

# FACULTY MATTERS



FACULTY  
ASSOCIATION  
AMERICAN FEDERATION OF TEACHERS  
LOCAL 6157

## The Audacity of Union

By: David Yancey, President, FA, AFT 6157

In Barack Obama's book *The Audacity of Hope* he advances the belief that Americans are unique people and in many ways, a blessed people. Senator Obama starts a discussion of the future by establishing a platform based on the past, a technique that touches the heart strings of this old historian. But the overwhelming thrust of his book is not about the past successes and failures of our people, although necessary to know, but about the promise of tomorrow and what we can and must do better. He touches on many of the issues that have historically divided us as a people but then calls upon us to rise above our differences and reach for a higher level of understanding and cooperation. He challenges us, as citizens, to reach for what may be possible—to appeal to what

Abraham Lincoln called, "the better angels of our nature."

This book is a moving and inspirational book written in a way that makes you feel like he is talking personally to you. I was struck by the strength and the simplicity of his argument. To rise above our past differences, seek a higher vision, embrace what makes us successful and move forward to a better understanding of who we are and how we, individually or collectively, can make things better.

You would be right to wonder how this very unique and motivating book and its idealistic message connects to the reality of day-to-day, sometimes hardball union activity. What does defending faculty

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## Impressions - Vietnam

### A Country in Transition – A Phoenix Rising.

By Gemma Whelan, EVC Drama Instructor

The traffic rarely comes to a halt in the bustling streets of Hanoi and Ho Chi Minh City (Saigon), so in order to cross the street you step right into the fray, face down the oncoming motorbike fleets and cars and bicycles, walk slowly but resolutely, and let them weave around you until you reach the relative safety of the crowded pavements. This conscious and deliberate act of bravery is an apt metaphor for modern day Vietnam, which surges with breakneck

speed from the mire of its oppressive and war torn past, towards the perils and promises of a socialist market economy. Having endured centuries of Chinese dominance, French colonization, American incursions, and cruel torture under its own Communist government, the *doi moi* (open door policy inspired by *Perestroika* in 1986), and membership in the WTO (January 2007), have set the country firmly on its path to privatization and competition.

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SPRING TWO

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# The Audacity of Union

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rights, insisting on compliance with the collective bargaining agreement (CBA) and holding the line against the occasional administrative outrage have in common with a book about hope?

It would be reasonable to ask what would happen if we take our eye off the primary function of unions and focus on the rather idealistic notion of hope. If we engage in more collegial discussions and compromises with our administration, our long time and labor's historical adversary, rather than insist on always holding a firm and intransigent line, won't that weaken us in our position at the negotiations table or in official administrative hearings? Will that not lead to a fundamental weakening of the union's role of guardian and protector of faculty rights? My firm answer is No!

I am not suggesting that we must forget the union's historical role of fighting for wages and benefits and working conditions, and preparing for the expanding needs of a faculty largely without retirement medical benefits. But, at the same time we must, as union members, see the growing need for wider involvement in not only our organizations but also our surrounding communities. We must aspire to a larger role and vision of our union. We must become a more integral part of our district, a real partner that believes it can help the district grow and succeed, and to do that we must see a wider picture and a broader responsibility.

I am convinced that unions of the future, and this union, must do all of those things and more. My view is that a union is one of many organs critical to the good health of an organization, like the heart is to the good health of the human body. The successful union of the future will see the value in expanding and enhancing its role in the life and functioning of any organization or system in which they reside. We must, as Senator Obama suggests in his book, strive

to raise the bar of our vision, strive to overcome what currently is to what may be possible, to contemplate the audacity of union.

## The Successful Union of the Future

How do we do that? First we need to expand our current perception of the role of the union. Currently there are three basic arenas in which this union has operated. I would suggest a fourth.

- The first arena is the **membership**. The fundamental purpose of a union is to address the needs and issues of its membership. This core function of any union must be maintained. Faculty that are fairly compensated and who are respected for the work they do are better teachers and better partners in any organization. As the faculty in a district go so goes the educational quality of our students. Our faculty's commitment and dedication to our students needs and to providing the support student's is well documented and will remain a top priority of this union.
- A second crucial arena is **dealing with the administration of the district**. The district plays an important role in meeting the needs of and supporting the success of our students. The relationship between the union and the administration is crucial in creating the most positive and productive atmosphere to ensure our students receive the best educational experience we can collectively give.
- The third arena is the role played by the **elected trustees of the district**. Their role is also important to the overall success of our great endeavor called education. They set the district's priorities, provide leadership to the district's top administrators and equally important they bring the needs of the communities we serve into those

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# The Audacity of Union

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discussions. They are one of the important links to our provider communities and they are the public face of our district in statewide organizations and other educational circles.

- Let me suggest a fourth arena of involvement that we as teachers and union members have typically seen as outside our venue or sphere of responsibility or interest. That is the **community in which our students live and work**. Our students are a reflection of the surrounding community we serve. The needs of our students are also the reflected needs in the community. It is important that we extend our outreach efforts beyond the usual structures that we have always recognized. Beyond the walls and parking lots of our colleges. We need to reach further because our students needs don't end at the doorway. We need to see more than the face in the classroom and to understand how deep our impact can be on the lives of our students.

## Our Members Take up the Challenge

Unions have long fought against discrimination and abuse of all types

relative to our faculty members, but the fact is, that if we are to answer the challenge of times, we must see these issues in a broader perspective. I know that many of our faculty and union members are



AFT 6157 members attended the CFT Convention in March

personally committed to this challenge but organizationally we need to recommit ourselves to this cause. We need, as an organization, to be more involved and more supportive of the broader communities we serve. We also need to see the students that are struggling to establish themselves and join in the shared dream of an education and the opportunities that will offer them.

In that vain we, your union's leadership, have initiated a broader reach for our union by participating in statewide and national

efforts to advance human rights, ensure open access to education for all, defend academic freedom, to defend the rights of women and to improve our health care system to guarantee health care for all.

Already members of our Executive Board are taking on the challenge: **Vice President Frank Espinoza** sits on the Civil, Human and Women's Rights Committee of the California Federation of Teachers (CFT); and **EVC Executive Board Representative Minerva Duke** has been appointed to the Health Care Task Force for the State of California through the CFT. We will for the first time attend the **National Convention on Higher Education sponsored by the American Federation of Teachers** to discuss both

academic freedom and increased student access but also leadership issues for college professionals.

We, as a union, must reach out of our comfort zone to that next level of participation. We must become more active participants in this struggle to raise all boats and to help our students, our community and our society. Come join us. Let your passion for education and for helping serve a broader cause. You will benefit, the students will benefit, and maybe the society and world will benefit as well. Believe in the audacity of hope.

## FACULTY ASSOCIATION, AFT 6157, EXECUTIVE BOARD MEETINGS - SPRING 2007

Date	Time	Location
Friday, Apr 13 (Council of Division Reps)	9:30-12:30pm 1:00-3:00pm	SC Community Rm, SJCC SC Community Rm, SJCC
Friday, Apr 27	9:30-12:30pm	Appri Mishra Rm, Library, EVC
Friday, May 11	9:30-12:30pm	SC Community Rm, SJCC

# Retirees Gain Voice

By Bill Jacobs-Retiree President



On March 7, 2007, over 20 retired faculty members of the San Jose/ Evergreen Community College district met to officially form their own Retiree Chapter of AFT Local 6157. The formation of this chapter gives retired faculty members a voice in negotiations with the district, oversight in Board of Trustee discussions, a channel of communication, representation on the FA, AFT 6157 Executive Committee, and a vehicle for the creation of social events. Chapter bylaws pre-approved by the FA, AFT 6157 Executive Committee were officially and unanimously approved by those in attendance. Officers were elected: **Bill Jacobs, President; George Forrester, Vice-President; Alice Gosak, Secretary; and Walter Soellner, Treasurer.** Those present unanimously determined that an annual dues fee of \$50.00 was appropriate.

Walter Soellner graciously hosted the event in his beautiful home. The evening began with a combination of participants "catching up," eating appetizers

generously provided by the FA, AFT 6157, and reading the by-laws. When everyone was comfortable with their understanding of the by-laws, the historic meeting began with a formal introduction of participants, primarily for the benefit of current FA, AFT 6157 officers **Mark Newton (Past President), David Yancy (current President), Frank Espinoza (Vice-President) and Executive Director Barbara Hanfling.** There were a number of participants who had not yet met Barbara or all of the officers present. It was pleasant to watch all those acquaintances being made—faces attached to names—and some of us are becoming senior enough to need reintroductions anyway.

Barbara Hanfling, the font of all union knowledge, answered many benefit-related questions through the course of the meeting. Her contributions were obviously appreciated by all as what was anticipated to be a relatively short meeting lasted at least an hour-and-a-half. When the

meeting was completed, many of those attending remained to chat with one another or to tour Walter's showpiece Victorian home. He and his wife, Sandra, have done an amazing restoration of their home (near SJSU).

Retired Faculty Members in attendance, in random order, were: **Mary-Anne Christman-Phelps; Paul Preising; Stock Cortez; Rudy Cordova; Jan Stroth; Alex Reyes; Andy McFarlan; Pat Dougherty; Ron Fischer; Flo Curnutt; Jean Sutherland; Dell Redding; George Forrester; Herb Ford; Maria Garcia-Cordova; Ray Collins; Walter Soellner; Phil Crawford; Luis Gutierrez; Darrell Johnston; and Bill Jacobs. Others in attendance were: Jerry Strelitz; Barbara Hanfling; Mark Newton; David Yancy; Frank Espinoza; and a number of spouses.**

Look to this corner of future newsletters from AFT 6157 to read further news of interest to retired faculty members.

# What Has the Union Done for You Lately?

By Barbara Hanfling, Executive Director

## 1. Summer School Informal Grievance: Settlement in the Works

Almost 2 years ago, the Union's fiscal officer, **Linda Ferrell** brought to the attention of the Union that her rate of pay had been changed during her summer teaching months. When Linda taught summer school she had her past contracts that stated she moved from one step to the next step effective July 1. This would of course only impact faculty who are new and at the first 10 steps (including the stutter steps).

Then suddenly two years ago, the District ceased paying her for her step

increase on July 1 without notice or discussion with the faculty members or the Union. The Union immediately brought this to the attention of the Human Resources department. But with no HR Director and the department in transition, this potential grievance sat for a while. In the last week, we have finally received a settlement proposal and the document stating what faculty worked during the summer of 2005 and 2006 and how much money would be owed. The total amount owed to faculty is about \$4270.

Once the agreement is signed we will notify SJCC faculty who will be receiving

additional money for their summer employment of 2005 and 2006. The District maintains and the evidence appears to substantiate that EVC faculty were never paid two rates for summer school. However, with the settlement of this agreement faculty working summer school will be paid only at the rate of pay effective when they begin their assignment, as the long term history of payment during the summer has been irregular and inconsistent. Thanks to **Linda Ferrell** for her due diligence and persistence. As the Union frequently says, check your pay stubs to ensure your salary is correct.

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# The Members Speak Out

Compiled by by Debbie DelaRosa

The Union posed the following question to a number of faculty at EVC. We thought it would be a great opportunity to hear from our members about our Union.

## Question:

**As a union member, what benefits are you acquainted with and how has the union served you individually and collectively in your college?**

### Steve Matusow - EVC Math Instructor

The Faculty Association, AFT 6157 has supported me as an employee and a teacher in the following ways:

- By bargaining for a salary increase as close to COLA as possible, the union provided me an immediate financial benefit. But more important to me, this gives me a higher salary on which to base my retirement income, which will commence in the near future.
- The progress made by the union bargaining team on class size reduction/fairness means more manageable classes and greater opportunities for me to interact with individual students. This is a very welcome professional benefit to me.
- The union, working with my recently retired colleague Seth Zimmerman, clarified the critical retirement benefit of COBRA access to medical/dental/vision coverage for life. This is especially important to me – a person with a chronic illness – as I will need coverage between my retirement age and 65. My pre-existing condition would make it extremely difficult to get affordable medical insurance.



I truly value my membership in the Faculty Association/CFT and appreciate the opportunity to thank the Executive Board and Bargaining Team in this way.



### Art Villarreal - EVC Social Science

As a union member, I am not acquainted with all my benefits, but I continue to be more informed simply by reading the FA, AFT 6157 Newsletter. The union has served me individually by coming to bat for me on issues of overloading. They have come through for me like legitimate batting champions who are not on steroids. The union has served me well on an individual basis, but has also served the district collectively. For example, the FA, AFT 6157 were instrumental in the generous raise which was reflected on our last paycheck that still has me wearing this silly grin from ear to ear.



### Steve Blades - EVC ESL, Psychology, English

As a union member I have benefited both individually and collectively. My experience has been that the F.A. officers have been readily available and very professional in assisting with concerns that involve interpreting the contract and the Ed Code. I just can't imagine what it would be like without them. We are so fortunate to have them.



### John Carrion - EVC Communications Studies

FA, AFT 6157 has negotiated excellent medical benefits. They are better than my wife's who is also a teacher. The FA, AFT 6157 successfully intervened with an issue I had with the administration. It saved me from a grievance procedure. I have made use of load banking that really benefited my personal and professional schedule. Thank you FA!

# What Has the Union Done for You Lately?

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## 2. Retroactive Pay for Contract Settlement:

When the Union and District settled their three year contract the date stated that the 5.92% salary increase was to go into effect on July 1, 2006. When the retroactive checks were issued to the faculty, the District determined based on what had occurred in the past that the July 1, 2006 date in the contract did not mean, July 1, 2006. The District paid faculty retroactive pay only to the beginning of the semester, fall 2006.

The Union made a demand letter to the District leadership and Vice Chancellors, Anita Morris and Ron Root back in January. In part the letter stated:

*Donna and Ron, It has come to the Union's attention that the effective date of the contract and our retroactive raise which was July 1, 2006, was not implemented in the most recent retroactive pay award received today by full time faculty.*

*The agreement states that the 5.92% increase will be retroactive to July 1, 2006. This can only be interpreted to mean that all faculty will receive retroactive pay to July 1, 2006. Any full time and adjunct who worked in the month of July 2006 would receive the 5.92% increase retroactively. This is also the date that the COLA is implemented by the state.*

Over the past 2 months the Union has been trying to get the ear of the District to understand this issue. We have requested an extension of timelines on any potential grievance to be filed. We are clearly having difficulty understanding how July 1, 2006 can mean anything else other than that date. The District is trying to confuse the issue by stating that in the past we have settled on July 1, but agreed that the retroactive date would be the first pay period in the fall. That may be the case, but

at this time we have given notice to the District of our intent to receive retroactive pay the same as any administrator or classified employee.

The FA, AFT 6157 will keep you informed of the progress on this issue.

## 3. San Jose City College-Violated Collective Bargaining Agreement and Trust- Layoff Averted

**By: Bob Reininger-SJCC Electronics Faculty and Barbara Hanfling, FA, AFT 6157 Executive Director**

In 2005-2006 it was proposed by the district that 8 faculty members would be laid off. It was a huge number and the impact would be tremendous. During the course of events leading up to March 15<sup>th</sup> letters, the Union was able to negotiate numerous successes: only two faculty would be laid off; one faculty would retire, one would be given course work at both EVC/SJCC, one resigned, and 2-3 faculty transferred to other FSA's in order to ensure and protect as many faculty as possible. This was great news.

Along with the fact many jobs were saved, the Union and District bargained a \$50,000 fund for retraining of faculty affected by the layoffs. It was a great collaborative victory.

In the fall of 2006, the Union met with the administration of the SJCC and the District and placed on the agenda the issue of layoffs. In November 2006, the Union was assured by the interim President Jess Carreon that there would be no layoffs in this academic year 2006-07. With that understanding, we all moved onto other important topics.

The contract between the District and Union in Article 23.1 states the following:

**“The District shall inform the FA on or before January 15 of a year in which a reduction in force (RIF) is anticipated of its intentions to implement RIF as defined in the Education Code and shall provide the FA with documentation of the reasons the District believes a RIF is necessary. If the FA is not informed and provided documentation by January 15, the District may implement a RIF as long as good cause exists and reasonable notice and documentation is provided...including the reasons for the past January 15 deadline.”**

This is the very strong protection we have bargained to avoid surprise last minute attacks on the rights of our faculty with regards to layoffs. This enables us to prepare and be prepared. This does not allow the District, 3 weeks before the March 15<sup>th</sup> deadline to suddenly decide “we need to have a layoff”, but we won't contact the Union.

But below is the exception to the rule, a case in point where the administration did not follow the contract.

### Bob Reininger's Story

These are the thoughts that are going through my mind regarding the incident.

I am deeply angered that any administrator would feel justified in calling a meeting with a faculty member about the faculty members' termination/layoff without fair warning as to the seriousness of the meeting.

### So my story goes like this.

My dean, Kathy Werle called me about 1 p.m. and asked if I could attend a meeting before class tonight and I agreed to a 4:30 p.m. meeting on February 20th. She and Vice President Tim O'Hare wanted to meet with me.

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# Impressions - Vietnam

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Vietnam is a country of breathtaking beauty – from the slow, silent, waters of the Mekong Delta, thick with vegetation, where fisherman waists deep in water eke out a living – to the white sandy beaches, the rice-paddies populated by conical-hatted farmers, the winding scenic route over the Pass of Ocean Clouds from Hoi An to the former imperial capital of Hue, the romantically named Perfume River, and the mysterious limestone sculptures at Halong Bay. The city and countryside pulse with vibrant colors – houses and temples of magenta, turquoise, canary yellow; pungent smells – incense, durian, jackfruit, chili peppers, sweet shallots; tastes – spicy fresh shrimp, crab, elephant ear fish, spring rolls, pho, juicy watermelon. It is also a country of deep poverty, where the hill tribes are still largely underrepresented in the educational system, farmers travel miles every morning with all of their wares stashed high on a motorbike in the hopes of making a dollar or so at the city market, betel chewing old women display their black teeth, and agent orange deformed children beg, or try to sell their meager wares for a few cents.

Everywhere the indomitable Vietnamese are working, mending nets, sewing up custom made suits and silks for visitors, polishing shoes, building houses and bridges, working in tourist hotels and resorts – all



On the Way to Market

fuel for the rapidly growing economy. In the north at the University of Hanoi, professors subtextually acknowledge the lack of relevance of the Marxist-Leninist philosophy which they are required to teach and the lack of interest by the students in the dogma, but yet accept the

strictures as they forge ahead with their modernist, post-colonial agenda, and soak up American-inspired jazz in the club where Bill Clinton toted his sax.



Bicycling to School

Though still a violator of human rights (according to Human Rights Watch and Amnesty International), entry into the World Trade Organization required the one party Communist government to ease strictures on religious practice. All over the country, Buddhist worshippers burn incense at colorful pagodas or at small private temples where presiding priests chant and sound their resonant gongs. The peaceful praying is a far cry from the atmosphere during the crackdown which occurred after the famous self-immolation of Buddhist monk Quang Duc (1963) to protest President Diem's discrimination against Buddhist practice. Catholic worship continues in such French colonial legacies as Notre Dame in HCM City, while the Indianized Champa culture, bequeaths a legacy of elegant Hindu inspired sculptures, and both Hindu and Islamic worshippers. Just a few kilometers from the now famous site where the naked girl in flames fled a napalm attack during the war, the fascinating and ritual packed Mass of the indigenous religion Cao Dai (a fusion of Taoism, Buddhism and Confucianism, with some Christian and Islamic influences), is held in a brightly hued rococo edifice, attended by white, red, or blue robed followers amidst haunting stringed music.

Vietnam is a country with both a rich cultural past and tragic deep-felt war wounds. Yet more than half of Vietnam's population is under 25 and have no memory of the American (Vietnam) War. Those who do remember seem to harbor

scant malice, and acknowledge the vast amounts of aid in the form of dollars – both from the US government and from Vietnamese expatriates living in the US – that have bolstered the economy and kept many families from starvation. The humanities organizations, which train huge numbers of children having both physical and mental disabilities caused by their parents' exposure to agent orange, house vast warehouses of bustling smiling workers who turn their hands to lacquer work, jewelry making, pottery, and other arts and skills. In the cities and the country the construction fever continues, and in the educational realm the universities work to create a curriculum for the future.

Inside of Vietnam, although the past history and the pain are present and acknowledged – in the art, the roadside bunkers, the exfoliated landscape, the missing limbs of children and adults, and the bullet wounds in the walls of the citadel – the prevailing vision is oriented towards the future. *Doi moi* (like *perestroika*) is a two-way proposition. The door has been opened, and all who visit from the outside, Vietnamese expatriates, Vietnam War Veterans, Asians and Westerners, all contribute towards the dialogue, interaction, communication, and bridge building, which is part of the fuel of the globalization of

Vietnam and the formation of its new identity. On its own soil Vietnam is healing and forgiving. It is a country of proud and fierce and stalwart people, looking to hold steadfast to their own culture and values, yet searching for a new and shifting identity as they seek to join the global community. Emulating one of its own mythological creatures, it is a phoenix rising from the ashes.



Skins of Silk Dot the Marketplace

# What Has the Union Done for You Lately?

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But wait a minute, what was the topic to be discussed, it was unusual to have the VP of the college attend meetings with me. I called my dean to get the answer and she said, “to discuss the fall schedule.”

It was an ambush. Unless, of course, you can explain to me how “schedule for the fall semester” is equivalent to the ultimatum: “submit a letter of retirement effective December 2007 or be laid off this June”.

I was told that there was insufficient load for me in the next academic year and that I was being given the choice of either being laid off this coming June or I could submit a “binding” letter of retirement effective December 2007. If I chose the December retirement, I would be able to keep my medical benefits for another 6 months. Tim O’Hare stated that this had been discussed with Anita Morris, the VC of Human Resources. Had Anita bothered to call the Union to inform them that a layoff might occur? Did she have the respect to quickly pick up the phone and notify the Union? No!

(Gulp!) This was a shock. (My real feelings are not printable.) So, when did I have to make a decision? There was some stuttering and an apology about busy schedules preventing attention to this issue but in order to make the deadline to be put on the board agenda, a decision should be made today (4:30 p.m. Tuesday, February 20th).

I balked! I was expected to make a decision to terminate my teaching career, close to 30 years, in a matter of minutes without the benefit of representation or exploration of alternative paths. When I said that I needed more time, the deadline was extended to Friday. (A scant two days to accept layoff or find some alternative.)

This was outrageous!

I came to a meeting to discuss “schedule” and wound up with an ultimatum and an “eleventh hour” deadline that was like someone holding a gun to my head.

Was the union asked to attend? - Well, no. The District did not think it was necessary. Are there any training options so I can teach in another discipline? - Well, probably no. There is no money. But when people were laid off last year they had some option for retraining. - Well, there might be some money left.

## After the Ambush:

But the story is just starting. It would be an understatement to say that I was “moved to action”. I had just suffered a surprise attack, an assault, and not from people who I would identify as enemies but from people that I would expect to be supportive and protective.

At 5:00 p.m., I had contacted **Patrick Butler**, Grievance Officer of the Union. He told me to write an email stating the facts of the meeting to the **David (Yancey)** and **Barbara (Hanfling)**, President and Executive Director.

I composed the email and received word back from Barbara at 11:00 a.m. the next day. The “eleventh hour” layoff was stopped. Barbara had contacted President Jess Carreon who stated “he was a man of his word” and he had said no layoffs, so there would be no layoffs.

It was as if a huge weight had been lifted from my shoulders. Where, 20 hours earlier, I had felt beaten and abused. I now felt that someone was looking out after my interest and well-being. (My hat is off to Barbara.)

As you read this, picture yourself in my place. How would you have reacted to this ultimatum?



The only advice I can give you is:

- I can think of no “life or death” career decision that has to be made in the next 30 minutes! None!
- Anytime someone tries to exert pressure on you to make a decision be suspicious. Think about it.
- Have some interval of time between hearing an offer and coming to a decision to think about the unintended effects of the offer.
- Remember, you have a **union** that will give you advice and support. Call them, ask to postpone the meeting until you have representation, and make sure your rights are protected.

It is hard to adequately express my appreciation for intervention and support of the FA, AFT 6157 on my behalf. Without the quick and decisive action on their part, the layoff may have ended up on the March agenda, a battle would have been fought at the Board of Trustee level and my own state of mind and job would have hung in limbo.

FACULTY MATTERS  
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