

FA UPDATE: July 22, 2021

Dave Fouquet— President, Chabot-Las Positas Faculty Association

Greetings Colleagues,

I hope you are enjoying a safe and restful summer. Here are some important updates from your Faculty Association:

UPCOMING GENERAL FA MEETINGS

The next scheduled General FA meeting is our regular Convocation Day confab:

☞ **Monday, August 16 at 8:00 a.m.**

Look for an email from me the Friday before with Zoom details. (You should also be able to find the link on the official Convocation Day schedule grid.) We also have meetings scheduled for **Wednesday, Sept. 29 at 3:00 p.m.** and **Thursday, Sept. 30 at 12:00 p.m.** The details for those meetings will be provided closer to the events.

2% RAISE FOR 2021-22, EFFECTIVE JULY 1

The scheduled 2% salary increase (per our 2019-22 CBA) was implemented on July 1, 2021, for work performed on or after July 1. The updated Salary Schedule can be found here:

<http://districtazure.clpccd.org/hr/files/docs/salary/FacultySalarySchedule07012021.pdf>

DISTRICT & FA SIGN COVID-UPDATE MOU FOR FALL 2021

The latest MOU between the District and FA is dated May 27, 2021, and is an addendum to previous MOUs negotiated pursuant to emergency conditions of the COVID-19 pandemic, and applies specifically to Fall Semester, 2021. A text version of the MOU can be found here:

https://clpcfafa.files.wordpress.com/2021/06/mou_21-05-27-fall-2021-addendum.pdf

In brief, the MOU has three major components:

- ◆ ***Class Cancellation Policy:*** To provide some security for faculty teaching on campus (as well as students in those classes) the MOU includes a provision that any face-to-face class offered in Fall 21 which has enrollment of 15 or more students within two weeks of the first day of instruction will not be cancelled. The MOU also states that if a class has at least 10 students, the college will attempt to preserve the class.

♦ ***\$1,500 Bonus Stipend:*** All continuing Full-time & Part-time faculty working in Fall 21, as well as FT faculty on leave (sabbatical, workload banking, &c.) will receive a stipend of \$1,500 in the Fall, in recognition of the tremendous effort to instruct and serve students during the COVID-19 pandemic. This includes the transition of curriculum, and other costs associated with working remotely. The stipend is to be paid no later than Nov. 30.

♦ ***Peer Evaluations for Faculty:*** This section of the MOU has three parts, which will be covered in greater detail in the evaluation training conducted early in the semester. (Look for an announcement from Jeff Drouin / Patricia Molina at Chabot, or Tom Orf / Heike Gecox at Las Positas.) In brief, here's what's addressed in the MOU:

- 1. Determination of who should be evaluated** — Consistent with previous MOUs, evaluations should be performed on: untenured FT faculty per the CBA; PT faculty in previously recognized categories; and Regular and PT faculty in good standing, per the resumption of the normal cycle as defined in the MOU dated February 9. (**NOTE:** In Fall 21, regular evaluations should be performed for faculty last evaluated in Fall '17 or earlier.)
- 2. Use of EvaluationKit for Counseling and Librarian faculty** — Recall that EvaluationKit was introduced last year as a means of conducting student surveys in CANVAS, in conjunction with peer evaluations for instructional faculty. The MOU language establishes how EvaluationKit can be used to conduct student surveys for peer evaluations for counseling and librarian faculty, as well.
- 3. Timelines for Evaluations & Student Surveys for Instructional Faculty** — Establishes timelines for conducting class observations in CANVAS, to align with the windows for deployment of EvaluationKit for the student surveys.

OPEN ENROLLMENT FOR PART-TIME FACULTY HEALTH BENEFITS

A reminder from the Benefits Office: Part-time faculty have until August 6 to enroll in one of the medical plans (Kaiser) available to many Part-time faculty who worked more than 40% of a Full-time equivalent load (12 CAH) over the last year. *Important:* Because of the steps that need to be taken, including the required verification from your dean, it is prudent to initiate the process as soon as possible. Health benefits for Part-time faculty are covered in Article 20A.6 of the CBA. More information, including the Open-Enrollment Notice, can be found here:

<http://districtazure.clpccd.org/benefits/part-time-open-enrollment.php>

FY 2021-22 BUDGET SIGNED

The FY 2021-22 Budget was signed by Governor Newsom, and enacted earlier this month, and the news is largely and significantly positive. Here are some of the most pertinent details, with commentary:

- ◆ **5.07% COLA.** Same as the COLA provided to K-12 (recall it was lower in the January budget). The 5.07% is intended to cover the 2.31% statutory COLA from FY 2020-21 (left unfunded in the wake of COVID), plus a 1.7% statutory COLA for FY 2021-22, plus an additional 1% to the Student-Centered Funding Formula (SCFF). It is worth noting that the 4% statutory element is sufficient to cover the raises we received per the CBA, both last year and this year.
- ◆ **\$1.45B to Repay Apportionment Deferrals.** You may recall that last year, districts were left scrambling to solve their cash-flow problems when a large portion of apportionment payments were pushed back to subsequent years. As a result of this budget item, those deferrals will all be paid back in July and August.
- ◆ **\$100M to Increase the Number of Full-time Faculty.** Our faculty advocacy groups (FACCC and CCCI) have heavily promoted this funding in recent years. As such, the legislative intent behind this funding is to compel districts to do more than just replace retirees. We're now waiting on a determination of how this will work, exactly— seeing as how in most districts (including CLPCCD) the Full-time Obligation Number (FON) has fallen precipitously in accordance with the enrollment declines during the pandemic. As such, many districts haven't even needed to replace retirees, to stay ahead of the FON. Still, it seems reasonable to suppose that this new funding will drive the FON upward faster than it would have risen otherwise. Here's a quick & dirty calculation: CLPCCD's share of \$100M is about \$1.5M, which would fund an increase to our complement of FT faculty by roughly 15, between the two campuses. While the impact for the coming year's hiring cycle remains to be seen, the effect could still be quite significant, once our FTES levels begin to rebound.
- ◆ **SCFF Hold-Harmless Extended Through 2024-25.** This pushes the fiscal cliff back another year, which will provide more time for advocacy to fix the SCFF. (The single most important part of the SCFF to fix, IMHO, is its Supplemental Allocation, which is based on a headcount of Pell and Promise Grant recipients— headcounts that tend to be proportionally lower in high-cost regions, even as poverty rates are relatively consistent statewide. As a result, the Supplemental Allocation functions as an effective mechanism to reduce funding to districts in high-cost regions, despite that they serve comparable proportions of low-income students, while dealing with higher staffing costs.)
- ◆ **\$10M Ongoing + \$90M One-Time for PT Office Hours.** In recent years, the state has provided a fund from which districts can apply to be reimbursed for up to 50% of their costs for Part-time faculty office hours; it seems reasonable to suppose that the one-time portion noted above may simply be a replenishment to that fund. At any rate, the FA is working with the District to sort through what practical impact this funding will have. (*Note:* Eligibility of Part-time faculty to serve office hours for pay is covered in Article 18J.4 in the CBA.)
- ◆ **Additional Funding for Student Support Services.** Highlights include additional ongoing funding of \$5M for Umoja; \$7M for Puente; \$8M for MESA; \$20M for EOPS; \$24M for

Student Equity and Achievement; \$30M to support mental health services; \$10M to support the Rising Scholars; and \$42.4M for Strong Workforce.

- ◆ **Special One-Time Appropriations.** There are a lot of these; but here are a few that stand out: \$511M to address deferred maintenance; \$115M to expand zero-textbook cost pathways; \$100M to address students' basic needs related to food and housing insecurity; \$100M to support retention and enrollment strategies; \$20M to provide culturally competent faculty professional development; \$20M to implement Equal Employment Opportunities best practices; 10M to fund LGBTQ+ student support centers; and \$5.6M to support implementation of AB 1460 and anti-racism initiatives.
- ◆ **What's Not-so Good?** A few things that many people will find disappointing are: (a) Calbright (the online college) remains funded despite its abysmal completion rates; (b) \$10M one-time funding is included to implement common course numbering (which FACCC opposes, as it seems like an effort to homogenize class content across districts); and (c) the absence of better funding to support Part-time faculty.

WILL THERE BE A COVID-19 VACCINE MANDATE?

First, if you haven't received your jab(s) yet for COVID, we strongly recommend that you do so. The evidence coming out of CDC is striking: the vaccines are highly effective, even against the highly contagious Delta Variant; moreover, your odds of suffering a negative health outcome due to COVID— death included— are insanely higher if you're unvaccinated. That said, we expect the dialogue on this issue to ramp up as we plan for Spring, '22. Ultimately, the District has the right under the Equal Employment Opportunity Commission (EEOC) to impose a vaccine mandate on employees working on campus. They also have an obligation, under Cal-OSHA, to provide a safe and healthy workplace. Ultimately, a district's decision of whether to impose a vaccination requirement for faculty and students to work/attend classes on campus is not negotiable per se, although the impact effects are. As such, if the District elects to levy a vaccine mandate for those working on campus, they will need to work closely with the FA to sort out exactly what that means. Incidentally, as far as we know, there are three legally valid reasons that an employee can refuse to get vaccinated. They are: (a) that the vaccine itself has not yet received full approval from the FDA; (b) the employee has a verifiable health condition (*e.g.*, a compromised immune system) that precludes their getting a vaccine; and (c) the employee has a "genuinely held" religious belief in opposition to vaccination. In the meantime, we are paying attention to what our unit members have to say, and the resolutions coming out of the Academic Senates, and so on.

SYLLABUS REQUIREMENT/STUDENT SUPPORT HUBS IN CANVAS

A reminder: At each campus, the General Navigation bar of the Canvas Dashboard contains a link to the Student Support Hub for that campus. This is a good thing to link to in your online syllabi, if you haven't already done so. It's also a good place to find information on such things as financial aid deadlines, and information about disability accommodations, that should be included in all class syllabi. (See Article 9B in the CBA for the syllabus requirement in full.)

BTW: For full-term classes in Fall Semester, 2021:

- Last day to ADD or DROP with an NGR: September 6
- Last day to WITHDRAW with a “W”: November 14

 **AS ALWAYS:**

An online PDF version of the CBA can be found on the District’s HR website:

<http://districtazure.clpccd.org/hr/collective-bargaining-agreements.php>

As always, official versions of our MOU’s can be found at the District’s HR website above. Text versions of the MOUs are also posted on the FA’s website, www.clpfa.com.

AND IN CASE YOU MISSED IT...

IF IT'S TIME TO RENEW YOUR TB SCREENING:

We’ve heard from a number of colleagues who’ve received notice to renew their TB screening, required of most faculty every four years. Seeing as how this normally involves a skin test conducted at a local health center, it's natural wonder how we're supposed to get this done during the pandemic. Fortunately, there's a new regulation in place...

The following is provided by HR:

We’d like to remind employees about the completion of a TB Risk Assessment in lieu of the TB Examination (test). The Risk Assessment is a questionnaire that you submit to your medical provider (or health centers)— and they, in turn, may complete the assessment virtually. For more details on how this works, there's a lot of information starting on page 2 of the form. The form can be found here:

<http://districtazure.clpccd.org/hr/files/docs/hiringpkt/TBForm.pdf>

The TB Risk Assessment eliminates the need for a TB test administration and then reading (i.e., two visits), unless the assessment deems otherwise. Since the TB Risk Assessment is a questionnaire, we have seen many medical facilities complete it online/virtually, where no appointment or trip to a doctor’s office was necessary for the employee. Once the medical facility completes the certificate, the certificate should be forwarded to HR.