

Time: 3:05 pm

Room: 1620B

FA Executive Board Officers present: V. Austin, D. Fouquet, H. Gecox, T. Orf, N. Taylor

Faculty members present: 17

Meeting was called to order by Vice President T. Orf. Tom welcomed all those attending. He then turned the meeting over to FA President D. Fouquet.

D. Fouquet introduced himself and asked for a “round table” of introductions and areas of instruction for all those present.

Agenda:

1. Negotiations report: (D. Fouquet)

- a. **Budget Update, and Impact on Negotiations.** In the way of explaining this matter, Dave stated that the difficulties we face in negotiating with the **District** relate strongly to the **State’s** new **Student-Centered Funding Formula (SCFF)** for **Community Colleges**. An especially worrisome aspect of the SCFF is the “Supplemental Allocation” portion that distributes 20% of system apportionment based on a headcount of students on **financial aid**. (Handouts explaining the various issues about the **State’s** funding measures were distributed). **Districts** similar to (and including) ours will be hit very hard, due to naturally lower financial aid utilizations in high-cost areas. **Chabot-Las Positas** would suffer a 5% reduction in funding in 2018-19 *from the Supplemental Allocation alone*, if not for the Hold Harmless provision in the new law. By creating such funding instability, the passing of the SCFF has greatly reduced the **FA’s** leverage to negotiate **raises** for the faculty, at least in the short term. This, coupled with the turnover in the **District office** (nearly 100% turnover in the various **Chancellors/Vice Chancellors**) has further complicated negotiations. (As an aside, **Dave** reported that the **hiring committee** for the new **Chancellor** will be convened next week.) In the near future, the **District-FA** negotiations will be focused on issues that the **FA** has identified as most crucial.
- b. **Non-credit.** **Dave** explained that **non-credit** classes are held harmless under the SCFF, in that they will continue to be funded at **100 cents on the dollar**, even while the marginal funding rates for **Credit classes** will be cut to **60 cents on the dollar** by year three of the SCFF. As a result, the **FA** is seeking to reopen the Non-Credit MOU signed last May, on the grounds that the ultimate structure of the SCFF was unknown at the time. The biggest things to revisit are: (a) the Part-time/overload **compensation basis** for Non-Credit and CDCP classes; and (b) the **limitations** on how much Non-credit (or CDCP) a Full-time faculty member may teach for **load**.

The **SCFF** is set up to encourage a large-scale conversion of existing classes to **Non-credit** or **CDCP**. One way to ease into this is to set up “mirrored classes,” which **Dave** explained was an arrangement by which credit and non-credit versions of the same class are offered simultaneously. (Minimum qualifications for credit faculty apply.) Some things that faculty and the **FA** need to examine are: (1) How to define which Non-credit (an CDCP) classes are designated for the G.2 hour at load factor 1.0; and (2) To what extent do we want to convert existing basic skills **credit classes to Non-credit** or **CDCP**. Faculty discussion ensued, over the part that co-requisites and mirroring were, or could be, playing in this issue. A question arose about the requirement for students taking assessment tests for some courses. A faculty member responded that students cannot be required to do any type of assessment test, especially if it relates to basic skills. For Non-credit classes that are not basic skills, per se, **Dave** wondered if the same class could be taken several

times (as in some of the old “cash cows” – e.g. **PE** and activity classes, and classes in the **arts**). A faculty member familiar with such curriculum matters replied that only those classes which were “**adaptive**” could be repeated.

Negotiations on Article 2. **Dave** described the matter of payroll deductions that have been affected by the recent **US Supreme Court** ruling (Janus Decision) regarding **Public Employee Unions**, which will require revisions to Article 2 of the Contract.

- c. **OEI: V. Austin** reported that a draft version of an **MOU** about joining the **OEI Consortium** is being worked on. It includes the matters of compensation for aligning the courses. **Vicky** explained the process of getting the course approved. She said that there will be some compensation for those who perform “local reviews”. **Enrollment Management** and **Financial Aid** also will also need to have some things aligned in the process. She invited all faculty to give input to the **MOU** as it is still in the draft stage. A faculty member said that **OEI** seems to demand a lot of student-teacher interaction (in regard to being required to have “scheduled meetings”) with each student. She said that such a requirement is virtually impossible for a faculty member to meet in large size (40+ students) classes. **Vicky** replied that the **OEI** considers class size a local issue, even while it requires a certain type of student-teacher interaction. The faculty member said that her class sizes are quite large, compared to comparable classes on some other campuses, and added that she felt this was a **workload** issue. **V. Austin** said there is no longer a limit on the number of seats reserved for **OEI exchange** students in the **OEI Consortium**. She added that a strategy for capturing students from other colleges (*i.e.*, to enroll in the **OEI** courses offered at **Las Positas**) needs to be developed; we might research when other colleges have their “start date”, and then start our courses after those start dates so that students who can’t get into classes at their “home” school can then enroll in our **OEI** courses. Another faculty member wondered what would happen if a class had to be cancelled. **Vicky** said she had no answer for that question, as **OEI** states that this had never happened yet. Another faculty member suggested that the college may be reluctant to allowing classes with very low enrollments, due to the impact on **WSCH/FTEF productivity**. **N. Taylor** remarked that there will continue to be pressure to maintain a high student-teacher interaction. Another faculty member said she thought the workload issue was huge. A question arose about using the **OEI** rubric. **Vicky** answered that it is the **FA’s** position that faculty members can never be required to participate in **OEI**, or to align their course to the rubric in order to offer it on the **Exchange**. Another faculty member urged the **FA** to consider the different campus climates and cultures. Another faculty member said that, because of the amount of work involved in **OEI** courses, **part-time faculty** could be hurt. It was suggested to contact **K. Jordahl** at **Foothill-DeAnza** for information involved in workload.
- d. **Article 21J (Extra Hours Compensation).** While a new compensation scheme for coaching for **intercollegiate athletics** has been in place since 2015, several areas still left open include **forensics, music & theatre performance, and newspaper production**. (What is in the **Contract** now is a “band-aid” fix which needs to be updated.) **Dave** said that the **FA** is planning to work with stakeholders in the affected areas, who in turn are strongly encouraged to provide input including comparative data from other districts. Some documentation, regarding provisions sought, was offered by a faculty member to justify addressing the matter in negotiations. **Dave** emphasized that “comparative” examples from other districts is be extremely helpful to **FA** negotiators.
- e. **Coordinator Reassign Time.** The **FA** is examining the allocation of reassign time for program and discipline coordinators at each campus. The **District** has been reticent to engage on this issue in the past; a sticking point is that insofar as reassign time allotments are defined in the contract, the District would need to negotiate any reductions in reassign time during a recession. A faculty member said that at the **Las Positas Senate**, it seemed to be a sort of random decision, rather than a **District** process. The person wondered

what would help get this settled. **Dave** said maybe a new **Chancellor**; the Negotiations Team should ponder this matter carefully. The faculty member said there is strong faculty support for addressing reassign time at **Las Positas College**, but warned that if the **Academic Senate** at either campus posted a list of those who receive reassigned time now, it might be very upsetting to some faculty at the colleges. **Dave** said that perhaps such list should be published, once the matter is successfully negotiated with the **District**. A faculty member said it's important to have transparency about the amount of reassigned time at each college.

2. Summer Rollback & Other Impacts of the SCFF

- a. **FA representation of Las Positas College:** A person wanted to know how the **FA** was going to be representing the constituents of the **FA** to the **District** as whole. **Dave** replied that the main focus of his involvement in **DEMC** and **PBC** is on the impact of funding, and what is fair and sustainable. He added that the rollback will result as a one-time injection of cash. The onus is on us, as a District, to budget ongoing expenditures on we can sustain. To a large degree, the **District** and **FA** are looking ahead towards **Academic year of 2021-22**, when the “hold harmless” provision of the SCFF is set to expire. That gives us all three years to perform such local work as required (in curriculum, Financial Aid, etc.) to situate the District for maximum returns under the SCFF. A faculty member expressed concerns about **Dave's** ability to fairly represent **Las Positas College** and indicated that the member felt that **Dave** would have a “**Chabot bias**” and/or **conflict of interest**. **Dave** answered that he was trying to reduce this by stepping down as a voting member from the **District-level committees** he had been participating in as a college vice-president of the FA. (Jeff Drouin has now assumed those roles). He added that he believes the **dollars** are being distributed equitably between the two colleges. Also, he reported that he has submitted his name to be considered for appointment to the statewide **SCFF Oversight Committee**. A faculty member thought that **Dave** was doing too much talking and was not hearing concerns of the **Las Positas College** faculty, and added that this was the perception of many faculty at **Las Positas College**. Another faculty member added that, before the **PBC** meets again, **Dave** should meet with those concerned to more adequately represent both **colleges**. **Dave** offered to meet with those concerned. Another faculty member suggested that he have more standardized office hours at **Las Positas College** and offer to reach out to **Las Positas** more. **Dave** responded that he would be happy to discuss issues with smaller groups at **Las Positas** College, to “hash it out” and work out our differences.
- b. **Summer Rollback—** (*i.e.*, that most of Summer 2018 FTES have been reported to FY 2017-18): A discussion ensued over some lingering confusion stemming from what **Vice Chancellor Ron Gerhard** had told some faculty members present. In fact, the District's FTES base in **2021-22** (coming off hold-harmless) will be the three year rolling average of the actual FTES generated that year, and the two “trailing years”, 2020-21 and 2019-20. Basically, we need to perform our planning accordingly. Rolling back FTES to 2017-18 is advantageous, insofar as the District's “Total Computational Revenue” (TCR) in 2017-18 will be the basis for the hold-harmless provision— which will set the District's funding level for the next three years. **Dave** said that he had learned something interesting about the rollback: **R. Gerhard** said some **Districts** that are not on hold harmless are actually rolling back some Summer 2018 FTES anyway, just to capture higher marginal funding levels for Credit FTES in 2017-18. As a result, funding for FTES reported above CAP may be less than 100 cents on the dollar. (We'll find out in February).

Dave remarked that some officials at the **State Chancellor's Office** appear to have a “cavalier” attitude regarding harmful and unintended impacts of the **SCFF**. It has been observed that the **SCFF** is harmful to any **District** like ours; state officials seem to expect that **Las Positas College** will be more impacted by the **Supplemental Allocation** (based on financial aid), and **Chabot College** by the **Success Allocation**. Both colleges, however, have an abundance of students who take no financial aid, and who transfer without taking a degree. Considering how severely the SCFF will underfund the colleges and District for serving such

students, it is incumbent on us to find ways to have students obtain degrees and certificates, and to draw financial aid to the extent that they are eligible.

3. Other Matters from Faculty Present

- a. **Article 11A and B of the Contract:** A faculty member noted that there was a provision in the **Contract** about acceptable reasons for taking a **Personal Necessity Leave**. In the **2015 Contract**, the language provides for sick leave for an “approved reason.” The language also states that the **Contract** says “as provided in State Law.” She wanted the State Law language to be included in the **Contract**. She brought an example in which a person was denied a leave because the **Dean** said that enough detail was not provided. She believes that including the **State Law** might help eliminate such arbitrary interpretations.
- b. **Board Policy on curriculum:** There was a matter of Board Policy relating to some curriculum issues being sent to a committee that is no longer in existence. **Dave** suggested that curriculum issues are more the purview of the **Academic Senates**.
- c. **Forensics:** A faculty member complained that they were being asked to do additional work for which they are not being paid, in a way that the member believes may be in conflict with the **Contract**. **Dave** responded that the **FA** needs detailed information, to determine whether such an issue can be brought forward (*i.e.*, as a grievance, or in Negotiations). **N. Taylor** said she believed that if an issue was not successfully **negotiated**, it might be best to give a report back to the faculty that explained the reason for denial.
- d. **FSA and Faculty sending their children to Child Development:** A faculty member proposed that it be made possible for faculty to enroll their children in **Child Development** using a **pre-tax** deduction. **T. Orf** said that **HR** claimed this would not be possible. **Dave** said **IRS** regulations may also be involved. Supposing that such a provision is feasible, it would need to be negotiated.
- e. **Counseling faculty and professional development requirements:** A faculty member said that it is difficult for **counselors** to participate in **professional development** opportunities because of their scheduled shifts from **Monday through Friday—9-5 pm**. If a counselor attends professional development during those hours, it cannot count as a variable flex. **Dave** responded that part of the problem is that in some circles it is interpreted as “double dipping” if the member attends a professional development class during the time they are assigned. However, there may be some precedent on this (*e.g.*, some faculty don’t teach on Friday, so professional development courses offered on Fridays could count as a variable flex.) Also, if the counselor made up the hours at a time (other than the assigned shift), perhaps they would be freed up to attend conferences, etc.

Meeting adjourned at 4:43 pm

Nancy (Cowan) Pinio, Recording Secretary, CLPFA