

EXECUTIVE COUNCIL MEETING MINUTES

December 14, 2011

(Approved by the Executive Council on January 25, 2012)

Executive Councilors present (noted by *):

*Warren Ruud, <i>presiding</i>	*Cheryl Dunn	*Andre Larue	Mary Pierce
Paulette Bell	*Terry Ehret	*Reneé Lo Pilato	*Audrey Spall
*Paula Burks	*Brenda Flyswithhawks	*Sean Martin	*Mike Starkey
*Ted Crowell	*Karen Frindell Teuscher	*Dan Munton	*Julie Thompson
*Dianne Davis	*Lynn Harenberg-Miller	*Margaret Pennington	

Officers/Negotiators present: Ann Herbst, Jack Wegman
Budget Analysis Team present: Will Baty
Staff present: Judith Bernstein, Candy Shell
Guests present: Doug Kuula, Coordinator, Environmental Health & Safety
Dr. Robert Agrella, Superintendent/President
Bryan Ha, [FACCC Director of Field and Faculty Advocacy](#)

The meeting was called to order at 3:06 p.m. in the Senate Chambers, Room #4638, in the Bertolini Student Center on the Santa Rosa campus.

PRESENTATIONS

1. SRJC's Illness & Injury Prevention Program. SRJC's Environmental Health & Safety Director Doug Kuula appeared before the Council to present an overview of revised District Policy 6.8.2 and Procedures 6.8.2P: Health & Safety. The Council received an electronic copy of the policy prior to the meeting for review. Doug said that he has updated and restructured the existing policy, which was developed in 1991 in response to OSHA regulations. The policy is now easier to understand, and it is easier to identify the eight things that OSHA will look for in an inspection, which include: (1) Responsibility; (2) Compliance; (3) Communication; (4) Hazard Assessment; (5) Accident/Exposure Investigations; (6) Hazard Correction; (7) Training & Instruction; and (8) Record Keeping. Doug highlighted the major points and issues under each of the eight main topics. He characterized the focus of the revised policy as proactive rather than reactive. Doug mentioned that he recently conducted a training session for ten individuals on the District Safety Committee to be the District's building inspection team.

Following his presentation, Doug addressed Councilors' questions and concerns:

- On the Petaluma campus, there is no way to lock classroom doors from the inside.
Doug: This issue is a District wide concern. No classrooms on either campus are set up to be locked from the inside. This issue falls under the category of employee safety and also crosses the venue into emergency preparedness (e.g., how respond to an active shooter). Employees can bring this concern to the Safety Committee for discussion. The District has an anonymous procedure for reporting hazards. There is a hard copy form.
- One of the issues that AFA will be discussing in the future is compensation for adjunct faculty members to take safety training. For contract faculty members, this training could

be construed as part of their college service obligation. AFA's interest in safety training is narrower than the Academic Senate's interest.

Doug: Most businesses do new employee safety orientations. Every employee from students to Dr. Agrella will need to take the training. Currently, the District has concerns about asking faculty to come in when it's not an instructional day and about paying them.

- What about the beam that fell down during a class session in one of the buildings on the Petaluma campus?

Doug: We are in the process of developing our response to incidents like that. In that particular situation, someone reported the incident, and a manager went in and secured the area. I went down the next morning and inspected the beam. I also pointed out that this type of attachment is not just in that building—it's also in the library. The boards will be screwed back in with 4-inch screws. Accident investigation is part of the safety process. There are all kinds of issues that go on behind the scenes. (For example, when a problem is with the design, whose responsibility is it to pay for retrofitting panels?) Discussing these issues in the Safety Committee will keep more people in the loop.

- Will the trainings be specific or will everyone get the same broad-based training?

Doug: Everyone should get a generic training (e.g., what do you do and how do you respond to an emergency). Department-wise, there's a difference between someone who teaches in English versus someone who teaches in Chemistry (where you need training in emergency spill responses, for example). EHSS is working with Cherry Li Bugg to see if there is a way to create online programs in the normal way for the 100 different safety training programs that EHSS has. Due to the difficulties of getting one hundred adjunct faculty members together at the same time, I think the training has to be online.

- Every time there is a power outage, the automatic lighting system gets thrown off, and that can create a safety hazard (e.g., when none of the lights are on in a parking lot).

Doug: This is a perfect example of the value in filling out a safety report, which gets routed to Environmental Health & Safety, where we fully discuss the problem and how it should be fixed.

- It would seem that an area of great vulnerability for the District is vehicles and crosswalks.

Doug: Vehicles go through a rigorous program of maintenance, but we don't have a program in place to make sure that our van drivers are competent. There are currently 157 van drivers. I've implemented an online program. The District needs to make it a priority to require a 4-hour van training, to prove that employees can drive a van safely.

Doug encouraged Councilors to email him any comments or concerns they might have.

2. Dr. Agrella's Retirement. In anticipation of Dr. Agrella's pending retirement as District Superintendent/President, Warren invited Dr. Agrella to this last Council meeting of the semester. Warren pointed out that the formation of AFA coincided roughly with the beginning of Dr. Agrella's tenure as District Superintendent/President. He also commented that, while AFA and the District have had disagreements and conflicts over time, they have been able to resolve those differences thanks to the efforts of AFA, Dr. Agrella, and the Board.

Dr. Agrella expressed his appreciation to the Council for the opportunity to address them. He noted that AFA preceded him by a short period of time and that AFA's first contract started within three months after he began his tenure. He agreed with Warren's statement that overall the District and AFA have had an excellent relationship, adding that even excellent relationships have their ups and downs. He said that, in the final analysis, both sides agreed that they would do what was right for the institution and the College. Although it hasn't always been easy, that agreement has served the institution well. Dr. Agrella made the comment that the Board has a great deal of respect for AFA as an organization. He pointed out that he has had the ability to work with various presidents and grievance officers over the years but that this was the first time in his more than 21 years at SRJC that he had ever

come to an AFA meeting and addressed the Council. He thanked the Council and, noting that he would be leaving officially on February 21st, expressed the hope that AFA would work with Dr. Chong as well as it has worked with him. Warren mentioned that he has invited Dr. Chong, the District's incoming Superintendent/President, to the first Council meeting of the spring semester in January. The Council then gave Dr. Agrella a round of applause.

MEMBER CONCERNS

1. *Notice of Absence* (NOA) Form. Karen Frindell Teuscher brought forward a concern about the NOA form that a few department chairs raised at the most recent Department Chair Council meeting. The language that appears above the department chair signature line implies that, by signing the form, the chair is certifying that the stated reasons are the true reasons for the faculty member's absence. Some of the chairs said they were reluctant to sign the form because they didn't want to be put into the position of being asked to verify the truthfulness of the faculty member's statement. They suggested that the form be redesigned such that the chair's signature is separated by some space from the certification statement and the faculty member's signature. Warren confirmed that the concern was legitimate, and he suggested that it would be more efficient for the information to be communicated via a routed email with digital signatures, rather than using the current NCR form. He said that he would raise the issue with the District.

MINUTES

There being no corrections or additions, the Council accepted the minutes from the November 30, 2011 special Executive Council meeting as submitted. (Approved minutes are posted at <http://www.santarosa.edu/afa/minutes.shtml> .)

ACTION ITEMS

1. 2013-14 Academic Calendar. (See Discussion Item #4 on page 3 of the minutes from the November 30, 2011 Executive Council special meeting at http://www.santarosa.edu/afa/1112/Meetings/Minutes/minutes_113011.pdf .) Warren reported that all of the other constituent groups have expressed their support of the draft calendar. He added that he pointed out the mistake in the sequencing of dates and that error will be corrected. In addition, the drop date might change to reflect what's happening at the State level, subject to further decision by EPCC. There being no further discussion, by unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Ted Crowell to approve the 2013-14 Academic Calendar pending two corrections.
2. Appointment of Regular Faculty Councilor Leave Replacement for Spring 2012 (see Discussion Item #1). By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Andre LaRue to appoint Nikona Mulkovich as a one-semester (Spring 2012) leave replacement for Mary Pierce's seat on the Council.
3. Appointment of Compressed Calendar Negotiations Task Force Co-Chair for Spring 2012 (see Discussion Item #2). By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Ted Crowell to appoint Janet McCulloch to serve as co-chair of the Compressed Calendar Negotiations Task Force for the Spring 2012 semester.

DISCUSSION ITEMS

1. Appointment of Regular Faculty Councilor Leave Replacement for Spring 2012. Paula Burks read a statement from Vice President for Petaluma Mary Pierce regarding the leave she will be taking from the Council for the Spring 2012 semester. Mary's term on the Council expires in August 2013. Warren reported that he and Mary had approached Nikona Mulkovich, regular faculty member at the Petaluma Campus and candidate/close runner-up in the Spring

2011 elections for a regular Councilor seat, to see if she would be interested in a one-semester leave replacement position. Nikona has since confirmed her interest in serving on the Council and her willingness to be appointed to this position. Brief discussion followed about the importance of filling the position if at all possible with a faculty member from the Petaluma Campus. Warren commented that it would be preferable for the seat to be filled right at the beginning of the Spring 2012 semester and that the Council could either collect nominations and approve an appointment at the first Council meeting of the Spring 2012 semester in January, or they could approve an appointment at this meeting. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Andre LaRue to move this item to action. (See Action Item #2.)

2. Appointment of Compressed Calendar Negotiations Task Force (CCNTF) Co-Chair for Spring 2012. Ann Herbst reported Mary Pierce has suggested that AFA appoint Janet McCulloch to take her place as AFA's co-chair on the CCNTF for Spring 2012, and the Negotiating Team and the Cabinet concur with that recommendation. Janet and Mary have discussed the compressed calendar, Janet has an understanding of the issues involved, and she is willing to serve. Ann said that the AFA Negotiating Team's goal is for the CCNTF to develop some working models should it turn out that there are no obstacles to moving towards a compressed calendar. Ann pointed out that the position comes with 10 percent reassigned time and that Kris Abrahamson is the District co-chair.

In the Council discussion that followed, Karen Frindell-Teuscher conveyed a concern raised in a recent meeting of the Department Chair Council that this position started with a large amount of AFA-paid reassigned time (40 percent), and some reassigned time is continuing. Warren clarified that the mission of the CCNTF is to make recommendations to the two negotiating teams (AFA and the District) and the Calendar Committee. The compressed calendar would move through those bodies in parallel processes. CCNTF is a subcommittee of negotiations, and the co-chair position's reassigned time is in keeping with reassigned time given to negotiators. In addition, as part of their jobs, AFA vice presidents take on special projects. The project for the Vice President for Santa Rosa—Dan Munton— has been chairing the committee charged with reorganizing and updating Article 16, and the project for the Vice President for Petaluma—Mary Pierce—has been co-chairing the CCNTF. Warren suggested that, given the amount of time that has been spent previously conducting research and site visits to other colleges, ten percent reassigned time—which is roughly equivalent to 3.5 hours per week—is fair and reasonable. He added that all AFA officers keep timesheets, and the hours reported on the CCNTF timesheets have exceeded the reassigned time allocated to the position. In the brief discussion that followed, Councilors commented that (1) it is important to keep momentum going that Mary has put in place; (2) Janet would be a good person to continue, as she's familiar with the work that's been done, the process, the constituents, and the issues; (3) many faculty members didn't understand how much work this project took; (4) some faculty members reportedly have been distressed by what they perceive to be a sense of urgency and a foregone conclusion that the District would be moving to a compressed calendar; and (5) for those concerned faculty members, it could be that the objection to the reassigned time is related to the promotion of something they object to—the compressed calendar—rather than to the reassigned time, itself. At the conclusion of the discussion, by unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by René Lo Pilato to move this item to action. (See Action Item #3.)

Following the assignment of the task associated with the Vice President for Petaluma (VPPet), Warren noted that the Cabinet and the Council would need to take some time to consider how to proceed with the appointment of a Spring 2012 leave replacement for the VPPet. He noted that the election of officers for the 2012-13 year is scheduled for early in the spring semester, and he suggested that the Council could appoint the Councilor who wins that election to take on the duties of the VPPet for the remainder of the Spring 2012 semester. In response to a question about whether it would be possible for an adjunct Councilor to serve in the VPPet position, Warren clarified that any Councilor may serve as a Vice President, and

he noted that Mike Starkey, an adjunct faculty Councilor, is serving as VP for Santa Rosa effective Spring 2012. Warren asked that Councilors talk to each other about potential candidates and come prepared to discuss the appointment at the Council meetings in January and February 2012.

3. Duties of Appointed Positions Policy. Last year the Council formalized the position of Adjunct Cabinet Representative as an official member of the Cabinet. Warren noted that the position is growing and is in the process of becoming well defined. The Adjunct Issues Committee has suggested that this position's membership on the Conciliation/Grievance Committee be institutionalized. One initial suggestion was to add the following sentence to the duties of the Adjunct Cabinet Representative in the AFA Policy re: Duties of Appointed Positions: "Confer as necessary with the Conciliation/Grievance Officer and other members of the Cabinet on conciliation/ grievance matters." Under the "Duties of the Cabinet" section in the AFA Policy re: Cabinet, the following wording appears: "Review and advise on current conciliation and grievance issues as presented by the Conciliation/Grievance Officer." Also, in the AFA Policy re: AFA Standing Committees, the description of the Conciliation/Grievance Committee is as follows: "Composed of Officers. AFA Conciliation/Grievance Officer serves as chair. Meets as needed." Warren pointed out that the AFA Constitution identifies certain positions as being officers. He suggested that a subcommittee review the AFA policies and draft language regarding the Adjunct Cabinet Representative and its relation to the Conciliation/Grievance Committee that is consistent throughout the policies, the Bylaws, and the Constitution. He also pointed out the importance of making sure that there is no conflict between the policies of the organization and the Contract, which stipulates that there is only one Conciliation/Grievance Officer, with distinct duties, including the responsibility for interacting with the District on conciliation/ grievance matters. (All discussions with the District are subpoenaable.) Warren also described the different levels of confidentiality that exist within the hierarchy of AFA—within the Council, within the Cabinet, and between the President and the CGO—and he suggested that the Adjunct Cabinet Representative might be added to one of the higher levels of confidentiality for conciliation/grievance matters related to adjunct faculty issues. It was also pointed out that the CGO is not a solo position—s/he consults with DTREC, the Cabinet, and other experts as necessary. Mike Starkey suggested that the purpose of revising the description of the duties of the Adjunct Cabinet Representative is to enhance the information specifically in regard to adjunct issues. Warren asked that the Adjunct Issues Committee bring a recommendation regarding the new language to the next Council meeting in January 2012.

In a related matter, Margaret Pennington requested clarification regarding the Adjunct Cabinet Representative position for Spring 2012. At the November 30 meeting, the Council appointed Mike Starkey to be the Vice President for Santa Rosa (VPSR) in Spring 2012, replacing Dan Munton who will be on sabbatical leave. Margaret asked whether that meant that the Adjunct Cabinet Representative position is open or that Mike would be performing both roles. Warren clarified that there is only one explicit prohibition in the Bylaws against one person holding two jobs, and that applies to the roles of President and Chief Negotiator; otherwise, one person may fill two positions, which is something that happens on a regular basis. A few adjunct Councilors suggested that it would not be advantageous to have one person fill two positions and instead to have one of the other currently seated adjunct Councilors fill the Adjunct Cabinet Representative position for the Spring 2012 semester. Warren pointed out that, at the conclusion of the discussion on November 30 that lead up to the Council's appointment of Mike Starkey as VPSR, there were no objections, there was no request to postpone the decision, and the vote to approve was unanimous. He reiterated that there would be another election of officers in Spring 2012.

The Council engaged in brief discussion, and the following comments were made: (1) there is no language in the current policy that prohibits more than one adjunct Councilor from serving on the Cabinet; (2) the Cabinet is composed of positions, not bodies; (3) the Council might want to consider having two people serve in those two positions in order to avoid the potential for a role conflict; (4) the way the policies are written, every position on the Cabinet could be

filled by an adjunct faculty member, but not every position could be filled by a contract faculty member; (5) the fact that there is no limit to the number of adjunct members of the Cabinet may or may not be valid for the future, but it might be hasty to address the issue at the same time as this replacement position; (6) it is not clear that adjunct faculty or the organization would be harmed in finishing the school year with one Councilor filling the two positions. Due to time constraints, Warren suggested that the Adjunct Issues Committee could propose an agenda item and the Council could revisit the matter in the future.

MAIN REPORTS

1. President's Report: Warren said that he invited FACCC's Director of Faculty and Field Advocacy Bryan Ha to this meeting to give the Council a summary of several current issues of concern to community college faculty. (See FACCC's Website at <http://www.faccc.org> .) Bryan gave the following report.
 - State Budget Cut Triggers. Last June, the passage of the State budget was based on three possible trigger points: (1) Trigger 0: no more cuts; (2) Trigger 1: \$30 million in additional cuts (this trigger was passed in September); and (3) Trigger 2: up to \$72 million in cuts (this trigger was recently passed). With Triggers 1 and 2 combined, we are looking at \$100 million in cuts for community colleges and a total of \$2 billion in cuts statewide.
 - Revenue Initiatives. Five budgetary initiatives have been proposed to address the budget shortfall. One is Governor Jerry Brown's proposal, which would bring in \$7 billion in revenue by increasing taxes on the top wage earners (\$1 million or more) and imposing a ½ cent sales tax. Another initiative that CFT has put forward would also impose increased taxes on the top wage earners, but without the ½ cent sales tax increase, and it would bring in \$6 billion. CFT's argument is: if the difference is only \$1 billion, why do we have to raise the sales tax? It is not clear at this point which plan is going to surface. CTA and SEIU are backing the governor's proposal, and they are expected to oppose CFT's plan. Rather than arguing amongst each other, we need a shared goal—revenue enhancement. By next month, FACCC will know more about the three other initiatives that are circulating. On January 10, 2012, the governor will release his budget proposal for the year. At that time, we'll know how much he would actually cut the budget for community colleges. If one of the initiatives passes, the cuts would be lower.
 - Student Success Task Force (SSTF). The SSTF is attempting to expedite the approval process without giving faculty any say. FACCC is now targeting the leadership in the legislature and also the committee members who are overseeing these bills. FACCC has been able to share with them all the public comments that faculty statewide have communicated. Unfortunately, some of the people who have developed the recommendations and are driving the process have never taught in a classroom. FACCC is working with some major coalition partners in opposing this bill and is hoping to see some positive movement by mid-January. Legislative committees start meeting in March. In order for a U.S. congressional or Senate bill to pass, it typically takes about six years. In the State of California, it still takes about two years for a bill that has no opposition to pass. The SSTF bill, which started one and half years ago, DOES have opposition and lots of backlash, but it is moving very quickly. Starting in January 2012, FACCC will be up front and very direct in educating legislators about the problems with this bill. FACCC will expect a great deal of grassroots advocacy on this issue—especially from its contract members.

Warren reported that the AFA leadership has been talking with student leaders, who are anxious to start speaking with legislators. The SSTF bill mandates that the legislature approve the SSTF recommendations. Even so, AFA is hoping to partner with students in distributing feedback to legislators at the SSTF meeting on January 9, 2012. Warren also said that the AFA leadership is interested in partnering with students, the local academic senate, and possibly SEIU in developing substantive position papers to present to the Board of Trustees. Bryan said that faculty organizations need to stay two steps ahead of

the SSTF and that is the reason why FACCC is looking at educating legislators. He also said he would have more to report to the Council in January.

- Pension Reform. In April 2010 a study was conducted to determine the amount of the shortfall in funding for the CalPERS, CalSTRS, and UC systems (\$425 billion). Recently, Joe Nation and researchers at Stanford University conducted another study, which suggested that the shortfall is close to \$500 billion. For every day there is a delay in dealing with this issue, it costs \$3.4 million. There will be some sort of pension reform in terms of developing some plan to offset this \$500 billion shortfall. A number of ballot measures have been proposed to address the shortfall, including one that imposes a 5-cent-per-pack tax on cigarettes, which will bring in an estimated \$5 million per year. Another ballot measure that hasn't been approved yet would convert legislators' full-time positions to part-time positions. Legislators currently earn approximately \$140-160,000 per year and, in addition, they receive \$400 per day in per diems if they show up. Voters are frustrated that legislators are receiving their hard-earned tax dollars but not doing anything.
- FACCC Contract Membership: The FACCC Board of Governors and professional staff are extremely grateful to SRJC faculty for voting to become contract members of FACCC. That action has paved the way for other contract membership possibilities, and talks have reemerged with Contra Costa, Chabot Las Positas, and Yosemite.
- Medical Benefits, State Disability Insurance, and Social Security for Adjunct Faculty: FACCC recognizes the importance of these issues and is working on them. FACCC's Director of Governmental Relations Andrea York will report to the Council about these issues in the near future.

Bryan encouraged Councilors to attend Retirement Coalition Lobby Day on February 7, 2012, when faculty members will be able to speak to legislators who are in charge of retirement issues.

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 5:27 p.m.

Minutes submitted by Judith Bernstein.