



UPDATE

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People Not Buildings: No Deal for 2006-07

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For the first time in AFA's history, there will be no written settlement on salary and other negotiated contract issues before graduation. At a special meeting of the AFA Executive Council, on May 16, we reviewed the terms of the District's last written offer in closed session. The Council rejected that offer, and voted to implement impasse procedures because too many of the important items remaining (after we had already eliminated some items of importance to AFA for this negotiation year) were not addressed. Declaring impasse is the first step in obtaining an independent mediator from the state's Public Employee Relations Board (PERB) to attempt to resolve the situation.

The President's May 24 e-mail regarding negotiations represented negotiations progress at that time inaccurately, and suggested that we are closer to settlement than is the fact. (See "Response to the President's E-mail" below.) Further, the AFA Negotiations Team believes the e-mail was a breach of our negotiation ground rules, which include confidentiality until Tentative Agreement is reached. We have not yet reached Tentative Agreement. However, confidentiality having been breached, AFA wants to communicate our perception of the situation.

Staff and faculty have weathered the recent tough times and have sacrificed for the good of the college. Now, the statewide financial climate is the best it has been in years. However, instead of honoring

its commitment to restore support to programs and to staff and faculty salary structures (except for the 9.25% raise that some administrators will receive over a two-year period), the Board has undertaken more construction, more land acquisition and more budgetary reserve funding. The foundation of SRJC's excellence is its faculty, staff, and students. When the Board and the President get distracted from this fact, we need to remind them, simply, that it is people, not buildings, that have made SRJC the best community college in California.

After almost a year of negotiations (as reported in the last *AFA Update*), your Negotiations Team is disappointed to announce that there is no Tentative Agreement. But it is not for lack of trying on our part. AFA has been creative; for example, the salary schedule restructuring is AFA's idea, and eliminating the three Basic Aid Districts from the comparison group is AFA's idea. AFA has been prepared for each negotiation session. AFA has responded to every proposal presented by the District. But this process has not been reciprocal or productive. For many months, the District persisted in attempting to develop a weighted-average salary development idea that AFA demonstrated was not workable based on several elements. In fact, the District never was able to explain how it would be implemented.

(continued on the reverse)

Response to the President's E-mail

- The e-mail states that the District supports maintaining the Rank Ten tradition; however, the District's most recent written counter-proposal to AFA has specifically rejected raising faculty salaries to the full Rank Ten benchmarks based on the most recent AFA Salary Study for 2006-07. In addition, the District has no written proposal regarding salaries in 2007-08.
- The e-mail states that the District supports advanced initial step placement for adjunct faculty; however, the District's most recent written counter-proposal to AFA has specifically rejected any advanced initial step placement for adjunct faculty.
- The e-mail states that the District has responded affirmatively to a medical benefits reserve fund; however, the District's most recent written counter-proposal to AFA proposed a 50/50 AFA and District funding for medical reserves and the District stated that any such reserve, no matter how funded, would not be available to pay for adjunct faculty health benefits. Since AFA-generated

funding includes funding for both regular and adjunct faculty needs, AFA could not agree to that restriction.

- The e-mail states that the District supports the spirit of SB 361 and enhanced non-credit funding. The District and AFA have agreed to conduct a workload study to adjust the workload factor for those teaching enhanced non-credit classes. The District specified that \$100,000 be put in a reserve to accomplish this objective. The \$100,000, however, represents less than 50% of the funds to be directed to enhanced non-credit classes requested by AFA.

The District has implied, in informal conversations outside of negotiations, that their positions on these issues were evolving, after the Executive Council's vote for impasse, to those itemized in the President's e-mail. However, no formal written proposal from the District has proposed them, and no written AFA proposal including them has been accepted formally by the District.

No Deal *(cont. from page 1)*

Then, the mismanagement of the no-show enrollments overshadowed negotiations and occupied the attention of the District negotiators. Several meetings occurred when the District was not prepared to respond to our discussion points. Further, AFA has had difficulty in getting answers to questions related to negotiations throughout the year, an occurrence AFA now perceives to have been a delaying tactic. In addition, the District negotiating representatives could not respond to our ideas and proposals at the table, often not even to discuss them. This is in stark contrast to past experience when the District representatives could and did engage in problem solving at the table. Instead there would be a two-week delay, presumably while they consulted with others outside the District's team. Only recently has the District consistently responded to our questions, suggestions and proposals, and made proposals of their own.

Four weeks ago AFA thought that we were getting close to resolution. Both sides agreed to a new Rank Ten methodology that was proposed by AFA, designed to improve the top and bottom of the salary schedules, to attract new faculty and increase retirement benefits for retiring faculty. (See Restructuring the Salary Schedule below.) In order to facilitate an agreement, AFA removed a few issues from the table. When, during the discussion of the Board's last proposal, AFA indicated reasons for its rejection, District representatives admitted it had expected this reaction. AFA wonders why they bothered to present it, thinking it might be unacceptable?

Therefore, it is with great disappointment that AFA is forced to conclude that we have just about exhausted avenues for negotiation. AFA has made concessions, removed items from the negotiating table and redesigned proposals in response to Board and District concerns.

AFA and the District met late on Thursday, May 24 (after the President sent his e-mail), and again on Friday, May 25. AFA presented a written counter-proposal on May 24 that was not accepted by the District. The District responded orally on May 25. Although we await confirmation in the form of a written offer, it

appears we may now be closer to agreement on:

- Adding, in phases, two additional steps of advance placement for new regular faculty hires;
- Implementing, in phases, three advanced salary placement steps for new adjunct faculty hires;
- Establishing a Medical Premium Reserve Fund in the amount of \$50,000;
- "Sharing" the non-credit enhancement funds, including conducting a workload study to address possible adjustments in workload for those teaching enhancement-eligible courses.

We have not yet, however, reached agreement regarding how to:

- implement the agreed upon salary restructuring for 2006-07, and
- implement the salary adjustment for 2007-08.

So, what is next? AFA is waiting to receive a written offer from the District confirming their oral proposal. In the meantime, AFA will prepare the documents to initiate impasse procedures with the Public Employee Relations Board (PERB). This will take some time, as AFA's attorney will need to review the documents and PERB will need to process them. During this time, AFA will continue to negotiate with the District. We are hopeful that we can reach an agreement soon. If not, once the impasse papers are officially filed and processed, PERB will assign a mediator to assist AFA and the District to see if we can reach any acceptable agreement. The conclusion of the mediation process – if there is any – is not binding. If mediation is unsuccessful, the process moves to the fact-finding phase. During this phase, the PERB-appointed fact-finder will conduct investigations to determine whether AFA's contention that there is plenty of money to pay for all elements of AFA's reduced proposal is accurate. Eventually the fact-finder will reach a conclusion that will be presented to the Board for their action.

In the meantime, we have a Contract; but, there will be no changes until AFA and the District reach an agreement, or the impasse process is concluded.

Restructuring the Salary Schedule

The new Rank Ten methodology addresses several mutual concerns of faculty and the District. Among them are the ability to attract new faculty, regular and adjunct, by offering better "starting" salaries, and the ability to increase regular faculty retirement income by improving "ending" salaries. The three Basic Aid Districts were removed so that we would be comparing salaries among districts who rely on State apportionment funding.

In brief, here is the plan. Instead of one comparison point and a formula for salary distribution (which we currently have – Step 5 of the Highest Non-Doctorate Column), we would use three comparison points, all on the Highest Non-Doctorate Column, and apply

equally divided steps between them. The three comparison points would be Step 1, Step 16 and Step 28 (maximum Non-Doctorate). Each would be set to Rank Ten according to our salary study data. Steps 1-16 would be in arranged in equal increments dividing the difference between new Step 1 and new Step 16. The same would be done for the PGI steps between Step 16 and Step 28. This would bring up the bottom and the top of the salary schedule and allow everyone to benefit from the restructuring. Note: Steps 16-20 would become full equal steps, no longer mini-steps as in the existing salary schedule. Details of implementation have not been agreed upon.