

SMCCCD BOARD OF TRUSTEES

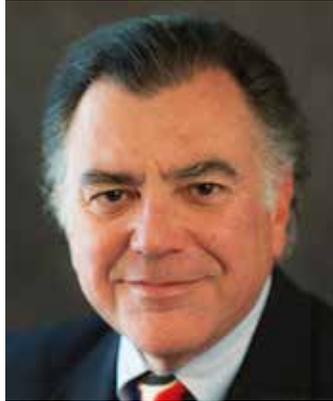
AFT endorses Goodman, Mandelkern, Schwarz in all-mail November 3 Board Election

Three seats are open on our Board of Trustees in the upcoming November 3rd election. There are seven candidates running. After interviewing candidates,

the membership of the AFT Local 1493 COPE Chapter voted unanimously to provide financial assistance to the Maurice Goodman campaign. Given past history, the



Maurice Goodman



Dave Mandelkern



Karen Schwarz

AFT 1493's screening committee recommended to the Executive Committee that our Local endorse newcomer Maurice Goodman and incumbents Dave Mandelkern and Karen Schwarz. (The third incumbent, Pat Miljanich decided not to seek re-election). The Executive Committee overwhelmingly voted to support this recommendation and endorse these three candidates.

incumbents are very likely to get re-elected. Thus, the union is focusing its efforts on assisting Maurice Goodman in his campaign to win the open seat in order to bring some necessary change to the Board.

Maurice is a former student and graduate of Skyline College. While at Skyline he served as Student Body President and as Student Trustee on the Board of Trustees. Maurice has dedicated most of his adult life serving education and our youth and is currently a School Board Member in the South San Francisco Unified School District. We were very impressed by his commitment to our District as well as his energy and enthusiasm. As a former student he knows the District first-hand and will

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AFT COPE supports Goodman

The Executive Committee also recommended that we urge the AFT Local 1493 COPE (Committee on Political Education) Chapter to use its financial resources to help Maurice Goodman get elected. Subsequently,

ENFORCING THE CONTRACT

Regular pay for flex days: Defending part-time faculty rights

by Monica Malamud, AFT 1493 Negotiating Team Member

After extended communications between the AFT and District administrators-- including a Demand Letter from the Union's attorney to the District--the District finally agreed, on October 2, to restore paying part-time faculty who are eligible for flex pay according to our contract *regular* pay for flex activities. This will rectify the District's unilateral decision to pay part-time faculty at the lower *special rate*, which was unilaterally announced by Eugene Whitlock (Vice Chancellor, Human Resources and General Counsel) in early August, but which contradicted the AFT contract.

On August 6, 2015, a week before Opening Day, which marks the beginning of the Academic Calendar, Vice Chancellor Whitlock sent an email

to all adjunct faculty informing them that "the District has undertaken the task of clarifying how all part time faculty are compensated for participating in Opening Day and FlexDay activities."¹ In the same email message, he wrote that "any part time faculty member can participate in flex activities and [...] be compensated at the special rate. As it concerns 'flexible flex', the only

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San Mateo Community College
Federation of Teachers
AFT Local 1493, AFL-CIO
1700 W. Hillsdale Blvd.
San Mateo, CA 94402
CSM Building 17, Room 131
(650) 574-6491
aft1493.org
facebook.com/AFT1493

Editor

Eric Brenner, Skyline, x4177

Editorial Board

Eric Brenner, Skyline, x4177
Dan Kaplan, x6491

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Janice Sapigao, Skyline,
sapigao@aft1493.org

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Michelle Kern, CSM, 650-558-2699
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Najla Abrao, Skyline, x7301x19359

Chief Negotiator

Joaquin Rivera, Skyline, x4159

Executive Secretary

Dan Kaplan, x6491, kaplan@aft1493.org

AFT endorses Goodman, Mandelkern, Schwarz in Board Election

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bring a much needed voice to our Board. You can learn more about Maurice by reading an article that he wrote for the September issue of *The Advocate*.

Since this is a countywide election, it is very expensive to run a successful campaign. And Maurice is running against candidates who are either wealthy or well financed. An open seat on our Board of Trustees is rare, and we definitely need to win this one in order to improve our Board by making it more student and faculty friendly!

How to vote

As a reminder, this San Mateo County election cycle is being conducted entirely

by mail. Ballots have been sent to mailboxes and there are several voting options:

1. Fill out the ballot and mail it back in the postage paid envelope that is included. Ballots must be postmarked by November 3rd.
2. Drop it off at any City or Town Hall in the County between now and Nov. 3rd.
3. Turn in the ballot, get a new ballot to fill out, or cast votes on a voting machine at any one of the [universal polling places](#) in the County on November 3rd between 7am and 8pm.

See Mandelkern & Schwarz statements on pages 4 and 5.

Do you work with a community group in San Mateo County?

If so, please respond to our short survey on the AFT 1493 website.

Help us connect with local organizations to foster ties with people who are working to make our community better.

Attention: Part-Time Faculty

All part-time faculty members who attend a Title IX training session should be compensated for attendance, at the special rate.

AFT 1493 discourages full-timers from taking on excessive overload

The following resolution was passed at the April 13, 2011 AFT 1493 Executive Committee meeting:

Whereas economic instability and budget cuts are affecting the employment status and livelihoods of part-time faculty in the SMCCCD,

Be it resolved, that the AFT 1493 Executive Committee recommend that full-time faculty members **seriously consider refraining from taking on excessive overload in situations where part-time faculty will be displaced from courses to which they would have otherwise been assigned.**

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.

Feet on the ground, working for Board candidates

By Katharine Harer, AFT 1493 Co-Vice President & Strategic Campaign Initiative (SCI) Lead Organizer

We've have had our feet literally on the ground this month, stumping for Maurice Goodman to become a new member of our Board of Trustees and working for our two incumbent Board members, Dave Mandelkern & Karen Schwarz, as well. We've phone banked with the San Mateo County Labor Council, precinct walked in Daly City with the Jefferson Elementary teachers' union, and we've set up tables at Skyline and CSM to talk to students, staff and faculty about the importance of this election. Some of you have volunteered to help with these activities, and we thank you from the bottom of our feet. We've helped the Jefferson teachers by promoting their Board candidate, Renato Beltran, and they've done the same for us. We love working with the Jefferson Elementary teachers!

signing up. Come see us and let us know what you'd like to see for the future of adjunct health benefits in the District!

Community Connections Survey: Help Us!

You have recently received an electronic survey from the union that will help us forge stronger ties between public higher education and the people who we serve. This is a *Quick, Easy, No Fuss questionnaire* – you can bang it out in under 10 minutes! Those of you who are involved in organizations, community groups, churches, etc. please share a bit of information with us, and thank you in advance for helping our union become more connected.



Board of Trustees candidate Maurice Goodman (2nd from left) did phone banking at the San Mateo County Labor Council along with his daughters, Destiny and Haley, and his wife, Martina (at right)

Part-Time Faculty Campus Equity Week

The last week of October is a national week of action to bring awareness to the issues of part-time faculty in higher education. Fellow SCI organizer Michelle Kern and I are focusing on getting out the word about the improved PT medical reimbursement stipend, giving out information to PT faculty and encouraging them to sign up for the stipend, which the union fought to increase from \$600/semester to \$1000/semester for the next three semesters.

We will be outside Building 15 at College of San Mateo, Tuesday, Wednesday & Thursday, the 27th, 28th & 29th, with information about our campaign to sign up more PT faculty for the medical stipend and helpful tips for

Expanding Our Union's Community Work

Our workplace conditions are our students' learning conditions and vice versa. Everyone has noticed that the price of housing has gone up astronomically in San Mateo County, while wages have stayed flat or low for working people. Many teachers in our schools, both K-12 and community college, have found it difficult, or impossible, to live near where they teach. At the same time, gentrification has hit our students and their families, and our communities are vulnerable to a lack of housing and displacement. With issues like these on the front burner, we've been meeting with leaders from community groups, especially from the north county, and also with union members from Jefferson High School and Jefferson Elementary, to talk about forming a coalition to bring these strands together to address the challenges we face.

OPINION

Instructors Take Note: Your Profession Is Under Attack

By Elizabeth Terzakis & Lezlee Ware,
Cañada College AFT Chapter Co-Chairs

The growing disrespect for and devaluation of teaching is neither a new nor a local phenomenon. Obvious at the K-12 level well before the 2010 release of the teacher-bashing film, *Waiting for Superman*, the union-busting, charter-school promoting, Teach-for-America version of this trend has not yet expressed itself at the level of higher education.

But we have had whiffs of it in the short-lived (because of their proven inefficacy) elevation of MOOCs, in the takedown of faculty governance at City College of San Francisco, and in increasing layers of administration at our own colleges—high salaries paid while classes are canceled in the name of efficiency. Add to this an almost complete lack of significant action items on the agendas of the committees that carry out what is now called “participatory” (instead of “shared”) governance—and the consequent lack of faculty input in far-reaching decisions about such things as how money is allocated—and a grim picture begins to come into focus.

Frank Young was a previous example

That this disrespect for and devaluation of teaching has taken on an especially poignant and troubling form at Cañada College is obvious to any of you who are regular readers of this newsletter and familiar, therefore, with the story of Frank Young. Although the District leadership supported Professor Young in words, nothing tangible was done to prevent Cañada’s administration from driving an educator who had served the District for almost fifty years into—not early, but certainly unwanted—retirement.

Unfortunately, Professor Young was not the last survivor of such treatment. In December of 2014, a professor who has served the District for more than thirty years was reassigned out of the classroom, a decision that was made without any reference to faculty evaluation procedures, which would not have supported said decision. Because assignment is an administrative prerogative, Lezlee Ware and I, as union chapter chairs, knew that we could not prevent the reassignment, so we focused our efforts on preserving the dignity of the instructor and championing respect for the evaluation process.



If you’re trying to force people to retire when you think they’re no longer “productive,” shouldn’t you have left many years ago?

Evidence and explanation delayed for 9 months

Such preservation proved to be impossible. During spring semester, Lezlee and I continued to prompt the administration to provide evidence of why faculty evaluation procedures should be superseded as well as an explanation of the reassignment. In January 2015, we were told we had to wait until a newly hired administrator could weigh in on the position. In May, we were told that we would have to wait for an administrative project to take shape.

As the fall semester and the instructor’s projected return to work approached, we sent yet another request (August 2015) for full documentation of why faculty evaluation procedures were not being respected and for a detailed job description. We were promised that a “folder” would be compiled and our questions would be answered. Neither promise materialized.

Administration—not the instructor—raised the issue of retirement options

Not surprisingly, the instructor in question became increasingly eager to learn the scope of the new assignment and increasingly anxious about the fact that a data-driven accounting of its motivation had not been provided. But rather than produce these documents, representatives of the Administration repeatedly reminded the instructor of retirement options—despite the fact that no mention of a desire to retire had been made.

Not only was the reassignment conceived and carried out completely outside of the collectively bargained faculty evaluation process, a sign of disrespect in and of itself, but also we were unable to secure either documentary evidence of what had precipitated the reassignment or a job description until the end of September—well into the semester during which the new position was to have started. Time and time again, rather than doing their jobs in a professional and timely manner, administrators at both the campus and District level seemed to be betting on the instructor’s retirement, in the process forcing the exhaustion of the instructor’s sick leave.

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When I like an author, I read all of their books

by John Kirk, CSM economics professor emeritus
& member of DART (District Association of Retired Teachers)

I began teaching at CSM in the Fall of 1969 and ended 42 years later in the Spring of 2011. Since that time, we have been taking care of pets, tending our own garden, looking after our aging parents, doing crossword puzzles, learning how to use iPhones, iPods, iMacs, iPads and other electronic devices, going to a few Giants' games, answering way too many robocalls on our land line, reading the daily New York Times, waiting for the mail delivery, going to the Farmers market, reading a number of magazines, supporting left-of-center political causes, attending some ACT and Berkeley Rep plays, visiting 6 Hands Winery in the delta, spending time hiking and fishing in the Sierra, reading many novels, and other things like that that retired people do.

On the issue of reading novels, I happened to notice a review of, at the time, a new book by the Japanese author, Haruki Murakami, entitled, *1Q84*. It got my attention because I have always been interested in the genre of dystopian novels -- Huxley's *Brave New World*, Orwell's *1984*, Vonnegut's *Cat's Cradle* and *Player Piano*, Bradbury's *Fahrenheit 451*, Zamyatin's *We* -- and *1Q84* is an obvious reference to *1984*. So I put a hold on the book at the Redwood City Public Library.

The book fascinated me. It was so very different from any other book I had read. In college and graduate school, I took enough Literature classes to earn a minor in English primarily to offset the dryness of the courses in my major -- Economics. I didn't earn the highest grades in those lit-

erature classes because although I could identify how I felt about the particular novel we were studying I could not always delineate what techniques the author employed to make me feel that way.

When I like an author, I often make a point of reading every book he or she has written. I do this not because I think that each work is going to be as good as the last, but because I am compulsive. For example, I have read every book by Hermann Hesse, Kurt Vonnegut, Franz Kafka, E.M. Forster, and most of the books of Karen Joy Fowler (retired CSM Math teacher Mike Burke's sister) and James Joyce (I have been slowly reading *Ulysses* for the last 45 years and am only on page 405 and haven't got past page 2 of *Finnegans Wake*).

So too with Murakami. After *1Q84*, I plowed through the following list of Murakami's books (not in any particular order: *Hard Boiled Wonderland and the End of the World*, *Dance Dance Dance*, *The Wind-up Bird Chronicle*, *South of the Border/West of the Sun*, *Norwegian Wood*, *A Wild Sheep Chase*, *Sputnik Sweetheart*, *Kafka on the Shore*, *After Dark*, *Colorless Tsukuru Tazaki and his Years of Pilgrimage*, *The Strange Library*, and his many collections of short stories: *The Elephant Vanishes: Stories*, *Vintage Murakami*, *Blind Willow/Sleeping Woman*, *After the Quake*.

I just put a hold on a recently published book of two short novels which he wrote early in his career entitled *Hear the Wind Sing/ Pinball*.

Why don't you try one of his books? Let me know what you think.

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Additional obstacles create increased stress

Now, as the instructor attempts to secure accommodations due to the stress of having to deal with what has become an increasingly hostile workplace environment, the District is throwing up additional obstacles: the instructor's return to work is being postponed beyond the exhaustion of accumulated sick leave and excuses are being made for the shameful foot-dragging of Cañada's administration based on the fact that the request for accommodations came after the details of the assignment were provided, a sequence of events that must make sense to all but the most illogical of minds.

Long story short: If you are an instructor of long tenure,

watch your back and read your contract. If you are a new instructor, you might as well do the same because an administration that behaves in this way toward faculty who have committed long stretches of their lives to public service will not hesitate to do the same to you if it serves their priorities.

And please know that it wasn't always like this. There was a time when administration respected faculty, when faculty input in decision-making was valued, and when faculty wellbeing was considered in administrative decisions. Your AFT representatives are doing everything we can to protect you and the contract. But it is clear at this point that we will need your help. Please locate your chapter chair as soon as you can and find out what you can do to build the strength of the union. We will need it.

BOARD OF TRUSTEES ELECTION

Dave Mandelkern: Board of Trustees election statement

In the November 3 SMCCCD Board of Trustees election, AFT 1493 has endorsed newcomer Maurice Goodman and incumbents Dave Mandelkern and Karen Schwarz. See story on page 1. Below is Dave Mandelkern's candidate statement.

Dear Faculty Members:

Thank you very much for the endorsement by AFT 1493 for my re-election to the Board of Trustees of the San Mateo County Community College District, and for the opportunity to communicate directly with each of you via this letter in *The Advocate*.

It has been an honor and a privilege to serve as your elected Trustee for the past twelve years. During the past four year term, we've been through some difficult times together, stemming from when Sacramento cut our annual funding by tens of millions of dollars at the beginning of this decade.

In spite of those cuts, I made sure that from the Board of Trustees on down we carefully examined our priorities, kept cuts away from vital classroom and job training programs, and continued to offer excellent educational opportunities, while avoiding the faculty layoffs, furloughs, or benefit cuts that were seen in other districts around the state.

Now that the fiscal crisis is past, and the District's financial picture has improved, I'm pleased that we have been able to provide faculty with competitive salary increases for the past two years, along with increased contributions towards the cost of your health insurance. Hopefully this trend will continue going forward, and I am pleased to see that progress is being made towards improving health insurance coverage for adjunct faculty as well. I continue to remain committed to fairness and equity in compensation increases and benefits for all District employees.

I do keep a close eye on the District finances and budget, and have made sure that your retirement plans (both pensions and post-retirement health benefits) are well funded and fiscally sound. If I am re-elected, I plan to continue to ask the tough questions and make the (sometimes difficult) decisions necessary to ensure that both your financial future and the District's finances are secure.

My goal, if I am re-elected, is making sure that together we are providing a 21st Century education for San Mateo County students.

That's why I championed the recently completed com-

prehensive community needs assessment to see what San Mateo County residents, students, and employers really want from their Community College District. Now it's time to make sure that the implementation of the new District strategic plan is responsive to those needs.

I want to make sure that you have the necessary resources as we work together to increase access to college for more San Mateo County students, particularly to assist those students that may need a little extra help bridging the gap between high school and college.

I want to support you in your efforts to improve our already high student success rates in career technical education and transfer to four year colleges and universities.

I also want to support and fund your pursuit of new and innovative methods in teaching to ensure that each and every student at our three colleges is successful in achieving their individual educational goals. We must recognize that success even if their goals do not result in a certificate, degree, or transfer to a California public university.

I want to help address the current local rental housing crisis by adding additional affordable housing options for our faculty and staff.

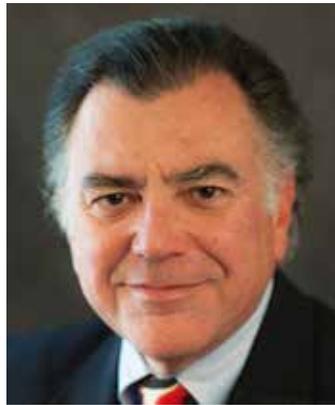
And I want to make sure that our latest bond measure is spent as voters intended, focusing on the highest educational priorities to best serve our community's educational needs.

I bring experience, leadership, and vision to this role. All three are necessary to be a successful Community College Trustee.

Along with my twelve years of experience on the Board of Trustees, I have proven leadership on our Board, on other non-profit Boards, and in the private sector. I have a clear vision for the future of what our Community Colleges should be, based in part on the input that I've gotten from many of you.

I respectfully ask for your support and vote for another term in office. And please ask your friends and neighbors in San Mateo County to vote for me too.

For more information about my background and who else is endorsing my campaign, please see my website at www.davemandelkern.com



Dave Mandelkern

Karen Schwarz: Board of Trustees election statement

In the November 3 SMCCCD Board of Trustees election, AFT 1493 has endorsed newcomer Maurice Goodman and incumbents Dave Mandelkern and Karen Schwarz. See story on page 1. Below is Karen Schwarz's candidate statement.

Continuing our Conversation

Since I have been on the Board I have always marveled at the longevity of our employees. I was first elected as a Trustee for the San Mateo County Community College District in 1995 so I am joining that group. It is an honor for me to represent this District in our College community and the voting community of San Mateo County. I am proud to represent the best faculty, dedicated support staff and always working to keep students first in all discussions and decisions.

The obvious biggest changes have occurred in the facilities. When I was campaigning and first elected I was shocked at the condition of the facilities. Due to the State cutbacks in education, in the early 90s, priorities were given to academics and capital improvements were put on hold. I totally understand why that happened. The District has always provided excellent education, even with deteriorating facilities. In my early years, the Board and administration started discussing how to correct this problem, and realizing the State of California would never provide the funding that was needed. Some of you might remember we tried to pass a facility bond, which was defeated. We regrouped and did pass our first one in 2001, followed by another one in 2005, and yet another in 2014. For all of you who have lived through the construction and will again, I personally Thank You. I realize it has been difficult, but look what we now have; more faculty offices, and better classrooms. I am very happy that we now provide first-rate facilities for our students and staff.

I always consider the finances of the District as my #1 priority. Keeping this District solvent and moving forward is no easy task, but we have forged ahead even during very lean times. I supported and am proud that during those times we worked together and had no layoffs or cut back in salaries. We are fortunate to have moved from State Apportionment to Community Funding. We now have more flexibility on where to apply funding, keeping in mind what are the priorities of this District and desires of the community. I am confident the decisions we make are always vetted by our District Shared Governance. I make my decisions

only when I am confident all groups have had their opinion heard.

I was asked to talk about my accomplishments since being first elected. Let me say I alone haven't accomplished anything. It should be obvious that it takes 3 votes to move any thing along. I have listened, and supported ideas that I feel will improve the District, and always keep students first in my decisions. Besides the facility improvements, I am very happy and proud that we have developed employee housing. Every place I go housing is the #1 topic. We can never solve the massive problem, but we have certainly helped our own. This District is the first in San Mateo County to provide this for our employees, and we are a model to surrounding cities, school districts, and municipalities.



Karen Schwarz

I am proud that this District supports Veterans, with 3 resource centers, one at each college.

Middle College at every college gives opportunities to struggling and underserved students. I would hope you agree, graduation season is the best time at our colleges. The obstacles that some of our students have faced and accomplished to receive their certificate or degree deserves all the accolades from the proud families and friends.

My Thanks to all of you who helped us pass our latest Accreditation from the ACCJC. I also applaud the efforts of those who stood up to that agency. I am confident changes will be made, and San Mateo County Community College District, led by our Chancellor Ron Galatolo in cooperation with the AFT and others are responsible for this movement.

Many have voiced their opinion that due to my tenure I should be reelected easily. For those of you who know a bit about politics, nothing is guaranteed. I am running my campaign as I always do by reaching out to all I know for support. I am fortunate to have met so many in this county who are being very helpful. This includes the AFT. I am grateful for their support and can assure you I will be a faithful servant to this District if reelected.

karenschwarz.org

CFT President discusses new ballot initiatives to stabilize California public education financing

Over the past few weeks, there have been a number of revenue ballot initiatives filed in California which range from extending Proposition 30, to a tobacco tax, to different approaches to commercial property tax reform. California Federation of Teachers (CFT) President Josh Pechthalt recently wrote to local CFT leaders about the union's role in some of these initiatives.

Pechthalt said that "the CFT is committed to ensuring stable state revenues to protect quality public education and we expect to play a major role in 2016 to ensure that we protect the gains we have made by passing Proposition 30 in 2012."

The Alliance For A Better California; Extending Proposition 30

CFT is a leader of the Alliance for a Better California, together with public employee unions from across the state working to extend Prop 30. Pechthalt explained that, "It is clear that there is widespread support for extending the tax on high-income earners set to sunset in 2018. California voters have sent a clear message that this is not the time for a tax cut for the wealthy—and that there remains a commitment to fund public education and keep the momentum of the recovery of the California economy going." In early September of 2015, a ballot initiative to extend Proposition 30 was filed with the Attorney General and will be eligible for signature gathering later this fall.

This initiative was carefully crafted to garner maximum support. It is expected to qualify as an extension of Prop. 30 and is not a new tax. It will:

- maintain the same tax rate on high-income earners, while making the system more progressive (i.e. by not renewing the sales tax)
- maintain the same distribution of funds; and
- continue to spend resources on education while freeing up General Fund money to allow for increased investments in higher education, healthcare and infrastructure.

Pechthalt emphasized that "This is the initiative that we think is most viable."

"Make It Fair" and Property Tax Reform

Pechthalt also explained that, "As part of the 'Make It Fair' coalition, CFT is committed to reforming the lopsided commercial property tax system in California that allows some of the most profitable corporations in the world to avoid paying their fair share of property taxes, thus costing the state and critical priorities, like quality public education, billions of dollars."

"The coalition has embarked on an ambitious research project as they look toward the ballot box for meaningful reform. Our polling has repeatedly shown a solid base of support among voters for these reforms, especially in communities suffering most from the lack of resources that reform would address. But results from this preliminary research indicate that there is more work to do to educate the public about the crisis and need for a fairer system, and build a large enough majority for meaningful reform. This work will continue. The coalition is also supporting SCA 5 (Mitchell and Hancock), which continues to work its way through the legislature. While we do not expect a two-thirds majority to appear, the bill provides important opportunities for alliance building, tax education and publicity."

Pechthalt added that "Conway Collis, a former member of the Board of Equalization, has submitted an initiative entitled, 'Property Tax Increase to Fund Anti-Poverty Programs.' This measure would add a tax surcharge on real property valued above \$3 million, and would use the new revenues to fund anti-poverty and early childhood programs. The policy problem with this approach is that it does nothing to address or change the unfair structure of the existing property tax code."

Moving forward

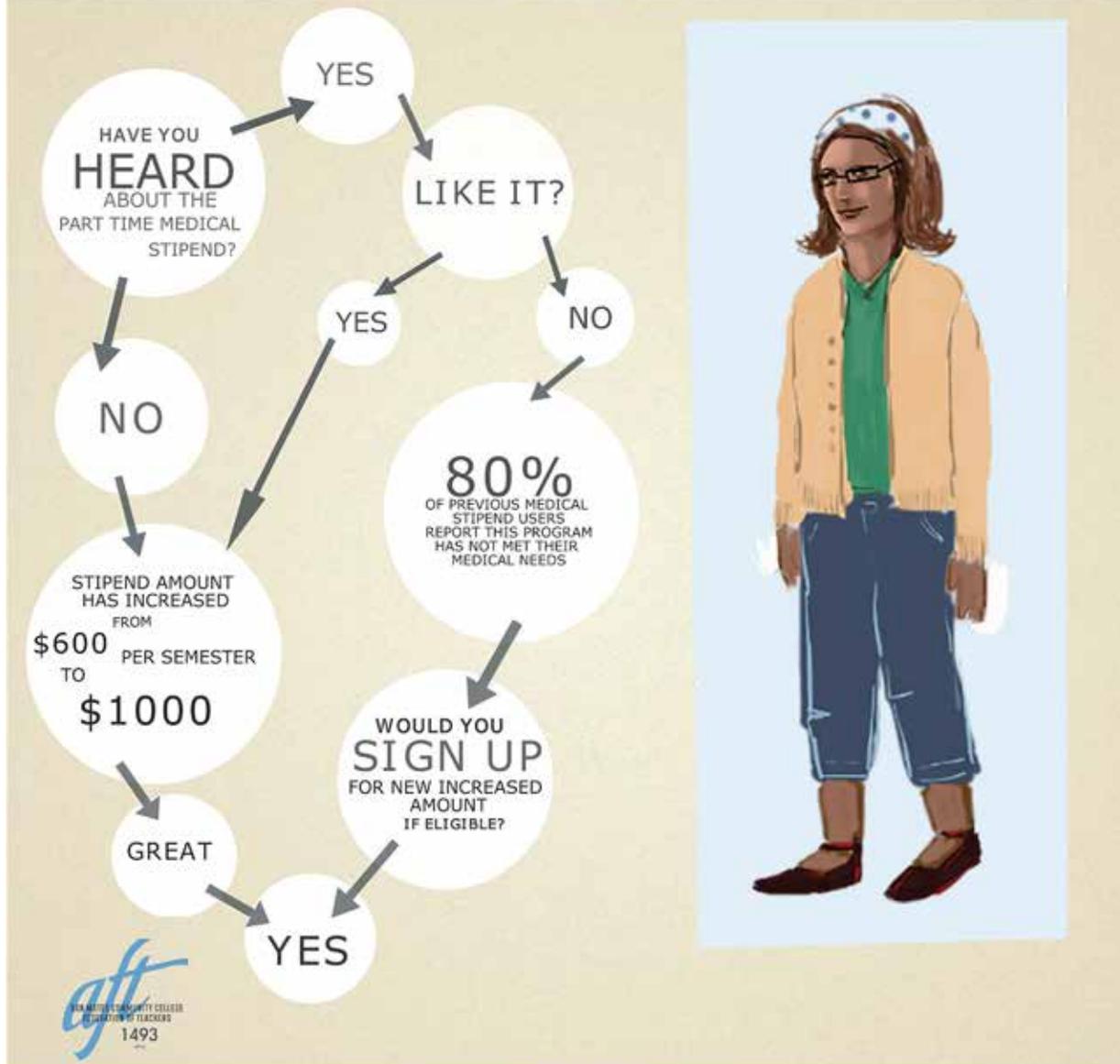
Referring to the dozens of ballot initiatives that have currently been filed with the Attorney General, Pechthalt said that, "Some will move forward for signature gathering, and a smaller number of them will make it to the ballot. Our partners on key revenue efforts will poll and research the impact of these additional measures on the 2016 ballot. "

He concluded that, "As we build for 2016, we will keep you updated on these efforts and focus our work on building a grassroots campaign to educate voters on how critical it is to fully fund education in California through the most progressive, winnable proposals. Our futures depend on it."

Pocket calendars still available

If you have not yet received your 2015-2016 CFT pocket calendar, please call the AFT office (x6491) or get in touch with your AFT Chapter Chair on your campus and ask for one.

PART-TIME MEDICAL STIPEND: SIGN UP NOW!



✓ When surveyed last year, 47% of PTers who answered the survey said they were not using the SMCCD medical stipend program because they were not aware of its existence.

✓ AFT 1493 is hoping to expand the use of this program to demonstrate that there is need for better medical benefits for SMCCD part-timers.

✓ Your union gained an increase from \$600 to \$1000 per semester, in a pilot program to run through the end of our current contract. If you need help with your application, we can assist you. Please apply!

✓ To qualify, you must be at 40% load or over. HR will send out applications via email before the end of each semester.

graphic by Michelle Kern

AFT 1493 Communications Survey coming soon

- Do read *The Advocate* in print? Online? Via email?
- What would you like to see changed about *The Advocate*?
- Do you ever visit the AFT 1493 website? If so, what could make it better?
- Have you checked out the AFT 1493 Facebook page? Did you LIKE it?

- What can AFT do to improve communications with faculty?
- Are there specific issues you'd like us to cover?

These are some of the questions that will be on the AFT 1493 Communications Survey that we will be sending out to faculty in early December.

We hope you will let us know what you think so we can do a better job of getting you the information you want and need.

Regular pay for flex days: Defending part-timers' rights

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thing to clarify is that the limit of flexible/alternative hours that can be claimed is capped at the total hours of flex activities that were offered on your campus."¹

It was already clear

The reality is there is nothing that needs clarification, since our Collective Bargaining Agreement, a.k.a. the AFT contract, already clearly states the rate of pay and the cap on the number of hours that part-time (PT) faculty members can claim for flex activities.

According to article 7.11.2 of our contract, "Part-time faculty members shall participate in flex activities as part of their basic assignments if the flex day falls on a scheduled workday. For example, if a part-time faculty member normally holds a class on a Monday and that day is a scheduled flex day and thus his/her normally scheduled class(es) is/are not held, the part-time faculty member who participates in the College flex activities shall receive regular pay for the normal student contact hours that would have been worked that day. Those part-time faculty members identified above can elect to participate in a college-approved flex activity on an alternative day other than the College-designated flex day, show written verification of the activity, and receive regular pay for up to the normal student contact hours that the part-time faculty member is scheduled to teach on that day of the week."²

How does Mr. Whitlock's "clarification" differ from the AFT Contract?

1. Pay rate:
 - According to the contract, it is regular pay, which means lecture or lab rate, depending on what each PT faculty member would normally teach on a day of the week that is designated as a flex day.
 - According to Mr. Whitlock, the pay would be at special rate, which is exactly the opposite of regular pay, and a lower rate.
2. The cap on the number of hours that can be claimed as flex:
 - According to the contract, each semester, a PT faculty member may claim for flex up to the sum of hours that he or she is normally scheduled to teach on all the days that are designated as flex in that semester.
 - According to Mr. Whitlock, the cap would be the number of hours that a campus schedules flex activities on a given flex day.
3. Who qualifies for flex pay:
 - According to the contract, part-time faculty who would normally be teaching on a given day of the week, but

cannot teach because a day in the academic calendar has been designated as a flex day.

- According to Mr. Whitlock, any faculty who attends an activity on a flex day.

Regarding the third point while the union believes that all faculty should be paid for participating in these and many other worthwhile activities in our District, our current contract language does not include a provision for paying PT faculty for attending flex day activities if they do not otherwise qualify for flex pay as explained in (2) above.

A little LOT of history

The AFT contract has had language regarding pay to PT faculty for flex activities for *over ten years*. Article 7.11 appears in every AFT contract since the 2004. Over the years, the application of this contract language has remained the same, with the pay rate and the cap on the number of hours as explained above.

In the spring semester 2009, the first time that our Academic Calendar had a flex day in the middle of the semester, there were email exchanges between Harry Joel (then Vice Chancellor of Human Resources) and Monica Malamud (then AFT 1493 President), which resulted in explanations of article 7.11.2 that they crafted collaboratively, and which they sent to the three college presidents and to all faculty respectively. These communications served as the basis for the current version of Article 7.11.2.

The current version of Article 7.11.2 of the AFT contract was negotiated as a District proposal to the AFT, which was signed into a Memorandum of Understanding (MOU) on April 29, 2013 and, during subsequent negotiations was incorporated into the contract, which was ratified by faculty and approved by the Board of Trustees on October 9, 2013.

In summary, the contract language has been in effect for over a decade, and it was relatively recently (2013) rewritten to reflect even more clearly the established practice in our District with respect to pay to part-timers for flex activities.

District attempts to unilaterally change contract

Despite clear contract language, which has been unambiguously applied for over a decade, the email sent on August 6, 2015 by Eugene Whitlock re-interpreted article 7.11.2 in a new way, claiming that what article 7.11.2 actually says "makes no sense" and causes "confusion."³

AFT President Teeka James and Eugene Whitlock exchanged several emails in August. When it became obvious that it would be better to deal with this issue in person, a meeting was arranged for August 31st. Eugene Whitlock attended this meeting for the District, and AFT 1493 was

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represented by Teeka James (President), Joaquin Rivera (Chief Negotiator and co-Vice President), Monica Malamud (Negotiating Team Member, past President 2008-2012) and Dan Kaplan (Executive Secretary). At the conclusion of the meeting, the two parties were still discussing the “interpretation” of the contract, although it was understood that the District would maintain the status quo and the parties could revisit the issue in future negotiations.

The day after this meeting, September 1st, a PT faculty member who had been paid for flex activities at the regular rate repeatedly over the years, brought to the union’s attention that in the time-sheets for flex days at the beginning of this semester, the rate listed was special rate instead.

This constituted a unilateral change imposed by the District, which is illegal. If the District wants to change contractual language, this must be done in negotiations. Negotiations had just concluded, and they did not include any changes to flex pay for PT faculty.

Interestingly, in an email just two days after the August 31st meeting, Mr. Whitlock referred to the position advocated by the union as the “‘old way’ of interpreting the contract”, which seems to constitute an acknowledgement of the fact that the District’s interpretation was “new”!⁴

AFT 1493 ready to file Unfair Labor Practice

On September 10, Kathy Blackwood (Executive Vice Chancellor) wrote: “I spoke with the Board yesterday evening about the flex time issue. The Board does not agree with your interpretation of the MOU language, but has directed us to negotiate it with you. As such, it seems like a good time to start negotiations for the next contract as well.”⁵ Joaquin Rivera reminded District administrators that we are not ready to start negotiations on the full contract yet. And actually, before the whole contract is open for negotiations, we are to negotiate 2016 medical caps for full-time faculty plus two union re-openers.

The AFT 1493 Executive Committee (EC) discussed the developments with the District regarding part-time pay for flex activities, the District’s insistence on changing the “interpretation” of contract language (when there is no room for interpretation), and the District’s unilateral change in the way it intended to pay part-timers for flex activities and decided to consult with our attorney, Bob Bezemek, about filing an Unfair Labor Practice (ULP) charge with PERB (Public Employment Relations Board).

Upon learning about the issue and collecting supporting documentation, Mr. Bezemek sent an 11-page Demand Letter to the District concerning its ULP, on behalf of the Union. The letter summarized the evidence supporting the union’s position, the long-standing past practice, the unlawful nature of the unilateral change that the District was trying to impose, and the events and communications that took place in August

and early September. It stated that although much of the unilateral change would result in lost wages for PT faculty, the promise to pay *any* part-timer who attended flex activities would constitute a gain for some, and should be kept. In its final paragraph, the letter asserted that AFT 1493 would file a ULP with PERB if the district did not restore the status quo with respect to wages, terms and conditions of flex for PT faculty.

Resolved: The Union prevails!

On October 2nd, Eugene Whitlock responded to the Union on behalf of the District, stating that: “The District will adjust the pay for those part time faculty members who have a class on the same day of the week as FlexDay, so that if they received compensation at the special rate for their participation in FlexDay activities, the adjustment will take them up [to] the regular rate.”⁵ By doing so, the District is following contractual language and established practice. Adjuncts who are owed a difference will receive it with their October pay.

“For other adjuncts who participated in FlexDay activities, there will not be any change to the compensation that they have received.”⁵ Here the District follows through in its promise to pay part-timers for their attendance on the August flex days, as communicated in [1].

“The District will adopt the practice advocated by the AFT” regarding flex pay for PT faculty.⁵ The District has also stated that they disagree as to the meaning of the contract language. This issue, as well as others, can be brought up in negotiations, but, as with anything else, any changes to the contract must be agreed to by both parties.

If any part-time faculty member has questions about how they have been compensated for participating in FlexDay activities, they should contact AFT 1493 Executive Secretary Dan Kaplan at Kaplan@aft493.org or x6649.

References:

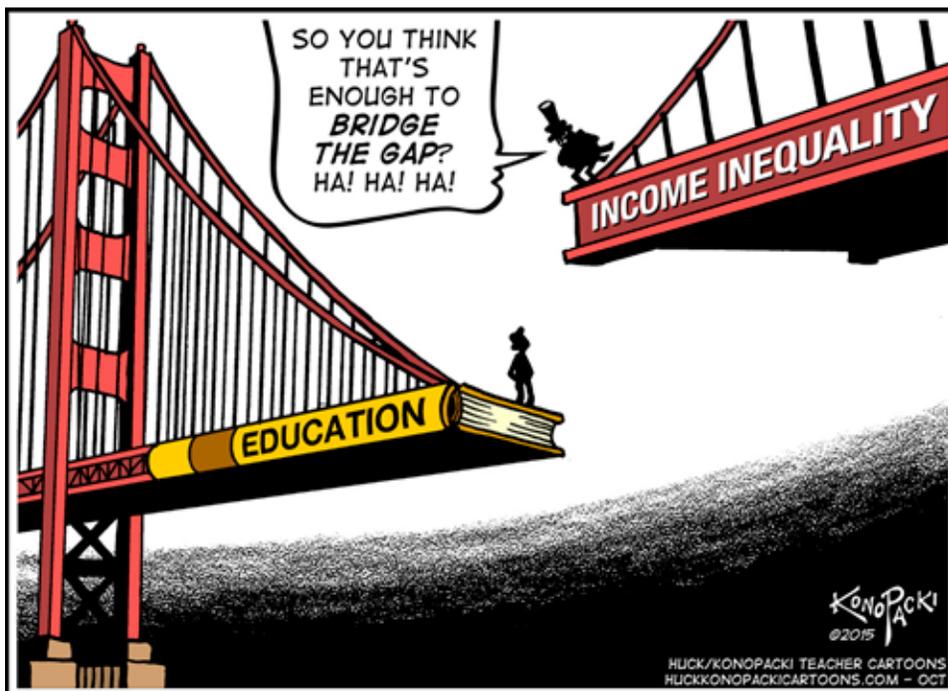
1. Email with subject “FlexDay Compensation for Part Time Faculty” from Eugene Whitlock to Adjunct Faculty, August 6, 2015, 4:12 p.m.
2. Article 7.11.2, Agreement between the Board of Trustees of the San Mateo County Community College District and San Mateo Community College Federation of Teachers Local 1493, AFT, AFL-CIO.
3. Email with subject “FlexDay Compensation for Part Time Faculty” from Eugene Whitlock to Teeka James and Diana Bennet, July 30, 2015, 2:46 p.m.
4. Email with subject “Part time Flex Day issues” from Eugene Whitlock to Joaquin Rivera, September 2, 2015, 1:10 p.m.
5. Email with subject “Demand Letter concerning District’s Unfair Labor Practice” from Eugene Whitlock to Alex Iova (Legal Assistant, Law Offices of Robert Bezemek), October 2, 2015, 8:52 a.m.

Don't forget to vote for SMCCCD Board of Trustees by Nov. 3
AFT 1493 has endorsed Goodman, Mandelkern & Schwarz



photo by Sam Sanchez

Maurice Goodman (seated center,) Board candidate & former Skyline College Associated Students President, visits his alma mater



**AFT 1493
Executive Committee/
General Membership
Meetings:**

- Wednesday, November 11, Skyline College, Building 6, Room 6203, 2:15 pm
- Wednesday, December 9, College of San Mateo, Building 5, Room 339, 2:15 pm

Come join us.

Refreshments provided.