



FACULTY ASSOCIATION, AFT 6157

# NEWSLETTER

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## Mother of All Budget Years

By Mark Newton  
Faculty Association President

If higher education is a funny business, then this year, in California, it has been out-and-out hysterical.

Sacramento's tumultuous budget situation has really made planning in community college districts very difficult. And anxiety has been extremely high among faculty and others who fear losing their jobs. Our academic year is ending, so I thought I would summarize this mother of all budget years, and give a small peak into the future.

**The Sacramento Angle.** California's state budget crisis began with the downturn in the economy, and was exacerbated by inaction in Sacramento due to the 2001 fall elections – when no politician wanted to be responsible for a budget cut or any new taxes. Problems were deferred to 2002/2003. Governor Gray Davis' budget was dismal for education, but especially for the Community Colleges, which were hit disproportionately hard. EOP & S, DSP, and Matriculation could have been decimated. The part-time equity fund of \$57 million seemed vulnerable. Thankfully, our legislators had no stomach for the proposed cuts, and restored some of the funding.

However, now we face another new budget year, and there has been very little progress in dealing with what is now described as a \$35-40 billion budget deficit on a \$90 billion budget. The Republican's solution calls for increased spending cuts, no new taxes, and increased borrowing. The Democrats appear to be looking for a combination of cuts, temporary tax increases, and some borrowing. Recently, the legislators did defer some of the debt by borrowing a couple billion dollars from State Teachers Retirement System, and will have to pay

nearly \$500 million in interest. While this was a bipartisan effort, it touches just the tip of this iceberg. Whatever the solution is, community colleges will feel the hit for the next two years, at least. One note of optimism came from State Chancellor Nussbaum. He does feel that future budgets will treat the community college more equitably with respect to higher education funds.

**Response of our District Office.** Signs of a large state budget deficit and about one million dollars in overspending at Evergreen Valley College made a financial shortfall evident to our district's administration last winter. At that time, District Office (DO) put off negotiating over this year's salary for faculty, and they set a schedule that reduced classes on both campuses by a total of about 500 sections from the previous fall term. Adjunct faculty had their teaching loads reduced by one or more classes; many adjuncts lost jobs. Some full-time positions went unfilled. Over summer and into the fall 2002, the Faculty Association (FA) tried to make it clear to the administration and trustees that the financial problems of the district again were being balanced on the backs of faculty. This problem became particularly acute when released time for faculty was reduced and the DO unilaterally went after faculty sabbaticals. DO did back off of the attempt to take sabbaticals away after the FA served them with a letter from our attorney. Still, virtually every cut was made to faculty and they had obvious consequences for students.

**Budget Subcommittee.** In the fall of 2002/2003, Vice Chancellor Hill sounded the alarm for further cuts to our district's spending. Rumors of layoffs were rampant. The Governing Board provided leadership by forming a budget subcommittee (Trustees Maria Fuentes, Richard Hobbs, and Ron Lind). The purpose of this subcommittee was to allow our Governing Board to provide more direction as to which cuts should be

made, and to begin work on a more transparent budget process for which the FA and Academic Senates had been asking. Initially, the subcommittee meetings were held in a small conference room, but expanded to the larger meeting rooms at SJCC. The chance for faculty leadership to have input seemed to diminish as the meetings grew in size.

Still, the Trustees had heard the faculty, and they set out some principles for how the budget process was to proceed. Key among these principles were: 1) their concern that additional cuts from the classrooms be minimized, 2) that further cuts be shared among other employee groups, and 3) that layoffs be avoided at this time. One administrator protested that protecting the faculty did not make sense if you were going to have to cut the "brains" of the organization; in this analogy we were compared to assembly line workers at a car factory. (Guess I am still upset about not having responded there.) Classified employees were upset, because they felt they would take all of the additional cuts. It appeared that many people in the other groups could not appreciate the tremendous cuts that faculty had already taken. But the Trustees recognized that all the employees are partners in this business of educating students. They clarified their principles and reemphasized their interest in avoiding layoffs for the time being.

Through the budget subcommittee the targeted reduction was set for both colleges and DO to total about \$1.8 million dollars. To keep the number less than two million dollars, the Trustees had directed some changes surrounding our hefty reserve fund. The reduction plan took shape with a kind of a soft freeze on unfilled vacant positions and reductions in PFE funds. Division Deans were asked to prune spending, including those funds dedicated to classroom equipment and teaching supplies. Much of intersession was cut; summer school was cut in half. DO asked to serve March 15th pink slips



to nine faculty, and the Trustees said no! DO came back with closure of the Institute of Business Performance (except the money-making Traffic School). With the retirements of Vice Chancellor Albert and Associate Vice Chancellor Sanchez, the DO chose not to fill those positions. Some other positions at DO were left unfilled. So effective was this savings plan, that Chancellor Evans and Vice Chancellor Hill announced about a month ago that SJECCD was actually in the position to make something around \$300,000 this fiscal year. (The subsequently negotiated one percent bonus probably spends that sum.)

**So, Where Are We?** As the budget process has proceeded, the Trustees have taken a lot of criticism. “They’re going too slow.” They aren’t willing to make cuts.” “Why don’t you just let us do our jobs and let us make the cuts?”

I am proud of the Trustees. They have persevered to get information about the importance of programs to our students. They have accepted that they are elected to make these hard decisions. But, they wanted to prioritize and make thoughtful decisions; and they want to know what Sacramento is doing before they make drastic cuts. So far, we have managed to get through this academic year without big layoffs or spending much, if any, of our reserve funds. While the cuts have affected the students by reducing class offerings and service, and have been heavy on adjunct faculty, they have preserved most of the essential infrastructure and pruned areas that are not deemed to be essential now.

Next year may be a different and a more difficult story. We will have to see what the Governor’s revised budget looks like in May or June. Until then the FA will continue to be proactive with both the Trustees and in Sacramento. At the state level, we will participate in lobby days (May 18 and 19). The CFT has joined with other unions to try and reduce the budget gridlock. Probably during this summer, they will try to get enough signatures to pass a budget accountability initiative for the March 2004 election. This law would lower to 55 percent the required supermajority of legislator votes needed to pass a state budget. The idea

here is that the majority party would be able to implement their fiscal policy, and then let the voters decide if a change is required.

In sum, the odds are we will see another year or two with budget scenarios similar to this year. We all just have to muster the energy to fight cutbacks at every level. Get some rest this summer; we will need you in the fall.

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## SCHOLARSHIP WINNER Joshua Sonnenfeld

*By William Jacobs  
 Executive Board Member*

Since our Faculty Association has affiliated with the California Federation of Teachers (CFT), I continue to be amazed at the variety of ways they are helpful. One of our faculty members at SJCC, ESL professor Cynthia Solem, became aware of the Raoul Teilhet Scholarship through the CFT. She encouraged her son, Joshua Sonnenfeld, to apply. His requisite essay on school reforms needed in California won him \$3,000.00 for tuition, books and supplies. Joshua will be attending UCSC next year, so the funds will be a great help to him.



Joshua Sonnenfeld

Joshua is no stranger to UCSC as he is currently taking some courses there through his Santa Cruz High School Honors Program. He intends to major in International Politics, and since he has exhausted the social studies options in high school, he is delighted to be able to get a taste of college level political courses. He is taking Political Freedom, Global History and Global Politics.

At 17, Joshua is a senior at Santa Cruz High School. To date, he has earned a 4.15 GPA. He has also been actively involved in student politics, especially in the area of activism. He recently organized a walkout in protest to the war. He is most proud, however, of his work on the No Child Left Behind legislation that allows military access to high school student addresses for recruitment purposes. Through his life on line, Joshua found a couple of models in Rochester NY and Maplewood NJ where high schools had developed a way around having their federal funds rescinded if they failed to share student records with the military. Joshua used this information to draft a proposal that he presented to his school board. The proposal was accepted unanimously, and Joshua is rightly proud of this accomplishment.

Joshua is also a competitive tennis player. He has competed for the past four years in tournaments and attended annual camps. He says he enjoys both the physical and mental parts of the game.

All in all, Joshua seems destined to help make the world a better place through his efforts in international politics—or whatever he ultimately ends up doing. Personally, I am delighted to see some scholarship dollars go toward such a deserving young man. Cynthia Solem must be very proud.

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## SAVE THE DATE Annual FA, AFT 6157 Picnic

We’re ready to party again, with great food (Bill Jacobs will be our chef), lots of games; we plan to have a jumping house, piñatas, volleyball, water balloons and hopefully some music. So please put the following information into your calendar:

**Saturday, September 20, 2003  
 11:00am –3:00pm  
 Vasona Park  
 (at the Raintree Picnic Ground)**

There will be no excuse for not attending this great event. See you at our annual picnic in the fall.



## KNOW YOUR RIGHTS

**Part-time Faculty Have the Right to Collect Unemployment** over the summer break, based on a Supreme Court decision filed by the CFT called Cervisi et al vs. Unemployment Insurance Appeal Board. The Superior Court stated the following:

“... that the assignment form issued to the instructors stated that: ‘employment is contingent upon adequate class enrollment.’ The Court also held that the record established that the offers of employment made by the school employer were ‘contingent on adequate enrollment, funding, and the approval of the District’s Board of Governors.

The Superior Court concluded that under the statute, an assignment that is contingent on enrollment, funding, or program changes is not a ‘reasonable assurance’ of employment.”

Based on this Court Decision fought for by a sister CFT local, part-timers now enjoy a right that helps them when they are not teaching. If you wish to collect unemployment, you must apply in a timely manner. Therefore it is important that you access the unemployment board website for all the information you need.

Keep in mind that your claim MAY be denied at the local level. You must appeal this denial within the time frame listed on the denial form. Please feel free to contact the FA, AFT 6157 if you have any questions. Unemployment information is available online at:

[www.edd.ca.gov](http://www.edd.ca.gov)  
[www.cpfa.org/unemployment.html](http://www.cpfa.org/unemployment.html)  
[www.faccc.org/edd\\_cerv.htm](http://www.faccc.org/edd_cerv.htm)

**Full-time Faculty, What if Your Class Is Cancelled?** We know the times are rough, Sacramento is sitting on a huge deficit, money is tight in our district and Deans are being told to cancel low enrolled classes. The contract has very specific guidelines for full-timer rights if their class is cancelled. (See May 2002 Newsletter for when a class can be cancelled.) Article 12.9 states:

1. A full-time faculty member has a right for a full 1.0 load each year.
2. The dean and faculty member should try to come to agreement regarding the alternatives to completing the full load
3. If no agreement is reached, the faculty member can choose any unstaffed assignment in the FSA.
4. If there are no unstaffed assignments, the full-time faculty member will work with the faculty member’s dean and may bump an adjunct faculty member first, or an overload assignment by a full-time faculty member.
5. If no agreement can be reached, the dean may assign an instructional assignment to the faculty member within the FSA.
6. The faculty member may choose an underload, if none of the above are chosen.

Under no circumstances should full-time faculty members be told that they must recruit students for a new class that is not in the schedule; nor can they be told that they must bump into a particular class; or that they must take underload. The contract is very clear that this is a decision that is established by consultation and mutual agreement between both the full-time faculty member and the Dean.

## ATTENTION RETIREES New Benefits!

### Graduation

Among the new benefits that were won for retirees was the right to attend graduation ceremonies. The Faculty Association, AFT 6157 is extending a warm invitation to all retirees to attend.

**Evergreen Valley College graduation is 6pm, May 22, 2003.** Retirees should come to the campus store between 5:00 and 5:45 to get their caps and robes; and then there will be refreshments at Gullo Center Cyber Lounge. Faculty and retirees then line up outside of Gullo; the procession begins at 6:00pm.

**San Jose City College graduation is 6pm, May 23, 2003.** Retirees should be at the Drama Building at 5:00 p.m. They should contact Colleen Hattman at the Campus Store immediately to order a cap and gown. The actual ceremony is in the Martin Luther King Plaza in the quad outside the GE building and begins at 6:00pm. Looking forward to seeing many retirees at the ceremonies.

### Other Benefits for Retirees

These benefits are for current faculty, with a sideletter that gives them to current retirees as well. Retiree benefits that were received through negotiations are the following:

- Free parking
- Use of the library consistent with employee privileges and District procedures
- Free admission to all District/College Events-The District has the sole discretion to identify events that shall be excepted on a case-by-case basis.
- Participation in Graduation
- Email Access-Retired faculty will be entitled to email access for a period not to exceed 2 years after retirement. This access is subject to District policy and procedures and can be discontinued for inappropriate use.

We are excited about these gains and look forward to current and future retirees continuing to feel a part of the District.

## Save up to 30% on these National Hotel Brands!



**THE  
BENEFITS OF  
BELONGING**

AFT members receive discounts up to 30% off rates at more than 4,000 hotels in North America. Call the toll-free numbers listed below and mention your AFT PLUS member ID number: 20952.



1-800-996-2087



1-800-268-2195



1-800-769-0939



1-800-682-1071



1-800-462-8035



1-800-545-5545



1-888-821-5779



1-877-202-8814

Advance reservations required. Blackout dates may apply. Discounts can not be used with other programs.

MAY '03



## WHAT HAS THE UNION DONE FOR YOU LATELY?

**Interpretation of Family Medical Leave Act (FMLA):** Padma Manian, full-time instructor in the History department, took advantage of the FMLA when she needed to take a reduced load for medical reasons. It should have been a simple matter, but it was not. Over the course of a year Padma Manian was underpaid thousands of dollars.

The FA and Padma Manian were forced to file a grievance and take it all the way to Level II before satisfaction was finally reached. This all began in September 2002 when the first underpayment occurred. It took all the way until April 10, 2003 before Padma was repaid all the monies that were owed to her. Padma let the FA know the following: "I am very happy with this resolution. I want to thank you very much for your support, your work, and your efforts in resolving this issue. It was very good to work with you. Again thank you."

No one should have to wait 7 months to be paid properly. We anticipate this will not occur again.

**Seniority Rehire Preference (SRP) for Part Time Faculty:** A major victory for part-time faculty was the inclusion of SRP in our contract. But, with its introduction, there has been considerable confusion regarding the implementation. Some part time faculty did not realize that they needed to turn in their letters of acceptance to payroll in order to receive SRP; other faculty are concerned that they were not offered enough classes to receive SRP; and others were teaching in the sciences and languages where getting and giving SRP in a fair and equitable manner was in question. We agreed to be as flexible as possible, including allowing part time faculty to turn in their letters late.

The FA, AFT 6157 and the District have been meeting regularly during this time period to make the new SRP process move ahead as smoothly as possible. On Wednesday, May 7, 2003, FA President. Mark Newton, along with HR Director, Pauline Clarke chose seniority numbers for all faculty who have received SRP. These number will be used

to establish an order in which part time faculty can request classes in each department, when there is more than one faculty member with SRP. In some departments, these numbers were not used for choosing of Fall 2003 classes, but will be in effect for Spring 2004.

Please feel free to contact your part-time rep: Sarita Tamayo if you have any questions. Please note that Jeffrey Kirkbride, part-time rep for EVC is out of state taking care of an ill parent, so he will not be returning messages or emails.

## SAVE YOURSELF AND SAVE EVERYONE

### How Ending the Exploitation of Part-timers Helps Everyone

*By Sarita Tamayo  
Executive Board Member and Negotiator*

Recently, many part-timers across the state have been experiencing silent layoffs. In places like West Valley, or Cabrillo College Watsonville, the layoffs are not so silent. Either part-timers are being laid off wholesale as at West Valley, or piecemeal as at Cabrillo College Watsonville and our own San Jose City College and Evergreen Valley College. In addition, part-timers have been facing the very divisive issue of what to do about the 60 percent law. As I learned this year, the 60 percent law means that if part-timers work more than 60 percent, for a number of semesters, then they become tenure track faculty. Therefore, community colleges will not hire them for more than 60 percent for fear of tenuring them without noticing.

At the CFT convention in March in San Francisco, there were loud voices of those part-timers who wish to do away with this law in order to experience some relief. They are so tired of being freeway flyers and ending up at the wrong campus because they have forgotten what day of the week it is. Exhaustion and disillusionment have led many part-timers to embrace removing the 60 percent law. Thus, they could work full-time at any campus without ever having any stability,

benefits, or the promise of tenure. This is how exploitation leads to more exploitation.

### CFT Takes on Part-Timer Issues

At the California Federation of Teachers (CFT) Community College Council meeting May 2<sup>nd</sup> and 3<sup>rd</sup>, there was a remarkable shift in the attitude toward this law. Unity between part-timers and full-timers led many to see that getting rid of the 60-percent law would threaten the integrity of tenure. Marty Hittelman, the president of the Community College Council, reminded everyone of the time when there were no protections for part-timers or full-timers, and thus part-timers were hired 100-percent and were never given tenure. Instead, the focus has shifted to finding ways to give part-timers rights and stability. Now, part-timers are fighting for 100-percent pro rata pay, as well as benefits and seniority.

Current legislation such as AB 654 sponsored by Goldberg would give part-timers rights such as having their name actually appear in the course catalog rather than just the epithet STAFF. In addition, AB 237 sponsored by Bermudez, would enable part-time faculty to receive unemployment benefits by clarifying that part-time faculty do not have "reasonable assurance of reemployment" from one term to the next. Finally, SB 272 sponsored by Soto would mandate that community college districts allow temporary faculty the option to contribute to Social Security. Right now, part-time faculty members suffer because they do not have a consistent retirement system. If you would like copies of letters to send to any of these legislators, please email me at [sarita.tamayo@sjcccd.org](mailto:sarita.tamayo@sjcccd.org).

Despite being in a budget crunch, the fact that there are bills in the Legislature that support part-timers is encouraging. However, we need to support these bills and do as much as possible to make sure that they pass. In addition, we need to continue to press for stability and we need to make sure that everyone knows that part-timers work just as much as everyone else. Finally, we need to remember that as long as one segment of the community college is exploited, then everyone is threatened.