or communicated by phone or email to the UF Office) by 12 noon on Wednesday, Dec. 4. Every UF member should receive a link to our electronic ballot via campus email on Monday, Nov. 18.

If you do not receive your voting link by the end of the day on Monday, please call Faby Hadley at the UF Office: 925-680-1771 or send her an email at uf@uf4cd.org. Each voting link may only be used once, so don't share your link with anyone else. Faculty who prefer may elect to vote by phone or email simply by contacting the UF Office.

At our Nov. 7 meeting, the UF Executive Board voted unanimously to recommend to our members that we ratify the TA.

UF Meetings to Review Tentative Agreement

CCC
Wednesday, Nov. 20
2:30-3:30 Full-Time Focus
3:30-4:30 Part-Time Focus
Student Service Center Room 114

DVC
Thursday, Nov. 21
2:30-3:30pm Full-Time Focus
3:30-4:30pm Part-Time Focus
BFL Community Conference Center

LMC
Tuesday, Nov. 19
2:30-3:30pm Full-Time Focus
3:30-4:30pm Part-Time Focus
Library Room 106

SRC
Monday, Nov. 25
2:30-3:30pm All Faculty
East Room 174

We have also scheduled open, drop-in meetings to discuss the TA at all of our colleges (see schedule on the front page of *Table Talk*). If you have questions or concerns about the TA but can't make it to one of these meetings, please email UF President Donna Wapner at dwapner@sbcglobal.net or UF Executive Director Jeff Michels at ufjeffmichels@gmail.com, or speak to any UF Executive Board member.

If UF members vote to support the TA, it will go to the District Governing Board for their ratification at their December 11 meeting. We expect that retroactive salary increases will reach faculty in January.

Negotiations Update

Comments from the UF Negotiating Team

Jason Mayfield (DVC VP) writes: There are three important reasons why I strongly support the TA. First, this agreement provides a meaningful raise for all faculty and continues to require the District to cover its share of benefits costs. The 5% and 3% raise "on-schedule" will likely beat COLA for the '19-'20 and '20-'21 academic years, and the additional raises for part-time faculty will make great strides towards our pay-per-load parity goal in '21-'22. Second, the Academic Freedom and Distance Education articles represent important contract language needed to keep up with the incredible work of our faculty. These articles are an excellent example of collaboration between the UF and the Academic Senate, both ideas having originated in some form or another with faculty groups working on these two key issues. Lastly, this agreement makes much-needed changes to Appendix X regarding evaluations. These fix a number of significant loopholes and allow for a more streamlined process for all of us.

Milton Clarke (LMC VP) writes: I believe that the 4CD employees will be pleased and inspired to learn that District management and the United Faculty found common cause in the decision to include academic freedom as a new article. Long after most of the tentative agreement is passé, Article 28 will remain relevant, preserving the right of faculty to instruct free of intimidation and censorship. The recent attack on collective bargaining rights of educators and vitriolic language often used to disparage college faculty are blunt reminders of the vigilance required if institutions of higher education can continue to cultivate free thought, however unpopular or controversial. Article 28 is not without responsibilities, requiring faculty to "foster a classroom environment that is free from discrimination, prejudice and harassment and in which students are free to express relevant ideas and opinions." Future generations of 4CD faculty will undoubtedly appreciate the commitment that this article makes to safeguarding their academic freedom.

Jeffrey Michels (CCC VP) writes: A lot of districts, staring at the edge of the cliff they call the "student centered funding formula" have frozen spending. Our district, thankfully, agreed that we need to seize on this period of stable funding to raise pay and address pay inequities. We can still do better, but this is a solid step in the right direction, and the Distance Ed and Online Evaluation work needed to be done too. Thanks to the many faculty who helped!

Doug Dildine (Part-Time Faculty Advocate) writes: Part-time faculty should not miss this opportunity to vote on this historic Tentative Agreement. Our economic future and job security are on the line - Vote for Parity and Academic Freedom!

Donna Wapner (UF President) writes: We worked hard to protect benefits, even though we know that lowering health-care costs may be the fastest way to raise salaries. The change for new hires was tough to swallow, but I'm glad we were able to get some extra gains for new hires to offset what they lost. On the whole, this is a great agreement; I'm proud of our team's hard work.

Highlights of the Tentative Agreement: Compensation

Raising salaries and protecting benefits have been top UF priorities for years, due mainly to the challenges of living in the Bay Area on a professor's pay. This TA raises salaries for all faculty while making modest concessions in benefits (raising copays \$5 and changing retiree benefits for future hires only). We also initiate a three-year plan to shift from paying part-timers hourly plus load adjustment factors to pay-per-load (starting at 72% of full-time pay). This will mean significant raises for PT lecture, lab and English composition, and eventually for all summer and full-time overload assignments as well.

Step/Column and Benefits

For 2019-20, 2020-21, and 2021-22, the District will cover step / column increases, District-paid payroll tax increases (including but not limited to CalSTRS and Cal PERS), as well as its share (94%) of health benefits premiums.

Full-Time Faculty Salaries

Salaries on the B-1 schedule (full-time faculty "A" load) will be increased by 5% retroactive to July 1, 2019, except for steps 1, 2 and 3, which will be increased by an additional 1% for a total of 6%. On July 1, 2020, salaries on the B-1 schedule will be increased an additional 3%. Salaries on the B-2 schedule (covering "AC" overload) will be increased by 2% starting spring semester, 2020, and full-time faculty who taught overload for AC pay in fall of 2019 will receive a one-time, off-schedule payment equal to 2% of their fall 2019 AC pay. **Department Chair funding** is increased by this agreement starting next fall by \$50,000 (approximately 5% on top of the other salary increases).

Part-Time Faculty Salaries

In order to address pay equity (parity) and move towards implementation of Phase 1 of our Parity Plan (see below), part-time salaries will be increased by assignment type, using the "load adjustment factor," in addition to a 2% increase to the B-2 salary schedule effective with the spring 2020 semester. The cumulative effect on part-time pay for each assignment type will be as follows: Lecture and Lab 1 will increase 7% for spring 2020 and an additional 5% for fall 2020. Lab 2 will increase 7% for spring 2020 and an additional 7% for fall 2020. English Comp. will increase 12% for spring 2020 and an additional 10.5% for fall 2020. Activity assignments will increase 2% for spring 2020. Salaries on the B-4 schedule (part-time counselors, librarians and disability specialists) will be increased by 5% for spring 2020. Salaries on the B-8 schedule (coaches) will be increased by 2% for spring 2020. Also, all part-time faculty who worked in fall of 2019 will receive a one-time, off-schedule payment equal to 5.75% of their fall 2019 pay.

Summer Salaries

All summer salaries (both full-time AC and part-time C) will increase (including the 5% B-4 salary schedule increase mentioned above) as follows effective summer 2020: Lecture and Lab 1: 9%; Lab 2: 9%; English Composition: 19%; Activity: 5%; Librarian/ Counselor: 5%.

Part-Time Faculty Parity Plan

Funding for Phase 1 will be formula driven with the goal to shift to pay-per load for all part-time instructional assignments in fall 2021 at 72% of full-time pay. In Phase 1, beginning fall 2021, assuming the formula produces adequate funds, office hours for part-time faculty will become mandatory in the same proportion as currently compensated in the optional office hour program per Article 7.8.4. These office hours will no longer be compensated separately but shall be considered to be part of each part-time faculty member's regular assignment, compensated through base salary. **The Equity Hour Program** shall remain in place for the full term of this agreement at current funding levels. **Summer pay for all faculty** will also increase in Phase 1, assuming funds are available through the formula, to 72% of regular full-time pay.

Highlights of the Tentative Agreement: Health Insurance

The Anthem HMO plan will no longer be offered. The Anthem EPO and Kaiser plans will continue to be offered as before, except that beginning July 1, 2020, health insurance copays shall be increased by \$5. Effective July 1, 2020, or soon thereafter, the District will offer a new plan option (a low-cost, high-deductible health insurance plan, with a Health Savings Account).

Retiree benefits will be changed so that employees hired on or after July 1, 2020, and their dependents will be eligible to continue receiving District-sponsored medical and dental benefits under the current provisions until Medicare eligible. After that, retirees will have the option to buy into district benefits by paying the full premium. In other words, the District will stop paying 50% of premiums for future new hires only who retire and want to stay on District benefits. You will note that we made some changes that will benefit future new hires as well, including an extra 1% raise at the bottom of the salary schedule and increasing **the Maximum Step Placement** for new hires by 1 (from 10 to 11 for newly appointed faculty and from 13 to 14 for those who have been part-time in the District).

More Highlights: Academic Freedom; Distance Ed; Evals

Academic Freedom

We borrowed language from the best contracts we could find around the State and crafted a comprehensive article outlining faculty rights.

Distance Education

Our new article establishes a minimum level of training necessary for faculty who want to teach online for the first time and requires faculty who currently teach online but have never completed an approved training course to attend a 4-week online workshop within one year (compensated up to 10 hours at their non-instructional rate). We also clarify faculty privacy rights online.

Evaluation of Faculty Who Teach Online (including Hybrid)

The TA substantially revises the guidebooks, forms and procedures for faculty who teach fully online or partially online. We updated evaluation criteria as well as the questions asked of evaluators and students (to make them more appropriate for online instruction).

Using Electronic Surveys for Student Evaluations

We agreed on a pilot program so that evaluators may choose to administer student evaluations using electronic rather than paper surveys.

Improvement Plans (Especially for Probationary Faculty)

We fixed some time line issues so that improvement plans can be offered in any semester, and we added a "progress report" to be completed when there is an improvement plan.

Sabbatical Leave Fund

We capped the year-to-year rollover at \$300,000, which helped us afford other priorities like raising department-chair funding. We do not expect this to reduce the number of faculty who can take sabbaticals.

Board/UF Relations

The TA eliminates all outdated references to "agency fee" (in response to a recent Supreme Court ruling) and lowers the cost for the UF to purchase reassigned time from the District.

Grievances

We agreed to some time limits (one hour total) for grievance taken to open session before the District Governing Board at Level 4. We have only had a couple of these in the past decade.