

Vicki Gordon
Governing Board Member, Ward II
Contra Costa Community College District

August 17, 2020

I understand that a letter concerning me has been circulating as part of a deliberate attempt to smear my good name, and in the event you may have seen it, please give me the opportunity here to set the record straight. I categorically deny any ethics violations as are being alleged.

The letter being circulated concerns a politically motivated "investigation" by senior district staff and outside lawyers based on an anonymous complaint alleging that I, along with the now retired Chancellor, engaged in an unfair labor practice regarding an MOU with the college district's non-represented management staff in Sept of 2019. There was no wrongdoing as was alleged, but the "investigation" was then expanded at the direction of the Board chair and HR staff to include unspecified allegations, including a claim that I had a conflict in voting for an MOU that changed unrepresented management's health care coverage. The Board passed this MOU item on a 5-0 vote. Because our Board is afforded the same choice of health benefits as the management staff, I was anonymously being accused of a conflict for voting on the item. I received no personal benefit on this matter and firmly stand by my vote, regardless of whether a paid outside lawyer believes otherwise. Our District legal counsel did not advise of any conflict.

What is this really about? I believe that political opponents, including the current Board chair Rebecca Barrett, have gone to such lengths to seek to smear me because I have spoken out about CalSTRS audit findings that our district CalSTRS and CalPERS employees had for years been padding pensions by improperly converting accrued vacation pay to sick leave and using the sick leave to boost retirement allowances. CalSTRS audited the District in 2012, and again in 2014, finding the District practice improperly inflated retirement pensions. Our staff had assured us in 2015 the CalSTRS concerns had been addressed, *but this turned out to not be true*. The sick leave/vacation pay pension issue wasn't resolved and arose again in 2017 after a scheduled CalPERS audit was canceled, with upcoming Local 1 negotiations about to begin. The cost of the errors was then \$1.2 Million, affecting management as well as faculty and Local 1 members. The solutions all carried a significant cost and required negotiation with affected bargaining units. This was a painful chapter that left hard feelings.

Our District executive vice chancellor and our financial officer were not up front and candid with the Board in discussing how the pension spiking was being addressed. In 2017 as I started my second term the Chancellor and I, as Board chair, brought this to the Board with full disclosure to get it cleaned up once and for all. We were open and candid regarding the need to clean this up and informed the East Bay Times regarding the matter at that time.

We were successful in stopping the District's long-standing practice of spiking pensions by using vacation/sick leave. Once completed, with the employee negotiations complete in 2018, the

relationship between me, our Chancellor Fred Wood and the district management staff changed and hostile attitudes were apparent. The executive and management staff were extremely unhappy about the pension spiking being eliminated.

The separate MOU vote issue arose later in Fall 2019. The District concluded United Faculty and Local 1 negotiations with agreed increases to employee share of health "co-pay" cost during the summer. The last group to negotiate includes our unrepresented managers and confidential employees. The unrepresented group had historically taken a "me too" approach and accepted what labor groups negotiated. But management chose to make a different proposal

Higher paid unrepresented management staff wanted salary increases to cover a new increase in the employee share of the health care premium cost. There was confusion with management staff, some complained that they would not be able to offset the cost. A final pay package was presented to the Board for approval with the change to the health care premium benefits. I received some calls with questions and concerns about the change, but management group employees were afraid to publicly come forward for fear of retaliation by the executive staff.

In the Board's discussion of the management proposal, I noted that for some employees the increased premium might result in a reduction in net pay as in my circumstance, a very small difference. I supported the change, as did the rest of the Board, and we voted 5-0 to approve it. The so-called conflict is that because the Board has the same health benefits as unrepresented employees and because I noted there could be some validity to employee concerns, it was felt I should not vote. That was it! The district "investigation" of the anonymous complaint found that I should not have voted, a position I respectfully disagree with. I received no financial benefit. This is not "unethical" behavior as is being alleged.

The other issue raised in the complaint dealt with the Board's review of the chancellor's contract, alleging it was not done correctly. I completely rejected the allegation; the contract review was done correctly. Even after it was redone under pressure from the Board chair and vice-chair, the outcome *was exactly the same as the first time*. The record bears that out. There is no issue here.

There is no substance to these ethics allegations. In July 2020 I met with Board chair Barrett and the lawyer/investigator at their request in an effort to resolve the issues - I was not allowed to have my lawyer attend - and I reluctantly decided to agree to informally resolve the matter, because the alternative was to spend several months and thousands of dollars in legal fees fighting with the District. As I found out, my agreeing to resolve the matter was clearly a set up for these smear allegations to be used in the campaign. The district Board chair Rebecca Barrett is backing my opponent who is using this smear campaign to allege these so-called ethics violations. The entire complaint resolution process and meeting was a clear set up.

I ask you to reject this sordid conduct, please respect my 22 years as an elected educator who is passionate about improved student outcomes and see this smear tactic for what it is.

Thank you,


Vicki Gordon