

## President's Report

# Budget Revision Brings Good News, But It Could Be Better

by Richard Hansen, FA President

It's been a few weeks since Governor Brown released his May Budget Revision, and both legislative houses have finished their reviews, so FA and the District know more or less what to expect for 2017-18. The unambiguous good news is a \$186.3 million increase in base funding that, according to the District, will bring an additional \$4.3 million to Foothill-De Anza. This unallocated general fund money comes in the form of an increase in the District's per student funding allocation and is subject to collective bargaining.

Another annual source of new revenue got a small bump in the May Revise with what is known as the "statutory" COLA, the cost of living adjustment resulting from inflationary pressure on the expenses of running a public institution, increasing from 1.48 percent to 1.56 percent. This will net the District about \$2.3 million.

FA will be watching the summer district budget numbers to see what happens with the \$6 million deficit the District originally projected for 2016-17. Faculty who attended the Winter Quarter budget "town hall" meetings heard administrators present a bleak picture of continuing enrollment losses and a resulting revenue decline that doubled this deficit to more than \$12 million. Recently, numbers have been quoted at about \$10 million or even at half the worst-case scenario, getting back to the \$6 million level.

FA has learned to be patient and wait for the final budget numbers that come when the District reports its actual revenue and expenses from 2016-17 as a base from which to project a 2017-18 budget. This budget must be presented at the August Board of Trustees meeting. At this point, district budgeteers maintain the additional \$6.6 million coming to the District from the increased base funding and statutory COLA will be swallowed up by the deficit, but we will see.

The District has a consistent history of predicting deficits that disappear when the final budget numbers are known. Conservative projections are a component of good management; finance planners prefer a surprise year end surplus to an unexpected deficit. In

community college districts, one prime source of savings comes from faculty and staff positions on the books that are not filled during the budget year.

The unspent funding allocated to these positions shows up at the end of the year and is portrayed as a "one-time" savings known as "float." In fact, while the savings may be one-time, the revenue is generally ongoing and will reappear the following year if the positions go unfilled again.

Governor Brown has played a similar game with the state's community college allocations over the recent years of economic recovery. As a hedge against future downturns, the governor has repeatedly underestimated the money guaranteed to the community colleges under Proposition 98, which earmarks a percentage of state tax revenues for the colleges and K-12. At the end of the fiscal year, when this underestimate results in a surplus that must be advanced to the community colleges the following year, it is labeled "one-time" funding and most often allocated under the Deferred Maintenance/Instructional Equipment budget line item.

This time, there is \$135.8 million allocated in this way, and the Foothill-De Anza share is expected to be \$3.2 million. And, there is an additional wrinkle this year. As an extra-cautionary measure, the governor wants to delay this 2017-18 allocation until the second quarter of the 2018-19 fiscal year!

Looking at this proposal, the Faculty Association of California Community Colleges (FACCC) worked to pull some of the ongoing funds out of this line item for part-time faculty office hour, health benefits, and compensation parity needs. As a result of faculty advocacy, both the Assembly and Senate budget proposals contain an allocation

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Hansen

## Negotiations Update

# 2016-19 Agreement Completed With a Temporary "Prob-Zero" Solution

by Kathy Perino, FA Chief Negotiator

FA and the District reached agreement on the final two articles of the 2016-19 Agreement, Article 22A - Paid Benefits for Part-Time faculty and Article 6A - Probationary Faculty, at the final negotiations session of May.

Article 22A - Paid Benefits for Part-Time Faculty, stipulates that to be eligible for District sponsored health benefits, a part-time faculty employee must have reemployment preference, have had an annual load factor of at least 0.400 in the academic year prior to the plan year, and affirm via affidavit that he/she has no other access to paid or partially paid benefits. Until now, the only exception to the access to paid or partially paid benefits has been Medicare; that is, an employee on Medicare can still participate in District sponsored benefits.

But in the 2016-19 Agreement, access to benefits through other employment in the California community college system will also be an exception. Part-time faculty who are eligible for benefits in other districts may choose a plan offered by our district, if it best fits their needs based on cost and plan design, after signing, as before, an affidavit indicating they don't have an offer of benefits from any other employer—except from another California community college district. Prior to this year, the contractual language didn't make this exception, and thus having access to benefits from any employer, including a California community college, could technically disqualify one from access to benefits in our district.

Part-time faculty continue to be ineligible for FHDHA benefits if they choose to participate in another District's plan, or are offered benefits by another, non-California Community College employer.

For Article 6A - Probationary Faculty, the District and FA have agreed to make no changes, for now. Instead, we have agreed to a two-year Memorandum of Understanding (MOU) that will allow both the District and FA to "test drive" a system for handling leaves of absence that cause the service to the college to drop below the negotiated 75 percent threshold for a complete probationary year. The MOU covers the 2017-18 and 2018-19 academic years, and sunsets at the end of the 2018-19 academic year. It may be extended by mutual agreement.

By 2019, both FA and the District hope to have enough experience with the proposed system to allow for the processes described in the MOU, or an improved version of them, to be incorporated into the 2019-2022 Agreement. The MOU describes two processes: requesting an "Early Declaration of a Prob-

Zero year" and the President granting an "Exception to a Prob-Zero year."

**Early Declaration of a Prob-Zero year:** At the start of the academic year, if a probationary faculty member is planning a leave for a length of time that will cause the year to become a Prob-Zero year, she/he may request that the year be declared a prob-zero year in advance of the leave. This early declaration of prob-zero will prevent the current frustration felt by tenure review committee members, and probationary faculty, who have to re-do the set of evaluations that are thrown out at the end of the academic year because the year is declared prob-zero. If the year is declared Prob-Zero in advance of the leave, the tenure committee will not be required to schedule evaluations, and the probationary faculty member will not face the stress of undergoing evaluations that will most likely not be included in the tenure file.

To request an early declaration of prob-zero year, the probationary faculty member will submit a letter to the President by November 30 of the academic year. The letter must include the anticipated dates of the leave and the reason(s) for the leave of absence. If, after reviewing the request, the President grants the request for an early declaration of a Prob-Zero year, all tenure evaluations are put on hold for that academic year, and will resume the following academic year.

**Exception to a Prob-Zero year:** While some faculty may be relieved to put the tenure process on hold for a year, others may hope that although service is not 75 percent, the service is enough to allow for required evaluations so that year can count as a complete probationary year.

To handle these cases, the MOU states that the President will be notified of any probationary faculty member who has, or will have, a Prob-Zero year for year two, three, or four of the probationary period. The President will review each case to determine if he/she should grant an exception to the Prob-Zero year, thus allowing the year to count as a complete probationary year. When making the decision regarding an exception, the factors the President can consider include, but are not limited to, the most recent recommendations from the tenure committee, any evaluations completed since the last recommendation, and

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Perino

# FA Executive Council, Part-Time Faculty: Two Candidates

Raymond Brennan (Language Arts—De Anza)



FA Executive Council and its negotiators. Thank you for your consideration.

I am asking for your support to continue my position as a part-time faculty member representing the interests of the Foothill-De Anza Faculty on the Faculty Association's Executive Council. First appointed in 2010, my experience on the Council has made vividly clear the need for the part-time faculty to have both ears and a voice at the table. Moreover, as the part-time member of the Faculty Association's negotiations team, I currently hold a unique, dual position—one I would like to retain. As a reelected Executive Council member, I can bring part-time faculty concerns about working conditions, contractual issues, equity, health coverage, et al to the Council for its consideration, support, and response. I can then keep these same concerns in mind at the negotiation table. In such a dual position, I can ensure dialogic communication among part-timers and both the

Donna Frankel (Kinesiology/Athletics—Foothill)



tight budgets produce. We on bargaining units at multiple districts know what's been tried, what worked or failed without having to guess.

History and Successes: Obtained five additional steps to part-time/overload pay-ACE, attended Lobby Days, CCCU, CPFA, FACCC, COCAL, state conventions, conferences and plenaries. PAC founding member-West Valley/Mission Union. Wrote published articles, assisted faculty with unemployment collection, grievance procedures, benefits and spoke supporting faculty at state BOG. Founding member Statewide Academic Senate Part-time Caucus. First elected stipended Foothill Part-Time Academic Senate Representative-four terms, organized/produced two CPFA conferences, statewide summits and Adjunct retirement workshops. Past CPFA Journal Editor-circulation 60,000+ faculty, co-produced Foothill Academic Senate, Part-Time Appreciation Event. Incumbent Donna Frankel: A reliable/experienced voice for faculty.

## Ratification Forums, Voting Dates Set

FA will hold two forums to present information on proposed changes to the 2016-19 Agreement.

De Anza: June 5, 1:00 to 2:00 p.m. in Administration 109

Foothill: June 7, 1:00 to 2:00 p.m. in the Toyon Room

Packets with a summary of substantive changes and copies of the articles affected will be in division offices this week. The ratification vote will take place outside the campus mailrooms on both campuses on Tuesday and Wednesday, June 13 and 14.

Special Notice: Voting for Executive Council Candidates will not be required, as the number of candidates matches the number of open seats.

# Budget Revision Could Be Better . . .

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of \$5 million for part-time office hours. If this holds up through future budget deliberations, it should bring about \$115,000 to Foothill-De Anza. While a small amount of money, FA will look to use it to make progress toward our part-time parity goal.

Enrollment remains the crucial factor in determining what FA will have to work with next Fall when negotiations over compensation start. Another year of decline will provide justification for the District's cautionary approach to budgeting; a leveling of enrollment numbers, or even better, a Fall increase in enrollment, will support demands that the District address the needs of its faculty and staff.

In the governor's May Revise, there's \$57.8 million to fund enrollment growth of 1 percent state wide, a source of new money that is out of reach for Foothill-De Anza. The District could, however, regain funding for enrollment lost in 2016-17 if it can restore that enrollment in 2017-18. Lack of confidence in district enrollment is at the heart of District reluctance to spend down the unprecedented reserves accumulated, with the support of the bargaining units, during the Great Recession. If enrollment stabilizes, the District could return to reasonable Board reserves, as it should.

Overall, the District is in good financial shape, as long as it solves the enrollment problem. It is ironic that the District should be feeling so insecure during this current economic recovery that has brought so much new funding. This is because the booming economy also means fewer students will be enrolling in college.

It is unfortunate that, instead of addressing recession losses, recovery era increases in state funding have come tied to the require-

ments of so many new programs. The state refuses to recognize how new programs draw resources from the ongoing base functions of the colleges that were already strained under recession era cuts. Compounding the problem, the 2017-18 budget proposal includes Guided Pathways, one more reform-minded project. At a time when the colleges are still struggling to meet the demands of the Student Success and Support (SSSP) and Equity Programs, it is difficult to understand what is to be gained by adding yet another project, especially since it is getting only a one-time allocation. The \$150 million in state funding amounts to about \$3.5 million for Foothill-De Anza, and the money comes with strict requirements for the use of every dollar.

Why is the state so intent on piling up programs? Shouldn't it be more concerned with the quality of our colleges? There are better uses for the \$150 million dedicated to these Guided, or should we say "Gilded," Pathways.

# Agreement . . .

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the likelihood that all required evaluations will be complete by the end of Phase III. The President may consult with the Tenure Review Coordinator or the Chair of the Tenure Committee to determine if the evaluations are on track for completion. After reviewing each Prob-Zero faculty member's case, the President may grant an exception to prob-zero status, and the year will then count as a complete probationary year. The probationary faculty member will be informed of the decision regarding the status of the year by the end of the academic year.

Faculty who are interested in more detail about either the Early Declaration of a Prob-Zero year or an Exception to a Prob-Zero year should contact the FA office.

With tentative agreement on the final articles, the 2016-19 Agreement is ready for ratification. FA has scheduled "all faculty" meetings to discuss the contract changes and answer questions. Meetings are scheduled June 5 from 1:00 to 2:00 p.m. in Admin 109 at De Anza and June 7, from 1:00 to 2:00 p.m. in Foothill's Toyon Room. The ratification vote will take place on June 13 and June 14.

## Contract, Unemployment Workshops for PT Faculty

Workshops for part-time faculty will be offered at De Anza on Friday, June 9, in the Campus Center Fireside Room: Know Your Contract, 10 a.m. to noon, and Filing For Unemployment, 12:30 to 2:00 p.m. RSVP is required for lunch. For more information, email Mary Ellen Goodwin at goodwinmaryellen@fhda.edu.

# FA Executive Council De Anza: Three Candidates

## Steve Howland (Language Arts)



At least once a quarter, I find myself reminding my students that community colleges are not a fact of Nature or an act of God but a public good, a product of deliberate social policy. I want to serve on the Executive Council in part to express my concern about the encroachments of private sector philosophy upon Higher Education—with effects on access, curriculum, and in our professional lives. I've both taught and taken classes at both Foothill and De Anza. I've served as FA Rep on the PDL Committee, as a Tenure Review Committee Chair, and currently edit the newsletter you're reading, where we monitor and analyze events through an ever-shifting equation of hope and skepticism—the latter itself a hopeful reflex because great scrutiny is sometimes necessary to effect (or to resist) change. In four quarters over the past three years I've served as a replacement on the Executive Council. I believe that the Council should and does speak for the diverse spectrum of faculty viewpoints. As a council member, I'll faithfully relay faculty concerns to the negotiations team, and work for better working conditions, and to protect health and other faculty benefits and rights.

## Lisa Markus (Physical Sciences/Mathematics/Engineering)



I would like to continue to represent you on the Executive Council. I have taught mathematics at De Anza College since 1998 (a post-97 hire). As a member of the Mathematics Department, I have served as department coordinator with the responsibility for scheduling and have been on many search committees for part-time and full-time faculty. I have actively served the Faculty Association on the Negotiations Team for over 8 years, participated in the Joint Labor Management Benefits Council (JLMB) since its inception; I am the FA Trustee for the Voluntary Employee Beneficiary Association (VEBA) and attend District Budget meetings on behalf of FA. For the last 3 years I have served as Vice President of FA and in that role have organized workshops on Professional Achievement Awards and the biennial Retirement Workshop in addition to representing FA on De Anza's Instructional Planning and Budget Team, Facilities Committee and College Council. As a member of the Load Task Force, I have helped the work on resolving differences in load practices between and within the campuses. As a problem-solver who likes to work collaboratively with faculty and the District, I would love to get your vote.

## Nicky Yuen (Social Science/Humanities)



As a political science instructor and union leader, I am proud of our work supporting students and faculty alike. For the past five years I have co-directed our FA-PAC student internship project, training and empowering students and faculty to fight for our future. In the 2016 fall election we organized hundreds of volunteers to renew the statewide "Millionaire's Tax," bringing in over \$20 million annually to our District. In 2014, our work helped elect one of our own (De Anza alum and Political Science instructor Evan Low) to represent us in the California State Assembly. In 2012, we won an increase in San Jose's minimum wage, lifting up thousands of our low-wage working students and helping to ignite a national movement for a living wage. Although I am blessed to have a full-time position, I have been a life-long dues-paying member of the California Part-Time Faculty Association. I am also engaged in regional and state level advocacy—as a Trustee in the Peralta Colleges District, on the membership committee of FACCC, as a producer for our powerful "Stories Project" video series featuring our faculty and students, as founder of our statewide "California Campus Camp Wellstone" training program for student and faculty political organizers, and in many other ways. I have been proud to represent you, our faculty, on FA's Executive Council. In these challenging political times, I am committed to doubling down on our efforts. I would be honored with your support for another two year term. Thank you for your consideration.

# FA Executive Council Foothill: Three Candidates

## Nicole Gray (Physical Sciences/Mathematics/Engineering)



I would like to continue as a member of the FA Executive Council that governs the proceedings of FA. As faculty members, the environment in which we work continues to be changed by technology, evolving curriculum, changes in the student body, and evolving demands of accreditation. As a council member I will seek to understand how these factors are affecting both PT and FT faculty from all disciplines, and share that understanding with the rest of the council to influence the important decisions that influence changes to our contract and compensation. I feel fortunate to work in a district that has strong faculty representation through FA. The strength of the organization is based on the strength of our contract. Serving as an FA Council member and Tenure Review Coordinator (September 2007 – June 2010) and now Grievance Officer, I have developed a deeper understanding of the FA Agreement and the importance of it being universally understood, and fairly and uniformly applied to all faculty members. In my roles as Grievance Officer and Executive Council member, I will work with faculty and administrators to ensure that continues to be the case.

## Kathy Perino (Physical Sciences/Mathematics/Engineering)



As FA Chief Negotiator, I would like to continue to serve on the FA Executive Council to represent Foothill faculty. I been involved with FA since 2000, and I have served as the Chief Negotiator since the summer of 2013. My work with the District Budget and District Benefits committees keeps me informed and helps me make decisions that I believe represent the best interests of faculty. In these times of enrollment and budget challenges, it is extremely important to understand the long-term implications of any proposed changes to the contract; my FA experience, along with other campus-wide involvement, gives me this understanding. FA and District leadership has changed in recent years. I hope to provide consistency in these ever-changing times.

## Bill Ziegenhorn (Business/Social Sciences)



After being away for two quarters, I am anxious to return to the FA Executive Council. Our FA officers are working hard on contract negotiations over leave time, probationary faculty and online evaluations. But did you know that FA is also watching out for potential challenges at the state and federal level to such basic faculty rights as tenure and pensions? And as enrollment declines in our own district, faculty will continue to be asked to be more "productive", meaning working harder without more compensation in money or release time. My goal is to strengthen the communication between our FA office and all of us members so that you know all the good work they are doing and so that they know what challenges you face. As a faculty union, we all need to hang together and be involved in order to protect ourselves from the challenges ahead.

## FA Leadership Positions Open

The 2017-18 FA leadership positions of President, Vice President, Executive Secretary, and Associate Secretary for Part-Time Faculty Interests, are now open. Candidates must have tenure or re-employment preference and have served on either the Executive Council or in an FA executive staff position for at least one year. To apply, email a letter of interest, addressed to the Executive Council, to the FA office (ElwellSusanne@fhda.edu) by June 5. Appointments will be made at the June 7 Council meeting.

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

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