

## **EXECUTIVE COUNCIL MEETING MINUTES**

February 8, 2012

*(Approved by the Executive Council on February 22, 2012)*

Executive Councilors present (noted by \*):

*Warren Ruud, <i>presiding</i>	Dianne Davis	Andre Larue	*Margaret Pennington
*Paulette Bell	*Cheryl Dunn	*Reneé Lo Pilato	*Audrey Spall
*Lara Branen-Ahumada	*Terry Ehret	*Sean Martin	*Mike Starkey
*Paula Burks	*Brenda Flyswithawks	*Terry Mulcaire	*Julie Thompson
*Ted Crowell	*Karen Frindell-Teuscher	*Nikona Mulkovich	

Officers/Negotiators present: Lynn Harenberg-Miller, Ann Herbst, Jack Wegman  
Faculty present: Mark Wilson  
Staff present: Judith Bernstein, Candy Shell  
Guests present: Mike Gibson, Gibson & Co., C.P.A.

The meeting was called to order at 3:07 p.m. in the Senate Chambers, Room #4638, in the Bertolini Student Center on the Santa Rosa campus.

### **PRESENTATION**

2010-11 Audit Report: Gibson & Co., C.P.A. Mike Gibson appeared before the Council to present and answer questions about the reports he prepared for the annual audit of AFA's books, which he has been conducting since 2001. (The *Financial Statements* and the Fee Payer Report—also known as the *Schedule of Unrestricted General Operating Expenses and the Allocation of Expenses Between Chargeable and Non-Chargeable*—are available on AFA's Website at <http://www.santarosa.edu/afa/audits.shtml> .) Mr. Gibson noted that his accounting firm's practice combines both small businesses and non-profit organizations, and one segment of the non-profit organizations is subject to fee payer reporting requirements. (For more information about those requirements, see AFA's annual *Fair Share Service Fee Notice* at [http://www.santarosa.edu/afa/1112/Audits/2011\\_FSSF\\_notice.pdf](http://www.santarosa.edu/afa/1112/Audits/2011_FSSF_notice.pdf) .) Both reports were projected onscreen at the meeting, and Councilors received electronic copies prior to the meeting for their review. Mr. Gibson reviewed each report, provided background explanations, and pointed out the most significant issues, as follows:

- Financial Statements. The second page of this report includes a letter from Gibson & Co., which states a "clean opinion" about AFA's financial statements. This *Independent Auditor's Report* would be the place where an accountant would note any misstatements found in the course of conducting the audit. The financial statements include a detailed schedule of revenues and expenses and a balance sheet of assets and liabilities in both AFA's general fund and temporarily restricted fund (the AFA PAC). Funds are transferred to the PAC to be spent on political issues and, at that point, they become temporarily restricted. Once the funds are spent, they move back, and are spent through, the unrestricted portion. The fee payer allocation is conducted only for the unrestricted portion of the general fund. Mr. Gibson noted very few changes in the balance sheet for the year ending June 30, 2011. There was a loss of \$11,000 in the general fund, which is less than 5 percent of gross revenue, and the temporarily unrestricted fund increased by approximately \$2,500. Mr. Gibson said that most

labor organizations build up a nest egg in non-election years and spend most of those funds in election years. He pointed out that AFA has approximately 11 months of operating expenses in total reserves, which is not considered excessive because it is necessary in the event of a protracted strike. There were no property or equipment purchases. The *Financial Statements* include four pages of notes that provide additional background information (e.g., about how income is recognized and estimates are made, a breakdown of fixed assets, a breakdown between program services and supporting services, etc.). The last page includes a more detailed breakdown of expenses. The first column of expenses in that schedule matches the first column in the schedule presented on page 3 of the Fee Payer Report.

- **Fee Payer Report.** The allocation method used in this expense report is described in Note 2. Gibson & Co. did not find anything with which they would take issue. AFA officers, negotiators, and staff prepare timesheets, which list the tasks performed and the amount of time spent on each task, and they record whether those tasks are chargeable or nonchargeable. Fee payers are required to pay for activities related to representation, negotiations, association business, and grievances, but they are not required to pay for activities that are considered nonchargeable (e.g., charitable donations and political activity). There was no political activity in the general fund in 2010-11, but there were some charitable donations. The chargeable portion of AFA's expenses for the 2010-11 year was 99.66 percent. Based on that high percentage of chargeable activity, Mr. Gibson commented that he found it difficult to understand why someone would not become a member. Four pages of notes describe the statement of purpose, court cases that established rules for fee payers, and the expenses that are chargeable and nonchargeable. In terms of how expenses for advocacy should be allocated, Mr. Gibson posed the following question: When faculty members go to Sacramento to speak with state legislators about increasing funding for community colleges, are they lobbying or are they talking to their bosses? He commented that AFA has always been conservative in its allocation methods, and he recommended that AFA continue to run those expenses through its PAC.
- **Governance Letter.** CPA standards require that accountants prepare this letter, which is intended solely for the use of the governing board of the organization (i.e., AFA's Executive Council and officers). The letter discusses accounting principles and presents findings. If Gibson & Co. thought the financial statements were misstated or if they found problems in the course of performing the audit, they would have described those problems in the Governance Letter. Mr. Gibson read excerpts from the letter that confirmed that the firm found no problems. He did make a recommendation that the officers who sign checks take the time to carefully review, date, and sign the backup documentation for each check, as that review process is AFA's primary form of "internal control." Internal control means that an organization takes the various functions and splits them up so that no single individual in the office has significant control. He explained that accountants rely on internal control when auditing financial statements, because it is too time consuming for a CPA to examine every single transaction. Since AFA only has two staff members, it is difficult to implement a significant form of internal control; hence, his recommendation that the officers take their review function seriously. At the conclusion of his presentation, Mr. Gibson expressed his appreciation to Candy Shell, Judith Bernstein, and Warren Ruud, and the Council thanked Mr. Gibson for the reports and the presentation.

### **MEMBER CONCERNS**

1. **Filling the Vacant Vice President for Petaluma Position.** Margaret Pennington asked for clarification about the status of the process for filling the vacant Vice President for Petaluma (VPPet) position for the remainder of this semester. She said that, at the last meeting of the AFA Adjunct Issues Committee, members discussed the importance of having Petaluma represented at Cabinet meetings. They also have a concern about one adjunct Councilor serving in two positions, preferring that the Council appoint a second adjunct Councilor to serve as Adjunct Cabinet Representative. (At the end of Spring 2011, the Council unanimously approved the appointment of Mike Starkey as Adjunct Cabinet Representative

for 2011-12, and, at the end of Fall 2011, the Council unanimously approved the appointment of Mike to serve as Vice President for Santa Rosa for Spring 2012, replacing Dan Munton, who is on sabbatical leave.) In response, Warren summarized the actions and discussions that the Council engaged in at the end of the Fall 2011 semester: (1) appointed an interim replacement for the regular faculty Councilor on leave for Spring 2012; (2) appointed a Compressed Calendar Negotiations Task Force Co-Chair to take over the special project previously associated with the VPPet for the remainder of the Spring 2012 semester; (3) discussed the process for appointing a replacement for the VPPet and how the reassigned time for that position would be split; and (4) discussed the concern raised by the Adjunct Issues Committee regarding having one person serve in two positions—as both the Adjunct Cabinet Representative and a Vice President. Warren reiterated the suggestion he made during the previous discussion on this topic, and he pointed out that no Councilors expressed any objections at the time. The idea was to postpone the VPPet appointment until after the election of officers occurs at the first Council meeting in March. Proceeding through the usual nomination and appointment process would result in a lag time of only one or two meetings. At the first meeting in March, the Council could appoint the person who is elected as VPPet for 2012-13 (starting in August 2012), to fill out the remainder of the 2011-12 term. The Council engaged in brief discussion about the issue. Terry Ehret's name was put forward as a possible candidate for the position, as she teaches in Petaluma. In addition, Cheryl Dunn expressed willingness to being appointed to fill the vacancy for the remainder of the Spring 2012 semester, as she has served as VPPet for many years. It was suggested that appointing the same Councilor who is elected for 2012-13 to fill out the remainder of the Spring 2012 semester would provide for greater continuity, and it would be preferable to appointing an interim replacement, who might end up serving in the position for a very short period of time. Due to time constraints, Warren suggested that, after this meeting, Councilors review the minutes from the previous meeting at which this topic was discussed. (See pages 4 – 6 in the minutes from the December 14, 2011 Council meeting at [http://www.santarosa.edu/afa/1112/Meetings/Minutes/minutes\\_121411.pdf](http://www.santarosa.edu/afa/1112/Meetings/Minutes/minutes_121411.pdf) .)

2. Load Lookup. Paulette Bell reiterated her ongoing concern about regaining open access to faculty loads, which existed prior to the District's shift to SIS. She said that, based on her analysis of all the reasons given about why access can't be granted, the objections come down to two main issues: (1) the system cannot take any more pressure and (2) there is too much personal/private information that would be revealed alongside load information. Paulette said that she contacted Scott Conrad directly about the issue, and he responded that load information is confidential to each employee and his/her manager. He suggested that if anyone wants load information, s/he should contact his/her dean. Paulette said she didn't believe that load information is confidential, and she didn't understand why the District is resisting this request, particularly given the recent news that the District will be releasing individual SRJC faculty member's salary information to the Press Democrat and other organizations that have requested it. She stressed the importance of transparency and keeping everyone honest with respect to ensuring that departments comply with the Contract when making hourly assignments. She said that she thought personal information, such as Social Security numbers and addresses, can be filtered out, and she didn't think it would take a great deal of time and energy to make that happen (e.g., one could create a batch file, append it to a link called "instructor load," and change the login rights). She said that there may be some departments where access to load lookup is not that critical, but there are other departments that would benefit from this tool which, she said, helps to keep people honest and following the Contract. Paulette asked that AFA pursue this issue with the District, with the goal of bringing back load lookup by the end of the spring semester.
3. Summer 2012 Schedule of Classes. Mark Wilson, adjunct in the Art department for the past 20 years, appeared before the Council to express his concerns about the potential for drastic reductions in summer programs. He noted that the Art department's summer classes typically have higher than normal enrollment, with very few dropouts. He asked what AFA is doing to convince the new president to not cut summer classes, as they are critical for students, and it

would be a disaster if the District cancels the summer program. Mark asked if it would help to collect individual emails and send them to Dr. Chong to encourage him not to cut the classes. Warren noted that, unlike in the past when a class could continue if it met the minimum enrollment threshold, the State has imposed workload reductions, which have changed the rules on which classes are scheduled. Beyond a certain level of District-wide enrollment, the State is not providing any additional funding. District administrators are making decisions based on what they perceive to be in the best interest of the College and the students. Education is being rationed, and the District might be weighing an Art History class against, for example, an English class. Since the District has the unilateral right of assignment, many of these decisions are beyond AFA's control. Warren said that it might help if faculty got together within their departments to develop convincing arguments for keeping their programs going. He noted that this issue also falls within the scope of the Academic Senate. Based upon discussions during a recent DCC meeting, it was stated that new enrollment figures are coming out every day, that Academic Affairs would be consulting with deans and chairs in making these decisions, and that faculty members need to convince their deans that their summer programs are important to maintain. There was also a suggestion that, if summer programs are not reduced, reductions would occur to fall programs, instead.

### MINUTES

There being no corrections or additions, the Council accepted the minutes from the January 25, 2012 Executive Council meeting as submitted. (Approved minutes are posted at <http://www.santarosa.edu/afa/minutes.shtml> .)

### DISCUSSION ITEMS

1. AFA Leadership Planning. Warren said that the Cabinet formed a subcommittee, composed of Paula Burks, Mike Starkey, and Julie Thompson, to focus on short-term and long-term leadership planning. This topic will be an agenda item at the upcoming retreat. Mike reiterated that the first topic that the subcommittee discussed when they met was their interest in ensuring that the leadership recruitment process is open and transparent. Julie pointed out that the Council will know the results of the Councilor elections at the February 22<sup>nd</sup> meeting and, at that time, nominations for officers will be put forward. Elections of officers and appointments of other positions will occur at the Council meeting on March 14. Paula recommended that Councilors review the AFA Bylaws and policies prior to the retreat, so as to refresh their memories about the election timeline and process and the duties of the various positions. She commented that often people are confused about the differences between elected officers and other appointed positions. (Links to the bylaws and policies are available at <http://www.santarosa.edu/afa/documents.shtml>.) Mike mentioned that the only prohibition against one person serving in two positions applies to the positions of President and Chief Negotiating Officer. One person could fill two positions on the Negotiating Team, and the team must include at least two adjunct faculty members. Mike added that three key positions in terms of the most responsibilities are the President, the Chief Negotiating Officer (CNO), and the Conciliation/Grievance Officer (CGO). The individuals serving in those three positions then presented a brief overview of their duties.

President: Warren projected onscreen the list of duties of the President (which can be found in AFA Policy: Duties of Officers) along with a calendar of regularly scheduled AFA and District-wide committee meetings that the President attends. He mentioned that he attends other ad hoc meetings and consults regularly with the CNO, CGO, and AFA staff. As President, Warren has taken on special projects, such as updating the Bylaws and policies. In any given month, the president might log between 110 and 150 hours on his/her timesheet, although it's difficult to estimate how much time is spent doing email correspondence.

Chief Negotiating Officer: Ann Herbst projected onscreen the list of the CNO duties (as outlined in AFA Policy: Duties of Officers). She said that the Negotiating Team meets approximately once a week as a team and twice a month with the District. She regularly

attends meetings of the District-wide Fringe Benefits Committee, the Budget Advisory Committee, the Bay Faculty Association, the Compressed Calendar Negotiations Task Force, the Department Chair and Coordinators Subcommittee, and some meetings of the Academic Senate. The CNO consults regularly with the President and with AFA staff.

Conciliation/Grievance Officer: Julie Thompson said that the CGO attends regular weekly meetings on Wednesdays, which include staff and the Cabinet meetings, in addition to semi-monthly Council meetings. She consults with the President and also with the DTREC Co-Chair on evaluation or tenure review issues. She meets with faculty members who have requested her help with issues. The CGO's schedule tends to be more unpredictable and less structured than the President's or the CNO's schedules. Some days, she receives no calls, while other days three faculty members might contact her. She typically spends time working on the weekends and in the evening. The position comes with 40 percent reassigned time.

The Council proceeded to engage in lengthy discussion and the following comments were made: (1) the amount of reassigned time for these key positions doesn't seem to be sufficient—why doesn't the Council do something about that? (2) these are challenging times right now, and everyone in an elected or appointed position is working more hours than their reassigned time percentage; all of these increased workloads are due to the budget problem; it would be difficult to increase the allocation for every position; chairs and faculty are overworked, too; (3) part of the Council's charge is to plan for leadership in the future; if AFA wants to attract younger people from the faculty to be in training for these seats, we need to make sure that the reassigned time matches the responsibilities for each of these positions; in the next few meetings, the Council should look at a cost estimate of what it would take to make the reassigned time for these positions more equitable; (4) that task is performed on a regular basis every semester—the last time the Council approved reassigned time was in December 2011; (5) it's important not to burn people out; we want people to do this work and we need to support them; (6) it would be a significant increase if the Council were to make a change right now; (7) with the overall loss of total faculty payroll, AFA has lost income; the budget is tight as it is without adding more expenditures, and the Council doesn't have the luxury of increasing everyone across the board; (8) the total faculty payroll has gone down 6 -7 percent, and AFA's revenue mirrors that decrease; AFA has made some changes to mitigate that loss; (9) this issue is something that the Council needs to look at, but it should not make a decision at this meeting and any recommendation about increasing reassigned time should come from a more disinterested group on the Council; and (10) prior to putting forward nominations, it would be helpful to identify and for the Council to think about the qualities and type of characteristics that individuals in these positions should have (e.g., being a good listener and effective communicator is extremely important for the CGO).

In response to questions about mechanics and logistics, Warren clarified that adjunct faculty members who serve in an elected or appointed position are compensated via District timesheets and are not constrained by the 67 percent load limit. Also, there are three positions—two Negotiating Team members and the Adjunct Cabinet Representative—that are restricted to adjunct faculty. At the conclusion of the discussion, Julie said that she would add "skills and attributes important in each role" to the list of topics for discussion at the retreat, and she asked that Councilors send Paula, and Mike and her an email before February 11<sup>th</sup> if they think of anything else they would like to add.

2. AFA/FACCC Contract Agreement. Warren informed the Council that AFA and FACCC have agreed in principle on the major elements of the Contract Agreement, which will become effective on March 1, 2012. Warren is waiting for a response from FACCC Executive Director Jonathan Lightman regarding some of the details outlined in the three-page document, which Warren projected at the meeting and briefly reviewed. Warren said he would email Councilors the current draft as well as the next draft that he develops based on feedback from Jonathan Lightman. Warren asked that Councilors review the drafts and get back to him with their questions or concerns in a timely manner, so that he can sign the final agreement on March 1.

3. AFA PAC Contribution to FACCC. Warren reported that FACCC has a tradition of holding a breakfast on the morning of the annual FACCC Advocacy Day and presenting an award to the "FACCC Legislator of the Year." This year, that breakfast will be held on Monday, March 5, and the honoree will be Assemblymember Paul Fong, who has sponsored many bills that have benefited California's community college faculty in general and adjunct faculty in particular (e.g., reporting part-time service credit to CalSTRS, and reassignment rights). (See Assemblymember Fong's Web sites at <http://asmdc.org/members/a22/> and <http://www.paulfong.org/issues.asp> . See also [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0851-0900/ab\\_852\\_bill\\_20110622\\_amended\\_sen\\_v96.html](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0851-0900/ab_852_bill_20110622_amended_sen_v96.html) for information about AB 852 (Fong), which would establish reassignment rights for California's community college adjunct faculty—similar to, but not as broad as, Article 16 in the AFA/District Contract <http://www.santarosa.edu/afa/Contract/Articles/art16.pdf> .) Warren said that, historically, faculty associations, including the three who are FACCC contract members—Santa Monica, Foothill-De Anza, and Santa Barbara—bundle their political contributions together and present a check at the Advocacy Day breakfast to the honoree. FACCC staff approached Warren to ask if AFA would consider making a contribution this year. Other community college associations are contributing between \$500 and \$2,000 each to the award. Warren noted that recipients do not necessarily use all of the campaign funds in their next upcoming election; however, AFA's contribution would be a way to show support for a legislator who has demonstrated commitment to the improvement of California's community college system as a whole. Warren noted that there is approximately \$23,000 in the AFA PAC account, and he suggested that the Council recommend to the PAC board that they contribute \$500 to the award for Assemblymember Fong. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Ted Crowell to move this item to action.

#### **ACTION ITEMS**

1. AFA PAC Contribution to FACCC (see Discussion Item #3). By unanimous voice vote, the Council approved a motion made by Ted Crowell and seconded by Lara Branen-Ahumada to recommend to the members of the AFA PAC Board that they approve a \$500 contribution to Assemblymember Paul Fong's campaign to be presented at the FACCC Advocacy Day breakfast on March 5, 2012.

#### **MAIN REPORTS**

1. President's Report. Warren reminded Councilors about the semi-annual retreat, which will be held on Saturday, February 11. Staff will send out an email reminder with a map, directions, and the agenda. Flex credit has been approved.
2. Treasurer's report: December 2012. Treasurer Paula Burks highlighted the major expenditures in December 2011, which included reassigned time for officers and other appointed positions for the Fall 2011 semester and legal counsel for conciliation/grievance matters.
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.

The meeting was adjourned at 5:30 p.m.

Minutes submitted by Judith Bernstein.