



FACULTY FOCUS

Newsletter of the Chabot-Las Positas Faculty Association — May, 2019

Year-End Report

The Perils of the SCFF

By Dave Fouquet, FA President

Unless you've been in hiding, you've probably heard quite a lot this past year about the Student Centered Funding Formula, or SCFF (such an Orwellian sounding thing). As a "Loser District" under the SCFF, Chabot-Las Positas CCD is on "Hold Harmless" status, meaning that our revenue is based on what we reported in FY 2017-18, plus COLA

Four Takeaways from the FA's Analysis of the Supplemental Allocation

Takeaway #1: Financial aid utilization is naturally depressed in high-cost regions (e.g., the eligibility for Federal Pell Grants is *not* indexed for cost of living). Students in the Bay Area are more likely to have incomes above the threshold to qualify— even if they face food and housing insecurity.

Takeaway #2: Districts facing revenue reductions still serve populations of low-income and under-represented students who don't utilize financial aid.

Takeaway #3: The Supplemental Allocation was formulated to rob "loser" districts in order to generate bigger windfalls for "winner" districts. Moreover, since loser districts tend to be in high-cost regions, they tend to have higher staffing costs, so funding cuts are more likely to result in actual program cuts.

Takeaway #4: The Supplemental Allocation will drive funding reductions that will harm hundreds of thousands of students that the SCFF was ostensibly designed to support.

in the subsequent years. Working from the May Revise, released May 10, it appears the Hold Harmless will be extended for an extra year, which should produce stable funding for our District through FY 2021-22. For districts *not* on Hold Harmless, the SCFF is already distributing 30% of General Apportionment by two major performance-based funding metrics (Allocations) which are summarized below:

The **Supplemental Allocation** is designed to blindly re-distribute 20% of General Apportionment dollars, based on a raw headcount of students utilizing Pell Grants, BOG Promise Grants, and AB 540 Fee Waivers. Despite what we might agree are good intentions (*i.e.*, driving more funding to serve low-income and underrepresented students), a focused analysis performed by the FA showed that this metric discriminates, strongly and inexcusably, against districts in high cost regions such as the Bay Area. (See the inset box). Because the Supplemental Allocation re-allocates such a large slice of statewide apportionment (20%) it will ultimately create revenue swings ranging from 12% windfalls in winner districts, to

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Faculty Association
An Independent Union
4682 Chabot Drive #11712
Pleasanton, CA 94588

draconian 9% cuts (in total funding) to loser districts, if it's not fixed. For Chabot-Las Positas CCD, this is the biggest single point of concern: Based on 2016-17 Financial Aid data, the Supplemental Allocation would drive an approximately 5% reduction in total funding.

The **Success Allocation** is, simply put, a points-based funding metric driven by the completion agenda; it is set at 10% of General Apportionment dollars, at least through the coming fiscal year. The most significant elements are: 2 points for each credit Certificate (16+ units) awarded; 3 points for each Associate's Degree, 4 points for each Associate's Degree for Transfer, and (a seemingly paltry) 1.5 points for each student transfer to a 4-year university. There are additional incentive points for completion of Math and English in the first year, completion of 9 units of CTE, etc. It is worth noting that when similar performance-based funding metrics have been tried in other states, they have generated a poor track record—largely for driving resources inequitably from students who need the most help, towards those more likely to succeed. Admittedly, the SCFF makes an attempt to control for this phenomenon by providing enhanced completion points based on the student's financial aid status, though the impact on local behavior remains unclear.

The FA, along with a number of statewide community college faculty entities (such as CCCI, FACCC, and CFT) were unsuccessful in our efforts last year to push back against the SCFF. But advocates have been gearing up again this year. While FACCC and CFT have been self-motivated in their advocacy to eliminate Performance-based funding altogether, the FA has continued to push for a stronger stance against the Supplemental Allocation in particular, by making a persistent effort to improve awareness of its flaws. A considerable roadblock we've faced, however, is that the *intent* of the Supplemental Allocation is very popular in Sacramento—particularly the part about designating such a large chunk of General Apportionment to enhance funding for low-income students. But the following point is expressly germane: given the flux of new money into the system, the funding metric

could have easily been formulated to drive enhanced funding to districts with higher utilizations of financial aid, without reducing funding to anyone. Its botched execution is therefore both unfortunate and ironic: Because it was set up to rob Peter to pay Paul, the Supplemental Allocation is poised to inflict significant harm on literally *hundreds of thousands* of the very same low-income students it intended to support, by forcing cuts to existing programs and services.

The good news is that Governor Newsom has shown a willingness to at least *consider* analysis and revisions to the SCFF. As a case in point, the Success Allocation had been slated to increase from 10% to 15% in FY 2019-20, and to 20% in FY 2020-21. Though as we learned in January, that phase-in schedule was delayed until certain kinks can be sorted, namely the worry that the Success Allocation is too easily “gamed”. As a result, the growth in funding for completion outcomes is likely to be capped at 10% each year, and the points generated by any given student are likely to be capped to the highest-value outcome the student achieves for the year (*i.e.*, certificates won't be as “stackable” as we first thought.)

Other developments worth noting:

- I testified to Senate Subcommittee #1 on Education this past April, in Sacramento, and devoted the entirety of my time to explaining the flaws in the Supplemental Allocation;
- At its Spring Conference April 25-27, CCCI (the California Community College Independents) passed a resolution of No Confidence in the Funding Formula. (The thinking here was that while there are other points of concern, the SCFF poses the biggest single threat to CCCI districts);
- At its May meeting, the FACCC Board of Gover-



nors passed a unanimous Vote of No Confidence in the State Chancellor’s Office. This VNC targets not just the SCFF, but also the lack of transparency, and disregard to shared governance and oversight regarding the other directives such as Vision for Success, Guided Pathways, etc.

- The FA is well positioned to influence the statewide process, especially through CCCI and FACCC. (Remember that CLPFA is one of six contract members of FACCC-EI.) FACCC Executive Director Evan Hawkins has already started to share our concerns with contacts in the Governor’s Office.

There is no question that continued political pressure will be crucial in the next year or two. My sense is that if we are persistent with regard to advocating against the flawed Supplemental Allocation, there’s a real chance we can achieve a meaningful result that mitigates the harm the metric does to districts such as ours. The bottom line: Despite that we have our own local issues to deal with (such as negotiating our next contract), this is most definitely *not* the time to capitulate to any sense of futility or inevitability, regarding the manner in which we are funded.

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 information:
 www.clpcf.com
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 4682 Chabot Drive #11712
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NEWS FROM THE BARGAINING TABLE

First up: a word from Chief Negotiator, on the progress of negotiating a new Collective Bargaining Agreement (CBA) between the District and Faculty Association:

We are Due for a New Contract

There are many issues on the table, put forward by both sides. The issues are both broad: salary, virtual office hours, evaluation procedures, non-credit terms, SLOs, enrollment management terms and process, retiree benefits process and HRAs, and differential leave pay; as well as area specific: class size, reassigned time, part-time seniority terms and process, full time transfer rights, substitute terms and process, sabbatical leave terms and process, ...to mention just some of what is under negotiation. Discussions on all of these matters are moving forward, with quite a few sessions scheduled over the summer--and we are hoping to have something to share with you all when you start school in the Fall. We will continue to meet with faculty groups and welcome any thoughts or inputs from you. Thank you all for your great work with our students and making our colleges great places to counsel, teach and learn.

—Tom de Wit, Chief Negotiator

Three MOUs worth a look

While MOUs take effect when they are signed, any new laws (or legal decisions) referenced are observed when they go into effect. MOU language is generally incorporated into the contract under negotiation; it is that new contract that is ultimately ratified by the FA membership. Please note that faculty MOUs are posted at the Human Resources section of the District’s website; searchable text versions of recent MOUs will also be posted on the FA’s website, WWW.CLPCFA.COM.

MOU: Changes in Differential Pay for Parental Bonding, Pregnancy Disability, and Illness and Injury Leave

This MOU, effective May 3, 2019, will have significant impact on the differential pay received by a unit member who has exhausted their sick leave, and continues to be absent on account of a Parental Bonding Leave, Pregnancy Disability Leave, or Illness and Injury Leave. (Please note that Other parameters surrounding these leaves, including periods of eligibility, are defined by law and codified in Article 11 in our contract.) The FA had initiated negotiations on this MOU as a response to AB 2012, which went into effect earlier this year. The legislation established a floor for differential pay for parental leaves, as 50% of the unit member's regular salary. The District and FA agreed to extend this provision to the other types of leave for which differential pay applies.

Prior to now, differential pay had been defined as the unit member's regular salary, minus the amount actually paid to substitute faculty employed to fill the position during the continued absence. This computation had been problematic for a two major reasons: First, the substitute pay calculation had disparate impact on our faculty, in that it depended on such "random" things as the step placement of the replacement faculty, and whether 100% backfill was required and utilized. Second, it was cumbersome for the District to compute accurately— particularly in cases where the substitute service needed to be separated out from the person's regular assignment, or when multiple substitute employees were involved.

Ultimately, the District and FA agreed that setting differential pay at 50% of regular salary is fairest for everyone, and simpler for accounting purposes. It should also be noted that in the cases of Pregnancy Disability Leave and Parental Bonding Leave, this 50% differential pay provision will also apply to Part-time faculty.

—Dave Fouquet

MOU: Compensation for OEI Course Alignment (& Application Form)

Background: In May 2018, Las Positas College was accepted into the second cohort of OEI Consortium colleges. As part of joining the consortium, the college agreed to work towards putting 20% of distance education courses onto the CVC-OEI course exchange within two years. Putting courses onto the exchange includes two different kinds of work for faculty: First, the instructor who chooses to do an aligned course applies to their dean for approval, then begins the work of aligning the course with the OEI Course Design Rubric. Second, when the course is prepared, it's submitted for review to the Peer Review team at the college.

The District and FA signed an MOU in January, but determined that a minor revision was needed, regarding the timeline for payments to faculty. (The version dated April 19, 2019 is operative.) The MOU covers compensation for the faculty member who aligns the course, and for the peer reviewers who perform the local course review, as well as other parts of the process. We encourage you to read through [the whole MOU](#), but here are a few important points:

- 1) Course alignment is compensated at 13 F hours for the first course alignment you complete, and 7 F hours for any subsequent course you align.
- 2) Course alignment is paid when the CVC-OEI gives final approval for the course.
- 3) Trained peer reviewers are paid 5 F hours for any review they are assigned to complete. To become eligible for the Peer Review team, faculty complete training via an @ONE course on becoming a peer reviewer.
- 4) Peer review is independent of faculty evaluation; neither affects the other.
- 5) Before you start working on a course to align, you need to apply to your dean for approval. The district web site contains [this application form](#).

Over time, the way the CVC-OEI works has evolved, and we expect that it will continue to do so. In crafting the MOU, we made an effort to reflect the way it works now, but be aware that it may be necessary to address some changes in the future.

— Vicky Austin, Part-Time Rep, Las Positas College

MOU: Impacts of the Janus Decision

Background: When the Supreme Court handed down the Janus Decision last year, it required immediate changes in how the District and FA comply with Article 2 (Payroll Deductions). The biggest single impact was the elimination of the mandatory agency fee, or “Fair Share” fee. (For more information on how this affects your membership in the FA, please see the document, “FA and the Janus Decision”, available at the FA website, WWW.CLPFA.COM.) On June 27, 2018, when Governor Brown signed the FY 2018-19 budget bill (which included the SCFF) into law, he also signed SB 866, which impacts how public employers communicate with employees and manage union membership dues.

While the MOU was signed May 3, 2019, the District and FA have been following many of its provisions all year. In addition to eliminating the Fair Share Fee, the MOU specifies that the Faculty Association is responsible for processing all changes in membership status (through the campus Membership Chairs)—as opposed to the District. The MOU also specifies that the FA has exclusive access to new-faculty orientations, and has the right to include membership materials (as provided by the FA) in the pre-employment packets for new faculty hires. The MOU also provides that the District will regularly provide the FA with contact information for faculty employees who are not members of the FA, for the FA to use during membership drives. (This last part is significant, insofar as the vast majority of our non-members are Part-time faculty who never went through new faculty orientation.)



Ultimately, if you are a faculty employee who is *not* a member of the FA — and you’ve read this far into the newsletter — let me urge you to please contact your local Membership Chair (that’s Najla Abrao at Chabot, and Nadiyah Taylor at Las Positas) to join your Faculty Association straight away!

—Dave Fouquet

In Memory of Adolph Oliver

It is with sadness that we learned of the recent passing of Adolph Oliver. Adolph had taught Geology & Math at Chabot since 1975, and notably served as the FA President in 1995-96. If you have been around long enough, you may recall the “90% COLA / 44% Growth” salary formula that served us well for several years, which established solid footing for so much good work that followed. Adolph was one of the architects of that. He was also a real teacher, dedicated in recent years to preparing students for collegiate math. He retired in December 2017 and had been planning a return to teaching as emeritus faculty.

CLPFA OFFICERS 2018- 2020

President

Dave Fouquet
510.723.6868

Vice Presidents

Jeff Drouin
510.723.6933

Tom Orf
925.424.1304

Secretary

Nancy Cowan Pinio
510.723.6905

Treasurer

Debbie Fields
925.424.1113

Part-Time Representatives

Shannon Lee
510.723.6881

Victoria Austin
925.442.1000 ext 2660

Membership

Najla Abrao
510.723.6600

Nadiyah Taylor
925.424.1175

Grievance Officers

Patricia Molina
510.723.7628

Heike Gecox
925.424.1436

Faculty at Large

Ken Grace
510.723.6662

Tina Inzerilla
925.424.1158

Negotiations Team

Tom deWit (Chief Negotiator)
Victoria Austin, Jeff Drouin,
Dave Fouquet, Heike Gecox,
and Tom Orf