CalPERS Benefits Package & Ratification Vote . . .

by Anne Paye, FA Chief Negotiator

At the February 23 Joint Labor Management Benefits Council meeting, the unions recommended the following changes in medical insurance provider, coverage, and employee contribution rates. These changes are outlined below. The change to CalPERS as the only viable option for affordable health benefit coverage for both the District and its employees/retirees. This recommendation was the result of a thorough review and discussion of the provider’s current state and cost agreements.

Monday

February 27, 2012

fa.fhda.edu

Speak with the locals... enjoy the view... relax... have fun!

CalPERS Benefits Package & Ratification Vote

Forums & Voting

EA will hold two forums to present information on the change to CalSTRS health benefits:

At Foothill, Wednesday, February 29 at 12:00-2:00 p.m., Toyon Room

At De Anza, Thursday, March 1, 3:00-5:00 p.m., Conference Room A

The ratification vote will take place outside the campus mailrooms on the last day of February and Wednesday, March 6-7.

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PA Workshop: To learn the ins and outs of applying for a Professional Achievement Award, faculty are welcome to attend either session:

Foothill: Thursday, March 8, 3:30-5:00 p.m., Altos Room

De Anza: Thursday, March 1, 3:00-4:30 p.m., Seminar Training Room

Email information on the PA program to: see; Reference (http://fa.fhda.edu).

CalSTRS Basics Workshop

Designed for early and mid-career employees, a CalSTRS counselor will present a 90-minute workshop on the basics of retirement, benefits, service credit, tax-deferred investing, the retirement income formula, and dual enrollment. The workshop will be held at Foothill: Thursday, April 26, 3:30-4:30 p.m., in the Toyon Room. RSVP by 10:00 a.m. on April 24 to (650) 949-6219 or Patti Conlan (650) 949-6202.

FFC Position Opens

This quarter, FA will select a new Foothill conciliator to start in Fall 2012 in Jordana Finnegan will be completing her term in June. Training sessions with a stipend will be scheduled in Spring (dates TBA).

The conciliator position is a special assignment, under Article 25, which releases a faculty member for four to five days per quarter, equivalent to one-and-a-half units.

The conciliator offers faculty the opportunity to work with colleagues and managers across campus in a different venue than traditional regular assignments. Helping resolve contractual matters is emotionally rewarding and intellectually satisfying. Extensive knowledge of the Agreement is not required, only good listening and communication skills, curiosity, initiative, and persistence.

For more information, contact Linda Lane, EA Grievance Officer (650.949.7340, Lane.Linda@fhda.edu). To apply, please email to FA by May 9 with a letter of application indicating interest and qualifications to Suzanne Elwell in the FA office: (650) 949-6219.

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What Past Practices Are and How They Work

by Linda Lane. FA Grievance Officer

Starting Spring Quarter, FA will begin a project to identify past practices, which is to create tools for interested divisions to facilitate discussions on past practices and policies.

FA encourages members to identify and propose past practices each academic year. Doing so will allow a campus to assure that its students are informed and up-to-date on how business is conducted within the division, but also prevents future misunderstandings and miscommunications. Examples of policies and practices to discuss include the following:

Meeting Basic: The number of division vs. department/meeting program per year; usual meeting day/time; procedures for creating agendas, keeping minutes, decision-making (especially voting).

Scheduling: The process/timeline especially for change requests; request forms; methods of assigning full-time faculty loads; tie-breaker used when needed; usual meeting day/time; procedures for making (especially voting). Since the past practice is set forth in articles 10.2, 10.7, and 10.8 of the contract directly refers to past practices, it is a legitimate past practice just as long as it is used predominately within the scope of its purpose. However, the courts have also held that a past practice is referred to as a final practice if it was uniformly understood and consistently applied. In other words, a past practice is defined as a practice that is used uniformly and in a consistent manner, without exception. A past practice is also defined as a practice that is uniformly understood and applied consistently.

For example, the faculty in the College of Business Administration at a community college in the state of California may have a past practice where all full-time faculty are allowed to teach a maximum of two classes per term. This past practice would be considered legitimate if it was uniformly understood and consistently applied.

A legitimate past practice is protected by the contract, and it cannot be amended or deleted without the written consent of the faculty. If the faculty agrees to amend or delete a past practice, it may do so by amending the contract or by amending the contract in a manner that is consistent with the contract. If the faculty does not agree to amend or delete a past practice, the past practice will remain in effect.

Q: What is the difference between a past practice and a policy?
A: A past practice is a practice that is uniformly understood and consistently applied, whereas a policy is a practice that is consistently applied, but not uniformly understood.

Q: How is a past practice protected?
A: In addition to dealing with only collective bargaining matters, a past practice is protected from being amended or deleted, as long as it is uniformly applied, consistently applied, and understood by both faculty and management.

Q: What classifies a practice as a past practice?
A: A practice that is a past practice is one that is uniformly understood, consistently applied, and uniformly understood by both faculty and management.

Q: How can past practices be changed?
A: Past practices can be changed through the following processes:

1. Amendment of the contract, if the faculty has the legal right to amend the contract. The amendment process involves negotiations between the faculty and the administration, and the faculty may vote on the amendment.

2. Amendment of the contract by an employee who has the right to amend the contract. The employee may negotiate with the administration and the faculty to amend the contract.

3. Amendment of the contract by the administration. The administration may negotiate with the faculty to amend the contract.

Q: What is the difference between a past practice and a policy?
A: A past practice is a practice that is consistent with the contract, whereas a policy is a practice that is not consistent with the contract.

Q: What factors determine whether a practice is a past practice or a policy?
A: The factors that determine whether a practice is a past practice or a policy include:

1. The extent to which the practice is consistent with the contract.

2. The frequency with which the practice is applied.

3. The number of people who are aware of the practice.

4. The extent to which the practice is uniformly understood.

5. The extent to which the practice is consistently applied.

6. The extent to which the practice is supported by both faculty and management.

7. The extent to which the practice is protected by the contract.

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