President's Report

Tim Shively
FA President

My family recently had a bit of a scare when my high school-aged son developed a runny nose and sore throat. When a fever set in, we immediately took him, on a Sunday, for COVID-19 testing. Unfortunately, the rapid test was unavailable, necessitating a PCR test, the more reliable of the two, but which required a 1-3 day waiting period for results. In the interim, we sequestered him in his bedroom, alerting all those who had interacted with our household and minimizing our activities outside the house. Thankfully, we got the negative results the next day, though we had to repeat the process a few days later with my junior high-aged daughter. Even though both are fully vaccinated, I never thought I’d be so delighted by my kids receiving negative test “scores.”

Given that neither of my kids’ schools has a vaccine requirement for students (only staff), I’m hopeful they will eventually add this to the masking mandate currently in place (possibly after the FDA approves vaccines for children under 12). I am nonetheless
impressed by the rigor with which they monitor their students’ safety: both schools were very quick to reach out to us when we reported absences involving a fever and requested copies of the negative test results before either child could return to campus. We also receive “Covid-19 Advisories” whenever a student at either campus does test positive (probably, on average, 1-2 per week), thus far informing us that our child “has NOT been identified as being a close contact to the individual during their infectious period.” This is rational, science based, social health in action. We all need to learn how to live safely with this disease in our midst because the virus doesn’t appear to be leaving any time soon.

In our own District, however, rationality is not always the order of the day, as illustrated this August by our two colleges’ divergent responses to athletes on each of their Football teams testing positive during their weekly tests. At Foothill, football practices were suspended and the entire team and staff quarantined, after which, and after receiving a negative test result, they were permitted to return to campus and resume practices. That is a thorough, careful response, in line with both Center for Disease Control and California Community College Athletic Association guidelines. At De Anza, on the other hand, all sports were immediately and unilaterally shut down, athletes not permitted to return to campus until they were fully vaccinated. I mean, really, what threat does a football player’s infection pose to the Water polo team? As much as an advocate for vaccinations as I’ve been ever since they became available to District employees back in February, I had to protest this reactionary, overzealous response. Not only was it in violation of the September 15 and 20 required vaccination dates established for staff and students respectively in Board Policy 3507, only just approved on August 2, but neither the College nor the District had at that point communicated anything to the athletes of this impending vaccination requirement. This, despite the fact that the athletes had been permitted to condition and practice on campus without vaccinations since May 4. This requirement, eventually extended to both colleges, stands in direct contrast with some of our nearby CCC districts who have initiated vaccination mandates, such as City College San Jose and Contra Costa, which have given their communities months of prior notification about impending vaccination dates.

And it gets worse. At De Anza, even already vaccinated athletes were required to upload their vaccination records to “Pyramed” (a digital technology only then initiated by the college for vaccination verification purposes), with all athletes’ records then requiring individual approval by the Health Service Clinic. As one might expect, a bottleneck quickly developed, with some athletes waiting weeks for clearance, and others being denied clearance despite having vaccination cards in hand, reasons unclear. To be fair, there were instances in the system with fraudulent vaccination information, warranting the entire sports program in response (Foothill did not immediately implement the Pyramed “scheme” due to problems with its verification of players, though now we’re all going to be using it, per Interim Vice Chancellor of Human Resources Myisha Washington’s September 13 email to the campus community). But given that Administrative Procedure 3507 (accompaniment to Board Policy 3507) only specifies “declaration” of vaccination status and “(a statement by the student or employee that the information provided is accurate and truthful),” and notes nothing about uploading copies of the actual vaccination cards, it evidences the “wag the dog” approach the District has followed with regard to vaccination policy generally. Presumably, as an accommodation to International students who may have received non-FDA authorized vaccines, the District has subsequently modified its stance and now allows an on campus presence for students who can document their first shots by the first day of school and their second (a moot point for those who received the J&J vaccine) by October 1. However, this courtesy extension does not, apparently, extend to athletes, who, at De Anza (at least from what I’ve been told), must still wait the full two weeks after their final shots before setting foot on campus.

Then there are the exemptions. The medical exemption seems easy enough—a simple note from one’s physician attesting to underlying medical conditions for which a vaccination would present a health risk, “reviewed by our colleges’ health services professionals.” But when one of the displaced De Anza athletes requested the religious exemption mentioned in AP 3507, it materialized that not only did the District not have a process in place for such applications, it didn’t even have a form. While this has subsequently been rectified, Chancellor Miner’s August 27 email to the campus community, in which she states that “religious exemption requests will be reviewed by Chancellors Cabinet and supervising administrators will be consulted regarding possible workplace accommodations” does little to inspire confidence in the application of this protocol to the District as a whole. Are there any imams among the Cabinet members by chance, or perhaps some possess Rabbinical studies credentials? I have bad dreams about a rash of exemption applications citing spurious criteria with no one qualified (beyond the District’s legal screening) to assess their legitimacy.

For the athletes, the impact of this all has been absolutely devastating. It has disrupted schedules, routines, and training. Teams have had to cancel competitions due to insufficient numbers of players, the rate of injuries has increased significantly due to those playing being put under greater duress as a result of fewer substitute players, and the coaches have had to scramble to alter travel plans, reschedule practices and reassure depressed players who have staked their athletic careers on playing at De Anza College. So much for the lip service paid to student centeredness. The District appears not to have made any efforts to ensure the teams competing with Foothill and De Anza are following similar protocols, nor the spectators at the sporting events, for that matter. Ditto for the community members using our athletic facilities. The inequity of the situation has an even more severe impact on the students of color (of which a large percentage of our athletes are) who have struggled to overcome extreme barriers in order to even attend college. And the fact that vaccination hesitancy is also generally higher in communities of color also waves an equity red flag. Not a word of this in College or District communications on these matters.

This is not, ultimately, of concern only for Athletics. Instructors scheduled to teach on campus in less than two weeks lack answers to the most basic concerns of safety measures taken in their classrooms (e.g. density of occupants, air filtration upgrades, protective equipment) and how to identify and report infected students. And with Winter quarter just around the corner, Department Chairs and Schedulers have questions about the percentages of instructional modalities, how they will be distributed within their areas, and how faculty are to ensure that students are vaccinated. These are the sorts of issues around which the District’s unilateral, arbitrary and inconsistent practices concerning Athletics do not inspire confidence, precisely when we most need District-level policies and decision-making we can trust. Rather than inspiring students and employees to pull together through this period, they undermine credibility in the District’s leadership. It is clear that the District needs to collaborate with faculty and staff as full decision-making partners, and not merely in an “advisory” capacity (particularly when such advice is routinely ignored if solicited at all). The Faculty Association will be in conversation with the District over the “effects” of its policies (or lack thereof), and is in conversation with the Academic Senate leaders of both colleges as well as with the other District bargaining units and classified employee organizations to provide the impetus for this much needed collaboration.

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2021 Staffing Adjustments

With Kathy Perino on PDL in Fall and Tim Shively on PDL in Winter, Amy Edwards is serving as the chief negotiator for the entire 2021-22 academic year. Kathy Perino will serve as Acting FA President in Winter 2022, and continue to be actively involved in other FA roles throughout Winter and Spring 2022.
Negotiations Update

Amy Edwards
Acting Chief Negotiator

Return-to-Campus Update

Like most of faculty, I spent the majority of the 20-21 academic year in my bedroom-office, jumping from Zoom class to Zoom meeting, hoping that my internet connection would hold up. Fortunately, this summer has been pretty quiet for me. I took a much-needed break from all things Foothill-De Anza, and I hope you were able to do the same.

FHDA re-entry has been jarring to say the least. In the few weeks I have been back, the overarching theme in meetings with my faculty colleagues has been the administration’s lack of communication and the dearth of clear policies about both the Fall return-to-campus and Winter scheduling.

As a result of the general uncertainty around both COVID and district administration’s plans for the 2021-22 school year, faculty hover between anxiety and doubt. Clarifying processes for the first day of classes and determining scheduling modes for the rest of this year should have been addressed by administration in collaboration with both FA and the Academic Senates, but the District appears to be spinning out last minute decisions instead of implementing the results of thoughtful planning.

Of course the pandemic is ever-changing, and we have necessarily been forced to accept degrees of uncertainty in both our personal and professional lives, but the lack of consistent communication from FHDA administration is exhausting. For example, information about how policies are determined and to whom they apply is shrouded in mystery. Decisions previously made at the district level are now being determined at the campus or division level, or sometimes, not at all, despite those policies having district-wide contractual implications. The effort required to determine what policies have been mandated, who made those decisions, and whether they apply to both campuses or not, is arduous and unnecessary. Our Senate colleagues seem equally frustrated by the lack of communication on all fronts.

FA has reached out to the District negotiators and other administrators to try to get answers to the flood of questions we have about these imminent concerns; for instance, what are the procedures for faculty if students do not follow safety protocols on campus? Are there still large classrooms available for high density classes to move to as needed? Clear responses have thus far been infrequent or absent. Despite this frustration, we continue to push for answers. We have asked to negotiate next week before the quarter begins, and we will continue to update you as we receive relevant information.

A second time-sensitive issue is the scheduling for Winter quarter. Despite the fact that these schedules are due in a few short weeks, neither campus has provided information to faculty schedulers about what policies are in place. Schedulers still lack critical information, including course modality and the state of emergency status that allows all of our courses to be taught online. We have sent questions to the campuses in an effort to get answers about a cohesive District scheduling policy, but we still await a response. Again, we will provide updates as soon as they are available.

Compensation Update

FA made our compensation proposal to the District after the 2021-22 state budget was released in June. The budget includes a 5.07% state COLA, $200,000 of ongoing funding for part-time faculty, $1.8 million of one-time money for part-time faculty that can be spread over multiple years, and about $2 million towards full-time faculty hiring. Remember, these dollars are not automatically passed through to faculty: we must negotiate for all of it.

FA’s compensation proposal includes an increase in the part-time salary schedule to move closer to our parity goal for part-time faculty, a pilot sabbatical program for part-time faculty, increases (including COLA) to all salary schedules, and some specific provisions to address long-running recruitment and sustainability issues in our Allied Health programs. We should receive a District response in the coming weeks, and we will keep you posted as these negotiations progress. Note that any salary agreement will be retroactive to July 1, 2021.

Other Upcoming Negotiations

In addition to these imminent, critical concerns, we have other negotiation matters on the horizon for 2021-22. The broadest objective will be the “open” negotiation of the entire contract, as the current Agreement expires on June 30, 2022. This work will involve surveying faculty about needs, including suggested modifications to the existing language. Please keep a look out for this survey during late Fall quarter. The negotiators will also continue to work towards previously-identified faculty objectives, including working with FA’s Equity Task Force and Senates to revise our current evaluations to make them more constructive tools for improvement, convening a “Class Size” Task Force to determine the optimal class size to further improve student success while considering fiscal responsibility, and determining fair compensation for department chairs.

As we start what is already shaping up to be a whirlwind of a year, I look forward to working with all of you to address the complicated issues facing our District.
Upcoming Deadlines

- Sept. 15: Full-time faculty submit completion of requirements documentation for salary column change in academic year 2021-22 to campus Personnel Office (Appendix A, B).
- Sept. 17: Part-time faculty submit completion of requirements documentation for column change in the Fall Quarter (next academic year) to campus Personnel Office (Appendix B.1, C, E, G).
- Sept. 20 – Oct. 15: CalPERS Open Enrollment period for all faculty and retirees to enroll/make changes in medical benefit coverage and/or pre-tax dollar Flexible Benefits Spending Account Plan, such as child care spending accounts (22, 22A, 23); coverage is for calendar year, Jan. through Dec. 2022.
- Oct. 15: Full-time faculty submit Professional Development Leave (PDL) application to District Office of Human Resources; review with division dean at least five school days prior to submittal. (17.9, 17.11).
- Oct. 18: Professional Development Leave Report (Appendix P3) due for faculty on leave the full 2020-21 academic year or completing the final quarter of leave Spring Quarter 2021 (17.16).
- Dec. 3: Part-time faculty file intention to change salary column starting in the Winter Quarter with campus Personnel Office (Appendix B.1, C, E, G).
- Oct. 15: Full-time faculty submit Professional Development Leave Report (Appendix P3) due for faculty on leave the full 2020-21 academic year or completing the final quarter of leave Spring Quarter 2021 (17.16).
- Dec. 10: Full-time faculty file intention to change salary column starting in the Winter Quarter with campus Personnel Office (Appendix B.1, C, E, G).
- Dec. 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).

Find the Contract, Articles, and Appendices Here

Particularly for Part-timers

Raymond Brennan
Part-time Associate Secretary

If you think you have suddenly joined Franz Kafka’s Josef K. waiting in EDD’s antechamber for an explanation about why your unemployment claim has been denied, or worse, you have received nothing from EDD, neither an acknowledgement of your claim, nor an explanation of why you can no longer certify for your next weeks, take comfort in the fact that you are not alone.

Innumerable Part-time faculty across the California Community College system have found navigating the unemployment system this summer to be a nightmare. For some, the nightmare begins with the new Id.me requirement; for others it is an inability to contact EDD despite hours on hold after navigating what appears to be a deliberately Byzantine voice mail system. But the most common problem is EDD’s denial of benefits. Under California law, adjunct/part-time instructors are eligible to file for unemployment benefits between terms, whether summer or winter.

The problem is that EDD’s reasoning is at odds with the Cervini v. Unemployment Insurance Appeals Board (1989) decision, which holds that CA community college adjunct faculty are eligible to receive unemployment because they are technically laid off at the end of each term. Even though a faculty member may have a work assignment for the next term, and even if they have signed an agreement to teach specific courses in an upcoming term, those assignments may be cancelled due to any number of reasons; as a result of these conditions, adjuncts do not have a “reasonable assurance” of re-employment. For this reason, FA is working with its legal counsel to find a means of challenging and correcting EDD’s mistaken implementation of this definition. This effort will take some time, but a successful outcome would likely see most all summer unemployment claims ultimately paid.

In the meantime, if you are having problems with EDD, there are two steps you can take to help resolve the issue. First, contact your local assemblymember; most all have a link on their website dedicated to helping their constituents resolve EDD problems. You can find your assemblymember here: Find Address (ca.gov). The other step you could take would be to share your story with me, and if you are comfortable doing so, sharing any documentation you have from EDD. Of particular interest is whether anyone who has had their claim denied has filed an appeal. If so, knowing the particulars of that appeal would be a great asset to FA’s legal efforts.

So, the bad news is that, yes, for many of us, trying to get one’s legitimate unemployment benefits this summer has been a nightmare. On the upside, know that FA has your back and is working assiduously to get this whole imbroglio corrected.
FA News Service

Teaching in Retirement for Full-time Faculty

**Article 19 Emeritus Program:** This article allows faculty, for up to five years following retirement, to perform a pro-rata share of all their former duties, and in return receive a pro-rata share of the full-time Appendix A salary that you earned prior to your retirement, up to STRS imposed annual earnings limit in effect at the time of retirement (the 21-22 limit is $48,428). To apply for this, faculty need to meet with their dean or appropriate administrator annually to complete the Article 19 annual plan (see 19.6.1 in the contract), which is essentially a wish-list of assignments over the coming academic year. Please note that assignment availability is not guaranteed; Article 19 faculty do, however, receive courses before all active part-time Article 7 and overload faculty. Please see table below for qualifications for eligibility to this program and list of the pros (and cons) of teaching under Article 19.

**Article 21 Post-Retirement Employment:** The best and perhaps only reason for retiring under Article 21 (mutually exclusive with Article 19) is if you plan to teach more than five years in retirement and you want to retain your reemployment preference (REP) for the sixth year of teaching and beyond. This article allows faculty for a two-year period after retiring to receive assignments as though at the top of the reemployment preference list, and faculty are compensated at the highest part-time Appendix C rate. Also, if you had part-time reemployment preference before going on Article 21 (such as from teaching overloads), you retain and continue to earn it, and you retain it after exhausting your two-year, Article 21 privileges. If you didn’t have REP, under Article 21 you begin to earn quarters towards it. Please see table below for a more complete list of the pros (and cons) of teaching under Article 21. Unlike Article 19 faculty, whose load limit is fixed in their first five years, Article 21 faculty load limit changes annually to reflect changed CalSTRS annual earnings limits, and though this may mean only very small changes, to make sure the annual limit isn’t exceeded, the retiree is responsible for keeping track of earnings—the district won’t do it for you.

**Article 18: Reduced Workload Program** (for active faculty in last few years of teaching before retiring): Under this article, you can reduce your contract down to a minimum of 50 percent of full-time load for up to 10 years; salary and contractual duties are prorated. The two annual deadlines are January 15 to confer with your dean or appropriate administrator to determine a schedule for the following year and then March 1 to submit Appendix W to the college President. Please see table below—“PRE-RETIREMENT: Reduced Schedule for FULL TIME FACULTY”—for a more complete account of the qualifications for this article, and list of the pros (and cons) of teaching under Article 18.

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**Options for Teaching in Retirement (F/T)**

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<th>Article</th>
<th>Qualifications</th>
<th>Process</th>
<th>Pros</th>
<th>Cons</th>
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<tr>
<td>19: Emeritus Program</td>
<td>Age 55+ Regular/contract faculty at least 10 years Retired under STRS/PERS Quarterly load can’t exceed “regular” quarter load Start 180 days after retirement, else reduction in pension</td>
<td>Request in letter to Board at least 2 months prior to resignation for purposes of retirement date. ANNUAL PLAN Appendix U1 By February 15: District issues copy of Appendix U1 By March 15: Faculty, Dean, &amp; VP sign Annual Plan AND faculty submits to District First year, faculty receives Annual Plan within 30 days of Board approval, submits within 30 days, but must submit by end of Academic Year</td>
<td>Paid on Appendix A including PAA Income from both pension and District Article 19 assignments given prior to Article 7 / 21 District Life Insurance Non-cumulative pro-rated sick &amp; personal leave</td>
<td>Assignment subject to availability (after PT faculty) No “bumping” rights Re-employment Preference (REP) lost if on Article 19 more than 2 years (6 consecutive quarters) Maximum participation 5 years Earnings limit of $48,428 for 2021-22 (changes annually)</td>
</tr>
<tr>
<td>21: Post-Retirement Employment</td>
<td>Retired under STRS/PERS Start 180 days after retirement, else reduction in pension</td>
<td>Request in letter of resignation</td>
<td>Income from pension and District; paid highest Appendix C Assignment given as through #3 on REP list Return Article 7 REP seniority/year REP after 5 quarters</td>
<td>Assignment subject to availability; no “bumping rights” Article 19 better: paid more, given assignments first, more leave days Maximum participation 2 years Earnings limit of $48,428 for 2021-22 (changes annually)</td>
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FA Seeks Three Executive Council Members

FA needs faculty to fill three seats: one, one-year replacement for 21-22 from De Anza, and two, one-term replacements in the Fall 2021 Quarter, both full-time faculty, one from Foothill and one from De Anza. Meetings are on the first and third Wednesday of the month from 3:00 to 5:30 p.m. Fall quarter meetings will be held on Zoom. Council members are assigned to act as liaisons from FA to an academic division on their campus, to which they will forward meeting summaries and minutes. While there is no release time for these positions, council members are paid $100.00 for each executive council meeting attended. FA encourages faculty who are interested in participating in their union to “test-drive” a union position for the quarter. To apply, send a letter of introduction addressed to the Executive Council to office manager Susanne Elwell by October 5th.

Reminder on September Pay

For many full-time faculty, the September paycheck will be substantially less than other checks. Those who did not have an assignment in the summer session will have three (not one) months of benefit premiums deducted: for July, August, and September. Part-time faculty will also receive a less-than-usual check amount: they do not receive a paycheck in September, but rather a small “advance” in early October for work done in September.

FA Resources and Important Links

- AAUP - American Association of University Professors
- ASCC - Academic Senate for California Community Colleges
- CPCI - California Community College Independents
- CFA - California Faculty Association
- CFT/CC - Community College Council of the CFT/AFT
- CPFA - California Part-Time Faculty Association
- CTA/NEA - California State Teachers’ Retirement System
- CalPERS - California Public Employees’ Retirement System
- CalSTRS - California State Teachers’ Retirement System

Join FA Today!