FA News

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FOOTHILL - DE ANZA FACULTY ASSOCIATION

President's Report

Proposition 55 Could Address Colleges' Financial Insecurity

by Richard Hansen, FA President

As this issue of the FA *News* reaches faculty mailboxes, the current election cycle will nearly be over. The extremely negative presidential campaign has turned off many voters, but at the same time, has energized some. Here in California there are also 17 statewide ballot initiatives, and the length of the task at hand grows depending on how many of the voter's local issues have also made it onto the ballot. The monumental job of analyzing all of these propositions is likewise a turn off to many but energizing to others.

Hansen

One crucial measure, Proposition 55, is the subject of this article because its passage could generate additional revenue for the colleges and so have a major impact on matters of interest to community college faculty. It does so by extending, for an additional 12 years, the seven-year increase in the marginal state income tax rates for those earning over $250,000 per year. These increases were initially approved under Proposition 30, which passed in November 2012, and are set to expire on December 31, 2018. Prop 55 does NOT extend the four-year 0.25 percentage point increase in the state sales tax that was also part of Prop 30; this sales tax increase expires on December 31, 2016.

The income tax increase affects 1.5 percent of Californians. To review the details of the income tax increases, individuals earning roughly between $250,000 and $300,000 per year will see a marginal tax rate increase from 9.3 to 10.3 percent, a one percentage point increase. Those earning between about $300,000 and $500,000 get a two percentage point increase from 9.3 to 11.3 percent, and those earning between $500,000 and $1 million have a three percentage point increase, 9.3 to 12.3 percent. Those earning over $1 million also get a three percentage point increase, but because their marginal rate is 10.3 percent, the marginal rate goes to 13.3 percent.

These tax bracket values get adjusted for inflation, but using the round numbers above, an individual with a taxable income of $300,000 would pay the additional one percent on $50,000 because it applies only to the amount of income within the bracket. As a result this person would pay an extra $500 in taxes under Proposition 55, as is currently the case under Proposition 30.

Looking at the impact of these additonal taxes on state revenue, the California Budget and Policy Center estimates that, without the Prop 55 extension, the income tax increase will result in a shortfall of $4.5 billion in the state's 2018-19 budget (with half of the 18-19 fiscal year still including the higher tax rates) and a $7.7 billion shortfall in 2019-2020. The Budget and Policy Center reports, "To put these amounts in perspective, the 2016-17 enacted budget includes a total of $7.9 billion in General Fund support for the California State University, University of California, and Student Aid Commission combined."

With the funds raised under Prop 55 designated for the California Community Colleges (CCC) and K-12, shared under the traditional 11 percent and 89 percent split, together with $2 billion allocated in some years to Medi-Cal and other health programs, there is no direct link to other state needs like higher education. But the loss of the Prop 30 funds will have to translate to less funding somewhere, and the first targets will no doubt include the CCC and K-12. In its analysis of the Prop 55 ballot measure, the Legislative Analyst Office estimates state revenue gained from its passage would range from $4 to $9 billion per year, depending on the stock market and the California economy.

Even before Prop 55 extension funds begin to flow, the effect of its passage could

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Negotiations Update

FA Re-Opens Part-Time Compensation, Proposes Stipend for Canvas Work

by Kathy Perino, FA Chief Negotiator

Part-time Faculty Compensation

The 2016-17 salary settlement reached last spring included language that allows FA to re-open negotiations in the event the 2016-17 state budget included an additional augmentation to the base or categorical funds for part-time faculty. Our district received about $556,000 in categorical funds for part-time faculty this year and approximately a 1.2 percent augmentation to the base.

Perino

As a result, at the negotiations session on October 26, FA proposed the addition of one-step to all part-time salary schedules. And FA proposed the elimination of the 12-quarter service requirement, sometimes called a longevity requirement, to move to the top step of these salary schedules.

The part-time parity agreement between FA and the District states that we will work toward a full complement of paid office hours for part-time faculty as well as an equal number of steps on the salary schedule, when compared to the full-time schedule. Currently, the full-time salary schedule has 13 steps, while the part-time schedules have only seven. This proposal moves the District and FA a bit closer to meeting the part-time parity goals agreed to in 2008.

Stipend Option for Canvas

Both campuses will fully implement the Canvas course management system by Fall 2017, and as a result, faculty at both campuses are completing certification training and working to move courses currently offered in Etudes (Foothill) or Catalyst (De Anza) to Canvas. The certification training is offered at both campuses and both full- and part-time faculty are awarded Professional Growth Credit for the training (6 hours at Foothill, 7 hours at De Anza, based on campus training programs).

Online faculty know once the training is complete, the bulk of the work begins.

Though migration tools exist to convert a course from Etudes or Catalyst to Canvas, the jury is still out on their effectiveness. A survey of early adopters at Foothill indicates that, in some cases, the majority of the course moves over seamlessly, but in others, hours and hours are spent rebuilding the course manually. We have reports that range from 6 hours of work to well over 100 hours. No data is available yet from De Anza, which began training and certification this Fall.

Article 34.5 currently recognizes that campus selection of a new course management system requires additional work from faculty. "[A] faculty member may apply for a maximum of three (3) quarter units of professional growth activity (PGA)…when he or she (a) develops an online course and is subsequently scheduled to teach it; or, (b) converts an existing online course to a new platform or course management system when required to do so as a consequence of a college decision to change its designated platform."

Thus, faculty already have the right to apply for PGA credit in recognition for the work involved in the move to Canvas. However, PGA credit will not help full-time faculty who have already earned the 9 units of PGA for the current 4-year cycle or who no longer need to collect PGA (those at the top of the salary schedule with all PAAs); and, because part-time faculty only use PGA units to move columns, it does nothing for those already placed in column V of the salary schedule.

In addition, *Article 34* only applies to fully online courses. It excludes hybrid courses (part face-to-face, part online) as well as face-to-face classes that are considered "enhanced," those which provide support materials (lecture materials, lab instructions, assignments, discussions, etc.) via the course management system. Therefore faculty who currently teach hybrid or enhanced courses don't receive recognition for the work associated with the move to Canvas.

As a result of these limitations, FA proposed the option of a stipend for (a) development or (b) conversion of an online, hybrid, or significantly enhanced course. The amount of the stipend is under negotiations with the understanding that the first course converted will likely involve more work than subsequent courses.

FA reminded the District the move to Canvas will save approximately $250,000 in 2017-18 by eliminating the costs associated with Etudes and Catalyst and approximately $200,000 per year thereafter when the fees paid for Canvas will be significantly less than the existing costs. In addition, the District has over $26 million in one-time funds due to a healthy ending balance. It is unclear at this time if the District has any interest in the option for a stipend associated with this work. In the three remaining meetings this quarter, FA and the District will continue negotiations on this issue, as well as on other parts of the *2016-19 Agreement*. Updates will be given in future issues of *FA News*.

Prop 55 to Address Insecurity. . .

(From Page 1)

be felt in the community colleges because at present every post-recession budget discussion eventually comes to the following caution: Proposition 30 sunsets at the end of 2018, so we cannot rely on the continuation of funding currently granted for both new and restored programs. Despite the good funding climate at present, this caveat has led many community college districts in the state to sock money away into reserves rather than spend it. As a result, many districts are now at record-breaking reserve levels, and when willing to spend the new revenues, many have avoided ongoing commitments such as hiring additional faculty and staff.

Passage of Prop 55 could unshackle the colleges from the bonds of this overly cautious approach to budgeting. Without the fear of what administrators consider the catastrophic loss of Prop 30, it might be reasonable to end the unnecessary hording of funds and begin spending them down, much to the benefit of the colleges and their students. To review the current situation, the most recent Chancellor's Office data show six districts in the state with 2013-14 ending balances above 30 percent of their total general fund annual revenues, with Foothill-De Anza among them. Thirteen districts are below 10 percent, and the statewide average ending fund balance in the system is at 17.6 percent of total general fund revenue.

Contrast this with the practice over the last 20 or more years during which districts hovered around the State Chancellor's Office recommended five to seven percent "board of trustees" reserve. Districts used to be fearful of falling short of this mandated minimum and being subject to State monitoring as a result.

In 2005-06, the statewide average ending fund balance was 11.5 percent of total annual revenue with a highest ending fund balance at 22.04 percent, so no district was even close to 30 percent. Back then, 35 districts (about half) had ending fund balances below 10 percent and 11 were at or below the seven percent Chancellor's Office recommended level.

To be clear, FA supported the accumulation of additional reserves during the recession years. It was prudent budgeting then, but it is time to begin to spend down those set aside funds. As described above, the situation must be addressed statewide. It is not good for districts to be sitting on substantial reserves at the same time the system is asking the state for additional funding. While facing the severity of the recent recession, high levels of reserves could be justified, but this situation cannot be allowed to continue, and passage of Prop 55 could help reassure districts and confirm the argument that reserve levels must be reduced.

On the question of one-time versus ongoing expenditures it was not too long ago that despite allocations to the Student Success and Support Program (SSSP) that reached $285 million in 2016-17, districts throughout the state have been trying to meet program requirements without hiring additional counselors. These districts hoped to meet the demand for Education Plans and student progress support with computerization and large group counseling sessions. In many cases, students were expected to write their own education plans.

Here at Foothill and De Anza the recession nearly eliminated the part-time counseling workforce. Now, part-time counseling has returned to some extent on both campuses, but De Anza also relies on non-faculty Academic Advisors.

After some hesitation, both Foothill and De Anza have hired additional full-time counselors. At De Anza, the number is currently up to 31 and at Foothill to 21, each ten positions more than were filled in 2005-06. So, there has been improvement, but these new positions also include some that are "temporary." It is unclear how this compares to practices elsewhere in the state, but there continue to be doubts that SSSP funding will remain stable, and Proposition 55 could do much to address this concern.

And there are other examples of recently acquired new funding that are subject to the same conservative budgeting reluctance to make an ongoing committment of funds. Along with the SSSP funding, the governor created the Equity Program and allocated $155 million that has been distributed to the colleges. Most recently, a sudden $271 million has been allocated to Workforce and Economic Development to fund the often neglected career and technical education the colleges provide. An extension of the Prop 30 funding under Prop 55 might also reassure cautious administrators as to the stability of this new funding.

Original planners for both Prop 30 and Prop 55 hoped to avoid all this uncertainty by making these tax augmenttions permandent, but this was not politically viable.

In addition to Proposition 55, the November ballot contains the first statewide facilities bond in many years. It authorizes the state to issue a $9 billion bond to fund facilities improvements and new construction on both community college and K-12 campuses.

So don't let the negativity of this year's political campaign or the daunting task of researching and deciding on an unusually large number of ballot measures keep you from the polls. If nothing else, be sure to consider state Propositions 51 and 55. They could have a major impact on our colleges and the students they teach.

Parental Leave Law Takes Effect January 1

by Kathy Perino, FA Chief Negotiator

AB 2393 (Campos) was signed by Governor Brown on September 30 and becomes law on January 1, 2017. This law improves parental leave provisions for faculty and classified staff and offers parental leave rights to part-time faculty.

As with all leaves, the duration and pay are the primary questions. What follows is a history of the rights afforded faculty for parental leave and a description of the improvements provided by the new law.

Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA), effective 1993:

Allows an employee to take up to 12 weeks of unpaid leave for the care of a child, parent, or spouse. However, other provisions in the Ed Code allow up to six (6) days of paid sick leave, if accrued, to care for an immediate family member. To qualify for 12 weeks of CFRA leave, the employee must have worked for at least 12 months and at least 1250 hours in the 12-month period prior to the start of the leave. Because of the 1250-hour requirement, most part-time faculty do not qualify for this leave. (For details of FMLA/CFRA see *Appendix T* of the *Agreement*.)

Family Bonding Leave (Chavez, 2014) Effective January 1, 2015:

Allows a faculty employee (full or part-time) to use up to thirty (30) days of paid sick leave for the purposes of bonding with a child. Therefore, in conjunction with CFRA, a full-time faculty employee can take 12 weeks of leave under CFRA with up to 30 of those days fully paid with accrued sick leave. Though a vast improvement over the unpaid leave provided by CFRA, the pay a faculty member receives while on leave is still limited by the number of days of accrued sick leave. For part-time faculty who do not qualify for CFRA, this law provides an opportunity to take paid leave for family bonding but again with the number of days limited by the amount of accrued sick leave.

Parental Leave (Campos, 2016)- Effective January 1, 2017

[Note: FA is working with the District to clarify the details and requirements of this new law and how it will be incorporated into the *Agreement*. What follows is our understanding of the law at this time.]

Faculty (both full- and part-time) and classified employees can use up to twelve (12) weeks of sick leave for the purpose of parental bonding. If an employee has less than twelve work weeks of accrued sick leave, he/she will receive differential pay of at least 50 percent for the remainder of the 12-week period, after accrued sick leave is exhausted. In our District, we already have a "differential pay" provision in the *Agreement* (*Article 16.23* - Extended Sick Leave) that can be used for illness or injury of a full-time faculty employee; it pays 2/3 of one's monthly salary, up to $6000 per month. Under this new law, an extended sick leave policy for the purposes of parental leave is required, and it must be available to both full- and part-time faculty.

Parental leave must be used in conjunction with CFRA for those who qualify for CFRA, which means that an employee is entitled to a single 12-week period of leave during any college year. This law also eliminates the 1250-hour requirement that is part of the CFRA, so part-time faculty who are not eligible for CFRA are still eligible for this parental leave.

In contrast to the 12 weeks of unpaid FMLA/CFRA leave, for which most part-time faculty were ineligible, the new Campos law provides for full- or partial- pay for the twelve weeks of leave and the leave is available to both full-time and part-time faculty. Updates on negotiations regarding leaves will be in upcoming *FA News* issues.

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FA News is published nine times during the academic year by the Foothill-De Anza Faculty Association, an independent California corporation certified by the California Public Employment Relations Board as the exclusive employee representative for the faculty of the Foothill-De Anza Community College District.

Letters and articles from District faculty are invited. FA, 12345 El Monte Road, Los Altos Hills, CA 94022. Ph: 650.949.7544 Email: ElwellSusanne@fhda.edu Website: http://fa.fhda.edu

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FA Seeks Foothill PDL Representative

FA has an immediate opening for a full-time Foothill faculty member to serve as one of two representatives on the Professional Development Leave (PDL) Committee. Throughout the academic year, PDL meetings are always on Thursday afternoons, 2:00 pm to 4:00 p.m., as needed, rotating between the Foothill and De Anza capuses. Anyone interested please contact the FA Office (650.949.7544).

Best Practices in Scheduling

In FA's view, scheduling policies should be transparent, periodically reassessed, and, of course, "mutually agreeable." To that end, following are some of the best practices within the District that may assist divisions when reviewing their scheduling procedures.

• The scheduling timeline is widely publicized in advance. Faculty know the dates that assignment preference forms are due, draft schedules will be completed, and final schedules will be done. The timeline includes a window for faculty to request changes or work out exchanges among themselves. No special deals that extend a deadline for only certain individuals are allowed.

• The Reemployment Preference (REP) list is posted in an easily accessible place(s). A hard copy is in the division office, and it is updated quarterly. For easier use by both manager and faculty, the list is reformatted into separate departments/programs. Copies of the list are available upon request.

• The schedule request form solicits faculty preferences and availability (*Article 7.8*). The form (or cover sheet) lists agreed-to policies, such as how assignment changes are initiated, how/which particular assignments are rotated, and what, if any, programmatic needs are impacting the current schedule.

• The assignment distribution method follows seven guidelines:

1) Full-time faculty know and have agreed to the method used to make load assignments (for example, by hire-date seniority), and part-time/overload faculty know they will be properly assigned in accordance with *Article 7's* REP provisions.

2) No "direct dealing" is initiated by either manager or faculty.

3) The preferences submitted by faculty are acknowledged to be neither limitations nor guarantees of particular assignments, but rather as helpful guides in building a department/program schedule.

4) Courses are acknowledged as owned by the division, not by individual faculty.

5) "Plum" as well as "lemon" assignments are rotated among qualified faculty.

6) Special Assignments (reassigned time/stipend under *Article 25*) are open to all qualified faculty and, if on-going, are rotated among those who apply.

7) A draft schedule is distributed so that faculty have the opportunity to request any as-yet-unstaffed sections or to work out exchanges among themselves. On draft and final schedules, the *Article 7* assignments are coded ("2" for full-time overload and "4" for part-time faculty) to confirm proper REP list procedures.

In sum, the best scheduling practices posit that schedulers will usually get reasonable, collegial requests from faculty and that faculty members will usually receive their reasonable requests. The best practices are transparent and impartial, and, because schedules have a profound impact on faculty lives and well-being, the best practices allow faculty members room to negotiate schedule changes and assignment rotations among themselves.

Though some best practices may seem impractical—or even impossible—to implement in some divisions, those that have incorporated them report few complaints from either faculty or management.

FA News welcomes additional comments and "best practices" regarding scheduling (or suggestions for future articles). Faculty and managers with questions about scheduling are encouraged to call the campus FA conciliator: Anne Argyriou, De Anza (argyriouanne@deanza.edu, 408.864.5430), or Karen Erickson, Foothill (ericksonkaren@foothill.edu, 650.949.7413).

Upcoming Contract Deadlines

2016

Dec. 9: Part-time faculty file intention to change salary column starting in the Winter 2017 Quarter with campus Personnel Office (*Appendix B.1*, *C*, *E*, *G*).

Dec. 16: Full-time faculty submit Early Retirement Incentive Notice to District Human Resources Office (*20.4*).

2017

Jan. 6: Part-time faculty submit completion of requirements documentation for column change starting Winter quarter to campus Personnel Office (*Appendix B. 1, C, E, G*).

Jan. 17: *Article 18* faculty meet with the appropriate administrator to determine their reduced contract schedule (*18.8.1, Appendix W*).

Feb. 6: Professional Development Leave Committee makes recommendations to the Board at its meeting in February (*17.12.3*).

Mar. 1: Full-time faculty submit written initial request for *Article 18* pre-retirement reduction in contract to college president (*18.8.2, Appendix W*). See *18.9* to request percentage change in subsequent years.

Mar. 15: *Article 19* faculty submit to District Human Resources the annual Early Retirement Service Plan for the following academic year with all required signatures for second and subsequent years of participation (*19.6.2.2, Appendix U1*). See *19.6.1* for initial year of participation.

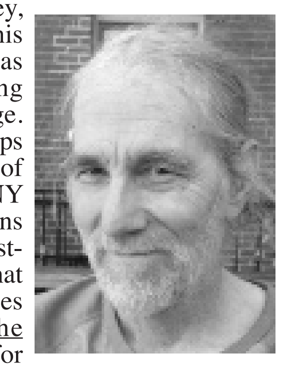
KQED Interview

State Reform, Reformers Warrant Watchful Eye

Steve Howland, FA News Editor

FA looks forward to the new chancellor of the California Community Colleges (CCC) assuming his duties in January, and will attend closely to how his tenure influences the system.

On August 29, KQED's Michael Krasny interviewed incoming Chancellor Elroy Ortiz Oakley, who will leave his current position as president of Long Beach City College. Host Krasny, perhaps recalling the role of schools like CCNY to new generations of Americans, wistfully remarked that community colleges "used to be" the major "pipeline for social and economic mobility," and wondered if that could be said for any set of institutions today. The relatively free-swinging interview was enlivened with calls and emails from the public, almost entirely people with connections to our Bay Area schools, including our district.



Howland

Shout-outs: one caller effusively praised the high quality of instruction received at Foothill by both her son, a Middle College graduate, and by her husband taking evening courses. And a De Anza academic testified glowingly to its democracy commitment-network pedagogy, imparting basic citizenship skills and practicums in community change work.

Felicitous of phrase and a relaxed and engaging speaker, the incoming chancellor spoke of reforming the transfer system to make it easier to navigate; of building bridges not just forward (to UC and CSU) but back (to high school) in order to ensure that the goal of attending college is a kind of universal norm; of ramping up Career Technical Education; of building the 10 B.A. program pilots now up and running in the system; of streamlining the course-approval process in Sacramento for innovative new courses generated on individual campuses; and of packaging financial aid in better ways. He praised the CCC's grassroots connections to local communities and industry, as well as their ability to deliver a rigorous, high-quality education for a low cost—even as he acknowledged that tuition is the least of students' financial worries.

Ortiz Oakley also described the low completion rate, the difficulty of navigating the transfer process, the system's lengthy recovery from the recession, and the fact that three-fourths of students enter the system needing remedial work—all of which are impediments to achieving a college credential or certificate, which he defined as the new minimum required for a shot at a middle class occupation and life.

The new chancellor expressed an impressive understanding of academic, social, and other issues affecting students and colleges; faculty will want to attend, however, to the specific nature of reforms the state will be instituting under his tenure. Some of the arguments advanced, or reforms proposed or implicit, are based on premises that can be questioned, such as the idea that placement tests are a "barrier" to academic success (it depends, doesn't it?). Also, the difficulty of navigating the transfer system is widely acknowledged; cutting down on counselors and farming students out to peer-advisers or referring students to their own computers are hardly solutions.

A former De Anza student, Michael, who was not admitted to San Jose State University on a technicality and now lingers in the limbo of a year without school, emailed the show to complain that "navigating the transfer requirements was a nightmare" and wrote of counselors that "they were hard to find and didn't remember you."

And crucially, Ortiz Oakley kept coming back to the idea of getting students out of school and into the job market or university within two years—"as quickly as possible"—but whose effects could likely be a kind of higher ed. triage, with some students cycling out of the system "as quickly as possible" and forever deprioritized. He also repeatedly invoked the needs of industry, suggestive of a service model of education, which President Richard Hansen pointedly called into question in the December 2015 issue of this newsletter. In a similar vein, the De Anza instructor raising its civics work expressed a grave anxiety about higher education reduced to a utilitarian, corporate-friendly model.

Thus, the question, as always, is whether the prescriptions match the diagnosis. "Innovation" almost always means cost-cutting, and the good v. ill calculus needs to be carefully assessed.

Foothill-De Anza stands to be an ill fit for many of the one-size-fits-all reforms generated at the state level. FA will continue to monitor the reform initiatives, and faculty are advised as well to stay tuned.