

CONTRACT NEGOTIATIONS UPDATE

More than 8 months without a contract: Some progress, but not enough; Faculty stand firm

by Katharine Harer, AFT 1493 Co-Vice President & Strategic Campaign Organizer

Knowing they have faculty's unflagging support, our AFT negotiating team has continued to work at the bargaining table for a fair contract, with the deadline to move to Fact Finding (April 15) quickly approaching. The good news is that there's been some movement on issues that matter to faculty; the bad news is that there hasn't been enough movement, as of this writing, to settle the contract.

Those of you who attended the three Negotiation Update & Strategy Sessions at each campus on March 14, 15 and 16 heard it from the horses' mouths. Joaquin Rivera, Chief Negotiator, and Monica Malamud, team member, presented the most current state of bargaining. Faculty members who were able to attend these meetings were focused and concerned, especially when shown the District's proposal for compensation over a three year period, 2016-2019. Faculty felt that the compensation numbers are shockingly low for a district rich in

community funding, and the new "method" employed by the District of lumping *their* share of STRS and *their* commitment to step and column increases in with the amount available for faculty salaries and benefits was looked on as not just unfair but highly offensive.

District's "Total Comp" strategy

The District is refusing to use the formula from the previous three-year contract to determine the share of property tax revenue that goes to faculty salaries. If that formula were used, faculty would receive just about the same 4.78% salary increase as we did last year because the District's property tax revenue for 2016-17, was just .02% lower than for 2015-16. Instead of sticking with the same formula, the District has proposed an entirely new way of bargaining, called "Total Compensation", which in effect is a complicated scheme to reduce salary increases even though their

revenues are as high as ever. Instead of negotiating on salaries and benefits separately, the District is offering one total dollar amount for "compensation"; however that dollar amount is not just for salaries and benefits, but also must pay for the District's increase in STRS payments (faculty already pay *our* share of STRS in each paycheck) and the cost of all faculty's step and column increases. These two items have never been included in negotiations before.

The numbers

So what is the District actually offering? A sum that would amount to a **3.84%** salary increase, if it were applied only to salary. However, if we were to allocate some of this money towards improvements in benefits and additional steps in the faculty salary schedules, the salary increase would be even lower.

District Proposal						
		2016-17		2015-16 (to compare)	'17-18	'18-19
Available for Salary/Benefits Increase	3.84%	\$2,086,982	4.78%	\$2,475,020	2.43%**	2.87%**
FT Health Benefits Increase		\$228,428		\$357,519*		
PT Health Benefits Increase		\$90,000		\$52,131*		
Add New Step to FT schedule		\$85,404				
Add New Step to PT schedule		\$18,854				
Increase to Salary Schedule	3.07%	\$1,664,296	4.78%	\$2,475,020	1.71%**	2.62%**
Off-Sched. One-Time Payment	1%					
Total Salary Increase offered	4.07%		4.78%			

*Health benefits were negotiated separately in previous contract **Estimated projections

For example, after taking out the cost of benefits (based on an amount that will provide no out-of-pocket costs for individual Kaiser coverage within 2 years for full-time faculty, and increasing medical benefits for part-timers) and including the cost of adding an additional step for part-time faculty and a step 25 for full-timers (3% after 2 years), the actual salary increase for 2016-17 would be **3.07%**. On March 14, just before our faculty forums, the District presented a new offer that would add an additional one-time payment of 1% that would not be included on the salary schedule, thus bringing the salary increase for 2016-17 to **4.07%**. (Accepting such a 1% off-schedule increase for 2016-17 would mean that the salary increase for 2017-18 would be based on about 1% less than the actual 2016-17 salary received.) Based on lower estimated future tax revenues, the projected salary increase for 2017-18 would be **1.71%** and for 2018-19 it would be **2.62%**.

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LETTER TO THE ADVOCATE

Thanks for your thoughtfulness

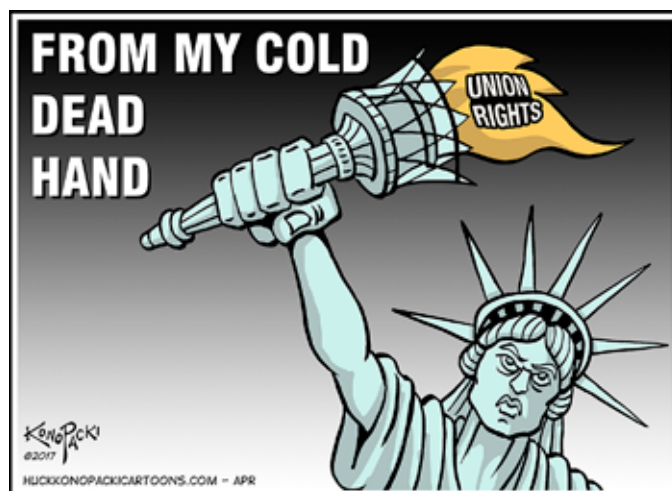
The following letter is from Richard Unger, husband of Joyce Unger, longtime Skyline College faculty member, about whom we published a remembrance in the last issue.
– Ed.

I am genuinely touched by your placing the "In Memorium" notice for Joyce in The Advocate. Joyce was a strong union member as were her parents. We all came from strong union families. The union does make us strong, and Joyce was proud of her work in the union as well as her academic contributions at Skyline.

We had 53 years as lovers and best friends. I miss her very much; knowing the respect she had from you, her colleagues, and her brothers and sisters in the AFT moves me deeply. I forgot that she had been Union Chair and member of the bargaining team. I will remind my son Zac who is now Vice President of the Oakland Firefighter's Union and head of their bargaining team. He will certainly be pleased.

Thanks so much for your thoughtfulness.

Fondly,
Richard Unger



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 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.**

District's revenues continue healthy growth

By Steven Lehigh, AFT Rep. to District Budget & Finance Committee,
CSM Economics

Here's a look at revenue estimates adopted in the 2016/17 budget (rounded and in millions):

The District has continued to see the majority of increased revenue from growth in property taxes. While not the largest percentage change, property taxes make up 75-80% of the revenue, so the roughly 7% growth constitutes the bulk of growth in the revenue. While the current projected revenue growth is estimated at 4.5% overall, the revenue projections have been conservative in previous years. For instance (again excluding the \$9.9M in Innovation Fund money) in last year's projection, revenue was predicted to grow from \$141.7M to \$146.9M (3.7%), but instead grew to \$156.6M (10.5%).

	2015/16 Actual	2016/17 Budget	% Change
Property Taxes	\$118.6	\$127.1	+6.7%
Student Fees	\$10.2	\$10.8	+5.9%
RDA Funds	\$7.4	\$6.9	-6.8%
Nonres. Tuition	\$5.8	\$7.5	+29.3%
Prop 30	\$1.7	\$1.7	0%
Other	\$12.9	\$9.7	-25.8%
Total	\$156.6	\$163.7	+4.5%

**\$9.9M has been removed from the "Other" category for 15/16. These funds were a one-time back payment from the state for mandated costs. This money was all allocated as Innovation Funds. For purposes of year-to-year comparison they were excluded.*

Based on the current projections, due to our community-supported status, our budget is \$52M (47%) above the state limit. Regardless of where the final numbers for 16/17 end up, it's safe to say our budget is in a very stable place.

Despite the rosy budget picture, many issues relevant to faculty persist, as evidenced by the lengthy contract negotiations. Many of these issues have been covered in previous *Advocate* articles and were mentioned in [last year's budget update](#).

Please feel free to contact me with any district budget related questions, or topics you would like covered.

District is spending less than 50% on faculty salaries; Shows need for higher salaries and/or more hiring

by Dan Kaplan, AFT 1493 Executive Secretary

Section 84362 of the California Education Code is generally referred to as the "50% law" and requires that community college districts spend 50% of the "current expense of education" on faculty salaries. The recent audit of the District finances concluded that the District has failed to expend 50% of the "current expense of education" for "salaries of classroom instructors" as required by Section 84362.

The purpose of the 50% law is to assure that districts focus on increasing faculty salaries, reduce class size, and rein-in non-instructional costs. The 50% Law is a descendant of a 60% law adopted in 1851, in California's first legislative session after statehood. Ever since its adoption, the Legislature has reaffirmed the central purpose of the law by rejecting attempts at repeal. Thus, the District is under a mandatory

duty to comply with the law. The problem is that the District has apparently been evading the law.

- In 2015-16 the District was at 48.38% of the 50% Law.
- In 2014-15 the District was at 50.21%.
- In 2013-14 the District was at 50.53%.
- In 2012-13 the District was at 51.81%.

So every year since 2012-13 the District has been decreasing its 50% obligation. Until 2015-16 when it actually failed to reach the legally required 50% goal.

The intent of the 50% law is to assure that districts do not spend excessively on administrative costs, and focus on paying fair wages to classroom instructors. To meet the 50% standard, our District could increase the percentage of their budget spent on faculty salaries by paying more adequate faculty salaries and/or hiring additional instructors, which could help alleviate the workload issues our faculty face.

Questioning CCCE, the District's non-credit entrepreneurial operation

Many faculty concerns being raised about quality of courses and instructors, competing programs, and lack of accountability and faculty oversight

by Paul Rueckhaus, AFT 1493 Skyline Chapter Co-Chair

Continuing, Community and Corporate Education, or CCCE, formerly known simply as "Community Education" is the entrepreneurial arm of the District that runs revenue generating, noncredit, not-for-credit and hybrid (credit / not credit) educational programs. Among their offerings include summer programs for middle and high school-aged youth, corporate or contract education services, an intensive English language proficiency program for international students and a variety of non-credit online and face-to-face courses offered under the rubric of community education. The department is tied to the District's overall strategic goals insofar as the revenues sustain and leverage existing resources to support student success. Indeed, the spirit of the program, according to the [District's Strategic Goal #4](#) (to protect community supported status and assure ongoing resources), is to generate resources that "[can be] invested in innovation, faculty and staff development, and other productive actions that result in higher levels of student success and social justice and equity."

Community Education programs are not unique to our District. Community college districts all over the state engage in "entrepreneurial" or self-supporting educational programs similar to those by CCCE. For the most part, Community Education has the blessing of both the State Academic Senate and the California Education Code in offering such programs.

Benefits and Controversy

While the idea of corporate or revenue-generating educational programs in a public education system may raise some eyebrows, community and contract education, undoubtedly, can bring many benefits for our students, our District and the communities we serve. For instance, the Silicon Valley Intensive English Program primarily helps F-1 student visa holders attending SMCCD campuses to get up to speed with their English so that they can enter for-credit and transfer-level courses.

Other summer programs expose youth to the community college environment and provide engaging educational, career prep and recreational programming between school years.

With this said, community education programs are not without controversy. The debate within the California system goes back at least 25 years—long before the first MOOC ever graced the Internet—when the State Academic Senate published a [background paper](#) on this exact issue in 1993. Interestingly, the issues then

are not very different from some of the controversies today. The primary concerns have to do with hiring

of faculty, quality control of the courses offered, the integrity of the programs and any influence they may exert on the established for-credit programs regularly offered at California community colleges.

Faculty Hiring & Quality Control

Many courses through community education are offered on-line by instructors external to the District. As the [SMCCD Board Report from the March 8 board meeting](#) asserts, many of the instructors are nationally recognized experts in their fields and published authors. While this may be true, the hiring of these instructors and the approval of the courses they teach entirely bypasses the faculty-driven processes that our for-credit students benefit from. In some cases, it may not be necessary or reasonable to go through the established processes of faculty hiring and curriculum approval—say, a continuing education course for a professional license or a lifelong learning course that doesn't need the accreditation to make the offering meaningful. In other cases, the creation and offering of the course may ultimately benefit the mission of the District and student equity either from the revenues raised from the sale of the course that go to support other student-serving activities or from generating an offering valued by the community that would not be appropriate as a for-credit course.

There are, however, courses and whole programs that duplicate or augment offerings in the for-credit side of the

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house that may raise concerns for faculty teaching in similar disciplines, students taking similar for-credit coursework and, ultimately, employers and community stakeholders who hold certain expectations of the quality of education offered by our three campuses. Many of these courses and packages are online (though some are live) offered through individual instructors or vendors, such as [Ed2go](#), a nationwide provider of massive enrollment online courses and programs. The online course offerings vary greatly from college success skills to paralegal; from math refreshers to graphic design. Many of the *a la carte* courses are introductions to specific careers or disciplines, require 24 hours over 6 weeks and cost about \$100. In these cases, instructors and their courses appear to be recruited, vetted and hired entirely through the vendor. Ours is not the only community college district in the Bay Area to contract with Ed2go. Both [Ohlone](#) and [Las Positas](#) (possibly others), partner with the online course offering company to offer a similar variety of courses and packages.

What's in a credit?

In addition to the *a la carte* offerings, CCCE also offers complete professional programs such as medical assisting, dental assisting, pharmacy technician among others. Programs such as medical assisting and dental assisting duplicate our existing certificates that are accredited by ACCJC and industry accreditors. While these programs are noncredit and not certificated, they do bear the SMCCD name on the course documents even though they are offered for different time frames at different price structures by faculty contracted through CCCE. As a faculty member, I am wary when I see courses and programs that bear the same name and advertise similar content and career opportunities as those offered in our esteemed for credit programs, yet have not cleared the hurdles of curriculum review, faculty vetting, external accreditation and other traditions and processes that maintain the public's faith in public education. I question if they live up to their promise. Moreover, I worry that the allure of convenience and expedience in the private, contracted curriculum will encroach on the values and integrity of that of the public.

The difference between our own CTE programs and those offered through CCCE is stark. For example,

- Instructor to pupil ratios: The entire 6-month, 240-hour dental assisting program offered through Ed2go is duplicated in 2100 colleges nationwide taught by the same singular instructor. Whereas CSM's Dental Assisting program has 5 faculty members for each cohort of 20-30 students.
- Pacing and prices: The live clinical medical assisting program through CCCE costs \$2599 and lasts 14 weeks

Faculty speak out about CCCE at March 8 Board of Trustees session

When the SMCCCD Board of Trustees held a study session on the subject of CCCE on March 8, several faculty members raised concerns. Leigh Anne Shaw, District Academic Senate President, said that faculty are concerned about the reputation of the District and she believes that the Academic Senate should be invited to participate in the conversation about CCCE courses and programs. Doug Hirzel, Cañada College Academic Senate President, said that while any duplication of courses could affect credit programs that might not get adequate enrollments, there was no natural process for how to work out disagreements about potentially competing programs. Danielle Behonick, District-wide Curriculum Committee Chair, said it is not clear how much overlap between programs is acceptable, i.e. at what point is there too much similarity. Diana Bennett, CSM Digital Media Professor, said she believes that the credibility and vetting of faculty who teach CCCE classes is a concern of faculty.

compared to 2 full-time semesters at Cañada.

- Accountability: Finally, our accredited programs are accountable to track and publish outcomes such as pass rates, transfer and job placement. CCCE technical programs advertise that they prepare students for professional exams, but don't give further data.

What do the noncredit programs do to the integrity of the for-credit programs offered by our faculty? When a certificate of completion from an Ed2go online course bears the SMCCD name, does an employer or student recognize the difference between that and a State-approved certificate? What message does that send to current and future students (and the community at large) about the value of a credential? Or the value of a faculty hiring process? Or the value of a curriculum review process? Again, these questions are not unique to SMCCD as many other public higher education institutions are joining the trend.

Ultimately, the answer to these and any questions regarding for-profit education in the public community college system comes back to mission and goals. To what extent do these program result in higher levels of student success, social justice and equity to which the District's strategic goal aspires? And, to what extent do they interfere with "the institution's ability to meet its obligations in its primary mission" as the Ed. Code insists?

ACCREDITATION ISSUES

AFT 1493 President Monica Malamud testifies against ACCJC in Washington, D.C.

Local AFT 1493 President Monica Malamud, along with faculty, students and other community college stakeholders from all over California, traveled to Washington DC on February 22 and 23 to offer three minutes each of public comment at the National Advisory Committee on Institutional Quality and Integrity (NACIQI) hearing on Accrediting Commission for Community and Junior Colleges (ACCJC). NACIQI is the U.S. Department of Education agency that monitors and accredits higher education accrediting agencies across the country. Monica's testimony is printed on the next page.

Other speakers who gave testimony critical of ACCJC included Marty Hittelman (former CFT President), Jeff Freitas (CFT Secretary-Treasurer), the President and Vice President of the California Community College Academic Senate, the Executive Director of FACCC, representatives from members of Congress, and faculty members from CCSF (including current AFT 2121 President Tim Killikelly and former President Alissa Messer) and many other districts, including Los Angeles, Peralta, Palomar /San Diego and Compton.

The powerful testimony extended through most of Wednesday afternoon and demonstrated substantial non-compliance of ACCJC with federal regulations. Much of the testimony challenged the claim that ACCJC enjoys

"wide acceptance" by educators, but the few questions asked of commenters largely focused on the concern about what would happen if ACCJC were removed.

Although there were roughly the same number of letters in support of ACCJC as against it, the number of letters against it was not considered as significant, because there were many from CCSF; however, the letters of support from member institutions had been requested by the ACCJC, which requires that institutions it accredits must comply with its requests, so those letters were essentially extorted! There were other problematic issues in the report, but this was the most telling.



AFT 1493 President Monica Malamud (left) with former AFT 2121 President Alissa Messer in Washington, D.C. to testify against ACCJC

Public comment extended beyond the regular end-time of 5 pm, until almost 6 pm. The meeting was adjourned with discussion postponed until the following morning.

On the second day, the meeting was scheduled to start at 8:30. In past years the discussion has been robust and fruitful. This time there was no discussion whatsoever. Within 5 minutes of opening the meeting the motion to recommend an 18 month extension of ACCJC's authority was moved, seconded

and passed. No discussion whatsoever. It was all over in a matter of minutes.

The group then went to visit Congressional offices, including an extended visit with Jackie Speier's staff.

AFT 1493 Calendar

**Executive Committee/
General Membership Meeting:**

**Wednesday, April 12,
2:15 p.m.**

**Cañada College,
Building 3, Room 104**

**California Federation of Teachers
2017 Convention:**

**March 31 - April 2
Sheraton Grand, Sacramento**

**Interested in attending?
Call Dan Kaplan @ x6491**

Monica Malamud's testimony against ACCJC

Good afternoon. My name is Monica Malamud, and I am a Professor of Spanish at Cañada College. I am also president of the faculty union in the San Mateo County Community College District in California, which includes College of San Mateo, Skyline College, and Cañada College.

I would like to give you two examples of the experiences that our District has had with the ACCJC.

First, I will start with an area where ACCJC shows consistency in their work: it consistently reaffirms accreditation of colleges who have a representative sitting on the Commission when their college undergoes accreditation, while issuing sanctions for the majority of colleges which do not. Could this be due to the fact that commissioners are knowledgeable about the ACCJC standards, and therefore able to guide their colleges towards reaccreditation? Not necessarily. In my District, after an accreditation visit, the three colleges had between 8 and 10 recommendations from the visiting team, including both college-specific deficiencies and three identical district-level deficiencies. ACCJC issued a Warning to two of the colleges, but reaffirmed accreditation of the college who had a commissioner in ACCJC.

So, similar deficiencies, but very different outcomes—this shows inconsistent application of standards and decision-making on the part of ACCJC. This is not just my observation. The administration in my district has noticed this too, and made the same observation publicly, both orally and in writing.

My second example involves a newly-developed program, one of the 15 pilot Bachelor degrees authorized for the California Community Colleges. In January 2015, Skyline College was selected to offer a Bachelor Degree in Respiratory Care. In April 2015, the College submitted a Substantive Change to ACCJC (as required by ACCJC)

identifying the program structure and 27 units of upper division coursework (as required by the state). The ACCJC approved the Substantive Change in May 2015. In the fall of 2015, courses were developed and in January 2016, Skyline started promoting the program. But in April 2016, 11 months after the ACCJC had approved the Substantive Change, the ACCJC drafted new policy requiring 45 units of upper division coursework -- 18 more units than required by the state. In a matter of days, Skyline had to develop courses for the additional 18 units. And just days after this was done, the ACCJC approved a revised version of its new policy, now requiring 40 units of upper division coursework. The new Bachelor Degree in Respiratory Care at Skyline College could not risk not being approved by the ACCJC, so faculty scrambled to create courses that they did not believe were necessary, college staff scrambled to rewrite and reprint promotional materials, the deadline for application to the program had to be extended, and the pool of applicants was reduced, as a result of the last-minute increase in units that the ACCJC required.

This example shows how the ACCJC acts in a capricious and unreasonable manner, lacking any rationale for its demands. It also demonstrates that it is not qualified to accredit Baccalaureate Degrees.

I wish these were isolated examples, but they are not. The commission's policies, standards and decisions are unreasonable and inconsistent. Colleges comply with ACCJC out of fear of losing accreditation, not because they agree with the Commission or believe that its requirements will contribute to the improvement of our colleges or guarantee quality education for our students. ACCJC is not accepted as a viable accrediting agency by our colleges.

the Advocate

award-winning newsletter of
AFT Local 1493

in our **40th** year of proudly
representing the interests of the
faculty of the San Mateo County
Community College District



MARCH/APRIL 2017

the Advocate

Our long commutes: Another perspective

A long-time Skyline instructor lives in the East Bay by choice, but the commute has affected her personal life and her health

by Nina Floro, AFT 1493 Skyline Executive Committee Co-Rep.

Nearly 300 faculty in our District, including 70 full-timers, have long commutes (defined as 25 miles or more one way). The greatest concentration of faculty with long commutes live in Oakland and San Jose, but we have full-time colleagues commuting from as far away as Sonoma, Marin, Santa Cruz, Sacramento, and Stanislaus counties and part-time faculty coming from Shasta, Yolo, San Joaquin, Santa Cruz, Sonoma, Marin, Sacramento, and Calaveras counties. In her December 2016 Advocate article, CSM instructor Anne Stafford documented the wide-spread plight of so many of our long-commuting District faculty. In the following article, Skyline instructor Nina Floro presents another viewpoint. We encourage other faculty to share their experiences and opinions on the issue. -ed.

- Santa Clara to Skyline College, 42 miles.
- Palo Alto to Skyline College, 29 miles.
- Oakland to Skyline College, 25 miles.
- Albany to Skyline College, 28 miles.
- North Richmond to Skyline College, 30 miles.
- And, again, Oakland to Skyline College, 28 miles.

I've moved six times for various reasons since I was hired full-time at Skyline College back in 1991. I love the East Bay and plan to stay put until after I retire to a place where I can afford to live on the pittance I'll be receiving from retirement income. My sights are set on Costa Rica, but that's a story for another day.



The East Bay is my home

Having spent my childhood and teen years in Richmond, getting my college degrees at Cal, and raising my daughter in Oakland, I call the East Bay my home. My husband and I have chosen to live in Oakland because of the vibe of the city

and all that Oaktown has to offer. From the early years of my career up until just last year, whenever friends and relatives asked why I chose to live so far from work, I would tell them I love Oakland and the East Bay too much to move anywhere else in the Bay Area.

More recently, however, I've reluctantly admitted a desire to move across the Bay, not because I want to live in a new neighborhood, but because living closer to Skyline College could potentially give me back six or more hours of my life each week. Imagine what 6 hours could get a person these days—more sleep, daily neighborhood walks and fresh air, about an hour a day in the gym, several tasty home-cooked meals made from scratch, a few hours of TV breaks, more time to connect with my husband and the kids, or whatever else one longs to do but can't because there's just not enough time.

As a long-distance commuter to Skyline College throughout the years, I found Anne Stafford's points in her well-written December article, "More Faculty Commuting Longer Distances," ringing true for me on so many levels. Yes, my commute has increased from the 40-50 minute, 28-mile, one-way commute I once had between Oakland and

Skyline College a few years back to what is now a commute of more than 75 minutes one way. It is worth noting, mind you, that the 75-minute one-way commute is one I do with a group of Skyline College colleagues who carpool together to save a few dollars and, more

importantly, save some time by taking advantage of the "speedier" Bay Bridge carpool lane. Absent of my carpool buddies, it would take me at least 90 minutes for a one-way solo commute, with most of that time spent slogging through the Bay Bridge "maze" and sitting at the toll plaza

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even with a FasTrak transponder to move me more “quickly” past the toll booth and onto the Bay Bridge. Without my carpool buddies, I try to avoid the longer solo commute by picking up “casual carpool” strangers to get me through the toll plaza more quickly; nevertheless, the time I save getting through the toll plaza is more or less negated by the time it takes me to detour at Fremont/Howard and then get back on to Hwy 101 or 280 for the remainder of my trip to Skyline.

The Personal Cost of Commuting

Just as Anne Stafford pointed out about the personal cost of commuting, I can say that my commute has impacted my home/personal life as well. It’s true I have less time to spend with my family, fewer hours to sleep, exercise, and make healthy, home-cooked meals, and not enough time to take care of other personal business that I’ve put off for weeks, if not months. Simply stated, spending close to 2-1/2 hours in the car each day for over 25 years has reduced my quality of life.

Sometimes, I joke with people and tell them that carpooling from the East Bay to San Bruno has taken years off of my life. I intend this comment to be an exaggeration, but who knows, it may very well be true. Unlike Anne Stafford, who admits her fondness for numbers, I’m not too fond of them, so I haven’t computed the in-the-car-number-of-hours enough to know whether the 25+ years of commuting to and fro have literally amounted to years. What I do know is that the long-distance commute feels like I’ve spent years of my life in a car. I also know that my daily commute has taken its toll on my health and well-being. I suffer from a chronic illness, and sitting in a car for hours every day is a literal pain in my butt, legs, and back, especially on days when I drive my old, 5-speed, 2-seater to work, which I do on any given day to maintain the legal number of occupants needed for the carpool lane.

Needless to say, it’s too late to sell my house in Oakland and buy a new one in San Francisco or anywhere on the “other side of the Bay.” Even on two decent incomes, my

husband and I just can’t afford to move. Besides, the “extra” hard-earned money we’re not spending on our mortgage and obscene property taxes goes to feed our family, pay for the kids’ college education, cover the high cost of health insurance premiums, put gas in our cars, and the list goes on.

Skyline’s BART shuttle is a great option, but...

Although Skyline College offers an hourly shuttle service between Daly City BART and the College, it runs only once an hour and, for me, still leads to at least a 90-minute, door-to-door commute. I love that the BART and shuttle option helps me reduce my carbon footprint, but it also takes away the flexibility I have to arrive on campus sooner, stay on campus a little longer, or leave campus a few minutes

early so that I can get home earlier. Taking the shuttle on occasion has helped to get me out of my car and saved me from driving. However, it hasn’t done much to save me time or money since I can’t read on BART because of motion sickness, and having to pay for parking and a round-trip BART fare could

run from \$12-\$15 a day. As far as my colleagues at CSM and Cañada go, they’re out of luck since no reasonable time and money-saving public transit option from the East Bay exists for them.

I chose to live in the East Bay long ago, not because of lower housing costs, but because of personal preferences, so I try really hard not to complain much about my daily commute. Now, though, I don’t have much of a choice but to stay in Oakland until I’m ready to quit the Bay Area altogether, sell my house, and move somewhere that my retirement income will sustain me. Twenty-five years ago, I was fortunate enough to have had choices for where I wanted to live and how long I wanted my commute to be. However, that isn’t the case these days for recently hired colleagues who do prefer to live closer to their campuses but find themselves with salaries that leave them no choice but to commute from far-away places such as Castro Valley, San Jose, Richmond, Concord, Livermore, or even farther away.



KNOW YOUR RIGHTS

New legislation provides improvements in parental leave for faculty

by Monica Malamud, AFT 1493 President

Over the last few years, I've heard concerns from a number of expecting and new parents about the lack of clarity in the District's implementation of leaves. The Maternity/Child Bonding Leave section of our contract (Article 11.9) has references to District policy and to legislation (Family Medical Leave Act and California Family Rights Act), which made it difficult for these parents to understand exactly what our contract language meant.

While our contract language has not changed recently and the California Family Rights Act remains in effect, recent state legislation--AB 2393, which was signed by the Governor on September 30th and took effect on January 1st, 2017--has brought improvements for community college faculty with growing families.

What follows is a summary of what parents can expect in our District. It includes the most up-to-date information on parental leaves and reflects the most recent changes enacted with the passage of AB 2393.



What is "parental leave"?

Parental leave is "leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee", Ed. Code §87780.1(f)

Who qualifies?

Both mothers and fathers qualify, but they no longer need to work 1250 hours in the preceding 12 months, which was the standard before AB 2393 became effective on January 1.

How long can "parental leave" last?

Parental leave can be for a total of twelve weeks in a twelve-month period. (Several faculty members reported

difficulties with our District's Human Resources Department regarding "when the clock starts"—When a baby is born? When the semester starts? The answer: parents can take twelve weeks of parental time off, during the first year of the child entering the family; no time or sick days are "used" outside of regular work days).

Is this paid leave?

It is paid, but it is not automatic. A parent may use accrued sick leave to get paid at his/her normal rate. If sick leave is exhausted, then the employee is entitled to differential pay (per our contract, 11.1.5). Differential pay is the difference between the

employee's salary and the District's cost to hire a substitute. Although our contract makes reference to "leave without pay" twice in article 11.9 (Maternity/Child Bonding Leave), according to current law, the twelve weeks of parental leave may qualify for paid leave (at the regular rate if using sick leave, and at the differential pay rate when sick leave is exhausted).

The sections of AB 2393 that concern academic employees of community colleges are now incorporated as law in Education Code §87780.1. Our District must abide by §87780.1, or our contract, whichever provides for greater rights for faculty regarding parental leave.



UNION RIGHTS

Unfair Labor Practice Complaint issued against District for sending inappropriate email to faculty about negotiations

by Dan Kaplan, AFT 1493 Executive Secretary

On February 16, 2017, the Public Employment Relations Board (PERB) issued a Complaint against the District charging it with "attempting to bypass, undermine and derogate the authority of AFT Local 1493 in violation of Government Code section 3543.5 by its October 17, 2016 email about negotiations that was sent to all District faculty.

As faculty may recall, on October 17, 2016, Kathy Blackwood, the District's Executive Vice Chancellor, sent an e-mail message to the entire faculty bargaining unit. The subject of the message was "Negotiations Update."

AFT Local 1493 charged the District with engaging in unfair labor practices in violation of California Government Code section 3543.5 when it sent this email. In response to AFT 1493's charge that the District has committed an Unfair Labor Practice (ULP), the General Counsel of the Public Employment Relations Board, has issued this Complaint on behalf of PERB.

By sending this email to all faculty in the District, the District attempted to bypass, undermine and derogate the authority of AFT 1493 in violation of Government Code section 3543.5(c).

Further, by sending this email, the District's conduct interfered with the rights of faculty bargaining unit employees to be represented by AFT 1493 in violation of Government Code section 3543.5(a).

Finally, this conduct by the District also denied AFT Local 1493 its right to represent faculty bargaining unit employees in violation of Government Code section 3543.5(b).

PERB has required the District to file an answer to the allegations of the Complaint within 20 calendar days. PERB has now scheduled an informal settlement conference. If there is no settlement, then a formal hearing will be scheduled.



RETIREES

A plan to recollect AFT 1493 history

by Rich Yurman, Skyline College professor emeritus

I began teaching at Skyline in Fall 1969 when the college opened and I retired in June 1993. This June I will have been retired for 24 years. A nice bit of symmetry. However, as I keep seeing in the District's Retirees Newsletter, most of my colleagues from Skyline's early years have left this world and a large portion of the survivors have long since scattered around the country.

When I set out to write an obituary for my close friend Joyce Unger (which was published in the last issue of *The Advocate*), I realized how much I have already forgotten of the details of our battle to get AFT 1493 certified as bargaining agent for the SMCCD.

This motivated a search through the scattered papers I've still retained from those days. The more I recalled the more I recognized the gaps in the story that I could not fill in. And this is a story that needs to be recorded as part of the institutional memory of the Union and the District.

So I have resolved to dredge up as much as I can on my end and publish that in installments in the upcoming issues of *The Advocate*, which I hope will spur others to send details that I've missed, make corrections to my faded memories or outright contradict them. The ultimate goal is to present as accurate a version as possible by next Fall.

In the meantime I invite anyone who feels as I do about this history to send me their recollections now via email.

Thanks,
Rich Yurman
ryurman@newsguy.com



Contract Negotiations Update

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Faculty support

Faculty also voiced their continued support for the creation of contract language around non-teaching duties, flexible flex days and an added step at the top of both the full-time and part-time salary scales, among other issues. Participants at all three meetings suggested strategies faculty would be



Negotiations update meeting at Skyline College on March 15

willing to engage in to help win a fair contract. Wearing “the shirt” on Tuesdays is a given. Showing up at Fact Finding, if we do go there, is an idea many faculty supported. Other ideas were discussed and considered. One faculty member at Skyline commented that power is only moved by power, and he asked the group: “What will our power be?”

Without showing our hand just yet in terms of specific actions, we want you to know that the union is proud to represent a group of faculty that doesn’t give in and stands firm. Keep wearing the RED shirt on No Take Backs Tuesdays and open your weekly Action Network emails for up-to-the-minute information. Be ready for action!

Cañada Meeting Report

by Doniella Maher, AFT 1493 Cañada Executive Committee Co-Rep.

On Tuesday, March 14, a group of Cañada faculty met to discuss the current state of negotiations and possible next steps. Faculty expressed their commitment to the workload equity part of the negotiating process and confirmed that they do not want that part to be dropped. Faculty also emphasized the importance of a step increase and expressed frustration at the most recent total compensation offer from the District. Faculty also agreed with the negotiating team that three non-flexible flex days would negatively impact professional development in some disciplines and provide little support for professional development in others. Faculty discussed possible steps forward to make a visible and significant statement of their position on these issues should the need arise.

Skyline Meeting Report

by Barbara Corzonkoff, Skyline College Business Instructor

On March 15th, a group of Skyline faculty representing a wide range of disciplines met with Joaquin Rivera, AFT chief negotiator, for an update on contract negotiations and to suggest possible future strategies to help move contract negotiations along. Some members thought workload equity was the most important issue while others thought salary and benefits were the top issues. During the discussion, several faculty members made strong arguments about the need to solve the problem of workload inequity. One faculty member reported that the cost of health benefits for himself and his wife just jumped to over \$700 a month. Members contributed ideas and suggestions for faculty activism that could help improve the outcome of negotiations and Fact Finding, if we end up going there. Many expressed interest in attending Fact Finding and reporting back to colleagues. Faculty complimented the negotiating team for their progress and hard work, and Joaquin responded that the team greatly values members’ participation and support.

CSM Meeting

by Michelle Kern, AFT 1493 CSM Chapter Chair

The group that gathered at CSM on March 16th to hear the updates on negotiations included faculty from departments that we often don’t hear from, which is a real gain to the conversation. One faculty member had a very helpful suggestion about money that hasn’t come up before—back interest on retro-pay from dragging out the process of the negotiations, since faculty are losing money while working without a contract. Faculty with families, rising housing costs, and bills to pay have been patiently waiting for resolution while trying to avoid take-backs that don’t respect our workload or our profession.

If the process goes to Fact Finding, faculty were encouraged to go to the meetings to see the tenor of the discussions, which tend to be very revealing about the attitude of the District regarding faculty compensation.

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