

**ALL FACULTY ASSOCIATION
SANTA ROSA JUNIOR COLLEGE
EXECUTIVE COUNCIL MEETING MINUTES**

September 23, 2009

(Approved by Executive Council on October 14, 2009)

Executive Council members present (noted by *):

*Warren Ruud, <i>presiding</i>	*Dianne Davis	*Reneé Lo Pilato	Andrea Proehl
*Alix Alixopulos	*Cheryl Dunn	*Michael Ludder	Audrey Spall
Lara Branen-Ahumada	*Karen Frindell	Sean Martin	*Mike Starkey
*Paula Burks	*Lynn Harenberg-Miller	*Michael Meese	*Julie Thompson
*John Daly	*Michael Kaufmann	*Dan Munton	

Officers/Negotiators present: Ann Herbst, Janet McCulloch

Faculty present: Mary Ann Arden, Anna Brown, Nikona Mulkovich

Staff present: Judith Bernstein, Candy Shell

The meeting, which was held at the Petaluma Campus, was called to order at 3:15 p.m.

MEMBER CONCERNS

1. Unemployment Insurance and COBRA for Adjunct Faculty. On behalf of a fellow adjunct faculty member, Alix Alixopulos asked whether one would be eligible to apply for and receive unemployment benefits if one's load was reduced from 60% to 20%. Janet McCulloch confirmed that adjunct instructors are eligible to receive partial unemployment benefits. Michael Ludder added that the 2009 federal stimulus package includes a provision that the government will pay 65% of COBRA premiums for an individual who has been laid-off and has lost his/her eligibility for medical coverage. Michael said that he has been engaged in discussions with the Human Resources Department over adjunct faculty eligibility for the 65% reimbursement, which hinges on the definition of the phrase "involuntary termination." Warren Ruud added that this provision is not well written, and that he will be contacting Rich Hansen at the Foothill DeAnza Community College Faculty Association to find out how that district is implementing this section of the stimulus package.
2. Memoranda of Understanding (MOU's) and the Tentative Agreement. Dan Munton conveyed a concern from a fellow faculty member regarding the high number of MOU's this year. The faculty member expressed concern that there is no description of what can or cannot be put into an MOU. Janet McCulloch said that AFA has published articles clarifying and defining MOU's in several issues of the *AFA Update*. Warren Ruud went on to explain that there has been a recent change of philosophy in negotiations this past year. The 2008-09 Sunshine List included a large number of items. Instead of waiting until the end of the negotiations period to generate the language for the tentative agreement, at which point people's recollections of what they had agreed to are often not as clear as when the agreement was reached, a decision was made to generate MOU's as negotiations for each item is concluded. He said that many other schools conduct negotiations in this way and he anticipates that this new practice will continue. Janet explained further that an MOU takes effect the moment it is signed. If a tentative agreement is not ratified, then the MOU goes away, which is why AFA cautioned the membership that, by not voting for the TA, the protections included in the MOU's would disappear and faculty would suffer as a result. Once signed, MOU's are posted on the AFA Website.
3. Loss of Load and AFA Membership Status. On behalf of a fellow adjunct faculty member, Mike Starkey asked if adjunct faculty members who have lost all of their load due to the schedule reductions and are not teaching this semester are still represented by AFA and still eligible to vote. Warren Ruud clarified that an adjunct faculty member who has a load of zero would still be considered to be an active employee, as long as s/he still has the potential to pick up a late-start class or substitute. He noted that this interpretation is not inconsistent with any clause in the AFA Bylaws. Warren added that, when an instructor must be rehired due to inactivity, then that's another matter. AFA is currently exploring the ramifications of this latter issue.

4. **Enhanced Salary Schedules.** On behalf of a fellow adjunct faculty member, Mike Starkey posed the following question: If the salary schedules are truly linked, then why would regular faculty members not share the burden should the cuts in the State's categorical program funding result in cuts to the enhanced schedules? Warren Ruud explained that the categorical program funding increased the pro rata rate of pay in the enhanced hourly schedules and that there is language in the Contract that says that the pro rata rate will be reduced, should the categorical enhancement funding be reduced. He clarified that the link between the salary schedules still exists in the "normal" hourly rates. If the existing language in the Contract were to be implemented today, it would result in approximately a [±]5% decrease in the enhanced hourly schedules.
5. **Reconciling Load Discrepancies between Online and Face-to-Face Formats.** On behalf of a fellow adjunct faculty member, Mike Starkey asked if an instructor teaching an online class would be eligible to receive retroactive pay should the load discrepancy between that online class and the same class taught face-to-face be corrected. Warren explained that it is not a difference in pay that matters, but rather a difference in the number of minutes being taught. The District's current system cannot handle less than 5-minute increments. For example, given a difference of 33 minutes between the two class formats over the course of the semester, it is currently not possible to add fractions of minutes to each class session in order to equalize the total number of minutes. In the past, there was a similar problem with 8-week courses, but that discrepancy has been remedied. Chairs cannot use a *Schedule Change Form* to adjust the current semester, because students are operating under the constraints of the current course syllabus. The instructor is receiving pay for all of his or her student contact, so a retroactive paycheck would not be appropriate. This issue will not be a problem if the Department schedules sections with this problem in mind, or after the District switches to the new and more efficient system, as it will be able to handle smaller increments.
6. **College Service in a Multi-site District.** On behalf of a fellow regular faculty member, Cheryl Dunn forwarded a request that AFA develop specific language in the Contract that formally acknowledges that departmental work performed at the Petaluma Campus, as well as at any other District site, counts towards fulfilling the college service requirement, just as departmental work performed at the Santa Rosa campus counts.

MINUTES

The minutes from the September 9, 2009 General Meeting were accepted as submitted.

ACTION ITEMS

1. **Approval of Proposed AFA Budget for 2009-10.** Following discussion (see Discussion Item #1) and a motion made by Michael Meese, which was seconded by John Daly, the Council voted unanimously to approve the proposed AFA Budget for 2009-10 as presented (14 in favor, 0 opposed).
2. **Approval of Sunshine List for 2009-10.** Following discussion (see Discussion Item #3) and a motion made by Michael Meese, which was seconded by John Daly, the Council voted unanimously to approve the proposed AFA Sunshine List for 2009-10 as presented with two articles as reopeners, holding a third article for a later date (14 in favor, 0 opposed).

DISCUSSION ITEMS

1. **Proposed AFA Budget for 2009-10.** A copy of the proposed budget was distributed to Council members for their review prior to this meeting. After expressing appreciation to Candy Shell for preparing the budget packet, AFA Secretary/Treasurer Paula Burks asked Council members whether they had any questions or concerns about the budget as proposed. She highlighted the largest one-time or unusual expense items, including atypically high summer wages for officers, negotiators and staff (due to negotiations and special Council meetings), a contribution to the Bridging the Doyle Scholarship Fund, costs to upgrade AFA office computers and printers, and a contribution to the Adjunct Faculty District Activities Fund to compensate adjunct faculty representatives on the AFA Council and AFA adjunct appointees to District-wide committees. Although the projected expenditures exceed the projected revenue in the proposed budget for 2009-10, Paula

pointed out that AFA has sufficient reserves in its savings account to sustain the organization's operations. Member contributions to AFA's Political Action Committee are calculated as a dollar figure per individual, which explains why adjunct faculty contributes more to the PAC than regular faculty. At the conclusion of the discussion, the Council unanimously approved a motion made by Michael Meese and seconded by John Daly to move this item to an action item at this meeting (13 in favor, 0 opposed).

2. Bridging the Doyle Scholarship. Warren Ruud reported that, in light of the current budget crisis and reductions to the schedule of classes, the officers are requesting direction from the Council regarding the amount of the contribution (as a matching dollar-for-dollar challenge) to the Bridging the Doyle Scholarship Fund that was approved last month. (The Foundation has raised approximately \$200,000 to date. To replace the entire Doyle Scholarship Fund would cost \$4.2 million.) Council members engaged in a lengthy discussion and made the following suggestions: 1) reduce the amount from \$20,000 to \$5,000; 2) eliminate the matching challenge, and make a direct donation of less than \$5,000; 3) issue an \$8,000 donation from the AFA PAC; 4) issue the donation as approved (\$20,000); 5) issue a fixed donation of \$2,500 and issue a matching dollar-for-dollar challenge for another \$2,500. Several Council members expressed support for this last suggestion. The challenge could be advertised on the Foundation's Website. At the end of the discussion, Warren said that the officers would consider the Council's suggestions and take action as soon as possible.
3. Sunshine List for 2009-10. Janet McCulloch distributed a draft discussion document that included a list of automatic Contract article "reopeners," a list of the articles that the District is choosing to open, and a list of articles that AFA proposes to open. Janet explained that the Public Employee Relations Board (PERB) has strict rules about "sunshining," which is the process by which each side announces what they would like to negotiate during the next contract period (in this case, 2009-11). As a result of how AFA and the District negotiated Article 1, (every time it is negotiated differently), there are seven automatic reopeners for 2009-11. Janet said that the AFA Negotiating Team has identified certain issues within each of these articles that they would like to bring up in negotiations, and she briefly reviewed those items with the Council.
 - Article 8: Academic Calendar: Since 1993, the Contract has specified that AFA, with input from the Academic Senate, negotiates the calendar, which is a working conditions issue.
 - Article 10: Benefits: Items to be discussed include: 1) vision benefits (redundancy of vision coverage through Vision Services Plan, because it is already provided by SISC/Blue Shield and Kaiser — savings could be applied to other items); 2) the Adjunct Faculty Medical Benefits Program; 3) regular faculty benefits; 4) State Disability Insurance (recent legislation allows districts to negotiate SDI for adjunct faculty, who has no disability coverage, separate from regular faculty; regular faculty might also be interested, as it protects sick leave hours; 5) Social Security as a retirement option for adjunct faculty (recent legislation permits those enrolled in the CalSTRS Cash Balance Plan to switch to Social Security).
 - Article 14: Evaluations: Interests include a complete revision of the article, along with development of contract language regarding the process by which online instructors are evaluated. A sub-group of DTREC has started working on the article and, once it is revised and simplified, they may be able to simplify the forms. Drafts will be circulated to the Senate and DCC. Karen Frindell volunteered to serve on any additional subcommittee that might be formed to work on this article and the forms.
 - Article 17: Job Descriptions: Interests include revision of the job descriptions for department chairs, allied faculty, and online faculty, and development of job descriptions for coordinators (none currently exist).
 - Article 26: Salary Schedule Development
 - Article 30: Tenure Review
 - Article 31 Working Conditions

The District is choosing to open three articles:

- Article 24: Retirement: The District is interested in raising the eligibility age for the Early Retirement Option from 55, in order to reduce the GASB requirement.

- Article 32: Workload: The District is interested in looking at class size. (AFA is interested in addressing workload for online instructors, in addition to their job description.)
- Article 13: Department Chairs. The District is interested in looking at the department chair formula and in considering dean vs. chair workload

AFA has the potential to open three articles. Janet reviewed the first two, and possibilities for a third:

- Article 16: Hourly Assignments: Issues to be discussed include: overload, retirees, lack of clarity, expertise, large and medium lecture, bumping, mandatory publication of length-of-service list, transparency or uniformity, new or increased assignments, special circumstances, load (20, 40, 60 67?), allied issues, and defining excessive absences.
- Article 23: Progressive Discipline and Due Process: Issues to be discussed include: removing discipline from the evaluation and transfer processes, representation by conciliation/grievance, hearing rights, confidentiality, compliance officer, and mental incapacity policy or medical issue.
- Possibilities for a third article include: Article 9: Parking, Article 27: Salary Placement, and Online Education. The Council briefly discussed each of these possibilities and ultimately agreed that it would be beneficial to preserve the option of opening a third article at a later date. There was brief discussion about the process by which faculty members may procure salary placement credit for foreign degrees, and an interest was expressed in simplifying the process for the faculty member. The current process involves the faculty member asking CSU or UC for a letter verifying that the foreign units would be eligible for entrance into a graduate program at their institution or for salary placement as a new hire. Janet said that the team could raise the issue, but the District has indicated no interest in changing the process at this time.

Janet pointed out that AFA and the District may also open other articles by mutual agreement. At the conclusion of the discussion, the Council unanimously approved a motion made by Michael Meese and seconded by John Daly to move this item to an action item at this meeting (13 in favor, 0 opposed).

MAIN REPORTS

1. President's Report. Warren Ruud reported that he attended the Bay Faculty Association's annual budget workshop on Monday, September 21, and said that workshop presenters clarified some technical budget issues and reiterated that 2009-10 would be a tough year.
2. Vice President for Santa Rosa Report. Reneé Lo Pilato reported that a subset of the Publications Committee is working in conjunction with the AFA Negotiating Team to develop two surveys (one for regular and one for adjunct faculty members). The goal of the surveys is to assess faculty members' ranked preferences in order to provide direction to AFA in dealing with difficult fiscal issues that faculty will be facing in the coming year. Drafts will be brought to the Council for review.
3. Conciliation/Grievance Report. This report and subsequent discussion were conducted in closed session.
4. Negotiations Report. This report and subsequent discussion were conducted in closed session.

COUNCIL/SENATE/COMMITTEE REPORTS

1. Professional Development Committee (PDC). Karen Frindell reported that she attended the PDC's first meeting of the fall semester two weeks ago, and that there had been discussion about the schedule of activities for the Spring 2010 PDA day. Mary Kay Rudolph, vice president of Academic Affairs, informed committee members that she wants to eliminate the menu of options and devote the entire day to Student Learning Outcomes and Assessment Projects. Dr. Rudolph has mentioned this plan to the Department Chair Council; however, it is not clear if the Academic Senate has been informed yet. Karen said that she would not be able to attend the September 24th PDC meeting, where there would most likely be further discussion on the matter; however, Joyce Johnson, AFA's second representative on PDC, is planning to attend and has agreed to forward her notes from that meeting to Warren Ruud.

The meeting was adjourned at 5:07 p.m.

Minutes submitted by Judith Bernstein.