

Chabot-Las Positas Faculty Association

Dave Fouquet, President ♦ (510) 723-6868 ♦ dfouquet@chabotcollege.edu

JANUS DECISION INFORMATION CIRCULAR

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BACKGROUND: On June 27, the US Supreme Court handed down a decision in *Janus v. AFSCME*, ruling that public-sector employee unions (such as CLPFA) may no longer collect “fair share” or “agency” fees from employees who are not recognized as members of the union. For the FA, agency fee payers would have fallen into one of two distinct categories: First, a very small proportion of faculty employees who had requested the *reduced* agency fee — (which never constituted much of a rake-off from regular dues, BTW, because over 90% of FA activities were evaluated as “chargeable” in annual audits). The second category consisted of faculty who never filled out a membership form, for whatever reason. (This group consists mostly of Part-time faculty who never went through orientation.) Regardless of category, the FA has worked with the District to discontinue agency fees immediately; more detailed information for non-members, and regarding dues withheld in June and July, is provided later in this document.

For faculty employees who have already joined the FA (the majority of faculty in the District): The *Janus* decision will not result in any automatic actions with regard to your membership status. All FA memberships will be treated as ongoing, renewing from year to year, unless you either: (a) terminate your employment with the District; or (b) revoke your membership in the FA.

For faculty who are not members of the FA: (Especially anyone surprised to discover they weren’t already a member) — we encourage you to contact the FA membership chair at your campus as soon as possible, and join the FA. (The process is as simple as filling out a membership form.)

To any FA members considering revoking their membership: We sincerely hope you won’t! — If the strength of our contract and salaries, together with news of recent *teacher strikes* (wrap your head about that!) in “right to work” states such as West Virginia, Alabama, an Arizona, fail to convince you of the value of union membership, please bear the following in mind:

- ❖ First, the FA is the exclusive bargaining agent for all faculty at Chabot and Las Positas colleges. Moreover, dues are necessary for the FA to protect and advance the professional and economic interests of the faculty employees it represents. Member dues cover a significant portion of the costs of contract negotiations, contract administration and grievance handling, plus the *full cost* of legal representation throughout the spectrum of the FA’s work.
- ❖ The FA is a proudly independent union, and dues are a mere sixth tenths of one percent (0.6%) of gross; in districts where the faculty bargaining agent is a ‘big labor’ affiliate (*e.g.*, to CFT, CTA or AFT) dues are typically double this rate, or higher.
- ❖ To anyone concerned about potential FA contributions to political campaigns: At its July meeting, the FA Executive Board voted to suspend all transfers of funds into the FA’s PAC in 2018-19, to allow us time to figure out a way to ensure that PAC contributions are completely voluntary. As a result, your FA dues *will not be used to contribute directly to political campaigns*. Though in fair disclosure, since many of our working conditions—as well as the fiscal resources available to fund our salaries

and benefits—are governed through legislation, the FA does monitor the legislative process. When warranted, a small proportion of the FA budget (typically between 0% and 5%) may be used to engage in advocacy to protect our interests, specifically towards legislation that *directly impacts community college funding, or which otherwise relates to the terms and conditions of our employment.*

- ❖ Lastly, if you’re baited by the messaging that some anti-union groups are sending out to public employees, to “give yourself a raise” by dropping your union, please weigh this in perspective: Since 2015, the contract negotiated by the FA resulted in raises of *at least* 10.4% across the board for Full-time faculty, and *at least* 13.5% for Part-time faculty — and as high as 21.7% for those qualified for new steps added to the pay schedules. Now let’s suppose you drop the FA: what you get for yourself is a mere six tenths of one percent (0.6%); if you factor in the FACCC-EI contributions, that will add another 0.2% or 0.3%. Bottom line: dropping the FA nets you a “raise” that is unambiguously less than 1%. Not very impressive, in our view— especially considering all that’s at stake.

Information about the Automatic Contributions to FACCC-EI

Chabot-Las Positas Faculty Association became a contract member of the Faculty Association of California Community Colleges *Education Institute* (the non-profit wing of FACCC), as the result of a referendum vote of FA members in April, 2017. Automatic contributions are an important part of FA membership: Based in Sacramento, FACCC provides focused representation of California community college faculty in state and federal government, to advocate for funding improvements, academic freedom, and retirement benefits— (*i.e.*, we enjoy an important benefit normally associated with big-labor affiliation, at a fraction of the cost.) The contributions are supplemental to your FA dues, though not mandatory, and occur August through May. FA members are formally entered as supporters of FACCC-EI, but are conferred complementary membership in FACCC; contribution levels are discounted 10% from the normal FACCC dues for individuals. For Full-time FA members at Chabot and Las Positas colleges, the contribution level is \$18.90 per month; for Part-time FA members, it’s \$6.30 when monthly earnings are \$2,200 or more, or \$0 for any month in which earnings are less than \$2,200.

Can I opt out of automatic contributions to FACCC-EI, and remain a CLPFA member?

Yes—Janus results in no change to this policy—though again, we sincerely hope you won’t. Our contract membership with FACCC-EI is now more important than ever: FACCC was a key player in advocacy efforts against the so-called “Student Centered Funding Formula” (signed by Governor Brown in June, 2018) which is *appallingly harmful* to districts in high-cost regions such as the Bay Area. Unfortunately, the Governor (& CCC Chancellor Oakley) were intent on passing the “SCFF”, and managed to ram it through, apparently unmoved by its harmful consequences. But with a new governor to be elected in November, FACCC will be a vital player in advocacy efforts— (which could involve such things as performing crucial research, sponsoring legislation, conferring with legislators, etc.) to mitigate the harmful impacts of funding formula to districts like ours.

Can I opt out of being a member of CLPFA, but remain a member of FACCC?

Okay, this is kind of a nutty proposition, but technically yes. In this scenario, however, you’d be ineligible to partake in the contract membership between the FA and FACCC-EI— *i.e.* you’d have join FACCC as an individual, and pay the full membership rate.

[continued]

INFORMATION FOR NON-MEMBERS

(Or anyone trying to use their pay-stubs to sort out, or verify, their membership status)

- ◆ **For FA dues in June and July:** It's important to remember that in June and July, FA dues are collected ONLY on your pay for summer-session assignments, which generally means Part-time and overload service. Dues are NOT generally collected on Full-time salaries in June and July, even if you receive paychecks those months, or if you're fulfilling a portion of your annual load obligation in summer— (*Rule of thumb:* Dues on Full-time pay are based on your annual salary, and collected over 10 months, August through May. If you are a Full-time FA member who didn't work summer session, you should expect to see regular withholding of FA dues resume on your August paycheck.)
- ◆ **Dues suppressed for non-members, starting in July:** After the June 27 decision, the FA worked closely with the District to get non-members coded into the system, so dues for non-members (*i.e.*, for summer-session work) would cease commencing with the July 31 paycheck. In addition, for non-members who had dues collected on the June 30 paycheck, we've arranged for 4/30 of those payments (representing June 27-30) to be rebated on August paychecks.
- ◆ **A glitch in the system regarding FACCC-EI:** FACCC-EI contributions nominally apply August through May, so there should not have been any withholding to FACCC-EI in June or July, *regardless of FA member status*. Please note that a glitch was discovered, affecting a small number of faculty who had FACCC-EI withholdings applied in June. This appears to be a random phenomenon; the withholdings were in error, and are scheduled to be rebated on August paychecks.

By the time August paychecks are posted, we anticipate that all current FA non-members will be coded correctly in the payroll system, so that FA dues (& contributions to FACCC-EI) will be applied only for those faculty employees who are recognized as FA members. As with any large group of employees, errors in the membership rosters (and coding) are bound to occur. In such cases, please inform your local FA membership chair; it's our goal to fix errors when they arise.

For new faculty, or anyone changing their status: Please be aware that there's *usually* a month lag in getting any changes to your membership status coded correctly by Payroll. For example, if you submit an FA membership form anytime in August, you should expect the first withholding of dues to appear no later than your September 30 paycheck.

TO MAKE CHANGES TO YOUR MEMBERSHIP STATUS:

Our honest hope and expectation is that the vast bulk of changes in membership status will be from non-members joining the FA! At any rate, updating any aspect of your membership should be as easy as filling out the appropriate form, and returning it to your local FA membership chair. As a provision of SB 866 (a trailer bill to the 2018-19 Budget, signed by Governor Brown) changes to your membership status **will be processed only by the FA**. (Any such request made directly to the District will be referred back to the FA.) Your local membership chairs are:

Najla Abrao — Chabot College FA Membership Chair (nabrao@chabotcollege.edu)

Nadiyah Taylor — Las Positas College FA Membership Chair (ntaylor@laspositascollege.edu)