Presidents Report
by Tim Shively
FA President

The Ice Storm Cometh

It’s that time of year again, when front porch jack-o-lanterns are replaced by candy-cane lawn ornaments, there are more Amazon Prime delivery trucks than cars at the curb, and the District is contorting itself into pretzels trying to justify how early class cancellations are evidence of equity and student-centeredness. I have no stomach for tracing out the enrollment trajectory over this quarter compared to last Fall. Suffice it to say it was down. Way down. And while it’s early yet, enrollment looks even worse for Winter. Far worse. District-wide, as of the end of the week before exams, it was 18.9% down (Foothill 20.2% down). I don’t think we have ever seen such deplorable numbers, which will have a terrible impact on class offerings for Winter and likely Spring. One would think, or at least hope, that this enrollment plummet would finally give the District the impetus it needs to think outside the box and loosen up on class cancellations. I mean, at the very least, let sections with double digits run in an effort to grab whatever enrollment we can. Foothill has shown some creativity this quarter in its willingness to let some in-person classes proceed with under 20 students. Yet despite the "Hold Harmless" provision which continues our state funded apportionment at its 2017-18 level at least through
2024-25, the District, in its tight-fisted (and often ham-fisted) pursuit of productivity, seems poised to rigidly adhere to the early holiday cancellations we see every Winter. And when we remain frozen in such brittle positions in the face of even a moderate budgetary wind, I fear the long term damage it may do to our colleges.

"Rigidly" is definitely the word here, as the District budgetary position goes far beyond fiscal conservatism. This crystallizes with the allocation of state funding for new full-time faculty hiring. I wrote about this in the June FA News before the Governor had signed off on most of the Legislature's final budget proposal. We now know that the District received $2,634,753, or enough for about 23 positions and change based on the District's own calculation of an average $113,233 annual cost (salary plus benefits) for a full-time faculty position. Yet the way the District split the funding was to adhere to the traditional 40%/60% divide for Foothill and De Anza respectively (even though Foothill was recently downsized to a "small college" according to state apportionment criteria). This resulted in Foothill receiving enough funding for 9.31 positions and De Anza 13.96. Rather than adjust the distribution so that Foothill received 39% (still enough for 9 positions) and De Anza 61% (enough for 14 rather than 13), the District doubled down on the 40%/60% and "effectively losing" the respective .31 and .96, presumably in the interest of being "safe" about costs. Penny wise, certainly. But since the funding can only be used for full-time hires, what happens to that residual funding for 1.27 positions? By contrast, the state's funding benchmark for each position was $86,771 (apparently requiring the Districts to pick up the correlative benefits costs), which would have allocated our District funding for 29 positions.

The District's timing in the release of this full-time funding information suggests a more elaborate shell game. Despite FA making multiple information requests about the District's application for this funding dating back to as early as August 5, we received only a copy of the District's application, and that not until September 16. We didn't receive full disclosure of how much funding the District received until November 16, in open discussion during the District Budget Advisory Committee meeting. Back in October, at the California Community College Independents conference, I listened to other unions report out not only the number of positions their Districts would hire, but how it was calculated (more on this momentarily). And when it came our turn, all we could say was that our District had not shared any information with us beyond their application. But as I subsequently learned during a State Chancellor's "Consultation Council" meeting on November 18, the same day as our own District's Budget Town hall, a Chancellor's Office memo had been distributed on September 17 listing the funding allocated to each District. And as I found out just in the last few days, an initial memo from the Chancellor's Office detailing how much funding each District could expect if they were to apply (and specifying the increase to our FON of 29) was sent out on August 3. So now we know, over the course of more than 3 months our District purposely and repeatedly suppressed and glazed over information about this new funding. But to what purpose?

If the devil is in the details, what's not revealed at all must constitute the devil's storehouse. And in regards to the new full-time faculty funding, there's been silence from the District about the fact that with each new instructional full-time position about $70,000 is "saved" on the part-time salary schedule. Basically, new full-time instructional positions absorb an equivalent FTEF of load that would have been assigned to part-time faculty paid out of the 1320 fund (non-instructional faculty are not paid from this fund). And as much as I despise the rhetoric reducing part-time faculty to so many "units" in the 1320, it's essential to think about this in a way to get a sense of how the District is "reading" the scenario and how much money they think they have to play with as a result. Despite posing this question at the District Budget Town hall, I was informed by District Vice Chancellor of Business Services Susan Cheu that she was "unsure" of the exact amount of "savings." While it's true that it depends upon how many full-time faculty positions are given instruction and how many to student services (for Counselors, Librarians, et. al.), I find it highly unlikely that the District has not already determined these numbers, particularly given its anxiety around the previously addressed funding split between the Colleges. As an example, let's use De Anza, from which, of its allocated (and hopefully increasing) 13 positions, 8 have been assigned for instructional positions, 5 for non-instruction, or 61.5%/38.4%, practically a mirror ratio for how the District should have calculated its split between the colleges in order to gain 23 total positions rather than 22. And then, a formula simple even for an English instructor/unior president can be applied: 8 positions x $70,000 = $560,000 in "savings" for one college. Let's assume the District had followed the state's benchmark of an $86,771 cost per full-time position, which would have yielded 29 positions. Following the same ratio, 61.5% of 29 = 18.1. I'm also going to assume the District is "reading" the scenario with 33 faculty applied, and which positions could be refilled. For more fiscal chicanery, the District seems to have given the Colleges the idea that they can sweep these vacancies out of instructional funding altogether, to pay down non-faculty positions funded with one time "carry forward" monies, and other such expenditures. Au contraire, madame: such "sweeping" needs to be considered relative to the total number of full-time faculty in the District. In the aforementioned Consultation meeting at the Chancellor's Office, Vice Chancellor for Finance and Facilities Planning Lizette Navarrette, responding to questions about CCC districts which have deviated from the legislative intentions behind the new FT faculty funding, declared that "when districts accepted this increase, they knew that they were expected to increase their FON." This "Full-time Faculty Obligation Number" measures the progress Districts are making towards the mythical goal of a 75/25 ratio of full to part-time instructors which, to date, no District has come close to meeting (hence the state funding for new full-time positions). So robbing Peter to pay Paul--or in this case, robbing Peter and Paul--by sweeping the equivalent of 33 full-time faculty vacancies despite hiring 22 (instead of 23, or even 29) new full-time faculty, does not greatly increase the number of either full or part-time faculty.

Whether or not the District would be legally liable for budgeting under such false pretenses, this strategy definitely wouldn't go down well in the court of public opinion. There is already talk of a state-wide audit to insure that Districts have followed through with the intended purposes of the full-time hiring money and other such supplemental funding. Even though our vacant SRP positions were calculated into our FON prior to the District applying for the full-time hiring
dollars, a year over year comparison wouldn't throw a very flattering light on the District simply "restoring" the number of full-time faculty we had prior to the SRP after accepting the additional full-time hiring money. This is probably what led the District to unilaterally limit the number of SRP positions to be released this year, so that the remainder could be released for additional full-time hires next year. I'm more familiar with the situation at De Anza, where 7 of 17 positions (again, close to that favored 40/60 ratio) have been "held." But pending additional research, I wouldn't be surprised if a corresponding percentage of Foothill positions has been withheld, so that the total number of District "sweeps" from the SRP is less than the 22 (not 23, or even 29) positions funded by the new money for full-time hires, thereby in the long-term showing "some" minimal gain in the number of FT faculty.

There will probably be the usual District chatter of the need to be more "equitable" with budgeting--they can't very well claim student centeredness when draining money out of instruction. Well, FA has talked with the other bargaining units and is well aware that there are many underfunded areas of neglect in the District that need to be addressed (custodial and grounds chief among them). But inequities are not resolved by simply displacing them elsewhere. And the impact the reduced number of full-time positions has had on those instructional departments which have been struggling with a single full-time faculty member over the past 3 years has been devastating. As would be the proposed milking of these SRP funds from the 1320. Leveraging the number of full-time faculty to make a difference in student success rates was the legislative purpose behind the full-time funding. This is in keeping with our Board's priority to "build budgets that, regardless of fiscal conditions, will increase investments in intentional strategies designed to achieve student success and equity goals." We thus need to substantially increase the number of full-time faculty in our District, rather than simply maintain the status quo. And if we're not going to hire more full-time faculty, then leave those SRP monies in the 1320 rather than "sweeping" instructional dollars to other campus budgets and kicking part-time faculty to the curb in the bargain.

Anyone who was paying attention to District budgeting and the state budget in 2019-20, is prepared for the posture the District is about to assume relative to this year's soon to emerge state budget: focus on the most dismal budget projection, drill down on it, and dig in the heels, despite emerging evidence to the contrary. You may recall how the legislature's 2019-20 budget for the community college system was much less dismal than Governor Newsome's inaugural January budget. You might also remember that the May revise proved less dismal still, and that the signed final budget included an actual surplus of funding. Yet still, our District pressed for a reduction in positions and programs (only to withdraw those proposals in the 11th hour of the 11th month). We need to have the fiscal flexibility and mobility to realize that, in all likelihood, this year's prematurely negative projection, too, shall pass--hopefully more like a fancy than a kidney stone--but the way the metrics are currently shaping up, the District's projections certainly appear overly dour. For one, the Legislative Analyst's Office projects a $31 billion surplus for 2022-23. They also account for a 5.35% COLA adjustment, an actual increase from this year's 5.07%. And, in contrast to the District's doom and gloom regarding non-resident tuition revenue, the Institute of International Education (IIE) and the Department of State suggest a recovery: nationally, a 68% increase in new international student enrollments. Granted, there can be a world of difference between local and national scenarios, but this does give some perspective on the District's budgeting for an 18% decline in such revenue this year. We saw a similar overly draconian projection last year--non-resident enrollment was down (by 23.2% as of the census date), but not nearly as far as the 30% reduction the District assumed in its budgeting then. The more that the District persists in always pushing for the worst, the more it begins to weigh on their credibility, like rime on tree limbs, so that it in the end, it may not take much of a wind at all to crack them into pieces. We can only hope that the tree itself survives.

\[Image\]

FA Thanks and Welcomes our New Members:

- Kjerstie Olson, DA PT Health Technology
- Robert Unzueta, DA FT Chicanx/Latinx Studies

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JOIN OUR FACEBOOK PAGE

Negotiations Report

Amy Edwards
Interim Chief Negotiator

As fall quarter comes to a close, I’m reflecting on my work life over the past three months. I’m so grateful that my students got to learn how to use real microscopes, make new friends and form study groups, and I got to come out from behind my computer screen to teach the way I love. Don’t get me wrong—teaching on campus for the first time since the Covid debut was not without its challenges. I limited movement among groups and this hindered the normal flow of my class. It was more difficult to read facial expressions with masks hindering my view. But, in this part of my work life, the overall positive experience far outweighs the small frustrations.

In my role as Chief Negotiator this quarter, this scenario was reversed—the frustrations far outweighing the positives. Progress has been painfully slow; we’ve had 8 negotiations sessions with the District and have made very little headway. Covid and safe return protocols dominated our negotiations in September and October. FA has sent an MOU outlining these COVID-related protocols that we’ve agreed are taking place on each campus to the District and awaits their response.
For this end-of-quarter update, I will focus on the two big compensation items we’ve been negotiating: getting the Remote Work Payment that was agreed to this summer into December paychecks and our 2021-22 Compensation Proposal, which FA presented to the District on August 2.

As you may know, the compensation negotiations process is relatively simple—first, FA makes a proposal based on extensive research; in response, the District asks questions, consults with the Business Services office and the Board, and comes to the next meeting with either detailed questions or a counterproposal. After hearing the District’s counterproposal, FA has the choice to accept it or to bring a second counterproposal to the next meeting. This process continues until we reach agreement. This back and forth only works, however, if both sides do their “homework” and come to each session prepared with their questions, concerns, or a counterproposal.

While FA repeatedly holds up their end of the work of negotiations such as researching, asking pertinent questions in advance of and during negotiations, and responding to District concerns, the District has, more often than not, come unprepared to the sessions. Without both parties doing the work between sessions, the precious time in actual negotiations is wasted.

Remote Work Payment

Let’s start with the remote work payment that was negotiated at the end of Spring quarter, a done deal, or so we thought. It has been 5 months since the District agreed to compensate faculty for the extra work done in developing emergency online courses, yet, until this week, we had not confirmed that this money would be in our December paychecks.

The main issue seemed to be that the systems the District uses to keep track of load and execute payroll, though both are in Banner, can’t seem to “talk” to each other. The classified professionals responsible to coordinate the extra payment faced both stress and frustration in trying various strategies to convince Banner to integrate information (maybe we need a new system?). Even after Kathy Perino volunteered to help by compiling data for the necessary load calculations, Banner refused to perform.

Since getting load data out of Banner seemed impossible, and we were adamant that the remote work payment be in paychecks this quarter, FA brought a revised flat rate proposal to negotiations this week which was agreed to by the District.

The new agreement is outlined here:

- Full-time faculty payments will remain the same; faculty members will receive $575 per quarter worked, so those who worked all four quarters covered in this payment (Sp20, F20, W21, Sp21), will get $2300 in their December paycheck. Full-time faculty who were on any kind of leave during one or more quarters will receive the proportional amount. For example, if you were on PDL during Fall of 2020, but worked the other three quarters, you’d receive 3x $575 or $1725.

- The main change is for part-time faculty, who will receive $400 for each of those four quarters worked, independent of load. So, if they worked all four quarters, they will receive $1600. If they had assignments in 2 of the 4 quarters, they will get $800, and so on.

- The other special compensation amounts will also be in the December paychecks. These were described in Kathy Perino’s June FA News article; here is the relevant explanation: “In addition to the flat payment for all faculty, FA negotiated an additional stipend for department chairs/schedulers, allied health faculty who coordinated the return to campus mid-year, and faculty who developed shared lab materials for use by the entire department.” The stipends for this additional work range from $500 to $1500.

- The only caveat is that faculty who aren’t currently receiving paychecks from the District (part-time faculty without an assignment this quarter, for example), may have to wait slightly longer to get their remote work payment. FA is doing all it can to help ensure these payments are processed on time.

While we know this sum falls short of compensating all faculty for the extra work done in the past year and a half, we do hope that it adds some measure of satisfaction to a job well done in the face of an unprecedented challenge.

21-22 Compensation Proposal

Now let’s turn to FA’s 21-22 compensation proposal that was submitted four months ago. Despite so many negotiation sessions and countless queries about the delay, we still don’t have an acceptable response from the District. While the District hasn’t explicitly refused to negotiate, they have shown a lack of interest in discussing many portions of FA’s proposal. At the same time, we have received little feedback about the delays.

The major holdups in negotiations hinge on what seems to be negligence on the part of the District. Three months after we submitted our proposal, and in spite of assurances that a counter proposal would be available at the November 3rd meeting, we met only disappointment.

While I can’t go into the details of the ongoing negotiation items, suffice it to say that the District came to that meeting completely unprepared. FA had offered in good faith a fair and researched proposal, yet, after three months, some of their team members had not even reviewed that proposal. To add insult to this blatant disrespect, they could not (or would not) explain the reasons for the limited responses they had made, claiming a need to go back to Business Services and get clarifications, clarifications that were still not delivered at our session on November 17th.

Equally frustrating in the November 3rd meeting, was the lack of knowledge on the District’s part concerning faculty salaries, even though they are tasked with negotiating them. FA spent valuable negotiations time showing the District how part-time salaries are figured differently from the full-time ones. Having people at the table who understand the budget, including payroll, is clearly a must. After some discussion we’ve finally gotten agreement that Susan Cheu and Raquel Puentes from Business Services must be at the table for the remaining compensation negotiations.

On December 1st, we had our first negotiations session with Susan Cheu present, and she was able to answer some questions for us about the budget, and that information will inform our responses to the District; however, the issue of the District team not understanding our salary tables remains. One month after the November 3rd debate, FA had to cover the payroll discussion again; there was no evidence that the District representatives had made any effort to understand payroll tables since we had last discussed salary systems. We cannot trust the District negotiators to offer a reasonable compensation proposal when they don’t understand how our salary tables work.

FA will continue to push for the District to both be more prepared and to bring reasonable proposals to the table, but our frustration is mounting. Stay tuned at the start of the new year for updates on the continuing saga of negotiations. In the meantime, enjoy the extra money in your December paycheck and continue to reach out to me with any and all negotiations questions you have before or after you take off (whether physically or mentally) for a well-deserved holiday break. Happy Holidays to each and every one of you!
Don't Miss These Upcoming Deadlines!

2021

--December 10: Full-time faculty submit Early Retirement Incentive Notice to District Human Resources Office (20.4 Appendix X).

--December 31: Part-time faculty submit completion of requirements documentation for column change starting Winter quarter to campus Personnel Office (Appendix B. 1, C, E, G).

2022

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

--February 7: Professional Development Leave Committee makes recommendations to the Board at its meeting in February (17.12.3).

--February 15: Full-time faculty submit requirements to establish additional Faculty Service Areas (FSA)s (15.9).

--March 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.

--March 4: Part-time faculty file intention to change salary column starting in the Spring Quarter with campus Personnel Office (Appendix B.1, C, E, G).

--March 15: Board notification to probationary or other faculty whose contracts will not be renewed (California Ed. Code).

--March 15: Article 19 faculty submit to District Human Resources the annual 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.

Find the Contract, Articles, and Appendices Here

FA Resources and Important Links

- AAUP - American Association of University Professors
- ASCCC - Academic Senate for California Community Colleges
- CCCC - California Community College Independents
- CFA - California Faculty Association
- CFTCC - Community College Council of the CFT/AFT
- CPERS - California Post-Time Faculty Association
- CTA/CCA - Community College Association of the CTA/NEA
- FACCC - Faculty Association of California Community Colleges
- CalPERS - California Public Employees’ Retirement System
- CalSTRS - California State Teachers’ Retirement System

Thinking about retirement?

Pre-retirement planning for full-time faculty: Articles 18 and 19.

Friday 7 January, 12:00 - 1:30pm via Zoom

Article 18 is a program for eligible full-time faculty to reduce their workload prior to resignation and retirement from the district. The faculty member must work at least 50% of full annual load. Often faculty reduce their assignments to work 2 out of 3 quarters, although reducing workload in each of the 3 quarters is also possible.

Article 19 is a program for eligible full-time faculty to return to work after resignation from the district and retirement from the California State Teachers’ Retirement System (CalSTRS) or California Public Employees’ Retirement System (CalPERS).

In this Faculty Association sponsored workshop, Lisa Markus and John Fox will discuss Articles 18 and 19 from the Agreement: qualifications, requirements, and the pros and cons of working under these articles. Please bring your questions!

Happy Holidays from FA!
Enjoy Winter Break