

FACULTY MATTERS



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AMERICAN FEDERATION OF TEACHERS
LOCAL 6157

Letter to All Faculty Bad Budget/Tough Decisions

By David Yancey, FA AFT 6157, President

Colleagues and Friends,

I have been reading, as most of you have, the many emails expressing heart felt concern and upset over the pending layoffs of some of our fellow employees in this district. I also was in attendance at the Board of Trustees meeting Tuesday evening. As expected the meeting was dominated by the issue of the job reductions and layoffs. There were many speakers and emotions were running very high.

The terrible budgetary situation we are now facing in this district is very

serious and its impact seems more significant because of the layoffs of our classified brothers and sisters. However, most of you may not know that there are **adjunct faculty layoffs** in this district every semester. Ironically, these instructors who dedicate themselves to our school and our students are let go without a single email in protest. Why? **These layoffs are "silent"** because most of them are not well known, and so most of the district's permanent employees go on with their daily functions and duties without much reaction.

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SPRING FOUR

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Save the Date!

FA, AFT 6157

9th Annual Picnic

Saturday October 3rd, 2009

Vasona Park -Raintree Area

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 Nanette Regua - Adjunct x 3779
 Arturo Villarreal x6609
 Randy Pratt x6592

Letter to All Faculty

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We Oppose All Layoffs:

The FA opposes all layoffs and will continue to do so because that is one of the main functions of a union. We also fight every day for other important issues for our membership such as bridge plans, better pay and improved working conditions. Although we deal with immediate issues daily our efforts, by necessity, must and do have a much longer view of things than any immediate crisis.

In that context let me address the emails calling for faculty “pay cuts.” This is an action the union has not and will not support and the reasons are multiple. Most people think, when they volunteer to take a pay cut, that those reductions during hard times will automatically be given back when financial times improve. This is not true! Reductions in pay are rarely regained. It is important to understand that “pay cuts” become a structural deficit in your pay for the rest of your career. A 5% or 10% cut, as some have suggested, remains a permanent part of the salary all the way through to retirement and beyond and even including the calculations used to determine your retirement income.



Students attend the March in March

Pay Cuts are Not the Answer

Also, many faculty, are opposed to taking a pay cut, even though they don't want to see others laid off, and are not likely to speak up in this difficult time and so the union must. Many of our full time faculty don't have the convenience or the luxury of giving up parts of their salary as some have had job losses within their families that put added burden on them and others have small children, elderly parents or are close to retirement.

The fact is that there was no pay increase for anyone last year, and none is coming for this year and probably none for next year. In fact we don't know how long this financial drought will last.

But for those who can and those who wish to donate to a contingency fund some amount in a one time donation, a continuing fixed amount or by assigning a 5% or 10% reduction of their salary, I would encourage you to do so. This fund could be monitored by the District foundation and those funds used to save jobs designated for elimination. I suppose the easiest way to maintain this fund would be through some sort of payroll deduction each person could set up through payroll to maintain a working amount of money. I would be respectful of the CSEA union and allow them to be the leading force for this option since most of the layoffs are within their unit.

I would be happy to donate to the fund myself.
 David Yancey

The Audacity of Union - Part Deux

By David Yancey, FA AFT 6157, President

No, this isn't about a movie sequel about a plane crash starring Leslie Nielson or SWAT team hi-jinks and has nothing to do with Charlie Sheen. It is not about Hollywood satire an attempt to make fun of serious issues. It is about you and your union and what we have done to further your interest and the influence of this union.

About two years ago I wrote an article for the union newsletter titled The Audacity of Union. The point of the article was to describe the change in how our union was evolving into a newer more progressive type of union (not your father's union). I had been motivated to write that article by a book I had just read about a new style of politics and public service being described by a fresh new face on the political scene, then Senator Barack Obama called the *Audacity of Hope*.

Changing Values of our Union

In that article I tried to describe how this book and the ideas it advanced were in many ways similar to how we saw the changing values, tactics and priorities of unions in our district and around the country. I described how our union was trying to work **with** our administration in more positive proactive ways, not in the traditional, antagonistic styles of management versus labor of the past that had been the history of our district.

The purpose here is to update you on the progress of our movement toward a new style of progressive union/management/community orientation philosophy. I am happy to report there are many positive advances being made.

1. Our union (AFT 6157) is now considered, in our District and college structural organization as a "constituency group" to be included in the collaborative processes of our campuses and district decision making functions. We have seats assigned to the FA on most District and College committees and we participate in a wide variety of events and functions around the campuses in a more comfortable and engaging manner than I have ever seen. This year we have been asked to sit on the Steering Committee of the upcoming 2010 Accreditation Self Study.

2. Our working relationships with the District and College leadership continues to improve and we are able to work collectively and, for the most part, very positively on a wide variety of issues directly and indirectly contained in the Collective Bargaining Agreement as well as other issues that impact our faculty and our institutions.

Our working relationship with Vice Chancellor of Human Resources and the Vice Chancellor of Administrative Services has resulted in much improved resolutions of contract issues and by now you all know about the Bridge Plan for post 1982 faculty to have some medical coverage between retirement and the age of Medicare.

3. We also continue to show our "audacity of union" in our community outreach efforts as well.

-FA, AFT 6157, Vice President, Dr. Frank Espinoza, has been appointed to the Program and Policy Committee of our National Union, the American Federation of Teachers that meet quarterly to make policy and promote higher education issues at the National

level. He also continues to serve as our representative to the statewide committee on Human and Women's Rights.

-Under Frank's leadership our local AFT 6157 was honored at the AFT Higher Education Conference earlier this month by being selected as one of eight locals in the United States to win the **President's Circle Award** for our organizational and political effectiveness.



Barbara Hanfling, Frank Espinoza, and David Yancey receive an award from Lorretta Johnson (AFT Executive Vice President) at the AFT Higher Education Conference

-Executive Director Barbara Hanfling has been selected to serve as the "formula funded" representative to very important statewide discussions being held to determine the feasibility of a possible merger of the two community college faculty unions (our own Community Council of California (CCC) with the community college union inside the California Teachers Association (CCA-Community College Association) – See my article regarding these mergers talks in one of last years Faculty Matters newsletter, "Merger, Are you Nuts", for details of what those talks are about and how they may change our unions. We are so fortunate

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Adjunct News and Views

Current Legislation Affecting Adjunct Faculty

By Jesse Votaw FA AFT 6157, SJCC Adjunct Representative

The recent CFT convention featured many excellent programs and discussions relevant to issues facing CFT's membership. As SJCC's adjunct representative for our union local, I had the opportunity to participate in some of these meetings. This article provides information obtained at one of the workshops entitled "Part-time Faculty Legislative Update".

There are currently four pieces of state legislation affecting adjunct faculty:

Bill Author

AB360 Ma

Part-Time Faculty Retirement Credit,

AB381 Block

State Disability Insurance for Part-Time Community College Faculty

AB109 Hill

Community Colleges: Full-Time

Instruction, and the 75%/25% rule

ACR31 Ruskin

Faculty and College Excellence Act (FACE).

CFT sponsored AB360 eliminates the minimum full-time standards for community college part-time instructors and requires that full-time equivalency for part-time instructors be equal to the number of instructional hours required of full-time instructors in the same class of employees.

This bill affects adjunct faculty who have elected to participate in STRS pension program where vesting is a critical component. It seeks to correct some anomalies in earning retirement credits for adjunct faculty.



AB381 provides part-time community college faculty, within a wall-to wall bargaining unit, the separate ability to elect, as a group, to participate in the California State Disability Insurance (SDI) program. This legislation was originally on CFT's watch list at the convention. However, adjunct faculty members from around the state gave compelling reasons and examples leading CFT to ultimately change their position to one of support by the conclusion of the convention. While there are pros and cons for participating in the State program, the important issue is that, if this legislation passes, the membership of each local will have the opportunity to decide for themselves whether or not they wish to participate.

Assembly Bill 1095 states the intent of the Legislature that by the end of the 2013-14 fiscal year, 75% of the hours of credit instruction in the community colleges shall be taught by full-time instructors. We already have the 75/25 rule which is largely ignored by districts across the state. It is unclear to me whether this legislation has the teeth necessary to make it a reality. Economic headwinds and the community college funding models provide huge disincentives to accomplishing a long overdue objective on behalf of our students.

Support the Faculty and College Excellence Act (FACE)

Finally, the last piece of legislation is a follow-up to the prior legislative session's failed **Faculty and College**

Excellence Act (FACE) legislation. As formulated, it states the intent of the Legislature that at least 75 percent of the hours taught on each college campus be taught by tenured or tenure track faculty. In addition, adjunct faculty would receive pro rata pay and benefits to those of tenure and tenure track faculty with comparable qualifications doing comparable work. CFT has sponsored Assembly Concurrent Resolution 31 (ACR31) in this legislative session as a concurrent resolution instead of as a legal statute.

A concurrent resolution is used to express legislative intent, and while it requires approval of both the Assembly and the Senate, it does not require the signature of the Governor. This creates another well-meaning piece of legislation without any real legal affect. Many adjunct CFT members at the convention expressed displeasure over this fact and questioned why we were not pushing forward with FACE legislation that will get results. The short answer given by our CFT leadership is that, like last year, a bill enacting law will have little chance of passage under the current administration. From a strategy standpoint, they felt it was better to go with a resolution moving us, perhaps a bit closer to our goal, and wait for a more favorable political climate before reintroducing FACE as a bill enacting law rather than as a resolution expressing intent.

For those interested in reviewing the full text of the above bills and the resolution, you can obtain copies over the internet on www.leginfo.ca.gov

Retiree Corner

Accreditation Challenges

By Bill Jacobs, FA AFT 6157, Retire President



While attending the recent CFT Convention as President of the Retiree Chapter of AFT 6157, I attended a workshop on accreditation to assuage my curiosity on how things are going these days with ACCJC. My attendance triggered some thoughts I decided to share with you about our last accreditation process and its results, both positive and otherwise. For those of you who are new to the district, one of my last activities before I retired in 2004 was to edit, write, and otherwise co-create the last EVC self-study for accreditation; I was ably assisted in the process by the then Director of Library Services, Vicki Atherton, who was also near retirement.

At the time of the study, the district had reached a new low (high in number) in problems, and both colleges were struggling with many of their own

problems. It was probably a good thing that both Vicki and I were near retirement so that we felt no restraints in reporting the truth—which was far from flattering. The good news is that, even though the truth sent both colleges into accreditation probation, nearly all the problems got fixed. Honesty really proved to be the best policy. Most positions of leadership in the district, from the Chancellor on down, have been replaced, and the replacements have taken the accreditation recommendations seriously. In this regard, the Chancellor has provided exceptional leadership and deserves high praise for doing so. When it comes time for you to participate in your college's self-study, you should take your role seriously as well.

At the accreditation workshop, I heard a number of people from around the state complaining about the high

percentage of California Community Colleges that have been placed on some kind of probation. The director of regional accreditation is blamed by many for the large number of colleges in trouble. There may be some truth in the assertions, but I also know that over the past decade or more, CCC administrators around the state have tended to whitewash the workings of their districts and colleges, so things may simply be catching up with a culture of whitewash. Again, let me urge you to be as honest as you can be in your participation in your college's accreditation self-study. Think of it as an opportunity to further improve the workings of your college. You all know the old saying that you have no right to complain if you don't vote; participating in the accreditation self-study is kind of the same thing. If you don't honestly participate, you have no right to complain.

The Audacity of Union - Part Deux

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to have Barbara and her expertise in a wide variety of areas including grievances, negotiations and contract interpretation.

-In conclusion **I was elected as one of the Vice Presidents** of our state organization, the California Federation of Teachers, at the statewide convention last week and we were able to retain our seat on the Executive Board of the South Bay Labor Council when our long time representative and President Emeritus Mark Newton stepped down after serving over six years in that very important position. I was successfully elected to replace

Mark at the general delegate meeting last week.

-Our local, AFT 6157, has also requested to host the CFT state convention here in San Jose in 2012. Stay tuned for more details and how you can help our union, small by comparison to others who normally host these events, continue our outreach by making that convention one of the best in our area.

-We have also just initiated our program of Union Mentorship under the skillful guidance of our union's San Jose City

College Representative Laura Sanchez and the initial results are very encouraging. You will hear more later.

In closing let me say that everyone on the Executive Board and the members of the Council of Division Representatives have contributed greatly to this expansion of our union's influence and outreach and we encourage all of you, who have not taken the leap, to join us in making your union the positive influence and force we all would like it to be to improve our working environment, our colleges and by extension the learning and lives of our students.

What Has The Union Done for You Lately?

Settled Early-Informal Grievance/Complaint Language Arts Department

By Debbie DeLaRosa, FA AFT 6157, Grievance Officer

Once again, your FA, AFT 6157 assisted faculty in the form of an informal grievance to insure that faculty rights were protected. On January 13, 2009, Interim Dean of Language Arts Linda Girard at EVC sent an email to the faculty informing them of a change in the process used to choose classes. This issue was discussed at PDD on January 23, 2009. The faculty at this meeting voiced their opposition to this unilateral decision by the dean. Both the ESL and English departments promptly sent emails to Dean Girard requesting that faculty designed procedures already in place be honored.

Since the emails to Dean Girard and the discussion at the Division meeting did not produce any positive results to return to the faculty's historical and past practice of choosing classes, February 27, 2009, AFT 6157 **Grievance Officer Debbie De La Rosa and Language Arts faculty members William Silver and Rachel Cohen** met for an informal grievance/complaint meeting with Dean Girard under Article 3.1.2. We discussed not

only the violation of the Collective Bargaining Agreement in the use of preference sheets for assigning classes, but also Article 12.4 and the right of full time faculty to be paid for evaluating adjunct outside their regular work day (19.4.4).

Below is a summary of the agreements that were reached:

1. The faculty stated their concerns over the new procedure of preference sheets **unilaterally** put into place by Dean Girard and their desire to continue the existing faculty designed procedure for determining class assignments. After some important discussion, Dean Linda Girard agreed that the preference sheet procedure would not be used or added to the existing faculty designed procedure. She agreed that the Language Arts division would return to the existing procedure.
2. We also conferred about the assignment of full time faculty to observe adjunct outside of their six-hour period and be paid for two hours.



We discussed the email sent by Dean Girard in which she suggested that due to limited resources faculty should not sign up for observing faculty outside their work period as there was no finances to pay them. Dean Girard agreed that any full time faculty working outside of their six-hour work period shall be paid for two hours at the hourly laboratory rate for the observation of adjunct and for completing the evaluation form for our adjunct faculty.

The Union was pleased that we were able to resolve these potential formal grievances at the informal level and hoped to move forward with a continued positive communications and working relationship with Dean Linda Girard.



Laura Sanchez, Debbie De La Rosa, David Yancey and Assembly Member Paul Fong at the CFT Convention in Sacramento



Laura Sanchez and David Yancey at the CFT Convention in Sacramento

The Dream Act

By Minerva Duke, FA AFT 6157 EVC Representative

On March 20-23, I joined the rest of my colleagues at the CFT (California Federation of Teachers).

I attended the **Undocumented Students of California** workshop. The numbers are staggering. California has over 25,000 undocumented students graduating from high school every year. Assembly Bill 540 made higher education accessible for those high school graduates. The bill allows out-of-state students and undocumented students who have attended a California high school for three or more years, and who graduated from high school or attained an equivalent degree, to be exempt from paying non-resident tuition for all public colleges and universities in California.



Students rally at the March in March

Kent Wong, who is the director of the UCLA Center for Labor Research and Education, spoke about the problems facing the undocumented students, showed us a short film, and brought along a young Hispanic woman who has just graduated from UC Santa Cruz. She shared with us her daily struggles as an undocumented student

in California. Immediately I reflected on when I was an *Undocumented Student* facing many of the same struggles and fears that our young people are experiencing today.

In those days, I was luckier than the present undocumented students. I was able to send my form in the mail to obtain my social security number. With that, I was able to get my driver's license, open a checking account, and get a job. However, the feelings of fear do not go away. My university had me as a foreign student, and I had to pay foreign tuition. Without my cousin's free room and board, there would have been no way I could have afforded to go to college.

What is the Federal Dream Act?

The Federal Dream Act was first introduced in 2001 and it failed to pass. It has been re-introduced this year in hopes that with the new administration, it will gather support. The Dream Act will provide a road to legalization for certain undocumented students who were brought to this country as children, completed their education in United States, and fulfilled other requirements on education and contributing to the society. These students would be able to work, drive, go to school, and participate in other activities that they currently cannot do because of their status. This would include federal work-study programs, student loans, and state-funded financial aid.

Mr. Wong shared the story about a young Vietnamese woman whose



parents were picked up by a German boat, she was born in Germany, but she is not recognized as a German citizen because her parents are not German. She came to the United States as a young child; she knows nothing of Vietnam, only the United States. This young woman does not have a country. She just finished her master's degree at UCLA, and she was offered several scholarships, but the only ones she could accept were the ones from private institutions because she is an undocumented person. Such tragic irony! She is bright, she loves the only country she remembers, she has so much potential, but our government does not recognize her as a citizen or even a prospective citizen.

I had a discussion with a friend who said she did not support the Dream Act because it uses tax money. I looked at her, and said, "If our money goes to educate any children, no matter what country they came from, don't you think it is worth spending? She thought about it. She looked at me, and she agreed.

Know Your Rights

By Barbara Hanfling, FA AFT 6157, Executive Director

Adjunct Faculty: Right to Collect Unemployment over the Summer

Adjunct faculty have the right to collect unemployment (UE) over summer, 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: "...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." If you wish to collect unemployment, you must apply in a timely manner. Therefore, it is important that you access the unemployment board web site for all the information you might need.

Please remember that even if you have a contract for teaching for the fall semester, you must answer no to the question of whether you have a guarantee to work. That contract is not a guarantee as you know; you can be bumped from this contract. You may want to mention the Cervisi decision

listed above when you are applying for UE benefits. Please feel free to contact the FA, AFT 6157 if you have any questions, and consult the following sites for more information:

Unemployment- www.edd.ca.gov

CPFA- www.cpfa.org/unemployment.html

FACCC- www.faccc.org/part_time/parttime.htm

Recognition by AFT

Dear David, Frank, Barbara et al

Just wanted to drop you a quick note to say thank you for the invitation to dinner at the CFT Convention. Contrary to popular belief, it is not always the case that we are overwhelmed with such invitations and so I really appreciated it.

I told David as we walked back to the hotel that it was clear to me as I sat at the table, that you all have built and are building a great local! I get to see lots of

locals interact and you can tell which ones have the values and commitments that make a union strong. The energy and friendship in the room was clear and I really appreciated the chance to join in. Please pass my thanks to the others.

See you all soon!

In Solidarity
Craig Smith

(American Federation of Teachers, Deputy Director for Higher Education: Field Services and Communications)




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FACULTY ASSOCIATION, AFT 6157

EXECUTIVE BOARD MEETINGS SPRING 2009

Date	Time	Location
Fri, May 15, 2009	9:30-12:30pm	EVC Appi Mishra-Library