PRESENT: Bea Cashmore, Susanne Chan, Amy Edwards, Karen Erickson, Mary Ellen Goodwin, Nicole Gray, Richard Hansen, Meredith Heiser, MaryAnne Ift, Zaki Lisha, Roger Mack, Anne Paye, Bob Pierce, Tim Shively, Alan Simes, Chris Storer, Kathy Terry, Laurel Torres.

M/S Agenda approved as written. Vote unanimous.

M/S Minutes approved as written. Vote unanimous.

M/S Financial Statements approved as written. Vote unanimous.

PRESIDENT’S REPORT

Welcome of New Members: New council member Kathy Terry, who was unable to attend the FA retreat, was introduced to the group. Terry and Zaki Lisha were both welcomed to their first Executive Council meeting.

California Community College Independents (CCCI) Conference: Concern was raised at the Fall CCCI Conference about the probable merger of the community college divisions of the two big faculty unions, CTA and AFT and how it would affect the independent unions. The general sentiment was that CCCI needs to become more proactive and so the group is going to research the cost of hiring a contract lobbyist.

De Anza Instruction Planning & Budget Team (IPBT): The IPBT meetings at De Anza have focused on how the campus will cope with the deep cuts in state categorical funding. Hansen noted that the group is looking at two possible approaches to this problem: Option 1 is to make the categorical programs absorb all of the cuts; Option 2 is to spread the cuts over the entire college. Option 2 is causing concern among instructional areas, since cuts would be proportional to the size of the program. Instruction has already cut classes to the state funding level; so further cuts would be counterproductive. The IPBT has been trying to look at the funding problem in a very cohesive way, reviewing comprehensive Program Review and productivity data. De Anza President Brian Murphy has also drawn attention to the shift in campus demographics due to the UC & CSU enrollment limitations. Decisions will have to be made soon on how the campus will choose to allocate its resources between the competing interests of basic skills and transfer students. Hansen stressed the importance of keeping faculty input strong in these critical decisions.

State Report: Administrators around the state are energized on the problem of the categorical funding cuts. Their plan to use federal one-time funds to backfill these cuts is creating difficulties with the Fifty Percent Law because the one-time funds are mandated to go into the general fund. Districts who fall out of compliance with the Fifty Percent Law because they use these monies to support categorical programs will now be able to qualify for a newly created waiver provision. Administrators will also be able to shift available categorical funds from protected to unprotected areas if they make the request in a public board meeting. This could jeopardize items like the Part-time Parity Funds.
Accreditation: FACCC’s recommendations to the ACCJC, based on the results of a recent survey of community college districts, were revealed at the November 2 FACCC Board of Governors meeting. Hansen distributed copies to the Executive Council. The list of seven items encourages better avenues for feedback, training, use of benchmarks and overall improvement in the accreditation process.

Board of Trustees: Hansen reported that the Board members now seemed to becoming more critical of the NASA/Ames project, which was discussed again at the November 2 Board of Trustees meeting. Laura Casas-Friar, in particular, made a point of abstaining from a vote to continue deliberations because of the issue of building housing on a toxic site.

A problem was reported in Foothill’s Physical Education division in which a program of volleyball classes have been closed to student enrollment, even though they were being claimed for WSCH, and were only available to a group of volleyball leagues that were renting the facility. The District had to conduct a three-year audit of the program and is fortunate that it will be penalized for only one of those three years, at a cost of $300,000.

NEGOTIATIONS UPDATE

Chief Negotiator Anne Paye reported that on October 21 FA had submitted a written counterproposal to the District’s May 20 proposal on salary and benefits. The negotiating team had just come from a meeting with the District and received the response to their counterproposal. Paye noted that there is a great sense of urgency around the health benefit plans and the District wants to have language and agreement in place by December 1. If these changes are not in place, the District plans to impose a $280 per month employee contribution on unchanged benefit plans beginning July 1, 2010.

The District has rejected FA’s “sunset clause” on employee contributions, but they did agree to keep those costs the same for two years, with an automatic re-opener at the end of this period. The District continues to pursue reducing their contributions on a pro-rata basis for anyone working less than 100 percent. This only affects two faculty, both working in the NASA/Ames program, but has larger application to ACE, which has 22 people working under 100 percent who currently receive fully-paid benefits.

Paye noted that today’s negotiating session had proceeded well, with parties working on the language of a 6-part MOU that covers the benefit plan changes and FA’s responses to the other items on the District’s salary and benefits proposal. Paye reviewed the different components of this MOU. Part 1 lists the benefit plan design changes including co-pays, coinsurance and out-of-pocket maximums. Part 2 records the employee contribution rates for each of these plans. Paye reminded the council that the monthly payments are for twelve months and, currently, the District still plans to deduct three months of contributions (July, August, September) from the September paycheck of all 10-month faculty unless they request that the District make deductions out of any July and August earnings. Part 3 of the MOU gives faculty the ability to opt-out of the District plans if they have verifiable coverage elsewhere. The District has already indicated that it is unwilling to make a cash allowance for non-participation. Part 3 also permits immediate re-enrollment if there are any IRS
Section 125 events leading to loss of coverage and verifies that retirees will continue to receive reimbursement for the cost of their Part B Medicare coverage. Part 4 addresses the part-time health benefits and Paye noted that she would cover this more fully later on in her report because it was proving the most contentious item in negotiations. Part 5 states the terms and conditions of the agreement including the two-year freeze on employee costs, an increased maximum on HSA accounts and the sunset of the agreement on June 30, 2012. Part 6 states that there will be no change in salary for 2009-10 and defers talks on 2010-11 until the state revenue projections for that year have been established. Paye noted that there was some slight wrangling with the District on this last point as they are seeking a firm date for FA’s proposal on salary. Discussion on changes to Article 23A, Paid Benefits for Retired Employees Hired After July 1, 1997, will be reopened in June 2010, at which time each party can make new proposals.

Returning to the discussion on part-time health benefits, Paye reminded the Executive Council that there are currently two tiers to the program: Tier 1 for those teaching a .4 -.4999 load provides benefits that are paid fifty/fifty by the District and the eligible employee and Tier 2 provides fully paid benefits for eligible faculty teaching a greater than .5 load. Paye reported that of the 128 faculty eligible in Tier 1, only 13 faculty actually participated. Those faculty were currently making payments of between $344 and $975 per month depending on the number of family members covered.

Paye stated that the District was now proposing to pay 30 percent of the cost for faculty in Tier 1 and 60 percent for those in Tier 2. This would result in costs of between $218 and $617 per month for faculty who currently are making no monthly contribution to the cost of their benefits. FA has countered with a 35/70 percent proposal that would lower employee contributions to between $163 and $462 per month. Paye noted that part-time health benefits were currently costing the District $1.2 million, of which the contribution from the state has fallen to about $22,000. The District has stated that it is willing to contribute $850,000 for 2010-11 and, allowing for a 10 percent attrition rate, the 30/60 percent District contribution rates will achieve this goal. FA believes that the attrition rate will be closer to 30 percent, allowing for the higher 35/70 percent coverage. The Executive Council then entered into a lengthy discussion over their willingness to back up this belief by offering to use FA reserves to cover an amount in excess of the $850,000 budgeted for this item. Due to time constraints, it was agreed to revisit this item and approve it, if necessary, via e-mail correspondence.

Paye reported that the District was ready to negotiate full implementation of the 67 percent load limit for part-time faculty and was linking it to the MOU on managers teaching. The District will agree to assign part-time faculty with reemployment preference up to the state’s 67 percent load limit this year with the addition of language that an assignment over 55 percent load need not be offered to a part-time faculty member who lacks currency in any available assignment. “Currency” is defined as having taught the course for at least three quarters in the last four years. In return for the District’s concession, FA will increase the number of overload assignments available to managers to increase from 12 to 16. Paye stressed that this is a district-wide limit and that managers still cannot displace any faculty member with re-employment preference.

PART-TIME REPORT
Associate Secretary Mary Ellen Goodwin reported that FACCC is hosting a Part-time Faculty Symposium at San Francisco City College on November 7. All faculty should have received an e-mail from FACCC to notify them about the event.

Passage of recent state legislation will permit part-time faculty, as a separate group, to participate in the State Disability Insurance program. Participation would allow part-time faculty access to paid disability and family medical leave, where currently they have no such coverage through their district employment. Since participation in SDI also entails a small payroll deduction, FA will be working to inform part-time faculty and then assess the level of interest in this program.

Goodwin noted that she had received a number of emails containing rumors and fears about the future of part-time health benefits, as well as pleas to protect the program.

FH PARC/DA COLLEGE COUNCIL

Foothill Planning & Resource Council (PaRC)

Executive Secretary Karen Erickson distributed information on Foothill’s new participatory governance structure with its “trickle up” concept whereby resources will be allocated from the ground up. The underlying goal of this structure is to be very transparent, with all meetings open to everyone. Erickson noted, however, that it seemed to take a lot of work to find out where and when the different component committees met and what each one was supposed to be accomplishing. There remains a lot of confusion about this reorganization at the moment.

Erickson stated that PaRC had met three times so far this quarter and, with strong input from President Judy Miner, made decisions on the eight or nine faculty positions that will be filled this year. Miner has been very clear about the necessity of hiring faculty, even in the face of additional lay-offs of classified and administrative positions, because the penalties for falling below the 75 Percent Law hiring threshold are greater than the costs of meeting the obligation.

De Anza College Council

Vice President Alan Simes reported that De Anza President Brian Murphy addressed the October 29 De Anza College Council to talk about the need to cut out any high-cost, low-productivity programs. Murphy praised the work of the IPBT for coming up with a methodology to establish the core values of the campus in deciding how the categorical cuts will be applied. Severe cuts already made to custodial services have reduced the campus to “dingy” levels, according to industry standards. Murphy is hoping everyone will lend a hand in this area.

Simes noted that there still seemed to be a lot of confusion about how the categorical cuts would be applied, other than the need for additional lay-offs of classified and administrators which would make De Anza into more of a “vertical” college. The new population of
CSU/UC bound-students and decrease in the number of international students is shifting key demographics causing a battle between basic skills and transfer programs. Simes noted that there is no definitive movement on any of this at this time.

FOR THE GOOD OF THE ORDER

There were no items.