

# WHAT IS A STRIKE RELIEF FUND?

## FOR UNIT MEMBERS ONLY

AFA and the District are currently in the midst of the impasse process and have completed one mediation session (see [http://www.afa-srjc.org/Misc/mediation\\_update.pdf](http://www.afa-srjc.org/Misc/mediation_update.pdf) for more details).

We are engaging in the mediation process in good faith and are hopeful that it will be successful. On January 18, Dr. Chong communicated to the SRJC community his confidence in the mediation process and in “reaching a mutual agreement with AFA on all pending issues.”

Many of you have contacted AFA to ask: **What will happen if mediation does not result in an agreement?** If mediation breaks down, the next step of impasse is fact-finding, and at the end of fact-finding, if either party rejects the recommendations of the fact-finders, the District’s option is to impose its last, best, and final offer, and the faculty’s options include work stoppages, working to rule (or “working to contract”), and striking, in addition to other forms of advocacy that the faculty is already engaged in, such as picketing.

While we will continue to bargain in good faith and represent all faculty members, **AFA must consider and prepare for the various ways in which this process may unfold.** Therefore, despite a productive first mediation meeting and Dr. Chong’s stated confidence in the process and outcome, **AFA must take prudent steps to prepare for all eventualities, including the possibility of a strike.** To that end, the AFA Executive Council voted to approve transferring money from our existing strike and legal funds to our general fund. In addition, the Council has been engaging in vigorous debate about **the possible need for additional financial resources to support the faculty in the event of a strike.** Both the approval of additional money for a strike relief fund and a decision to strike are *decisions made by the membership*, not by AFA. Our role is to bargain in good faith, advocate for and with the faculty, and keep the faculty informed so that they cast informed votes—for contributing to a strike fund and for a strike—if such votes are called for. Please note that **only AFA members would be allowed to vote** for a strike relief fund or vote for a strike.

**A “yes” vote for a strike relief fund** would authorize the AFA Executive Council to institute an *additional payroll deduction for a specified period of time to create a fund whereby faculty members who suffer financial hardships due to the strike could apply for hardship funds. In order to qualify for hardship funds, faculty members must be on the picket line (or participate in other approved activities in support of the association).*

**We strongly urge the faculty to continue *and to strengthen* our advocacy efforts:** contact AFA, invite AFA representatives to your department meetings, write and speak to Board members and Dr. Chong, post signs, wear buttons, talk with your neighbors and friends, write letters to local media outlets. **Strong faculty advocacy now is critical, as the surest way to avoid imposition of the District’s last, best, and final offer, and a faculty strike.**

**READ ON FOR “FREQUENTLY ASKED QUESTIONS ABOUT A POTENTIAL STRIKE”**

## Frequently Asked Questions about a Potential Strike

### 1. Will we need to strike?

We don't know yet. The necessity of a strike depends upon the outcome of impasse. A strike would require a vote by the AFA membership. While we do not want to strike, the District may leave us with no viable alternative if they insist on imposing their last, best and final offer on faculty – the permanent elimination of Rank 10 and a salary cut for faculty for 2017-2018.

### 2. When might a strike occur?

A faculty strike would not occur until the entire impasse proceeding is concluded, if no agreement is reached. We are currently in the mediation stage of impasse. If mediation does not result in an agreement, AFA and the District will go to fact-finding. In fact-finding, the fact-finding chair will release an advisory report with his/her recommendations for an agreement.

After the conclusion of fact-finding, if there is still no agreement, the District has the right to impose its salary cut and Rank 10 elimination, and the faculty has the right to strike. The faculty can also vote now to authorize a strike that would then be implemented only if necessary. A strike, if it were to occur, would likely not be before the beginning of the Fall 2018 semester.

### 3. How long would a strike last?

It is very unlikely that a strike would last long, both because of the determination of our faculty and because the students and community would be very active in getting the parties to settle on terms fair to faculty. The prospect of over 1,000 faculty members walking off the job, even for a few days, would be a strong incentive for the District to resolve these negotiations fairly for faculty and maintain the parties' historic and successful Rank 10.

### 4. If I cross the picket line in a strike, can the District force me to do anything other than my regular duties?

Yes. Anyone who crosses the picket line and chooses to work **instead of striking** is subject to whatever assignment the District decides. You should not expect to do your normal work.

### 5. In the event of a strike, are we still responsible for grades?

You are responsible for assignments you have given before the strike begins. During a strike, you have no responsibility for preparation or grading.

### 6. Can we use sick days or personal days to compensate us for missed strike days?

No. A strike is a work stoppage, and strikers will not be paid during that time.

### 7. What will students do during a strike?

Students will have a choice to make after looking at the facts. Students have been incredibly supportive of AFA so far, and it is likely that most students will choose not to attend class

during a strike. The District could attempt to hire substitutes and/or use administrators to cover classes, but we doubt it will be able to maintain operations in such a manner. Just like when the campus was closed after the October wildfires, class hours and assignments could end up being made up in some way after the strike.

#### **8. What would AFA do to assist striking faculty members?**

If the AFA membership approves an additional payroll deduction for a strike relief fund, faculty members who suffer financial hardships due to the strike could apply for hardship funds. To supplement the strike relief fund, AFA is also setting up a Go Fund Me page, which faculty members and others can contribute to. In order to qualify, faculty members must be on the picket line (or participate in other approved activities in support of the association). Because faculty members are paid on a monthly basis, there would not be an immediate loss of income during a strike. The loss of pay would be reflected in the next payroll cycle.

#### **9. What can I do to ensure a good outcome and avoid a strike?**

- **Keep participating in the process.** We are honored by the level of faculty support for these negotiations. We ask that you continue to attend AFA meetings and participate in AFA's advocacy activities. Talk to your friends and family. Inform the public and media of the issues. (The AFA website has a wealth of information available to assist you in this process—see <http://www.afa-srjc.org/> .) If you are involved in the process, you will have a voice in the decisions. Also, the more faculty members who participate in negotiations and advocacy before the Board and public, the more the District will understand the reasonableness of maintaining Rank 10 and the unity of faculty in support of this position.
- **Start saving money now, just in case a strike is necessary.** The better faculty are prepared in advance for a strike, the less leverage the District will have during any strike; it's as simple as that.

#### **10. Can I be fired because I participate in a strike?**

It is illegal for the District or any administrators to fire, reprimand, or otherwise take any adverse or discriminatory action against faculty members for participating in a lawful strike or any other union activity. AFA has zero tolerance for any such retaliation and will take legal action as necessary in the unlikely event that any such retaliation were to take place. District retaliation against any faculty member is unlawful, including probationary and adjunct faculty members.

#### **11. What happens to my health insurance and sick leave during a strike?**

The District cannot cancel your fringe benefits in the event of a strike. COBRA, a federal law, prohibits the District from cancelling benefits without a 30-day notice. If an attempt is made to cut off benefits, AFA legal counsel would take prompt action. No Board has ever succeeded in cutting off benefits and very few even threaten to do so. Some Boards pass a strike resolution threatening to cut off benefits, but any change to the way benefits are currently paid is negotiable and would represent a unilateral change in working conditions, which is illegal.

Faculty are not allowed to use sick leave for the strike. Faculty may only use sick leave for an illness or injury on the same terms as normally allowed. If you are already on sick/medical leave before the strike begins, you could remain on that leave for the intended duration, after which you would be on strike.

## 12. What is the impact of a strike on my retirement?

A strike is not considered a break in service. Faculty who are STRS members could lose a small amount of their retirement benefit for participating, since it could impact total years of service, as some faculty may not obtain an entire “year of service” for the year in which any strike might be held.

Under the parties’ Contract, a 1.0 “FTE” assignment is a “faculty member working a 177-day work year based on an 8-hour workday.” Since a work year is defined by total hours of service (177 x 8), it is AFA’s understanding that in case of a strike a faculty member could instead meet this complete service year through non-strike days + extra service that would have otherwise been considered overload (in the absence of a strike). The service also could be made up if the service days are added back later in the academic calendar.

Your defined-benefit retirement is a formula of the number of service years multiplied by the highest three consecutive years of service (or highest year of service if you have 25 or more years of service) and an age factor percentage. So, even if you lost a few days of service credit, the total impact would be minimal:

*As an example:*

26 (years of service)

x 2% (age factor at 60)

x \$100,000 (highest year of service salary)

\$52,000 (annual retirement income) or \$4,333.33 (monthly retirement income)

*If you were to strike for five days (one week), it would look like this:*

25.97175 (years of service reduced by five days of a 177-day work year)

x 2% (age factor at 60)

x \$100,000 (highest year of service salary)

\$51,943.50 (annual retirement income) or \$4,328.63 (monthly retirement income)

Remember that if the District were to impose its last, best and final offer on the faculty, that could result in the *loss of Rank 10 forever*. That would have a much bigger impact on your retirement, as well as your annual and cumulative income before retirement, than a strike would.