

EXECUTIVE COUNCIL MEETING MINUTES

February 13, 2013

(Approved by the Executive Council on February 27, 2013)

Executive Councilors present (noted by *):

*Julie Thompson, <i>presiding</i>	*Ted Crowell	*Andre LaRue	*Margaret Pennington
*Paulette Bell	*Dianne Davis	*Sean Martin	*Audrey Spall
*Lara Branen-Ahumada	*Terry Ehret	*Bud Metzger	*Mike Starkey
*Shawn Brumbaugh	*Deirdre Frontczak	*Terry Mulcaire	Phyllis Usina
*Paula Burks	*Brenda Flyswithhawks	*Nikona Mulkovich	

Officers/Negotiators present: Jacqueline McGhee, Warren Ruud
Guests present: Environmental Health & Safety Manager Doug Kuula
Staff members present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:10 p.m. in Doyle Library, Room #4245, on the Santa Rosa campus.

MAIN REPORTS: CLOSED SESSION

1. Conciliation/Grievance Report. This report and discussion were conducted in closed session.
2. Negotiations Report. This report and discussion were conducted in closed session.

The Council then moved into open session at 4:05 p.m.

MEMBER CONCERNS

1. Compressed Calendar. Nikona Mulkovich conveyed a concern that a number of faculty members were discussing after last week's Petaluma Faculty Forum meeting. Last spring, a group of Petaluma faculty members put forward a request to the Academic Senate that it take action on the compressed calendar. These faculty members are now asking AFA to take action, and they requested that Nikona let the Council know that they support AFA in that effort.
2. AFA Leaders Visit Sacramento. Terry Mulcaire reported that Paula Burks, Nikona Mulkovich, Warren Ruud, Mike Starkey, Julie Thompson, and he went to the FACCC office in Sacramento on February 6. Terry commented that FACCC staff members' knowledge and expertise far exceeded his expectations. The AFA leaders had an opportunity to observe FACCC staff members' direct interactions with legislators. Terry commended their professionalism, their idealism, their lobbying skills, and their commitment to community colleges and education.
3. Preparing for Spring Retreat Discussion. Mike Starkey reminded the Council that the spring retreat is coming up on Saturday, February 23. At its meeting held prior to today's Council meeting, the Cabinet engaged in a discussion about the retreat agenda and, more specifically, about how to structure the discussion about improving communications—a topic that several Councilors had suggested in previous meetings. Given the other items on the retreat agenda, the Cabinet agreed to dedicate an hour to the discussion on communications.

Rather than spending additional funds to hire an outside consultant to facilitate the discussion, which AFA has done in the past, the Cabinet has decided that he and Conciliation/Grievance Officer Jacqueline McGhee serve as the moderators. In the interest of ensuring that the Council utilize its time wisely, the Cabinet came up with the idea of asking Councilors, Negotiators, and Officers who wish to bring forward suggestions or recommendations to be heard by the group regarding improving communications to prepare an interest statement and email it to the full body in advance of the retreat. (Clicking on the link located at the top of the "Hot Topics" box on this page <http://www.santarosa.edu/afa/council.shtml> will open up a new email message and place the name of every Councilor, Negotiator, and Officer in the "to" field.) Preparing an interest statement is not required, but the Cabinet felt it would be an efficient way to approach the discussion. Sending the statements out in advance of the retreat will allow people more time to think about the ideas, so that everyone will be better prepared for this portion of the retreat. Mike asked that people limit their submissions to one or two statements and that they keep their statements concise (i.e., one to two sentences per statement). After commenting that he has seen a tremendous amount of improvement in communication over the last three years, Mike suggested that, as Councilors are thinking about issues needing improvement, they also include an acknowledgement of improvements that have already occurred. Mike also said that the Council needs to make communications improvement an ongoing maintenance task.

In response to a question about whether there was still time to provide input into the retreat agenda, Julie noted that she had asked Councilors several weeks ago to send their suggestions for retreat topics to any member of the Cabinet, but no one had done so. She added that she had an interest in finalizing the agenda at today's Cabinet meeting, as she may not be able to attend next week's. In addition to the session on communications, there are several negotiations issues scheduled for discussion at the retreat, and each one could take a considerable amount of time. If every Councilor, Negotiator, and Officer attends the retreat, there would need to be enough time for potentially 25 people to share their statements. So that everyone has a chance to be heard and to say what s/he wants to say, and in order to use the time as efficiently as possible, Julie asked that there not be any "cross talk." As this item will be first on the agenda, the Cabinet thought it would be a good idea to have a check-in to evaluate this part of the retreat at the end the day. Julie asked the Council to watch their emails for a general heads up from Publications Coordinator Terry Mulcaire about preparing the interest statements, and she said that she would follow that up with a second email that will include more specific prompts and guidelines (e.g., keeping the statements concise and focused).

PRESENTATION

Revisions to District Policy 6.8.2 & Procedures 6.8.2P: Injury & Illness Prevention Program (IIPP) (EH&S Manager Doug Kuula). Doug noted that he presented an earlier version of the IIPP policy and procedures to the various constituent groups last year. Afterwards, College Council asked Doug to edit the draft procedures further to make them more readable, eliminate redundancies, and make the language consistent with that of other District policies and procedures, all of which he did with the assistance of English instructor Melissa Kort, who is serving College Council in an editing capacity. Due to the number of organizational and other changes that they made to that earlier draft, College Council recommended that Doug give constituent groups another opportunity for review and feedback.

The revised policy is comprised of only one brief paragraph and Doug stated that there is no controversy about that language. In terms of the IIPP procedures, he said that the version that is currently in effect (see <http://www.santarosa.edu/polman/6facilit/6.8.2P.pdf>) suffers from a number of problems, including incorrect references to people whose titles have changed and incorrect responsibilities. Also, there are elements required by OSHA (Occupational Safety & Health Administration— a federal agency) that are missing or are difficult to find because they're spread all throughout the procedures. Doug reorganized the procedures into eight sections representing the eight elements that OSHA requires. Doug acknowledged that department chairs are concerned about their responsibilities as outlined in the "Responsibilities" section I.E. After

reviewing the AFA/District Contract, Doug said he understands their concern and agrees that that section needs to be rewritten. OSHA looks at who is able to effect a change in an employee who is not performing safely, and that person is the supervisor. With respect to faculty, it's the dean who supervises faculty and has the role of being the safety person in terms of the IIPP. Chairs are not direct supervisors of the faculty in their departments; however, when it comes to classified staff, the Contract does specify that department chairs ARE the direct supervisors of the classified staff in their departments. Doug said he would be revising that part, and then he opened the floor to questions and feedback.

Q: In the earlier version, chairs were given great responsibilities. If you pull out the department chair duties and specify their limited supervisory role with classified staff, as opposed to the territorial roles that are already covered by some supervisors, that would be a great improvement.

DK: I want to make sure that this document addresses what we do and how we do it. In some respects, the responsibility chain is unclear. For example, when a department chair in Santa Rosa is running a program in Petaluma, the chair needs to check with the dean and/or EHS to make sure that there are the appropriate safety equipment fees, tech support, and supplies attached to that class. One of the reasons why I thought it would be good to have departmental control in terms of safety is because you (faculty) are the people on the ground. Deans tend to be farther back in the chain. We don't have another layer, which makes the safety issue more difficult to take care of.

Q: It sounds like offering courses should go through the curriculum process. If they need to get equipment, that goes through the dean's office. The ultimate responsibility lies with the dean. Of course, we all need to be responsible for safety, but faculty members don't have the authority to approve or disapprove a new class. Why should they have the liability?

DK: I understand that, and I don't see it in the AFA Contract.

Department chairs are the lead workers to assist the deans to communicate. They're responsible for part of the evaluation process, but not responsible for the discipline process. I understand that the discipline process is currently being negotiated. OSHA looks at who has the responsibility in the chain to make sure that the employee does a good job in terms of safety or gets notified when someone isn't doing his or her job.

Q: If you pull department chairs completely out of section I.E and create another section I.F. for department chairs and then renumber the rest of the sections, that would be more acceptable.

DK: As I read section I.E, the new section is basically going to be a duplicate of what's there now, except it will say department chairs will be responsible for classified staff.

Q: Right. I do think that it doesn't address the bigger issue with regards to the role of the chair. Chairs have authority when the District wants them to have the authority, and often they have no authority at all. That's been very difficult. I appreciate that you're hearing both the Senate's and AFA's feedback, and I think you're on the right track in addressing this concern. Also, I agree with you that there has to be a way we look at it as to how it trickles down. The deans are responsible; they get the orientation; they assure that they're telling the chairs that these things happen. Chairs can't be the ones who are responsible.

DK: I understand that. The AFA Contract is clear. SEIU's Contract doesn't specify who the supervisor is, but AFA's Contract drives who evaluates and supervises classified staff. So, I'm going to change that part and bring it back. Are there any other pieces that you're concerned about? The Building and Area Coordinators—those are the people who are the facilities liaison. They make sure everyone in your building knows there's going to be work we're doing. We're rolling this out at the same time so we have more eyes and ears. Another central conduit with the buildings are the Area Safety Coordinators. OSHA only works with employer-employee relationships. I wanted to include students, so it's clear that they have to adhere to the same safety rules. They can't ignore them with impunity. The same goes for volunteers. With the compliance portion, there's the carrot and the stick. The stick is the disciplinary process. The old policy had its own compliance and disciplinary process included in it. This new version changes that to include the collective bargaining agreements. The "Communication" section includes the Safety Committee revitalized.

There's a hazard assessment piece, designed to identify hazards before they become accidents. There's a part about accident injury exposure investigations. Who investigates those and how does that process work? There's a section on hazard correction, which is about how timely we will be in correcting things. We're in process of prioritizing. We don't currently have a Red Tag Program. When we do, if you use a piece of equipment that's been red tagged, that will be a problem.

- Q: Any kind of workload implications would be of interest to AFA. That's one of the reasons the chair issue is on our radar. For contract faculty, the required training can come under their five hours a week of paid college service and professional development. What about compensation for adjunct faculty who would be trained?
- DK: The law says that every new employee needs to be trained before s/he starts work. I'm working with HR to put on trainings every month. The training doesn't start until the first of the month, but safety trainings have to occur BEFORE you start work.
- Q: But what if you're a department doing an emergency hire, and that new hire will be starting in two days? On another note, I have a question about the Incident Report piece on page 10 of 20, under Roman numeral V.C.1. If someone has been injured, it says that the injury has to be reported immediately. What about loosening up that language so that it says "as soon as possible" instead? When someone is hurt badly, there may be no way he or she can fill out the form.
- DK: If an ambulance is called, the police should fill out the report. That's serious. When police respond, they would fill out the incident report. We want that report immediately, but we realize that we won't always get it immediately. We have an 8-hour window to report a serious injury to OSHA. If we wait, we might end up being fined.
- Q: Whenever there is a policy with requirements and disciplinary consequences for not complying, that's a concern. If faculty members weren't able to comply with the letter of the law, we would want to make sure that the disciplinary piece is reasonable. We have to be careful about situations in which the person imposing the discipline might not be so reasonable.
- DK: I'll take another look at the language.

That's why this is one of the things we need to roll out. This policy is the starting point, and then we operate from there. We would train people that a situation needs to be taken care of immediately. In some cases, maybe I as an instructor need to ask a classified staff member to take care of a situation, because I'm teaching the class.

- Q: Is there someplace we can go to see what actually constitutes an injury?
- DK: A paper cut is first aid. A cut down to the bone—that's not first aid. That's an emergency. We want to make sure that employees don't err on the side of first aid when it's an emergency. There's a training component, such as when to call District police. This document doesn't state that. When we redo the *Incident Form*, we'll be giving guidance.
- Q: Does the policy have a section about blood-borne pathogens?
- DK: If you are going to be expected as part of your job to perform first aid, then you're required to have blood-borne pathogen training on a yearly basis. For example, all faculty in the nursing program—regular and adjunct—need BBP training every year. I need to have a piece of paper documenting that every employee took the training.

MINUTES

There being no corrections or additions, by unanimous voice vote, the Council approved a motion made by Sean Martin and seconded by Terry Mulcaire to approve the minutes from the January 30, 2013 Executive Council meeting as submitted (16 in favor, 0 opposed, 1 abstention). (Approved minutes are posted at <http://www.santarosa.edu/afa/minutes.shtml> .)

DISCUSSION ITEMS

1. Associated Students' Request for Support of FACCC Advocacy & Policy Conference Activities in March 3-4, 2013. Prior to this meeting, A.S. President Jessica Jones provided the Council

with a breakdown of projected expenses and revenue related to the students' planned activities for this year's March in March in Sacramento, which includes paying for two buses to transport students. Last year, AFA contributed \$1,500 to A.S. for expenses related to their participation in March in March activities. This year, A.S. is asking AFA for \$630. The Council engaged in a brief discussion, and the following comments were made:

- The fact that the students are contributing \$2,000 of A.S. money shows a strong financial commitment on their part. The funding is not all coming from AFA or anyone else. They're putting their money where their priorities are.
- Last year we gave them \$1,500, but each year is different. Just because A.S. is asking for \$630, doesn't mean that we need to give them the full amount. At the last Council meeting, there was a concern about AFA's budget, and I'd like to hear from our Treasurer.

Secretary/Treasurer Paula Burks responded that AFA has approximately \$23,000 in its PAC account, and the money is there to use for political activities. No contributions are being added to that account currently. Past practice was that each AFA member contributed to the PAC \$1 of their dues money per month; however, because of shrinking salaries and shrinking numbers of faculty, which caused a greater need for the funds in the general operating account, the Council voted to suspend further contributions to the PAC. Members of the PAC Steering Committee have something to say about this decision, and they need to let the Council know if they see other potential funding requests on their radar.

- These students are past and potentially future allies for faculty. We're getting asked by the District to take further salary cuts. Some of these students have spoken up before the Board asking why the faculty took salary cuts, and they're going to Sacramento to advocate for community colleges. In the long run, they're a good investment. We'll buy some goodwill and powerful allies, and I support a \$630 donation.

Following the discussion, by unanimous voice vote, the Council approved a motion made by Sean Martin and seconded by Margaret Pennington to move this item to action (16 in favor, 0 opposed, 0 abstention).

2. FACCC's Request for AFA PAC Contribution to Annual FACCC PAC Award (Honoree: Assembly Higher Education Committee Chair Das Williams [D-Santa Barbara]). As requested by the Council during its previous discussion of this request during the January 30 Council meeting, the group of AFA officers who visited the FACCC office last week asked FACCC staff for additional information about Das Williams and conveyed the Council's concerns about Williams' willingness to consider the two-tiered system. FACCC Executive Director Jonathan Lightman noted that the State Assembly Higher Education Committee, of which Das Williams is the chair, has no legislative counterpart in the State Senate, so the Assembly's committee is the only one in the State legislature that focuses specifically on higher ed. Jonathan explained that, due to the intricacies of election politics, it is likely that Assemblymember Williams would continue serving as committee chair for four years, at the same time that the state and community colleges are climbing out of their budget troubles. Also, contributions to legislators are typically noted by the Speaker of the State Assembly, meaning that attention will be paid at a higher level of the Assembly. FACCC will be working closely with Das Williams in an attempt to educate him and move him towards supporting positions on issues that are important to community college faculty—an effort that FACCC has already begun relative to concerns about the two-tiered system. Julie noted that the group of AFA leaders who visited Sacramento last week saw firsthand the effective lobbying job that FACCC does in Sacramento when they sit down at the table with staffers and legislators. Julie commented that FACCC staff members are direct, knowledgeable, and aggressive. By unanimous voice vote, the Council approved a motion made by Bud Metzger and seconded by Sean Martin to move this item to action (14 in favor, 0 opposed, 0 abstentions).
3. Council Elections/Appointments. There are four open adjunct faculty seats and six open contract faculty seats. As of the close of the nominations period on Friday, February 8, there were three adjunct candidates for four adjunct faculty seats, and four contract candidates for six contract faculty seats. For the adjunct faculty seats, Julie suggested that the Council

appoint the three adjunct faculty members who entered the race as candidates and that the Council also appoint Mike Starkey, who unintentionally forgot to turn in his nomination form, to the fourth open adjunct faculty seat. She also proposed that, similarly, the Council appoint the four contract faculty members who entered the race as candidates, and then appoint two other faculty members for the remaining two open contract faculty seats. Incumbent Councilor Audrey Spall said that she had not submitted a nomination form in order to provide room for others to run in the election, but she indicated that she was willing to continue serving on the Council. Julie pointed out that, when elections are uncontested, the Bylaws allow the Council to appoint candidates by two-thirds vote of the entire Council. The Council engaged in a brief discussion about the reasons why there weren't more candidates this time. There was agreement that it makes for a healthier organization when a broader cross-section of the membership is engaged and more faculty members make their voices heard. Julie encouraged Councilors to bring colleagues to a Council meeting. She also remarked that there is an interesting balancing act between, on the one hand, encouraging new, fresh energy on the Council and, on the other hand, wanting people who have served one term to stay for another term because of the steep learning curve that comes at the beginning. There was consensus that the Council needs to strategize ways to encourage greater interest and participation in Council elections and to brainstorm about how to communicate those ideas to the membership. Following the discussion, by unanimous voice vote, the Council approved a motion made by Nikona Mulkovich and seconded by Terry Mulcaire to move this item to action (13 in favor, 0 opposed, 0 abstentions).

4. Proposal re: Reinstatement of Member Contributions to AFA PAC. Due to time constraints, discussion of this item was postponed until the next meeting of the Council.

ACTION ITEMS

1. Associated Students' Request for Support of FACCC Advocacy & Policy Conference Activities in March 3-4, 2013. (See Discussion Item #1.) Councilors commented that (1) AFA has a particular relationship with this group of community college students, who will be at SRJC for only two years, and then they'll be gone; (2) This is a particularly active group of A.S. students; (3) Jessica Jones and Michelle Dowling have a very active presence in Sacramento, and they are recognized by legislators whose eyes we (community college faculty members) want to catch. By unanimous voice vote, the Council approved a motion made by Sean Martin and seconded by Nikona Mulkovich to contribute \$630 to the Associated Students for expenses associated with activities they have planned for March in Sacramento (16 in favor, 0 opposed, 0 abstentions). As Chair of the AFA PAC Steering Committee, Warren said that he would convey the news to the A.S. leaders.
2. FACCC's Request for AFA PAC Contribution to Annual FACCC PAC Award (Honoree: Assembly Higher Education Committee Chair Das Williams [D-Santa Barbara]). (See Discussion Item #2.) A motion made by Bud Metzger to direct the AFA PAC to contribute \$250 towards the FACCC PAC award for Das Williams died for lack of a second. The following comments were made: (1) Politicians pay close attention to money. (2) In terms of presidential politics, a classic example is FDR, who was not famous for his attention to detail but knew exactly what money came from whom. (3) If we as community college faculty want someone's attention, we have to make a meaningful contribution. By unanimous voice vote, the Council approved a motion made by Sean Martin and seconded by Bud Metzger to direct the AFA PAC to contribute \$500 to the FACCC PAC award for Das Williams (D-Santa Barbara) (14 in favor, 0 opposed, 0 abstentions). AFA's contribution will be bundled together with contributions from other CCCI-member organizations and presented to Assemblymember Williams during the awards portion of the annual FACCC PAC breakfast on March 4.
3. Council Appointments (see Discussion Item #3). Julie listed the names of the current candidates, which include four adjunct Council incumbents Terry Ehret, Deirdre Frontczak, Margaret Pennington, and Mike Starkey; four contract Council incumbents Shawn Brumbaugh, Dianne Davis, Sean Martin, and Audrey Spall; and Filomena Avila, regular

faculty member in the Counseling Department. Conciliation/Grievance Officer Jacqueline McGhee indicated that she may be interested in the sixth open contract faculty Council seat, but she needs to figure out her schedule before committing. By unanimous voice vote, the Council approved a motion made by Terry Mulcaire and seconded by Bud Metzger to appoint candidates Terry Ehret, Deirdre Frontczak, and Margaret Pennington to three of the four open adjunct faculty Council seats; Mike Starkey to the fourth open adjunct faculty Council seat; candidates Filomena Avila, Shawn Brumbaugh, Dianne Davis, and Sean Martin to four of the six open contract faculty Council seats; and Audrey Spall to the fifth open contract faculty Council seat (13 in favor, 0 opposed, 0 abstentions). All seats are for a two-year term (2013-15), which begins on the first day of the Fall 2013 semester.

MAIN REPORTS: OPEN SESSION

1. President's Report. Julie made three announcements:
 - Robert Shireman with California Competes. The arrangements for Mr. Shireman's visit to SRJC to discuss his lawsuit against shared governance in community colleges have been put on hold temporarily for logistical reasons.
 - Accreditation Process Start Up. The accreditation process has started up again and, by position, the AFA President serves on the Accreditation Steering Committee. Several times during the initial meeting of this committee on Friday, February 8, administrators reiterated the need for faculty and classified staff members on the steering committee to talk to their respective constituent groups and encourage people to step up and sign on to one of the teams that will be researching and reporting on the various standards. Currently, the list of people who have signed up is heavy on the administrative side, and there is an interest on the part of the administration in having greater representation from faculty and classified staff. Julie noted that it is important for AFA's voice and perspective to be heard.
 - PDA Day, Thursday, February 14. (1) Adjunct Cabinet Representative Lynn Harenberg-Miller has been organizing this year's adjunct PDA workshop, with many Councilors taking responsibility for the different topics to be covered. (2) The Tauzer lecturer this year is AFA Negotiator and former contract faculty Councilor Jack Wegman. (3) Julie is co-presenting a workshop on collegiality with Lauralyn Larsen.
 - AFA Spring Retreat. Soon, Councilors will receive a general reminder from Publications Coordinator Terry Mulcaire about one of the items scheduled for discussion at the upcoming retreat, and Julie will follow up with a second, more detailed email.
2. Treasurer's Report: December 2012. Due to time constraints, this report was postponed until the next meeting of the Council.

The meeting was adjourned at 5:17 p.m.

Minutes submitted by Judith Bernstein