

## **EXECUTIVE COUNCIL MEETING MINUTES**

October 24, 2012

*(Approved by the Executive Council on November 14, 2012)*

Executive Councilors present (noted by \*):

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

Officers/Negotiators present: Will Baty, Jacqueline McGhee, Warren Ruud, Jack Wegman

Faculty members present: Jeff Snow

Staff members present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:09 p.m. in Doyle Library, Room #4245, on the Santa Rosa campus.

### **MEMBER CONCERNS**

1. Amendment to Proposition 38? Ted Crowell stated that, at a recent meeting attended by the State Superintendent of Education, it was reported that Prop. 38 had been revised. Reportedly, Molly Munger, the author of the ballot measure, has entered into an agreement with the governor and legislature that, should the voters approve Prop. 38 with a higher number of votes than Prop. 30, a portion of the Prop. 38 funds that are equivalent to the amount of funds allocated in Prop. 30 would go to higher education, which includes community colleges. (If both Prop 30 and 38 pass, only the proposition with the highest number of votes will be enacted. See <http://voterguide.sos.ca.gov/propositions/> .)

2. Coverage for Orthodontia in District's Dental Plan. On behalf of a colleague, Sean conveyed a request that AFA explore through negotiations the possibility of expanding the District's dental plan to include coverage for orthodontia. It was pointed out that eligible faculty may use the District's IRC Section 125 plan to set money aside to cover orthodontic expenses.

Apropos of the IRC 125 Plan, Julie informed the Council about several upcoming changes to the IRC §125 Plan that the District announced at the October 18th Fringe Benefits Committee, including: (1) Recent changes in federal law will result in a reduction to the annual limit on out-of-pocket expenses from \$5,000 to \$2,500, effective 1/1/13; (2) The District has moved the deadline for returning the IRC §125 plan application forms to mid-December, instead of early January; (3) Also in January, the District's administrator for the IRC §125 plan (formerly Shirrell Consulting Services, now SSM Group) will start to issue debit cards, which individuals can use to pay for out-of-pocket expenses. The debit cards will be front-loaded with the total amount the individual has set aside for the year; and (4) There will be a transitional period, during which time the existing procedures for reimbursement through the plan will continue.

3. Facilities and Equipment Problems. Terry Ehret conveyed a concern about repeated requests she has made to the District over the course of two semesters to repair a dysfunctional clock in a classroom on the Petaluma campus. Both semesters Terry ended up purchasing a clock herself and hanging it up in the room, for which students and faculty expressed their

appreciation to her. Terry questioned why there was no response to her requests, and Julie said that she would follow up on the matter.

With respect to another issue related to working conditions, Paulette Bell commented that, in Maggini and Shuhaw, there is often no running water, and in some bathrooms, there is no hot water. Julie reported that, early in this semester when she and Warren Ruud met with students, classified staff, and board members, she had made reference to the state of the buildings. The following day, per Dr. Chong's direction, Vice President of Academic Affairs Mary Kay Rudolph contacted Julie and connected her with Facilities Operations Director Paul Bielen, who Julie said has been very helpful in addressing these concerns. Julie said that the District is short-staffed and is trying to restructure in order to get work done.

### **MINUTES**

Following a motion made by Andre LaRue and seconded by Brenda Flyswithhawks, by unanimous voice vote, the Council approved the minutes from the October 10, 2012 Executive Council meeting as submitted (17 in favor, 0 opposed, 0 abstentions). (Approved minutes are posted at <http://www.santarosa.edu/afa/minutes.shtml> .)

### **DISCUSSION ITEMS**

1. District Policy & Procedure 7.6.2 & 7.6.2P: Public Safety Equipment. Prior to this meeting, Councilors received a review copy of the proposed policy and procedures that the Public Safety Department presented to College Council. Julie introduced Jeff Snow, regular faculty member in the Public Safety Department and coordinator of Emergency Medical Care Programs, who provided a context and some background information before answering questions and taking comments from the Council. Jeff said that the purpose of the policy and procedures is to control the enormous amount of equipment that the Public Safety Department (PSD) has in use in classrooms for the purpose of furthering education in the various programs within the PSD (Fire Technology, Policy Academy, Ranger Academy, Emergency Medical Care Programs, etc.). For example, the EMC Programs have defibrillators and mannequins. There is a great deal of potential for that equipment to be used outside of the classroom. The equipment is very expensive and breakable, it has a short shelf life, and it is very attractive, meaning that people like to borrow it and use it. As a result, the PSD has encountered many problems, including that people often borrow the equipment and don't return it, or they return it months later, long after the need in the classroom has passed; it is not in the same condition when they return it as it was when they borrowed it; or not every student in a classroom is able to participate in an exercise because too many pieces of equipment are missing. The PSD is interested in eliminating these problems, reducing the risk to the College related to equipment malfunction and danger, and preventing improper use of the equipment. In order to support these goals, the department started over a year ago to draft language for a set of policy and procedures that would allow the department to maintain control over equipment usage. PSD also developed an application form to be used when someone wants to borrow the equipment. The department could then evaluate the proposed usage and decide if it was appropriate. The policy and procedures have evolved over time and have gone through the policy review process. Melissa Kort has reviewed and revised the drafts to make sure that the language is consistent with the tone used throughout the other District policies and procedures. PSD brought forward the most recent draft to College Council, and the next step is to send the policy and procedures to constituent groups for review and input. Jeff solicited questions and feedback from the Council, noting that he would take suggestions back to April Chapman, who is the author of the documents. Councilors' questions and Jeff Snow's (JS) answers follow below.

Q: Could you define an example of equipment?

JS: For EMC, examples would be a CPR backboard, a stretcher, a gurney, or an EKG monitor.

Q: If someone wanted to use that equipment, would it be the responsibility of the department or the faculty member to secure that equipment or would it be delivered to the borrower?

JS: It would be the borrower's responsibility to pick up and return the equipment. The procedure spells out the process and timeframe clearly. (Julie mentioned that the PSD

consulted legal counsel in developing the borrower's contract. Jeff confirmed that and said he would leave a copy of that contract with Julie.)

Q: Equipment would seem to include all SRJC-owned or -leased property. I would hate for someone to get in trouble over a pen or a safety clip. I know the wording can be difficult, but there needs to be some distinction between *Resuscitation Annie* and a pen. (AFA Budget Advisory Team Leader and Negotiator Will Baty clarified that there's a dollar stipulation defining what counts as equipment in the Ed Code and that pens and the like are considered to be supplies.) It would be good to include that Ed Code citation in the policy.

JS: That is correct. An example of PSD supplies would be cases of gauze pads.

Q: Where is the equipment stored?

JS: There are over 2000 PSD students a year and classes are held seven days a week. The areas where equipment is kept are in labs that are open to classrooms. The equipment is secured, but not to the point where you have to check it out. It doesn't work on a checkout basis. Most of the time the lab is open, and most of the time one of us (PSD faculty or staff) is around. There are times, however, when no faculty or staff member is there. Someone could easily walk in and grab something. Also, people who have keys or access to storage areas are capable of borrowing or using the equipment. PSD wants to be able to offer to loan the equipment, but we want to control it.

Q: My concerns arise out of the oversight portion. I have concerns about any faculty member being responsible for the control, tracking, and use of equipment. What is the scope of that responsibility? What kind of accountability are we talking about?

JS: Program coordinators and department chairs would be responsible for oversight. You as a faculty member would come to me, and we would fill out this agreement. I'm responsible to see that you get what you need and that you get it back to me.

Comment: It would be good if that were specified in the procedures. Right now, it's not spelled out. Chairs and coordinators are accountable to get the equipment back or know where it went. If they're responsible for how the equipment is used, then I'm concerned.

Comment: The current language is too broad and general. AFA would like to see some narrowing and finer definitions of what terms mean and how they're applicable (for example, if a student uses something that presents a danger or how the department chair is supposed to be responsible).

Q: If people make arrangements to return equipment, they have to check it in with somebody. If they brought it back but nobody was there, and then someone else took it, what would happen?

JS: The borrower's agreement specifies that. We want to make sure that the equipment is not abused. There is some language about using the equipment properly, but I'm not sure how we would change the language to narrow the scope of the chair's or coordinator's responsibility.

Q: There needs to be some provision that accounts for a disagreement about the condition of the equipment. If the borrower thinks that the equipment is in good condition when he returns it but the chair or coordinator thinks the condition is not fine, how is that disagreement resolved? The majority of faculty members who come to AFA see things differently than the administration. AFA deals with situations like this in grievances. If language is slippery, it creates opportunities for disagreements. If the language addresses these issues up front, it prevents problems in the future.

JS: I don't know that there's that kind of language in this policy.

Q: Who's borrowing this equipment? Why are you lending out college equipment?

JS: PSD offers classes in advanced life support and pediatric life support. These classes are offered off-site at American Medical Response facilities, and PSD lends equipment to this outside agency. They maintain it at the AMR office. If PSD had a policy in place that no one could borrow equipment for any reason, then I as a program coordinator can't leave the equipment there, I would have to bring it back each time. That's not a good solution. PSD

wants to be able to help out our stakeholder agencies. If PSD wants to offer classes that advance the College's mission of providing EMC, we want to help. Those are the types of people borrowing the equipment. We didn't want to see people taking the equipment and then using that equipment for their own personal purposes (for example, borrowing CPR mannequins and teaching CPR classes for profit). In some of those cases, the equipment wasn't maintained in good condition. PSD won't lend out the equipment for that purpose. It's clear who the agencies, college personnel, or outside stakeholders are.

Q: Media Services loans equipment to a broad range of faculty and has procedures in place. They keep it locked up in an equipment room. Is there any talk of an equipment room before going to something like this policy, and, secondly, is there the possibility of an equipment room where you have more control?

JS: Sometimes the lab and the storage facility are not supervised. They are locked up after hours. A lot of people have access to these rooms. Virtually, any of our faculty members could open up the lab.

Q: It might be helpful to consider using a checklist for the criteria that describe in what condition you think the equipment should be returned (for example, specifying the expectation that when it is returned, it should be functioning). If you add the Ed Code section, it would make it easier when you take these documents to the Senate. In addition to incorporating some of the suggestions that the Council has made into the procedures, I would recommend better security and looking at some of the procedures that are already in place at the College.

JS: Yes, a checklist like the one that's used when you rent a car.

Comment: Your example (of who might borrow the equipment) seems to suggest people who are not SRJC employees, yet you're trying to make SRJC employees responsible for the behavior of people who are not SRJC employees. That's problematic. If it's outside agencies that are creating the problem, then it's not good to make SRJC employees responsible for that problem.

Q: Could you explain the part of the policy that talks about violations?

JS: That section provides a reference for District policy—a generic policy about discipline. What we didn't want to do is create our own set of sanctions or repercussions for violations. We wanted it to be standard College policy language for what would happen.

Comment: This issue is something that AFA folks had a question about. Maybe there needs to be more specific language in the policy in terms of the discipline. The consequences need to be specific. For example, in Public Employees Relations Board (PERB) law, in order to legitimately enact a disciplinary consequence, the employee has to be informed about what the undesirable behavior is and what the consequences for that behavior are. This policy seems too loose to us. An example of a disciplinary consequence might be that, if you are using this equipment and you don't return it or don't take care of it, you don't get to use this equipment any more. What the Council needs in order to better evaluate this policy is a reference to specific language in Section 4 and clarification of what is meant by "sanctions."

At the conclusion of the discussion, Julie thanked Jeff for his time and said that she would forward to him a bulleted list of the Council's feedback.

2. Regular Faculty Councilor Vacancies: Spring 2013. Julie reminded the Council that three regular faculty Councilors are each serving one-semester terms by appointment (as leave replacements). Although it is not clear at this point in time whether there will be two or three vacant regular faculty seats in Spring 2013, Julie noted that the Council would need to decide what the process will be for filling those seats—appointment or election. Since the Council vacancies would be for one semester only, the consensus of the Council was to appoint.
3. Appointment of Representative to Professional Development Committee. Julie reported that the Council and the Cabinet have been unsuccessful in their efforts to find a regular faculty member who is available to serve as AFA's second representative on the Professional

Development Committee (PDC). (The PDC meets on the second and fourth Thursdays of the month from 12 to 1:30 p.m.—a time when many faculty members are in class.) Julie summarized a series of conversations she had with Adjunct Cabinet Representative and Negotiator Lynn Harenberg-Miller regarding an idea for a temporary solution to this problem. Lynn is willing to make up hours for meetings she missed earlier in the semester by attending the remaining PDC meetings scheduled for this semester. Councilors engaged in a brief discussion about the meeting attendance requirements for the various AFA positions. Aside from there being an interest in asking the PDC to consider changing its meeting time, there were no objections to appointing Lynn to serve in AFA's unfilled seat on PDC for the rest of this semester. By unanimous voice vote, the Council approved a motion made by Paula Burks and seconded by Brenda Flyswithawks to move this item to action.

4. Proposed Revisions to AFA Bylaws, Article 1: Membership. The Council previously discussed this item at the October 10 Council meeting. Julie remarked that, in thinking about the issue since then, she realized that there are a couple of different issues that are at play. The issues affect adjunct faculty members who are either at risk of losing assignments or who have lost their assignments and their eligibility (1) to continue serving in their current positions on the Council or on the negotiating team and (2) to cast a vote in representative or contract ratification elections. If faculty members don't have assignments and don't have dues deducted from their paychecks, then they're technically not members, which means they are not eligible to serve or vote. The Council has considered bringing back a section that used to be in the Bylaws that would allow an AFA member to pay \$5 per semester to maintain his/her membership standing in active status. Julie noted that the most pressing issue at the moment has to do with eligibility to continue service on the Council or the negotiating team for the remainder of one's term. In a prior discussion, Councilors expressed an interest in preserving opportunities for faculty members to continue serving out their terms, but that discussion morphed into a conversation about maintaining membership status so that faculty members who lose assignments could continue to vote. Julie said that, while both may be noble goals, some Councilors had expressed concern about creating a mechanism that would allow faculty to pay \$5 a semester in order to vote, when they may not be invested in the institution or the organization (because they do not choose to continue teaching). She suggested that the goal of "broadening the franchise" is an important and worthy enough value that the Council might not be concerned about the possibility of people using that mechanism in a way that wasn't intended. Julie suggested that the Council has some options for how to proceed. In the interest of reframing the discussion, she asked whether Councilors wanted to pursue both issues or only one.

The Council engaged in a discussion about the following topics: (1) the definition of the term "assignment"; (2) the notion of active membership relative to paid service; and (3) the difference between the District hiring a faculty member for allied or instructional work and a faculty member getting elected to serve on a committee or council, in terms of what constitutes an "assignment" and/or paid service. The following points were also made: (1) There was a requirement on the application form for the (currently inactive) Adjunct Faculty District Activities Fund (AFDAF) that adjunct faculty have an active assignment in the semester in which they were applying for compensation through AFDAF; (2) There is a current requirement that a faculty member wishing to run for a seat on the Council be an active dues-paying member for the five months immediately prior to running; and (3) There is a provision in the Bylaws that allows an adjunct faculty member who receives a one- or two-semester temporary contract to continue serving as an adjunct Councilor for the remainder of his or her term. Based upon the Council's discussion, Julie suggested that language is needed that would cover adjunct faculty who lose assignments so that they may continue serving in AFA positions. She committed to bringing back draft language as homework for the next Council meeting.

#### **ACTION ITEMS**

1. Appointment of Representative to Professional Development Committee (see Discussion Item #3). By unanimous voice vote, the Council approved a motion made by Nikona Mulkovich and seconded by Sean Martin that Lynn Harenberg-Miller's unused reassigned time be used to

compensate her for serving as an AFA representative on the Professional Development Committee for the remainder of the Fall 2012 semester.

2. Endorsements of Candidates in State Assembly and Senate Races. Julie informed the Council that it had been suggested that AFA take a position supporting Noreen Evans, Wesley Chesbro, and Michael Allen, and that AFA publish that position on its non-District website ( <http://www.afa-srjc.org/> ). Julie clarified that AFA may take a position on a political candidate, but it may not use any District resources (including AFA's District website) for that purpose. She also pointed out that these three candidates have come to AFA meetings and other forums at SRJC. The Council engaged in a lengthy discussion, and comments included the following: (1) If the Council wants to be involved with endorsing candidates, it would behoove us to create a specific process based on a fair and reasoned approach that would include extending an invitation to all of the candidates to come to an interview; (2) What is the rationale? Issuing an endorsement of these candidates assumes that all of the Councilors are equally familiar with every candidate and that we have a consensus. We should be cautious. Some districts have been sued because an instructor sent out an email; (3) The enemies of the community colleges and the public sector, in general, are reading labor law carefully so as to bring the hammer down on any employee. AFA cannot use public funds, but we can use our own money. We need to know the law, but we need to not be intimidated; (4) Historically, AFA has extended invitations to Board of Trustees' candidates to come to a Council meeting for a question-and-answer forum. There is precedent for endorsing candidates; (5) Given these budgetary times, AFA is going to have to become more aggressive about endorsing candidates, and it may require another arm of AFA, with more people and more energy, so that we can have a process in place; (6) It's premature to call for an action item, given some Councilor's lack of familiarity with the candidates; (7) With the election only a couple of weeks away, the endorsements are an issue of timing; (8) FACCC suggested that AFA endorse these three candidates; (9) I like the idea of supporting candidates who support community colleges; (10) There's an argument for expediency—AFA needs to do something to protect our interests—but the larger, more important issue is that we don't have a process, and we haven't done a review of any of the candidates. Although it's unlikely that the AFA endorsement is going to sweep any election, it's not worth throwing out the process to do so; (11) In my experience with a city council that had a process in place, they invited all the candidates to attend a forum that was announced more than a month ahead of time. Ultimately, the council didn't endorse anyone, but people felt educated, and they had a robust discussion; and (12) An endorsement has to include a rationale in order for the organization to avoid the appearance of being self-serving. Action on this item died for lack of a motion.

#### **MAIN REPORTS**

1. Treasurer's Report: September 2012. Paula Burks highlighted the salient expenses in September, which included FACCC monthly dues, CCCI annual dues, and an adjustment/refund of legal fees. In response to a question, she reiterated that the deficit in the general operations budget is a result of a projection that revenues will be less than expenditures for 2012-13 and there are sufficient reserves to cover the deficit. Paula noted that, in preparing the budget, she and AFA Office Coordinator/Bookkeeper Candy Shell overestimate expenses and are cautious in estimating income. Despite a similar budget projection for 2011-12, the year-end balance was \$646 in the black. With regards to the AFA PAC budget, Paula noted that the Council approved a \$7,000 contribution to the annual contract for CCCI's advocate David Balla-Hawkins and also voted to stop further member contributions to the PAC.
2. Conciliation/Grievance Report. This report and subsequent discussion were conducted in closed session.
3. Negotiations Report. This report and subsequent discussion were conducted in closed session.

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

Minutes submitted by Judith Bernstein.