

## NEGOTIATIONS

### Contract talks focus on Board policies; economic issues still ahead

by AFT 1493 Negotiations Team: Joaquin Rivera, Katharine Harer, Victoria Clinton and Sandi Raeber

Recent bargaining sessions have focused on a group of revised Board policies that the District brought to District Shared Governance in the fall. The union's representative on DSGC, Teeka James, realizing that these policies could be problematic, brought them to the AFT Executive Committee. We consulted our lawyer and were advised that these policies are, in fact, negotiable. While the District has not agreed that all of the policies must be negotiated, they have agreed to discuss them at the bargaining table.

The policies cover safety, non-discrimination, dissemination of employee information, free speech and employee resignation. We will address three of the policies here: *Safety*, *Resignation*, and *Time, Place and Manner*--expression of free speech on campus.

#### Policies on safety and resignation

The AFT's position on *Policy 2.28: Safety* is that it is already covered in Article 16 of the faculty contract and that the revised language is too broad and open to misinterpretation. On *Resignation*, the AFT has proposed changing the policy to include the following: a faculty member will have 21 calendar days from the Chancellor's receipt of a resignation to rescind that resignation. Thus far, the District's response has been that this will encourage faculty members to change their minds

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### March for California's Future points to ways forward from state's budget crisis

With a boisterous crowd estimated at 7500 joining feet with the six core marchers who walked more than 300 miles from Bakersfield over the previous 48 days, the California Federation of Teachers-led March for California's Future arrived in front of the state Capitol on schedule at 3 pm on April 21.

Not one legislator addressed the rally, although many had asked

are the world" as the sun broke through the clouds brought grins to most of the faces in the crowd and a fitting close to a beautiful day.

#### Budget crisis was created by politicians

The March for California's Future had two goals. The first



Core marchers (holding banner) lead final leg of the March to the State Capitol

to do so. Instead, 80 bus loads of union members from as far south as San Diego and as far north as Eureka heard from their own leaders, from students, from pastors, parents, and finally singing children whose after-school program in Bakersfield had been hit by budget cuts. At the end of a long day, following bus rides, march through rain-soaked streets, and many speeches, the kids' rendition of "We

was to spread the perspective as broadly as possible throughout the radius of the march that the state budget crisis and its attendant local ravages was not an act of nature or God, but the result of conscious choices made by the Legislature and Governor. The marchers—SDCC professor Jim Miller, Los Angeles probation officer Irene Gonzalez, retired southern California teacher

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## PRESIDENT'S LETTER

# More non-instructional work, more flex days, but less professional development

by Monica Malamud, AFT 1493 President

On average, we've had academic calendars with 4 or 5 flex days in our district over the last decade. This academic year,



for the first time, we had a grand total of 9. Although I liked the idea of having nine flex days, I also felt that perhaps nine days were too much of a luxury for profes-

sors: even though embarking in professional development would make us better teachers for our students, students would have fewer instructional days in order to accommodate for our flex days.

Fewer instructional days meant that I had to make some adjustments to how I schedule course material throughout the semester. I am one of those professors who schedule every topic, activity, test and assignment for the entire semester before it starts, so, once the adjustments were made, it was easy to follow the plan. I don't think my students felt any impact due to their classes having one or two fewer meetings compared to prior academic years.

What worries me is that even with nine flex days, I feel that I still need more.

Have I become overly indulgent? I don't think so.

## Increased non-instructional tasks

The workload of community college professors has changed so much that we are having difficulty keeping up with it. The amount of teaching-related activities has remained constant: a full-time load is still 30 units per year. But faculty who are nearing retirement have told me that "back in the old days" their focus was on their classes and their students, and they served on one committee at a time. Nowadays, there are new committees being formed all the time... but hardly any are ever disbanded, so many faculty serve on many committees much of the time. The list of non-instructional tasks faculty are expected to complete keeps getting longer and longer. There are greater demands for reporting and accountability. Overall, our workload has increased considerably over the years. So, for our flex days, we end up having to choose between professional development and activities that have nothing to do with it but we're required to do as part of a varied and increased workload mix.

## Real professional development

I'm writing this on Friday, March 12, after spending three days at a conference. I'd always wanted to attend the CABE (California Association of Bilingual Association) Conference. This year, all the stars (or at least the stars of location and date) are in alignment: the conference is held in San José from March 10th through 13th, coinciding with our mid-spring flex days.

My sons' elementary school teachers always praised this conference as the conference for anyone interested in bilingual education. As teachers in a two-way language immersion program, they were always eager to learn about new developments, methodologies, research and best practices in bilingual education. As a mother raising bilingual children, natu-

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## The Advocate

*The Advocate* provides a forum for faculty to express their views, opinions and analyses on topics and issues related to faculty rights and working conditions, as well as education theory and practice, and the impact of contemporary political and social issues on higher education.

Some entries are written and submitted individually while others are collaborative efforts. All faculty are encouraged to contribute.

*The Advocate's* editorial staff, along with the entire AFT 1493 Executive Committee, works to ensure that statements of fact are accurate. We recognize, respect, and support the right of faculty to freely and openly share their views without the threat of censorship.



# AFT and District Academic Senate develop plans for working together on areas of shared responsibilities

The members of the District Academic Senate Governing Council (DASGC) and the Executive Committee (EC) of AFT 1493 held a joint meeting on April 14, 2010, in order to discuss how to handle areas where both the Senate and the Union need to collaborate.

The meeting began with a review of the responsibilities of the Academic Senate and of the Union. The District Trustees agree to “rely primarily upon” the District Senate on academic and professional matters, usually referred to as “10+1”, as described in Board Policy 2.06. Our union is the collective bargaining agent for faculty, and its main charges are the negotiation and enforcement of the contract (aka Collective Bargaining Agreement or CBA). The union represents faculty in matters related to working conditions, pay and benefits.

Most faculty in our district belong

to both organizations, and both organizations act in representation of faculty. Although the two organizations have different responsibilities, there are areas where the Senate and the Union overlap. Some of these areas include: faculty evaluations, FSAs, intellectual property rights, class size limits, professional development (including flex), and academic freedom.

Based on our experience in dealing with these topics over time, we realized that, as two organizations that operate separately from each other, we are not as efficient as we could be in advancing work on areas of shared responsibility. After a very productive discussion, at the April 14 joint DASGC-AFT EC meeting, we identified the following process:

- The AFT 1493 President and the DASGC President will communicate on a monthly basis
- Each year, early in the fall, there

will be a goal-setting meeting of the AFT and Senate, with members of the AFT EC and the DASGC

- An ad-hoc joint committee with Union and Senate representation will be constituted whenever we need to deal with areas of shared responsibility.

We believe that this process will allow us to function more efficiently, and address areas of shared Senate-Union responsibility in a more timely manner. The first annual goal-setting meeting of the DASGC and the AFT EC is scheduled for Monday, October 11, 2010, 4 – 5:30. □

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senility: reading, being bilingual and drinking three cups of coffee per day. So go to a nice coffee shop and read a book in a foreign language often!

## Professional development vs. non-instructional work

By attending this conference, I missed the opportunity to participate in interesting college-sponsored activities. I also missed the opportunity to meet with my faculty colleagues. Program review and SLOAC will have to wait until a weekend when I don't attend a conference. Evaluation reports will be finished on yet another weekend. Even this year, with nine flex days, my non-teaching professional activities will add up to many more hours than I'm required to report.

I hope that your flex days were productive and refreshing, no matter how you spent them. I always welcome a change of pace and an opportunity to learn something new. Although flex days take us away from our students, I believe that when we invest in professional development they provide such a wonderful opportunity to become better teachers that our students benefit after all.

However, the workload issue remains unresolved. We simply cannot fit an increasing number of non-instructional tasks in the academic year. How can we reverse this trend? □

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## President's Letter

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rally I'm interested in the field too.

But my interest in language acquisition is also academic and professional. My PhD is in Applied Linguistics, with a concentration in first and second language acquisition, and bilingualism. And I've been teaching Spanish for over fifteen years. My parent education experience and advocacy efforts are also in the area of language development— from conducting workshops for parents on raising bilingual children and supporting biliteracy, to working on the development of a school district's English Language Learners Master Plan, to promoting a Seal of Biliteracy to be included in the diplomas and transcripts of biliterate high school graduates.

As you can see, for a wide variety of reasons, it made perfect sense for me to spend my flex days attending this conference. After three days, I can say

it was very worthwhile. As a member of the CFT's English Language Learners (ELL) Committee, I made contacts with the Executive Board of CAFE, so that we can join efforts advocating for ELLs in California. I attended sessions on emotional intelligence, two-way immersion, vocabulary expansion for second language learners, project-based instruction, and how to teach academic language in the second language class, to name a few. In all sessions, I got useful tips that I can immediately use in my classes. One of the highlights of the conference was a mini-institute led by Kate Kinsella, in which she explained and modeled how to structure meaningful student interactions in a second language classroom.

What I heard in my conference applies mostly to language learning and teaching, but, believe it or not, I also found out what the fountain of youth is. In his keynote address, Stephen Krashen shared with attendees three factors that have been shown to delay

## A PART-TIMER'S PERSPECTIVE

# Across the AFT's great divide: Part-timers bear brunt of cuts while full-timers maintain security

by Deborah Garfinkle, Ph.D., Adjunct Instructor, CSM, English

*Things fall apart; the center cannot hold.*

William Butler Yeats

*What happens to a dream deferred?*

Langston Hughes

These are the times that try the souls of all of us who passionately believe in the value of public education and the ideal that education is not a privilege but a human right in a civil society. Since October, under the auspices of economic necessity, I watched the axe fall over and over again at CSM and De Anza. In the San Mateo District, the cuts have translated into courses, programs and services put on hiatus or canceled, to make up for a multi-million dollar budget shortfall. Next year



promises more of the same; \$6.5 million dollars must be slashed in the San Mateo Community College District to come up with an operating budget, while the decision makers rue the fact they have been forced to strike a Faustian bargain at the expense of something they so fervently believe in.

In recent months, a broad, grass-roots coalition has united to fight the cuts. We have given our blood, sweat and tears to put an end to a process that has turned the greatest public educational system in the US into a patchwork of false hopes and empty promises. We believed we could – we lit candles; we educated; we sang songs; we got on buses; we marched in solidarity pledging we would and shall overcome because our cause was so just. But, at the end of the day, I've been wracked by doubt about whether any of our good intentions have mattered, or ever will because the center of the dysfunctional system cannot hold. Recently, I've been forced to ponder whether we're all just a bunch of cockeyed, optimistic Dutch girls standing with our heads under water as we shove our pointers into an invisible dike that was never there to stem the tide in the first place.

## *I now know what it means to be invisible*

I now know only too well what it means to be invisible. In March, for about three weeks, I numbered among the rapidly swelling anonymous ranks of part-time faculty at CSM who were not given a fall assignment. To preserve full-time faculty's security in this crisis, part-timers have overwhelmingly borne the brunt of the cuts. Initially, I had been given one section, but a full-time instructor returned from leave and the course I had been given was taken away. At the time, I con-

soled myself by thinking that I was at the top of the list should an offer come up and that I could cope financially with the situation. My husband earns a decent living; I had more years of seniority at De Anza where I am paid almost twice as much as I earn at CSM. Like Donna Summer, I would survive. I also knew I was in excellent company; several of those who hadn't been given a course were the same part-time colleagues who had worked so tirelessly organizing the campaign against the budget cuts at a time when it seemed most full-time faculty, whose jobs were not imminently on the chopping block, were not willing to make the effort.

## *Denied the ability to do what I love: teach*

Yet, no matter how hard I tried to tell myself like Orphan Annie that the sun would come out tomorrow, I felt absolutely demoralized and miserable – not because of the immediate income I stood to lose – small potatoes in the grand scheme of things. If I taught for the money, I would have left the profession a long time ago and embraced the deceitful adage those who can't, teach. Instead, I had ditched a successful corporate career to go into teaching because one morning I woke up not giving a damn whether customers pulled out a Bloomie's charge to pay for the stuff they needed to feel better about themselves. Nothing of essence hung in the balance of these transactions. When I became a teacher, I found my home doing what I loved, transforming lives to live up to my parents' imperative that I make a difference in the world.

In the wake of being made redundant, I glumly shuffled the corridors, my spirits dashed after the communal joy of the vigils and the teach-ins where I felt like a valued member of the community. I desperately hoped that at least one person among those who had not been laid off, anyone, would offer a kind word. Yet, no one approached me. When I told people I hadn't been given an offer, an uncomfortable, embarrassed silence ensued, dark as pitch, like a black hole. These were individuals I respected and admired, with whom I had had a collegial relationship. After all, what could they say? That it's a damn shame that our educational system is predicated on a caste system where Brahmins dine on sweetmeats, while Dalits are left to pick among the pile of scraps? That we all participate in this tango punctuated by division, exclusion and privilege and that very few people are willing to confront the truth about the hard questions, including myself?

While the silence droned on out in the hall, inside the offices a slow lament bloomed among the instructors who'd lost their jobs. Whispers punctuated their sorrow like candy wrappers at an opera premiere – "I didn't get a section because," "Why me and not that other person," "Why is that

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person getting over a 100K a year, when I get so little?" "Who'd I piss off?" "What did I do wrong?" I whispered and lamented with them, searching for a better explanation than "it's all Sacramento's fault," my anger and frustration welling up because of my marginalized status, my identity and sense of belonging gone. What hurt most was that I had to face the fact that I was nobody, an appendix, a line item for someone else's bottom line and would most probably always be.

### *My luck turns: I get a course offer*

This time around, I was one of the lucky ones. About a month after losing my course, my Dean contacted me with an offer. Suddenly, life returned to my step. I puffed out my chest and stopped feeling like a shadow. A couple of my tenure-track colleagues approached me, genuinely glad my name now appeared on the fall roster. My mood soared, that is until I recalled my part-time colleagues who were still out in the cold. So I decided to do what I considered to be the right thing. I asked my Dean if I could give my section to someone with less seniority if it would help. But, my good intentions quickly caved once the Dean advised me that my colleague would eventually receive an offer if she were willing to wait the situation out. So I took my spoils and patted myself on the back.

### *Union discusses overload issue*

Yet, the situation still plagued me. So I decided to attend an AFT Executive Committee meeting, my first, to hear the discussion about the Union's position regarding faculty working overload given these desperate times. I felt heartened by the fact that this difficult point had been given a place on the meeting's agenda. But few of the EC's leaders, all tenure-track faculty, appeared willing to make even the symbolic gesture of refusing to work overload to make us feel included, valued and visible. The fingers pointed: the guilty party was the District's Administration, Sacramento, Washington, the ways of the world. The lines in the sand were drawn.

Suddenly, I saw myself not as a valued dues paying member of the AFT who deserved representation, but as Cinderella whose role was to attend in silence as her step-sisters got to wear all the nice clothes and dance with the swells. Suddenly, I was living the dream deferred and like Sugar in Bambara's "The Lesson," I felt like yelling out "that this is not much of a democracy if you ask me. Equal chance to pursue happiness mean an equal crack at the dough, don't it?" But it don't.

### *Union needs to build unity or all faculty will lose*

But that's not the punch line to my story. Ultimately, it's this – our union's inability to forge a united front on the issue of part-time labor plays into the hands of the forces waiting in the wings with their giant maws ready to snap up the carcass


## **AFT discusses impact of overloads on part-time faculty**

Recently, concerned that full-time faculty overload assignments would reduce the class sections available for part-time faculty to teach, the union considered the current policy on overloads and unit banking. At the CFT Convention in March, the state organization took a position in support of limiting excessive course overloads for full-time faculty.

AFT held a discussion on this issue at the April 14th union meeting. Both part-time and full-time faculty participated in the conversation. Many ideas were shared, such as the definition of overload assignments (teaching or reassigned time for various duties), the history and practice of assigning overloads and unit banking, the many negative impacts on part-time faculty, and the importance of getting District-wide data to understand the actual degree of impact. For example, some faculty reported that their departments had few classes available for part-time faculty to teach not because of overloads but because reassigned time for other duties had been cut, thus placing all full-time faculty back into the classroom to complete their required loads.

It is important to note that overloads and unit banking are negotiated items in our contract and are therefore not something AFT can simply change on its own. Many full-

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**AFT urges full-time faculty to consider the impact overload requests may have on part-time faculty.**

**We want to hear faculty opinions on the overload issue. Please send your comments to Monica Malamud, AFT 1493 President, at: [malamudm@smccd.edu](mailto:malamudm@smccd.edu) or Dan Kaplan, AFT 1493 Executive Secretary, at [kaplan@smccd.edu](mailto:kaplan@smccd.edu).**

once things fall apart. And we have to shout this truth from the highest mountain top and assume the power that we've allowed others to wield in our names. In the end, part-timers can't wait for big poppa to give us a handout when he's feeling generous or clap at empty expressions of solidarity.

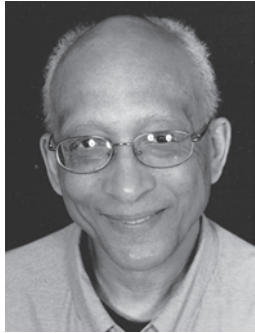
In the first version of my draft, I dreamed up a Hollywood happy ending for the sake of those sympathetic full-timers I know who genuinely care about doing the right thing by us. I didn't want to alienate them with my anger because I'm grateful that they still remember what it was like to be in my shoes. So in this revision, I'm offering something real, instead of the *isn't it pretty to think so* celluloid. I'm asking them and you to join with me to stop the death of a thousand cuts predicated on our silence, apathy and fear. Take my hand in real solidarity, refuse to let us be shut out, give me a place at the table, promise to spread the wealth and perhaps the dream deferred will finally become the bright future that can be. □



# Neoliberalism and the Assault on Public Education: A Brief History

George Wright, Skyline College, History,  
Co-founder, United Public Workers for Action

The nearly four decade-long effort to restructure public education along neoliberal guidelines has accelerated since President Barack Obama assumed office. Neoliberalism is an ideology that calls for "limited government" and a market-driven economy. This project is being carried out on the federal, state, and local levels, while targeting publicly-financed K-12 schools and higher education.



## Objectives for restructuring public education

Some of the objectives for restructuring public education include: 1) shifting the cost of education onto students, while increasing their debt burden to the benefit of banks, 2) promoting the expansion of privately-managed charter schools, 3) deepening the access to public educational resources for corporate-interests, 4) smashing teacher unions, thus weakening the political power of those unions, and cutting the cost of teachers, and 5) eliminating multicultural, revisionist, internationalist, and critical perspectives from the school curricula.

On the K-12 level, this agenda has been promoted under the guise of "competitiveness," "national standards," "accountability," "basic skills," "excellence," and standardized testing, while the assault on higher education includes budget reductions, "assessment," "merit pay," and curriculum reform. The 2008 collapse of the financial system, amplified by chronic overlapping federal, state and local budgetary crises, has provided a "window of opportunity" to intensify this assault.

What are the roots of the assault on public education? How has that assault been manifested? And, why has that assault accelerated in the past two years?

## Roots in late-1960's economic crisis

During the late-1960's industrial-based corporations began to experience falling rates of profits. The reasons for this decline are complex, but at the core were: 1) exhaustion of the automobile-industrial-complex profit accumulation model, and 2) deficit spending the Johnson administration carried out fighting the Vietnam War and promoting "Great Society" reforms. This resultant

structural economic crisis caused both stagnant growth and inflation.

Simultaneously, United States' post-World War II global economic dominance was being weakened. Causes for this weakening include: 1) the United States defeat in Vietnam, 2) the emergence of Western European and Japanese economic competition, and 3) the rise of Third World economic nationalism.

This structural economic crisis led to state and local governments experiencing chronic deficits, leading to recurring cuts for public services, including public education.

## Reagan cut California's education funds in 1967

This reality was felt in California as early as the late-1960's. In fact, in 1967 Governor Ronald Reagan made cuts in education spending, impacting both higher education and K-12. In response to the chronic fiscal crisis, the University of California, the state colleges, and the community colleges began to increase tuition and rely on part-time teachers. The University of California also sought more corporate and government funding for research purposes. K-12 schools had to regularly lay teachers off, expand teacher-student classroom ratios, and cut curriculum offerings, such as art and physical education. The education crisis in California would become chronically acute after 1978 when Proposition 13 was passed, significantly reducing the local property tax base.

Furthermore, the structural economic crisis led corporations to search for a new accumulation model to generate acceptable profits. The profit accumulation model between 1932 and 1970 was based on government managing and regulating the industrial-based economy, while promoting redistribution of wealth to the working class. The hegemonic ideology which shaped that period was corporate liberalism.

## From corporate liberalism to neoliberalism

The accumulation model settled on by the late-1970's consisted of: 1) shifting the manufacturing sector to the United States Sun Belt and the Third World, where labor was non-union, costs were cheaper, and there were no labor or environmental regulations, 2) restructuring the country into a non-union service-based economy, 3) promoting the expansion of credit, 4) carrying out conglomerate mergers, 5) expanding real estate speculation, and 6) intensifying financial specula-

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tion. This model was underscored by massive military spending, providing profits for arms producers and commercial banks.

Implementing the new accumulation model also involved constructing a new hegemonic ideology that would rationalize the new model. Thus, neoliberalism was constructed during the 1970's to serve that purpose. As David Harvey explains in *A Brief History of Neoliberalism*, this "consensus building" process involved corporations, foundations, media, public relations firms, and Republican politicians, combined with the emerging right-wing forces, including the Sun Belt wealth, "free-market" economists, anti-tax activists, the religious right, and neoconservatives.

The policy guidelines neoliberalism established are: 1) deregulation, 2) reducing the public sector, 3) cutting taxes for the wealthy, 4) privatizing public services, and 5) smashing unions. The political implementation of these guidelines aimed to transfer income from the public sector and the working class to the wealthiest people in the country. The Reagan administration institutionalized neoliberalism, a hegemonic ideology which has shaped United States politics since.

### "A Nation at Risk": Reagan's education agenda

The move to restructure public education in the interests of corporate-dominated neoliberalism came into fruition in 1983 when the Reagan-appointed National Commission on Excellence in Education issued *A Nation at Risk* (ANAR). The report assessed the decline in student achievement scores and warned that that decline was an "internal threat that was more serious than Soviet Union communism." Using language not unlike Reagan's cold war rhetoric, the report added that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people." The report aimed to restructure the governance, organization, and curriculum of public education. This would be accomplished by changing educational values and curriculum goals.

Significantly, ANAR blamed the performance of public high schools for the economic crisis, while ignoring global and national economic, political, social, cultural, and technological factors that, in fact, were more to the point.

The report called for "excellence," making schools and teachers "accountable," national curriculum standards, "core courses," and standardized testing. The report also called for federal leadership and more corporate involvement in public education, confronting educators (and a public) who wanted to promote more democracy and

diversity.

ANAR established an outline for a nationwide educational reform movement that would permeate schools at all levels. Very quickly most states and local school districts began to formulate and incorporate ANAR recommendations. Also, numerous educational associations and unions endorsed aspects of the report.

Thus, a new national consensus was being established claiming that public education was in crisis and that corporate-oriented neoliberal reforms were necessary. Moreover, the uneven, but persistent, state and local fiscal crises, which had begun in the 1970's, continued to starve public education for resources. The assault on public education would occur on two symbiotic tracks: the promotion of national policy and restructuring owing to budget crises.

### Bush I, Clinton and Bush II expand on ANAR

Presidents George H.W. Bush, Bill Clinton, and George W. Bush expanded on the outlines of ANAR. The role of Clinton in the education reform movement reflects the Democratic Party's shift from New Deal-driven corporate liberalism to "bi-partisan" acceptance of neoliberalism. Bush I proposed legislation, under *America 2000: An Educational Strategy*, aimed to standardize curriculum and embrace school "choice." The *America 2000* legislation died in the Senate, but funding for education under Bush I increased substantially.

The Clinton administration's education policy was framed in *Goal 2000: Educate America Act*, issued in 1993. That report aimed to further establish a national consensus on goals, curriculum, and standards of achievement.

### Bush II's "No Child Left Behind"

George W. Bush intensified the neoliberal policies. This was initially seen with Bush II's massive tax cuts for the rich. After 9/11 occurred, Bush II deepened that ideology into United States foreign policy. Moreover, Bush II's education policy, called No Child Left Behind (NCLB), ratcheted up the assault on public education.

NCLB legislated: 1) improved teacher training and test-based licensing, 2) annual testing in reading and mathematics in elementary schools, and 3) the chance for children in "failing" schools to transfer. Despite the inadequate funding the program received and growing criticism from the education community, NCLB was the law of the land.

The 2008 Presidential election occurred during the worst economic crisis since the Great Depression. The

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## Part-time faculty are eligible for unemployment benefits

All part-timers should remember that you are **eligible for unemployment compensation benefits over the summer break and between semesters**, unless you are working another job over the summer or between semesters and you are earning more than your unemployment grant would be. As soon as you give your last final exam, you should contact the local Employment Development Dept. (EDD) office and file a claim, or reactivate the one you have from last winter (if you applied between semesters). If it is a new claim, you will have a one-week waiting period before benefits start, so do not delay. You can also claim for the period between regular terms and summer school.

When applying, tell them about all your jobs, since your benefit is based on all your income over the previous year. When they ask if you have a job to go back to after summer break, you should answer: "Not with reasonable assurance. I only have a tentative assignment contingent on enrollment, funding and program needs."

This is important. Do not just tell them that you have an assignment for Fall or Spring or you will be disqualified. According to the Cervisi decision of the State Court of Appeals, part-timers, as a class, do not have "reasonable assurance" of a job and hence are eligible for benefits between terms. If questioned further, mention the Cervisi case. Be sure to fill out all job search forms correctly, and appear as directed in person or by phone or mail. You should not have any problems, but if you do and are denied for any reason, call Dan Kaplan in the AFT office (650-574-6491) as soon as possible and the Union will advise you on how to file an appeal. Don't be reluctant to file. This is your right, not charity. □

**Sign the petition to support binding arbitration.**

**Go to:**  
**[aft1493.org](http://aft1493.org)**



If you haven't gotten around to signing AFT 1493's Binding Arbitration online petition yet, please keep reading. Binding arbitration is a critical workplace protection that our contract does NOT have, and without it, the District can legally disregard an arbitrator's decision. If we are going to get binding arbitration language into our contract, we need as many district faculty as possible to sign the petition—the sooner, the better. For more information and a link to the petition, go to AFT 1493's website: [aft1493.org](http://aft1493.org).

## AFT 1493 elections have begun; Nominations due May 7; Ballots will be due May 31

As all members of AFT Local 1493 should know, we are in the middle of the election process for determining the elected leadership of the Local and who will be on the AFT Local 1493 Executive Committee for 2010-2012.

The nominations form has now been sent out to all AFT members. Nominations for officers and delegates are due back in the AFT Office by Friday, May 7.

Nominations may also be made at the May AFT membership meeting, which will be held at 2:15 p.m. on Wednesday, May 12, at Skyline College, in Building 5, Room 131.

The election will be by secret mail ballot. All AFT members will receive their ballot in campus mail, with the ballots going out around May 14.

Please remember that **all ballots should be received in the AFT Office at CSM (17-131) by Monday, May 31.** □



### AFT discusses overload issue

*continued from page 5*

time faculty at the meeting felt conflicted about the issue; they did not think it wise to give up a contractual benefit, yet they understood the cost to part-time faculty. Most members present agreed that the union should not consider sacrificing contractual faculty rights, but rather should continue to fight for part-time faculty equity and job protection. On the other hand, a part-time faculty member at the meeting expressed frustration about what she viewed as a lack of honesty and empathy from full-time faculty; overloads are extras and come at the expense of part-time faculty's opportunity to teach.

Although AFT has no formal position at this point, the Executive Committee is very concerned, and is collecting District-wide data to determine the degree to which full-time faculty overload teaching is causing part-time faculty to lose their teaching assignments. (For example, some overload teaching occurs because there are no part-time faculty available or willing to teach a particular assignment, and therefore would not be relevant to part-time faculty load reduction.) In the meantime, AFT urges full-time faculty to be aware of and consider carefully the impact overload requests may have on our part-time faculty colleagues. AFT encourages all faculty to express their views regarding overload assignments. Please send your comments or articles on this issue to Monica Malamud, AFT 1493 President ([malamudm@smccd.edu](mailto:malamudm@smccd.edu)) or Dan Kaplan, AFT 1493 Executive Secretary ([kaplan@smccd.edu](mailto:kaplan@smccd.edu)). □



## Negotiations update

*continued from page 1*

and to not take resignations seriously. We feel that a faculty member's decision to resign is of the utmost seriousness and, for that very reason, faculty should have the right to rescind it if personal or job-related circumstances change.

## "Time, Place and Manner": free speech threat

The most controversial of the policies is what the District calls: *Time, Place and Manner*, that is **When, Where** and **How** free speech is expressed on our campuses. The policy requires designating a **Free Speech Zone** on each campus, limiting the expression of free speech to one set area. The District argued that their concern is that commercial and political entities can come to campus and disturb the educational process. The AFT's *Policy on Freedom of Speech and Association* challenges these notions, countering that freedom of assembly and free speech are democratic rights at the foundation of this country. Free speech invites healthy debate and, to quote AFT's policy, is an "essential element in the marketplace of ideas of higher education." We argued that community colleges are publicly financed and publicly owned and are public forums where freedom of speech is protected, not restricted. AFT's policy goes on to discuss the public forum status of the colleges: "This public forum status reflects the long time practices of the colleges of the District. It has been developed in consultation or collective bargaining negotiations with employee labor unions, students, faculty and staff..."

The District's response is that this policy may not apply to faculty, but only to students, in which case they don't have to negotiate it with the union. We are certain that this is not the end of this conversation as we can't have one policy for faculty and another for students, staff and the public.

## Negotiations to continue through summer

We will continue to negotiate through the summer, trying to make progress on non-economic issues while, at the same time, focusing in on the more challenging economic issues. Because of the severe cuts to the budget, we haven't nailed down any agreements around salary and benefits. The AFT negotiating team is committed to no lay-offs, no pay-cuts and no furloughs. We will send E-News updates during the summer if we have more to report on the status of negotiations. ■

Check out AFT 1493's award-winning website:

**aft1493.org**

## Neoliberalism's assault on public education

*continued from page 7*

economic shock devastated state and local budgets, causing massive reductions in public services, lay-offs, and housing foreclosures. California, already dealing with deficits and structural political impediments, experienced the most severe budget deficit of any state. Since the crisis began in 2008 Governor Arnold Schwarzenegger and the state legislature have made deep education cuts.

A major reason for the 2008 financial collapse was Clinton's repeal of the Depression-era Glass-Steagall regulatory regime in 1999, which allowed commercial banks to pursue unregulated mechanisms, such as "sub-prime mortgages."

Furthermore, corporate interests recognized the crisis was so severe that to accumulate profits they needed government to intensify the transfer of public resources to them. This would mean that funding for programs which benefit the working class, elderly, youth, the disabled, and education would be transferred to the ruling elites in the form of bailouts, subsidies, and debt servicing. This largely explains why the assault on public education (as well as the rest of the public sector) accelerated since fall 2008.

Within that context Barack Obama was elected President. Obama has intensified the Bush II-revised version of neoliberalism: "limited government" except for Wall Street and the corporations.

## Obama's PATCO moment

Obama's education policy is a clear example. This is reflected in a statement he made in February, 2010, after the Central Falls, Rhode Island, school district fired 93 unionized teachers, alleging that they were responsible for "failing" standardized test scores. In what could be considered Obama's PATCO moment, he stated: "...if a school continues to fail its students year after year after year, if it doesn't show signs of improvement, then there's got to be a sense of accountability..." Just as when Reagan opened the door for the attack on unions when he fired 13,000 air controllers in 1981, unionized teachers now are increasingly vulnerable.

Obama's education policy is called "Race to the Top," although its objectives are no different than the aforementioned Presidential educational policies. Obama's policy also exposes the conundrum that teacher unions face supporting the Democratic Party.

In conclusion, under the current hegemonic ideological and economic framework, there is no end in sight to the assault on public education. ■

# Q & A about post-retirement health care funds

by Bruce Maule, AFT 1493 RBOA Rep., CSM, Accounting

In the April 2010 issue of the Advocate I wrote an article to introduce myself as the AFT representative to the San Mateo County Community College District's Retirement Board of Authority (RBOA). The RBOA administers the irrevocable trust created to pre-fund post-retirement health care benefits. The irrevocable trust is officially called the San Mateo County Community College District Other Post-Retirement Benefit (OPEB) trust. The RBOA and the OPEB trust were created in response to the Governmental Accounting Standards Board (GASB) pronouncements 43 and 45, which addressed post-retirement health care benefits.

After the April article I received many emails from AFT members with questions about the OPEB trust and the pre-funding of post-retirement health care benefits. To answer your questions I met with Kathy Blackwood, the chief financial officer of the District, on April 14, 2010. The following article is a summary of our conversation.

To make this article easier to read, I have used a question and answer format. Kathy provided important information for this article, but all of the words below are mine. Other sources of information for the article include the actuarial study prepared by Total Compensation Systems.

On the AFT website you will find the current contract, which states the terms of the post-retirement health care benefits. The amount of post-retirement health care benefits you will receive depends upon your date of hire. Please go to the AFT website ([www.aft1493.org](http://www.aft1493.org)) and click on "Contract and Salaries" then "Complete Contract" then "Article 10: Retirement" to see the benefits to which you are entitled.

On the AFT website you will also find the most recent actuarial study (2009) and a PowerPoint slide show created in 2006 that explains many of the issues that need to be addressed to implement GASB 43 and 45. From the AFT homepage, scroll down to the Retirees section or use the "Faculty Issues" pull-down menu and click on "Retirees." Although the terms "actuarial study" and GASB sound impenetrable, these reports are very readable. I encourage all interested AFT members to read the actuarial study and view the PowerPoint slideshow.

To increase the readability of this article I have rounded dollar amounts and percentages; any differences between the numbers stated and actual amounts are immaterial.

**I have been an employee of the District for many years, but this is the first time I have heard about the pre-funding of post-retirement health care benefits, OPEB trusts and actuarial studies. Why has this become an issue now?**

The District has had a liability to pre-fund post-retirement health care benefits ever since post-retirement health care

benefits first appeared in the AFT contract. Since the creation of the benefits the District has been using an actuary to calculate the total amount due for post-retirement benefits, and the District has periodically received updated actuarial reports. Since 1993 the District has been setting aside money in a reserve account to pre-fund post-retirement health care benefits.

What is new is GASB 43 and 45. In 2004, GASB issued these two pronouncements, which changed the requirements for calculating, disclosing and presenting the financial effects of post-retirement health care benefits. Districts were also required to prepare actuarial studies that meet standards set in GASB 43 and 45. Districts such as ours were given a time window to comply, and our District has now met the compliance requirements.

## What is an actuarial study, and why is it important?

The actuarial study is the foundation required to implement GASB 43 and 45. The services of an actuary are needed to calculate the postemployment liability. First, the actuary estimates the amount of the postemployment liability (a future value) based on the District's contract language, the number of employees, and assumptions such as the expected changes in the future cost of health care. The actuary then discounts this future amount based upon an expected rate of return on investments and calculates the present value of the liability. The difference between the present value of the liability and the amount currently available to pay the liability is called the unfunded liability. Lastly, the actuary calculates how much it would cost each year to pay the health care costs incurred for the current year plus the amount to fully fund the unfunded liability over thirty years; this amount is called the annual required contribution (ARC). GASB 43 and 45 set strict standards on how the actuarial study must be prepared, and they require an update every two years or sooner if material changes occur. GASB 43 and 45 allow the liability to be funded over a period of up to thirty years, which is the timeline used in the actuarial study.

## Can we trust the actuarial study?

The actuarial study was done by Geoffrey L. Kischuk and his firm, Total Compensation Systems (TCS). Mr. Kischuk is one of the most respected actuaries in California. His firm prepares the actuarial studies for 60 out of the 72 community college districts in California, and more than 450 school districts in California. He uses dynamic modeling techniques, which are considered among the most advanced available. He served as one of the actuaries who advised the Governmental Accounting Standards Board when it created GASB 43 and 45. He is also a well-received speaker at conferences. As an actuary he has a fiduciary responsibility to make conservative assumptions and present all information fully and clearly.

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The District officials who have worked directly with TCS believe the quality of their work to be outstanding.

### **What rate of return is assumed in the actuarial study?**

The most recent actuarial study, dated September 8, 2009, which was prior to the establishment of the OPEB Trust, assumed the District's investments would earn a rate of return of 5%. This was based on the fact that all of the District's investments were short term. Therefore all future liability amounts were discounted at 5% to calculate the present value of the liability. The actuarial study states, "GASB 43 and 45 require the interest assumption to reflect likely long term investment return." Because the District only had short-term investments, the study used the same rates for projecting long-term returns. The District will obtain an updated actuarial valuation that will incorporate the fact that the investments in the OPEB Trust are long term when it receives its next study in 2011. The expected rate of return for long term investing will be set at 7% plus plan expenses. The long term investing will reduce the District's liability since the rate of return expected to be received in the long term is 2% higher than the 5% discount for short term investing utilized in the District's actuarial valuation prior to GASB 45 being in effect for the District.

### **What is the amount of the liability for post-retirement health care benefits?**

The most recent actuarial study measured the liability as of May 1, 2009. The present value of the liability for service years completed by current and retired employees as of that date, discounted at 5%, was \$135,000,000 dollars. That means to fully fund the post-retirement health care benefits already earned by current and retired employees, as of May 1, 2009, the District would have needed to invest \$135,000,000 on May 1, 2009, and earn a 5% rate of return on that investment.

### **How much has the District saved toward this \$135,000,000 liability?**

In 1993 the District began setting aside \$1,500,000 each year to pay for the unfunded postemployment liability for health care benefits. As of 2010, the set-asides, plus the interest accrued, have grown to about \$35,000,000. The amount set-aside is called the Pre-funded Post-Retirement Reserve.

### **What will happen if the OPEB trust does not have enough money to pre-fund post-retirement health care benefits?**

The post-retirement health care benefits are a contractual obligation that the District has agreed to and in doing so has created a financial commitment to fund the liability for the eligible employees of the District. The benefits are a combination of a defined benefit plan and a defined contribution plan (because the District has set limits on its contributions); however, the District is required to meet the terms of the contract regardless of the amount in the OPEB irrevocable

trust. The District currently pays all post-retirement health care benefits out of the current year budget. It is currently the intention of the District to continue to pay post-retirement health care benefits out of the current year budget until the funds in the OPEB trust can meet the obligation.

### **How much is the District paying out of its current budget for health care benefits for retirees?**

According to the actuarial study, the District will pay \$6,900,000 in the year beginning May 1, 2009 for health care benefits for retirees. This amount will rise to \$7,600,000 in 2013 and to \$8,500,000 in 2018.

### **Is the \$135,000,000 liability for post-retirement health care benefits for faculty only?**

No. Under GASB 43 and 45 the actuarial study is required to include all groups that earn post-retirement health care benefits, which are AFT, CSEA, management, AFSCME, and term-vested retirees. The liability for AFT members is \$66,000,000, which is about 49% of the liability. The CSEA portion is \$33,000,000 (24%), management \$25,000,000 (19%), AFSCME \$7,000,000 (5%), and vested retirees \$4,000,000 (3%). The funding of the OPEB trust covers all groups, so the AFT portion cannot be treated separately.

### **Do GASB 43 and 45 require the District to fund the OPEB trust?**

No. GASB 43 and 45 require the District to calculate and disclose the amount of the unfunded liability for post-retirement health care benefits. GASB does not have the power to require funding. However, if the liability is not being funded on a thirty-year timetable there will be negative consequences for the District including reduced access to credit markets and an impact on accreditation. In addition, without leveraging the planned long term investing that the GASB guidelines highly recommend, the District would pay a significantly higher premiums for their health care benefits due to the loss of earning on the long term investments done through the irrevocable trust. The District is committed to avoid the consequences of not pre-funding the liability over thirty years.

### **Is the District committed to fully fund the liability for post-retirement health care benefits?**

Kathy Blackwood stated that the goal of the District is to fully fund the OPEB trust within thirty years. Once the OPEB trust is fully funded all retiree health care benefits will be paid directly from the irrevocable trust. The District will continue to put additional money into the trust as part of the pre-funding of the annual cost of the benefits. Until the time when the District can pay all post-retirement health care benefits from the OPEB trust, the District will pay the amount needed out of the current budget. □

**Additional questions and answers about the District's post-retirement health care funds are posted on AFT 1493's website at: [aft1493.org](http://aft1493.org)**



## March for California's Future

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Gavin Riley, Watsonville community organizer Manny Ball-esterors, Pajaro Valley teacher Jenn Laskin, and Los Angeles substitute teacher Davie Lyell—delivered this message at rallies, town halls, union meetings, and at schools and college campuses, as well as in churches and community halls. They said that California must restore the promise of public education, demanded a state and economy that worked for all the people, and proposed fair tax increases on the rich and corporations to pay for a future worth living in.

The marchers succeeded beyond expectations in gaining press coverage throughout the Central Valley, capped by stories in statewide media on the last leg and rally in the Capitol. People along the march route told the walkers continuously they had read about them, or seen them on TV. Many joined for hours or days, inspired by what they had seen or heard of the march in the local media.



*Marchers gather at the April 21st rally at the Capitol at end of the March*

## A coalition that can change how the state runs

The second goal was tougher, which was to build organizational relationships as they went—not only to stage these events, but to put in place the foundation for something more lasting: a progressive political coalition that could change the way the state runs itself. As they made their way north, the marchers and their supporters gathered signatures to put the Majority Budget Act on the November 2010 state ballot. If it passes, this initiative will overturn the undemocratic two-thirds requirement for the state legislature to pass a budget, replacing it with a simple majority vote.

In this activity, the CFT worked closely with AFSCME (American Federation of State County and Municipal Employees.) One of the core marchers, Irene Gonzalez, is an AFSCME member, and the marchers received tremendous support from the AFSCME-affiliated United Domestic Workers every step of the way. AFSCME is also a partner with CFT in the Budget Majority initiative, together with CSEA (California School Employees Association), the Firefighters, and California Faculty Association, and all these organizations worked to make the march successful. SEIU (Service Employees International Union) also contributed support in rallies and a dozen busloads of members the final day.

Only time will tell whether the second goal was met. No one expected that the march itself would accomplish the huge task of building a solid and powerful political coalition. But the realistic expectation was that seeds would be planted, and there can be no doubt that that has occurred.

## Making connections along the way

The marchers did at least as much listening as talking over the seven weeks. They heard from laid off third generation school teachers.

They heard from farmworkers who had marched with Cesar Chavez in 1966. They heard from a congressman who invited them to a town hall to counterbalance an expected appearance by Tea Partiers due to the elected official's vote for the Obama administration's health care bill (the teabaggers didn't show, but the congressman had his picture taken with the marchers after the town hall). They received support from the

United Food and Commercial Workers, who supplied food for a week and produced a radio ad urging listeners to attend the rally in Sacramento. They were also fed fruit by the side of the road by a woman who had seen them on TV, and dinner cooked by CSEA members in a Grange Hall in Galt.

When the CSEA chapter chair welcomed the marchers before dinner, she cried. The marchers saw such emotion many times along the way. And no wonder. Someone was paying attention. Someone was reaching out, asking to create community. Someone was offering a perspective on why the California Dream wasn't turning out as expected, and it was a perspective that made sense, and involved the hope of changing things.

## The next step in the fight for California's future

As CFT president Marty Hittelman told the gathering in front of the Capitol, "Today, this rally is not just the end of the march, but a beginning, the start of the next step in the fight for California's future." □

**For the latest news and information between Advocate issues, go to:**

**AFT 1493.org**