

CONTRACT NEGOTIATIONS UPDATE

No agreement reached at fact-finding hearing; Fact Finder's report due within 30 days

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

The fact-finding hearing was held all day on May 8th, from 9 a.m. until just after 7 p.m., but no agreement was reached. The fact-finding panel included one representative for the union, one for the District and a "neutral" Fact Finder. The Union's rep was Zev Kvitky, our CFT Field Rep., who has worked closely with our Local throughout this campaign. Chief Negotiator Joaquin Rivera presented a strong and well-supported case for AFT's proposals on salary and benefits as well as a number of other outstanding issues.

District did not deny that they have the money

It was clear from the presentations that the District has the ability to satisfy our economic proposals, and chooses not to. Joaquin's presentation included data on how the District consistently overestimates expenditures, underestimates revenue and annually has high ending balances that grew to over \$32 million--23% of expenditures--in 2015-16. (Also see the article on page 3 of this issue which shows that the District's Fund 1 has had a surplus of over \$50 million over the last 4 years.)

Joaquin's presentation also included salary rankings for the Bay 10 districts, including data that showed that when comparing total compensation, i.e. salary and benefits, SMCCCD full-time faculty rank between 4th and 8th. (See tables on this page and on page 12.) He also presented data that showed that SMCCCD part-time faculty are ranked between 15th and 24th among California community colleges.

The District nevertheless believes that their economic offer is fair and appropriate based on Bay 10 salary comparisons, even though the total compensation salary formula they have offered would provide a much lower increase than if we continued to use the formula agreed to under our current contract.

The Fact Finder will write his report within the next 30 days. Once the report is issued to the District and Union, the Board of Trustees will decide whether to accept or reject the fact-finding recommendations.

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Summary of Rankings for the Bay 10 Districts 2016-17 Full-Time Total Compensation (Salary + Max Medical Benefits Contribution)

MA	Step 6	Step 18	Highest	
Chabot-Las Positas	\$114,092	\$139,963	\$148,590	
Contra Costa	\$113,208	\$126,696	\$126,696	
Foothill-De Anza	\$98,580	\$119,963	\$119,963	
Marin	\$93,117	\$119,325	\$132,429	
Ohlone	\$84,087	\$115,995	\$115,995	
Peralta	\$81,924	\$110,952	\$127,892	
San Francisco	\$90,367	\$119,284	\$119,284	
San Jose-Evergreen	\$124,355	\$135,716	\$135,716	
San Mateo	\$98,304	5th \$119,220	7th \$122,436	6th
West Valley-Mission	\$84,042	\$99,174	\$99,174	
MA+60	Step 6	Step 18	Highest	
Chabot-Las Positas	\$117,811	\$143,683	\$152,310	
Contra Costa	\$118,632	\$140,064	\$145,380	
Foothill-De Anza	\$101,635	\$123,017	\$123,017	
Marin	\$96,511	\$123,967	\$137,695	
Ohlone	\$86,637	\$118,545	\$121,204	
Peralta	\$88,033	\$116,903	\$133,843	
San Francisco	\$92,999	\$121,912	\$121,912	
San Jose-Evergreen	\$130,624	\$144,031	\$144,031	
San Mateo	\$102,312	4th \$123,504	5th \$126,732	6th
West Valley-Mission	\$89,086	\$105,371	\$105,371	

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PART-TIMERS

Part-Time faculty are eligible for unemployment benefits over the summer break & between semesters

All Part-time faculty 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.

Class assignments are not reasonably assured

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 Ed. Code, part-timers, as a class, do not have "reasonable assurance" of a job and hence are eligible for benefits between terms. The specific language from Ed Code section 87482.3 (d) reads: "In all cases, part-time faculty assignments shall be temporary in nature, contingent on enrollment and funding, and subject to program changes, and no part-time faculty member shall have reasonable assurance of continued employment at any point, irrespective of the status, length of service, or reemployment preference of that part-time, temporary faculty member."

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.

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 BUDGET

District's Fund I has \$50M surplus over four years; Difference between AFT & District proposals: \$1M/year

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

As our contract negotiations went to a Fact Finding hearing on Monday, May 8, it is interesting to look at a comparison of how the district budget has changed since our District funding became "community-supported" (also known as Basic Aid). Since our District's revenues switched in 2011 from relying on state allocations to primarily coming from county property values, it is clear that the state of the District's budget and reserves is very strong.

Revenue up much more than expenses

As can be seen in the table below, while the 2011/12 budget was essentially balanced (revenues were \$110M, expenses were \$107M), the Fund 1 budgets since then have had surpluses year to year. By 2015-16, revenues were 41% higher while expenses increased 28%, yielding a surplus in Fund 1 of \$18.2M, equivalent to what was transferred out.

There has been roughly a \$67M difference between Fund 1 revenues and expenditures over the four years between 2012/13 and 2015/16, an average of \$16.75M a year. With these Fund 1 surpluses, the District has been able to cover numerous expenses and obligations outside of the Fund 1 category. Every year some money is transferred to funds for self-insurance, child development and Fund 3 (Restricted Funds for EOPS, DSPS etc.) Over the last four years these transfers have totaled \$13M, which is relatively consistent with previous budgets. For the analysis the term "transfer" represents the net transfer (effectively the impact on the balance of the fund,) since funds are transferred in and out each year between funds.

Of the remaining \$54M, \$51M of this surplus has been transferred out of Fund 1 (\$3M has been added to it's balance.)

Approximately \$19M has been transferred to Fund 8, for the future financing of retiree benefits. This is in addition to the typical contribution already included in benefits expenses (roughly \$4M a year.)

Most of Fund I surplus goes into Capital Outlay Fund

The remaining \$32M has been transferred to Fund 4, the Capital Outlay Fund. Money transferred to Fund 4 from Fund 1 is intended for capital expenditures not covered by bond measures and other funding. It is not clear why such a significant amount of dollars has been transferred to Fund 4.

Difference between AFT & District proposals is less than 10% of Fund I annual surplus

While some of these allocations of the Fund 1 surplus have their own rationale for funding, it is significant to put these budget numbers in the context of our current contract negotiations. The divide between the Union proposal and the District's is less than \$1M a year (for 2016-17.) This represents less than 10% of the annual Fund 1 surplus and is significantly less than the amounts we've been transferring to Fund 4, or the extra being transferred to the OPEB trust. Ultimately, we need to make sure that there is a collaborative discussion as to the best way to allocate these funds and transparency on the decisions that are made.

	2011-12	2015-16	% Change
Revenue	110.9	156.5*	41%
Certificated Salary	43.6	55.0	26%
Classified Salary	23.8	32.3	36%
Benefits	26.4	36.6	39%
Other	14.1	14.4	2%
Total Expenses	107.9	138.3	28%
Transfers Out	-0.14	18.2	
Reserve	6	14.1	

** \$9.9M has been removed from the "Revenue" category for 2015-16. 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.*



CFT CONVENTION REPORT

Organize. Resist: Is the Glass Half-Empty or Half-Full?

By Anne Stafford, AFT 1493 Treasurer, CSM, English

The 75th annual Convention of the California Federation of Teachers was held from Friday, March 31 through Sunday, April 2, at Sheraton Grand Hotel in Sacramento. The Convention was attended by 435 registered delegates, and many other guests and speakers. The delegates included community college instructors, K-12 teachers, early childhood educators, classified employees, and UC librarians and lecturers from all over California. The AFT Local 1493 delegates were Monica Malamud, Teeka James, Joaquin Rivera, Nina Floro, Anne Stafford, Dan Kaplan, and Katharine Harer. -Ed.

Along with six other delegates from AFT 1493, I spent the first weekend of this year's Spring Break at the Sheraton Grand Hotel in downtown Sacramento, attending my first ever California Federation of Teachers Convention. Teeka James and I left CSM following our final classes of the day on Friday, March 31, battling the traffic across the San Mateo Bridge and Interstate 80 to arrive just in time to get a bite to eat at the Union Social from 6:00 – 7:00 before attending the Community College Council meeting from 7:00 – 10:00.

When Dan Kaplan leaned over in his chair at the Council meeting and whispered that he would like me to write an article for *The Advocate* about the Convention, I said, "sure" (OK, not initially), thinking I would write about what it was like to see the wheels of the CFT in motion and about how the Convention inspired me. I *did* see the wheels in motion – sometimes tedious, sometimes fascinating – and I *was* inspired. But in the end, I left the conference feeling somewhat disheartened and demoralized. I confess that I am something of a pessimist, but I was not alone in feeling a sense of dread about the threats to education in the U. S. and to our students.

New ACCJC leader tries to appease faculty, downplays SLOs

The convention started at 9:00 a.m. Friday morning, but since I decided not to cancel any classes that day, my introduction was that evening's Community College Council meeting. Richard Winn, the interim President of ACCJC, was first on the agenda. Delegates were told that Mr. Winn



would stay as long as we wanted to ask questions and offer comments – in the end the majority of the three-hour time block was given over to an extensive exchange about the future of ACCJC. Much of what Winn said was encouraging:



Katharine Harer, Joaquin Rivera and Teeka James at CFT Convention

he "hoped" to take the fear and mystery out of the accreditation process; visiting teams will be smaller and will include more faculty; accreditation will be based primarily on student learning and institutional stability; sanctions will be levied less often; self-studies will be shorter; and given the lack of definitive evidence that Student Learning Outcomes actually improve student learning, ACCJC will not be emphasizing them in

the future. He acknowledged that trust and mutual respect had been strained by the accreditation debacle at CCSF. Mr. Winn was not, however, willing to offer an apology to CCSF, nor was he willing to discuss past actions by ACCJC. And rumor has it that at its 2017 Partners in Excellence Conference, which began just four days after the CFT Convention ended, ACCJC backed away, to at least some degree, from Winn's rejection of SLOs as an appropriate area of focus. (This, by the way, was the same conference which featured a panel discussion entitled, "Do Educators Have a Prima Donna Complex?")

Immigrant rights: How to respond to ICE

Immigrant rights and strategies for supporting our immigrant students were the topic of two workshops, a panel discussion, a march, and a rally on the Capitol steps. Katharine Harer and Nina Floro attended an informative and compelling workshop on "Immigrant Worker Rights and Defense," presented by the Associate Director of AFT Human Rights & Community Relations, the Chief of Staff for

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the California Labor Federation, and an ACLU immigration Lawyer. The workshop addressed the accelerated threats against immigrant workers since Trump's election. In the months since Trump assumed office, arrests of immigrants – both documented and undocumented – have increased by more than one third even though many of these individuals have committed no crime. The panel participants offered the following advice:

Before opening the door to ICE agents, ask them to pass a warrant under the door; to be valid, the warrant must include the person's name – spelled correctly- and the exact address, in addition to the signature of a judge or magistrate. Agents often present invalid warrants when visiting homes or workplaces on "fishing expeditions." If the warrant is valid, step outside so that no one inside is endangered. When face-to-face with an ICE agent, it is best to say nothing other than, "I plead the 5th Amendment and choose to remain silent." Do not sign anything without first speaking to a lawyer. Report a raid immediately to the United We Dream Hotline: 844-363-1423. Take pictures, video, and notes and write down badge numbers.

I am personally grateful for these suggestions, and will pass them along to students. In the meantime, the attacks on undocumented immigrants, including those in our classrooms, continue. Most of us know about the story of Daniela Vargas, who was pulled over and arrested by ICE agents immediately after speaking about recent ICE raids at a news conference, and just four months after her DACA status expired. And in recent weeks, we have heard numerous stories of ICE picking up undocumented immigrants, including victims of domestic violence, at courthouses.

State of the Union: Successes & many threats

In his State of the Union address, CFT President Josh Pechthalt listed a number of 2016 successes for the state of education:

- San Francisco City College received full accreditation
- Barbara Beno stepped down as President of ACCJC
- California voters passed Proposition 55 (adding billions of dollars in K-14 education over the next 12 years) & Proposition 58 (reversing restrictions on bilingual education)
- Kamala Harris was elected to US Senate
- The number of CFT members increased

Despite these wins, however, Pechthalt began and ended his State of the Union address with an equally long list of looming threats to public education, reproductive rights, labor unions, voting rights, and health care (witness the House vote to dismantle the Affordable Care Act on May 4). He specifically predicted the loss of agency fee

AFT 1493 wins 9 CFT Communications Awards!

To review a little history regarding the CFT Communications Awards: Over the last 3 years, AFT 1493 has won more Communications Awards each year than any other Local in the CFT! Our Local won 9 Awards at the 2015 CFT Convention, 10 Awards at the 2016 Convention and this year we again won 9 Communications Awards.

This year we won the following awards:

- AFT Local 1493, along with two other Locals-- Jefferson AFT Federation of Teachers, and Jefferson Elementary Federation of Teachers--won the **Jim Herndon Special Award** for the Tri-Union Conference: Schools Our Children Deserve. The Jim Herndon Award represents "an outstanding creative effort that conveys the importance of unionism in the field of education and represents the "Spirit of the Federation." The Judges' remarked on this award: "To have three local unions and community groups join together in this outreach truly expresses the spirit of the Federation. A stellar collaborative effort between elementary, high school, and community college unions to improve the continuum of educational experience for students in the community. One judge aptly pointed out, "It shows the advantage of having wall-to-wall AFT representation in a region."

The Advocate wins First Place again

- **First Place** in the category of **Best Six-or more-Page Newsletter** for Locals with more than 500 unit members for *The Advocate*, edited by Eric Brenner. The Judges commented: "Always in-depth articles of topical concern. Sprinkled with member-written pieces and photos of

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payments and possibly automatic payroll deductions and even collective bargaining. Though labor unions dodged a bullet last year when the Supreme Court let stand a lower court ruling in the Friedrichs case, maintaining the right of unions to continue to collect agency fee payments, a similar challenge (Janus v. AFSCME) is making its way to the Supreme Court now. CFT Executive Director Joe Boyd went so far as to predict that some unions simply will not be able to withstand the hit to their budgets if the new Supreme Court agrees that collection of agency fee payments violates the First Amendment.

If we are to overcome the undercurrent of despair that surfaced during and after the Convention, if we are truly going to remain the strong and stalwart supporters of *all* of California's students, we must ORGANIZE and RESIST like never before.

Additional reporting contributed by Katharine Harer

THE SELL-OFF OF KCSM-TV

KCSM-TV Spectrum Pot Of Gold Dissolves Into Dueling Lawsuits

By Tracy Rosenberg, Executive Director of Media Alliance

(The Media Alliance is a Bay Area democratic communications advocate. Tracy fought a lonely war to save KCSM-TV between 2011 and 2013.)

For years, KCSM-TV, one of two noncommercial broadcasting outlets owned by the College of San Mateo, trained generations of students in communications. The program was probably the best broadcasting training available at a public two-year college and one of the best in the whole country. The TV station, the 5th largest public TV outlet in the state of California, had fallen on hard times in recent years, losing its PBS affiliation and running annual operating deficits. The trustees of the San Mateo Community College District, during a prolonged process to sell the license, kindly referred to KCSM-TV as a “junkier car”, reflecting the District’s lack of enthusiasm for revitalizing its public television station.

Every junkier has a suitor

But every junkier has a suitor, and a hedge firm came calling for KCSM-TV’s carcass. Here is how we got to dueling lawsuits.

The initial request for proposal for the sale of KCSM-TV ended in August of 2012 with the SMCCD Board of Trustees rejecting 6 different bids from potential new operators of the station. Among the spurned applicants were Public Radio Capital, one of the biggest brokers of public media assets in the country, Independent Public Media in Colorado, and local operators KAXT and KTMP. Offers ranged from \$2 million to \$7 million dollars. The bids, obtained via a California public records act request, can be seen [on the Media Alliance website](#).

Trustees smell a windfall

Take 2 started in November of 2012. The reason for the rejiggering and the rejection of all six initial offers was that District Trustees smelled a windfall. The Federal Communications Commission (FCC) was getting serious about running a spectrum auction which would sell unwanted television space to wireless companies, whose appetite for spectrum was virtually endless. Spectrum auctions are complicated and take a long time to execute so while talk had been going on for a long time, it was not

easy to ascertain what the actual timeline would be or even if it would happen at all. But in the fall of 2012, the casual conversation was looking to be coalescing into a three-year plan. The inclusion of noncommercial broadcasters in federal spectrum auctions has been controversial, with [notable academics questioning if it served the public interest](#) and this author pointing out that [the purpose of the noncommercial licenses is not asset speculation](#).

District makes deal with notorious hedge fund

But the District saw \$100 million in its future, instead of \$7 million and was determined to figure out a way to get it.

Cue hedge firm. In the District’s second RFP process which was launched in November of 2012 and concluded in June of 2013, there were 4 bids received. The district never responded to any bid but that from Locuspoint Networks, a 98%-owned subsidiary of the notorious Blackstone Group, the

largest hedge firm in the United States. This second set of bids were also obtained via a public records request, but this time, [the district redacted the documents and blacked out some of the text](#).

Blackstone/Locuspoint’s bid called for the complete eradication of the TV station into wireless spectrum. In jumping at the Blackstone offer, the District refused an offer that proposed to sell just some of the station’s spectrum but retain a live public interest broadcasting outlet. Instead, the District embarked on a business deal with a hedge firm subsidiary whose parent company’s abusive and exploitative behavior with public pension funds is well-documented.

District sues, then gets sued back the next day

All did not end well. On the way to the pot of gold at the end of rainbow, and after Locuspoint had shoveled \$3.3 million dollars into the District to subsidize KCSM-TV’s operations for the three years leading up to the 2016 spectrum auction, a mistake was made. Namely, District staff who were charged with filing bids throughout the lengthy bidding process, missed a required bid and were, per the auction’s strict rules, immediately dropped from the auction. This outcome meant everybody was out the \$114 million dollars the KCSM spectrum was estimated to have possibly sold for and Locuspoint was specifically out the \$3.3 million dollars it had invested with hopes of getting about a third of the spectrum proceeds. So the two uneasy partners

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turned on each other with the District suing Locuspoint and Locuspoint suing the District right back the next day.

Lawsuits dispute who's at fault

The lawsuit filings can be seen [on the Media Alliance website](#). The District, apparently wary of public humiliation, filed their original lawsuit on April 7, almost completely under seal with 29 (of 31) pages of completely blacked out text. After Locuspoint's cross-complaint was filed on April 10 and released in full, the District amended their complaint and this time did not black out the text. The long and short of it is that only the licensee's authorized bidders themselves may place the auction bids. District Vice President of Administrative Services, Jan Roecks, had done so in 46 previous rounds of bidding (of a total of 52 the District had previously participated in prior to the mishap). Locuspoint indicates in the filing that Roecks signed a bid submission confirmation sheet that evening, then informed the Chancellor the bid failure had occurred, but neither informed Locuspoint of the failure. A month later, the District certified to Locuspoint no failure had occurred and collected a \$225,000 subsidy payment.

In its amended complaint, the District asserts the third party consultant had the responsibility for ensuring the District's authorized bidder in fact placed a bid when required to do so. This statement is somewhat contrary to the Federal Communications Commission's auction rules, which state that [only the licensee may submit bids](#) and the process may not be outsourced, although of course licensees may informally consult with whomever they wish.

The upshot of the lawsuits is uncertain, although neither party is likely to recover anything resembling the hundred million dollars plus they were eyeing. Locuspoint may have a valid case for the return of their \$3.3 million in subsidy payments and the District still has a TV station it doesn't want that it can sell for somewhere between \$2 and \$7 million dollars.

Concerns about KCSM-FM radio station

In the meantime, [the District's popular jazz FM radio station, has started to run an operating deficit and laid off staff and alarmed community members have pointed to the fate of the TV station as a disturbing precedent.](#)

While the final chapter of what will happen to the non-commercial broadcasting licenses housed at the College of San Mateo since 1964 is still uncertain, the saga demonstrates the risks when the licensees of rare noncommercial mass media outlets lose interest in operating them and they get flung about in a free market with little interest in public service.

We'll end with a quote from the [February 2012 Advocate article titled "Maui Condos Or Public Trusts: Questioning the Sale of KCSM."](#)

AFT 1493 wins 9 CFT Communication Awards

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members. Good use of informational graphics in articles where relevant." This is the second year in a row that *The Advocate* won first place in the State.

- **First Place** in the category of **Best Flyer or Poster** for Locals with more than 500 unit members for "Workload Equity poster" by **Galina Gates**, student, and **Vera Fainshtein**, Instructor. Judges said that the: "Poster provides a clear ask and invites you into the action. Compelling use of elements and colors combined with solid union branding. A sense of humor helps make its political point. One judge said, "It has a great Alice in Wonderland feel — people get small and go into the rabbit hole. And one seems to be saying, 'Uh oh, I'm late for work.'"
- **Second Place** in the category of **Best Use of Social Media** for Locals with more than 500 unit members for Facebook Page by **Michelle Kern**, CSM Chapter Chair.
- **Second Place** in the category of **Best Email Newsletter** for Locals with more than 500 unit members for *The Advocate* newsletter by **Eric Brenner**, Editor.
- **Second Place** in the category of **Best Original Art or Photograph** for "Workload Equity poster" by **Galina Gates**, student, and **Vera Fainshtein**, Instructor.
- **Third Place** in the category of **Best News Writing** for "CFT Convention Inspires Faculty to Work for Social Justice" by **Katharine Harer**, Co-Vice President and Strategic Campaign Initiative Organizer, and **Teeka James**, Secretary.
- **Third Place** in the category of **Best Website** for locals with more than 500 units members for aft1493.org by **Eric Brenner**, Webmaster.
- **Honorable Mention** in the category of **Best Editorial or Column** for "A Bridge Too Far? Cost of Living and Housing" by **Anne Stafford**, Professor of English and Union Treasurer.

The Federal Communications Commission defines non-commercial educational licenses to broadcast as public trusts that belong to the American people and are leased out to meet the information needs of communities. So speculating on them like a Maui condominium is not exactly the intended purpose... None of this should be construed as a lack of sympathy with the financial challenges facing higher education today. Budget cuts have been ruinous. Any source of sorely-needed funds needs to be seriously considered. However, some lines are always drawn. Leasing out the humanities building is not usually on the table. Educational assets cannot simply be up for auction to the highest bidder regardless of the public interest.

UNION SCHOLARSHIPS

Laurie Myers is recipient of 2017 Joe McDonough AFT Social Justice Scholarship

by Susan McDonough, daughter of Joe McDonough (former CSM psychology professor) and creator of the Joe McDonough AFT Scholarship, which honors her father's years of activism in AFT 1493 and his commitment to social justice

"I attribute a great deal of my success to a residential restorative justice program, where I not only live but where I spend a large portion of my time volunteering with the newer women who come through our program and want to change their lives."

These are the words of **Laurie Myers** (in photo below), this year's recipient of the Joe McDonough AFT Social Justice Scholarship. This annual award of \$5,000 is for a fulltime student engaged in a campus or community organization working for social justice.



Working toward an AA degree in social science with a focus on Addiction Studies at CSM, Laurie's goal is to reach incarcerated women and help with drug/alcohol treatment so they may learn

a new way to live and stop the cycle of recidivism.

Laurie's first hand experience with addiction and jail time, and her remarkable road to recovery through restorative justice, make her well-suited to working as a counselor with incarcerated women. Her commitment to social change through her work and her studies demonstrates her dedication to helping fundamentally changing a system that has punished rather than provided viable solutions.

"In my own personal experience I have found that when a person is released from jail or prison, without a viable, workable plan, they will go right back to the lifestyle which led them to prison in the first place," wrote Laurie in her scholarship application. "This seems especially true for women, where re-entry resources are even more limited. My plan after completing the Addiction Studies program is to find work counseling incarcerated women, so that they can get a better understanding of addiction and how closely addiction correlates with recidivism."

Both AFT Local 1493 and the family of former professor of psychology Joe McDonough immediately came to the conclusion that Laurie - a hard worker, a dedicated student, and committed to social justice - was the right choice for this year's award.

2017 AFT 1493 Scholarships awarded to Rebecca Chow and Iridian Martinez

by Dan Kaplan, AFT 1493 Executive Secretary, and Doniella Maher, AFT 1493 Cañada Executive Committee Co-Rep.

AFT is pleased to announce that this year's AFT 1493 Scholarships have been awarded to Cañada College student **Rebecca Chow** and **Iridian Martinez**, a student at Skyline College. AFT 1493 Scholarships, each in the amount of \$1000, are awarded to two SMCCCD students who maintain a minimum GPA of 2.5, who participate in community service activities and who are committed to social justice issues and concerns. Special consideration is given to students who began their college career in Basic Skills and/or ESL courses.



Rebecca Chow (in photo at left) is a Middle College student and Vice President of Associated Students at Cañada College. She shows a remarkable commitment to fighting against injustice and building unity both on the campus and in the community.

Rebecca's work as president and founder of the Civil Liberties Club on campus has served to create a safe space for marginalized voices and a forum for discussions about important topics including institutionalized racism and police brutality.

In her youth, **Iridian Martinez** (in photo below) found joy in the moments when she was able to study and when she organized around social justice issues with the Youth Leadership Institute.



This experience caused her to decide to "reconstruct my spirit in academia", especially after she began studying Sociology. She now wants

to use her sociological knowledge to "liberate oppressed communities, so they can obtain a healthy and sustainable lifestyle."

Iridian has been an A.S.S.C. Senator, Secretary for

continued on the next page,

Cañada students, faculty and staff join together at May Day rally

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

On May 1st students, faculty and staff joined to hold a Speak Out and Rally in the center quad at Cañada. The event was facilitated by a Cañada student, Marvin Nieto-Cruz, and students and a number of Cañada faculty (mostly in red T-shirts!) shared stories, history and the importance of having their voices heard. Students shared a series of moving personal family immigration stories, and faculty spoke about the history of May Day and the historical Day Without An

Immigrant Protest in 2006. An ESL student brought pizzas for everyone who participated, and there was an incredible sense of unity, especially as folks marched around the quad chanting in English and Spanish.

The action was a collaboration between the Cañada Dream Center and AFT. This is the first time that we have done this kind of action on May 1st, but it seems like it could be a great tradition.



Cañada College students at the May Day rally



Above, Cañada College faculty wearing the AFT t-shirts at the May Day rally are (from left to right) Gerardo Pacheco, Jenny Castello, Ronda Chaney, Peggy Perruccio, and Doniella Maher

Below are Cañada faculty Salumeh Eslamieh and Elizabeth Terzakis



AFT scholarships awarded

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L.A.S.O., co-founder of the S.M.C.C.D. Solidarity Initiative, lead-organizer of the S.M.C.C.D. Rise Up movement, DREAM Center Ally, and off campus community activist. As she says of herself: "I advocate for equity, representation, and rights in an ethnically and culturally diverse region."

At the conclusion of her AFT scholarship application, Iridian said of herself: "Through my struggles, I found the beauty in my brown skin, luminosity in my womynhood, and power in my voice."

AFT Local 1493 offers its congratulations to Rebecca Chow and Iridian Martinez, and wishes them both continued success as they continue their pursuit of higher education.

EARLY HISTORY OF LOCAL 1493

When the Game Changed: How AFT Local 1493 Became Sole Bargaining Agent for SMCCCD

by Rich Yurman, Skyline College professor emeritus

When I set out to write an obituary for Joyce Unger (which appeared in the last edition of The Advocate) I realized how much I have already forgotten of our battle to get AFT 1493 certified as Sole Bargaining Agent for the SMCCCD. That story needs to be made part of the institutional memory of the District.

I wrote a rough draft and sent it to others who had been involved for feedback. Pat Manning, John Kirk, Mary K. Stegner, Joe Berry, Dan Kaplan, former CFT Field Rep. Julien Minard and Advocate Editor Eric Brenner responded with details that have been woven into this, the first of a series to set out that record.

If you have information that will help fill in the full history, please send them to The Advocate or to me: ryurman@newsquy.com.

Part I: 1965 - 1977

Prior to 1965 there was no bargaining. Each year the District presented its offer on any changes to the Terms and Conditions of Employment, hours, salary schedule, benefits, etc., to the CSM Faculty Senate (at the time this was a one-campus district) based on District Rules and Regulations and the Benefits section of the Faculty Handbook. The Executive Committee of the Senate appointed an *ad hoc* committee to study the offer and recommend to the full Senate which points required further study. The word bargaining was studiously avoided. The District might make a few changes and resubmit to the Senate. (Senate approval was not required, however.) The District then presented the changes to the Board of Trustees for final approval. There was a public hearing, at which faculty, often members of the small, young AFT chapter, spoke along with interested members of the public. Faculty had no supporters on the Board so that final approval was *pro forma*. (The contracts of administrators and classified employees were handled separately, but the final step was always Board approval.)

Winton Act

This changed in 1965 with passage of the Winton Act. Each district was to set up a 9-member Certificated Employees Council (CEC) to meet and confer with district reps. The 9 would be divided in proportion to district membership in AFT and CTA. Since CSMFT was very small at that time, the panel would be CTA 8, AFT 1. CTA invoked the Winton Act to set up a CEC. The District of course dragged out the process until 1967 before the first "meet and confer" panel was set up and the first conferences began.

The initial conferences moved very slowly, the District trying to control the agenda while the CEC attempted to raise issues and put proposals on the table. By 1968 SMCCCD had become a two-campus district with the third campus (Skyline) in the works, due to open in September 1969. As AFT membership grew the panel numbers shifted to CTA 7, AFT 2; CTA 6, AFT 3; then CTA 5, AFT 4. Each year the district claimed to be in financial distress and their salary offers were skimpy. At the same time the offers on hours and working conditions ignored part timers and most of the other issues raised by the faculty reps, choosing to deal with a few issues and offering again minimal adjustments. Thus little progress was made toward a stronger contract. (The next article in this series will deal with the financial hanky-panky, the District's various forms of subterfuge and the mendacious tactics of the District's negotiators.)



Pat Manning, Early AFT 1493 President, Cañada history professor

Each year the process was repeated; each year faculty had to attend the Board meetings where the contracts were finally approved and plead for some sense of the importance of faculty as opposed to the overweening self-interest of administration. To very little avail. (I attended many of these public Board meetings and witnessed the indifference of the Board members, who often turned away from the audience and engaged in private side conversations whenever faculty reps, especially AFT reps, spoke.)

Rodda Act

Then the game changed again, this time decisively. In 1975 the Rodda Act established full collective bargaining for community college faculty, with elections to choose a bargaining agent in each district. This was to go into effect January 1, 1976.

Again the District administration, backed by the Board, dragged out the process by contesting who was in the bargaining unit (librarians, counselors, administrators who taught classes, the school nurse, coaches, etc.), and whether part-time and evening teachers would have a full vote or only a fractional vote determined by what fraction of a full load they taught. Thus the first collective bargaining election was not until November, 1977. The issue of administrators who taught was resolved by District fiat: administrators were no longer allowed to teach, period. The part-time and non-teacher issues were resolved by the

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A Community of Learners and Teachers Stands Up

by Julie Carey, ESL, Cañada

On Thursday, April 25, a speaker, Rabbi Daniel Lapin, was brought to Cañada College by a local chapter of the national right-wing group, Young America's Foundation, the same organization that brought Ann Coulter to UC Berkeley and has been organizing similar events at campuses across the country. Lapin, who is known for espousing Islamophobic and nativist ideas, was interrupted by shouting students. Following the speech, several of the protesting students, have been brought up by the District on disciplinary charges based on the Board of Trustees' (BOT) policy 2.31 – Speech: Time, Place and Manner that guides activities of students, faculty, and staff. In the light of the April 25 event at Cañada, this policy was presented at the May 10 BOT meeting. After the policy was presented, many faculty, students, and community members were allowed 2 minutes each to speak about the policy. After listening to the many speakers at the BOT meeting, Cañada ESL professor Julie Carey wrote the following message to colleagues. - Ed.

At last night's BOT meeting, I listened and applauded as student after student, faculty member after faculty member shared their experiences and thoughts on the recent YAF event and protest at Cañada. I was inspired, moved, and so, so proud to be part of the evening.

As the two-minute speeches went on it became increasingly clear that a community of teachers and learners have spoken, and that the right to a safe and equitable education

coupled with the District's mission and values of social justice and tolerance will not be ignored; we cannot succumb to a public so outside the students we serve that they can actually call a group of privileged students "marginalized", or an ask to respect a two-minute time limit a violation of their right to free speech.

I often find myself wondering who I would I have been had I lived in a different historical time. If, for example, I lived in Birmingham, Alabama in 1960, would I, as a professor at a higher ed. institution have argued that segregationists are entitled to their opinion? Would I actually have made time during that incredible struggle and movement to protect their "free speech"? And for brave students who dared to stand up, to risk their futures and their very safety, as a professor, would I have turned my back on them because their methodology involved civil disobedience? And that is the very question we face today. Students need us to stand up for what is right, not as a political stance, but as a critical call to action.

I have listened to horrific stories from my students this year; stories of fear, of injustice, of threats. And I have felt so confused about why and how this conversation is politicized. Are we not responsible to protect our students' safety and rights first and foremost, above all else? After months of anger, sadness and confusion, last night was bright. It was hopeful. For me, it was an amazing moment of clarity. Thank you to all who participated. Your words have reinvigorated my ability to truly serve our students.

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EERB in a statewide ruling. AFT had supported part-timers being part of a joint unit while CTA proposed they be a separate unit. The EERB ruled that all certificated employees were part of the unit and each, no matter what the size of their teaching load, had a full vote.



Marge Murphy

With the issues cleared, the voting date was set. Given CTA's larger membership, AFT faced an uphill battle but our base was much more activist oriented. Cañada was an AFT stronghold, with Pat Manning serving as AFT President. He nominated Marge Murphy, a Cañada part-timer, to run the campaign, and we swung into action.

Ballot is set: AFT vs. CTA vs. No Rep.

Our first challenge: the ballot was not AFT vs. CTA. There were 3 options: AFT, CTA and No Rep., followed by a run-off between the top 2 if none took a clear majority. We

had to make sure there was a run-off. CTA's main argument was that faculty are professionals and therefore a union was not an appropriate representative. Since CTA was a faculty association affiliated with the NEA (National Education Association) it was the right group to do the bargaining. We countered that historically teachers were employed as and treated as workers and that in this district the AFT, beginning from its formation in 1963, had successfully defended teachers from arbitrary reprisal and dismissal by the District administration.

We set about personally contacting as many of the members of the bargaining unit as possible. It was especially difficult to reach evening faculty, many of whom were on campus only one night a week and had to be approached before class in their mailroom.

Meanwhile with their national NEA office in Burlington, the CTA fielded many people to solidify their votes—however few of their District members did the work. Being approached by a national staff member turned out to be far less effective than being approached by a colleague.

The first vote, November 10, 1977, was far closer than the CTA had anticipated. CTA: 331, AFT: 330, No Rep: 41.

— TO BE CONTINUED IN THE NEXT ISSUE —

Contract Negotiations Update

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They will have the right to impose a contract on faculty, and faculty will have the right to strike. The fact-finder encouraged both sides to continue negotiations if they are useful in the interim.

We will need your help in a few weeks as details become clearer. We deeply appreciate your support for us during extremely difficult negotiations, and will keep you informed as we get more information.

Up to the fact-finding hearing, our negotiating team had been negotiating for well over a year, and our contract expired over 10 months ago. Our struggle to secure a fair contract has been remarkable for a number of reasons beyond just its duration and difficulty. For the first time in my memory, the core issue that has united and activated faculty has not been simply compensation.

Workload committee established

The crying need for workload equity for nonteaching duties has rocked our world, putting RED AFT T-shirts on the backs of hundreds of faculty members every No Take Backs Tuesday and grabbing the attention of our Board of Trustees. The compromise solution reached at the bargaining table is not the one we would have preferred; however, our negotiators fought to keep nonteaching workload on the table and the result is that a nine-person committee will study the workload issue and make a recommendation to the two negotiating teams by December 15, 2017. The make-up of the committee is as follows: three representatives from AFT, three chosen from each of the college Academic Senates and three from administration. The three AFT representatives will be Nina Floro (Skyline), Doniella Maher (Cañada) and Anne Stafford (CSM). Cañada Academic Senate has appointed Michael Hoffman, CSM Academic Senate selected Rosemary Nurre and the Skyline Academic Senate appointee is Leigh Anne Shaw. The committee will not meet during the summer, but that it will meet once before the summer in order to identify what data is needed so they can ask the District to gather the data over the summer. Talk to your representatives about what you think is a fair way to handle our crazy-making over-workload.

Numbersgate

Another bizarre turn of events were the Numbersgate emails that came from the District in late March and mid-April. It started with the Chancellor's email to all faculty

Summary of Rankings for the Bay 10 districts 2016-17 Total Compensation (Salary + Max Medical Benefits Contribution)

Highest Non-Doc

	Step 6	Step 18	Highest
Chabot-Las Positas	\$117,811	\$143,683	\$152,310
Contra Costa	\$121,332	\$142,800	\$148,140
Foothill-De Anza	\$107,744	\$129,127	\$129,127
Marin	\$99,849	\$128,553	\$142,905
Ohlone	\$89,197	\$121,105	\$129,082
Peralta	\$94,027	\$122,881	\$139,821
San Francisco	\$95,627	\$124,543	\$124,543
San Jose-Evergreen	\$133,959	\$150,371	\$150,371
San Mateo	\$102,312	\$123,504	\$126,732
West Valley-Mission	\$91,749	\$108,645	\$108,645

PhD

	Step 6	Step 18	Highest
Chabot-Las Positas	\$122,724	\$148,593	\$157,219
Contra Costa	\$124,080	\$145,380	\$150,852
Foothill-De Anza \$	107,744	\$129,127	\$129,127
Marin	\$99,224	\$130,928	\$145,280
Ohlone	\$91,747	\$123,655	\$131,632
Peralta	\$94,027	\$122,881	\$139,821
San Francisco	\$95,627	\$124,543	\$124,543
San Jose-Evergreen	\$136,459	\$153,042	\$153,042
San Mateo	\$107,796	\$128,916	\$132,120
West Valley-Mission	\$93,223	\$110,457	\$110,457

just before spring break, where he cited inaccurate salary figures to bolster his announcement that SMCCD faculty is being paid at higher levels than the union has reported. AFT responded by showing the errors he'd made -- he inflated our salaries by adding in much higher raises than have ever been presented at the negotiating table, let alone agreed upon! If only it were true. Next came an apology sent to all faculty by Kathy Blackwood, District CBO and Associate Chancellor, in which she took responsibility for the salary figures in the Chancellor's email, and then went on to post a series of salary tables that were not just inaccurate but inconsistent and confusing. What's going on at the District Office?

Again, thank you for your support during this long and arduous struggle. We will continue to send you messages through our Action Network emails -- the ones with the red T-shirt graphic -- throughout the rest of the semester and possibly into the summer. Don't put those red AFT T-shirts away! The battle isn't over.