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FEBRUARY 2006 VOLUME XXV, NO.3

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COMMUNITY COLLEGE INITIATIVE GOES TO VOTERS IN NOVEMBER

By Dennis Smith

Supporters hope to gather the 600,000 signatures required to have it placed on ballot

In the thirties when those words were first put to song in Spanish and later in the seventies when Simon and Garfield translated and sang them in English, it is very doubtful that the songwriters or the singers had California's community college students or government by ballot initiative in mind. As I hum that tune and type this article, I know that a growing number of community college groups, faculty, and students are starting to believe that it

**“I’D RATHER
BE A HAMMER
THAN A NAIL.
YES I WOULD.
IF I COULD,
I SURELY
WOULD.”¹**

may indeed be best to use the hammer of the ballot initiative process when it comes to determining the public's policies relative to matters of community college governance, funding, and student fees. For far too long, California's community colleges and millions of community college students have been getting hammered politically and economically in the legislative process. The past few years have revealed that the existing confederated "system" of community college districts is hamstrung politically, that the K-12 and the

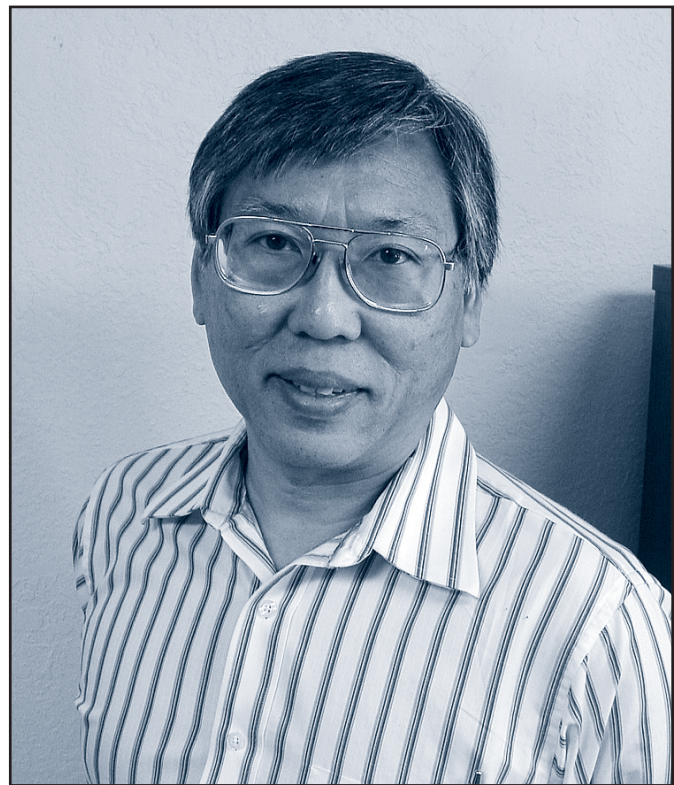
IN THIS ISSUE

Community College Initiative Goes to Voters	1
President's Report	2
Union Dues Money.....	6
Robert Dasch Mourned.....	8
Folsom Lake Center Report.....	10
CFT Convention	11
Compressed Calendar	12
Student Grievances.....	15

[cont. on page 4/5]

PRESIDENT'S REPORT

By Dean Murakami



2

PRESIDENT'S REPORT

FEBRUARY 2006 VOLUME XXV, NO.3

It is the end of the semester as I write this article and I want to thank all of you who helped and voted NO on the propositions on the special election ballot. Although all of the Governor's propositions were defeated, the actual vote was extremely close and required all the money and effort from all of you and the labor organizations. I know many of you had to suffer through the constant telephone calls and knocks on your door at home, but it was necessary. It was also important to know that much of that effort came from the Alliance for a Better California and Sacramento Central Labor Council, of which the vast majority of volunteers were from labor unions in the private sector, which none of the propositions attacked. I want to thank the hundreds of labor union volunteers from the private sector who worked so hard in the name of public employees to defeat all of these propositions. I was at the labor rally in downtown Sacramento watching the returns that November 8th evening. There was great anxiety over Proposition 75 because it was the only proposition that seemed to hold a consistent winning advantage of two to four percent. Finally, at 11:15 p.m. the vote count turned to NO for the first time. The whole crowd broke into a roar and cheer, a truly exciting time for all of us there.

WATCH OUT! YOUR PENSION POCKET MAY GET PICKED!

I attended the CalSTRS Board meeting on December 9th because there were two key issues on the agenda. The first item was to address the continuing unfunded \$24 billion liability in STRS. The second item was to take action on ACA 23, the modified Keith Richman proposal from last year that would require new employees to enroll in a hybrid defined contribution program.

It is important to note that at \$132 billion, STRS is the third largest pension fund in the nation and financially sound. STRS can pay all of its retiree obligations with current dividends for the next 20 years. If you include all of its assets, STRS can pay all of its retiree obligations for the next 60 years. STRS is 83% funded, which is average for pensions of this size. However, the downturn in the market and Worldcom investments have left a structural unfunded liability of \$24 billion that, if left unchecked, can grow to \$212 billion over the next 34 years. This assumes an average 8% annual return on its investments, which new STRS Trustee David Crane believes is unrealistic in today's market. The STRS Board considered several options to address the unfunded liability. Several STRS Board members stated that it was their fiduciary responsibility to maintain current employee

benefits. The options fall into two categories: reduce liabilities and/or costs by reducing benefits to new members; and, increase assets. Board members were concerned that a two-tier (current vs. new employees) retirement system was not a desirable option. In the end, nothing was taken off the table to address the unfunded liability.

Under the first category were the following options:

- Amortize the unfunded actuarial obligation over 40 years instead of 30.
- Reduce the age factor to 2% after age 60. Currently, the age factor increases from 2% at age 60 to a maximum of 2.4% at age 63. In current dollars that would reduce an average retiree's benefit by as much as \$504 each month.
- Eliminate the career factor used to calculate benefits. Those retiring with 30 or more years of service credit will add 0.2 percent to their retirement calculations. Thus, if you retire at age 60 with 30 years of service credit, your compensation will be 2.0% for the age factor plus 0.2% for the career factor for a total of 2.2%. Elimination of this career factor would reduce the average monthly benefit by \$378 per.
- Base all final compensation on an average of three straight years of highest compensation, rather than one year. This would eliminate the current provision that employees with 25 years or more of service credit will have pension benefits based on their single highest year of salary. Currently, 64% of those who retire have 25 years or more of service credit.
- Remove unused sick leave in the retirement formula.

la. Currently, unused sick leave can be converted to service credit at retirement. Eighty-seven percent of retirees have unused sick leave, and elimination of this factor would reduce retiree benefits by an average of \$146 per month.

- Change the employer contribution to the supplemental benefit for excess service, and credit contributions to the defined benefit program.
- Eliminate the annual two percent benefit adjustment. This option would affect all current and new employees and current retirees.
- Vote not to extend the Medicare premium payment program for employees retiring after July 1, 2006. All employees retiring after July 1, 2006 would have to pay the monthly premium for Part A of Medicare (\$393/month) or not receive the health benefit.

In the end, none of these options was taken off the table.

Under the second category of increasing assets/funding into STRS, were the following options:

- Pension obligation bonds. The use of bonds to cover the \$24 billion unfunded liability was the least desirable. However, in a recent court decision it appears that STRS cannot sell pension bonds without voter approval.
- Increase the employer contribution from the current 8.25%.
- Require employer contributions to STRS for post-retirement teachers working as part-time teachers. This had the most favorable discussions from the Board, but it was not clear that the revenue would be enough to offset the unfunded liability.
- Increase the new employee contribution from the current 8.0%.
- Increase the state contribution from the current 2%. This is a liability that the state has been trying to eliminate or shift to employees. Therefore, it is highly unlikely that the state would approve of such an increase in their STRS obligation, especially in this era of tight budgets.

The STRS Board will seek constituency input on this

matter at the February meeting. Constituents can provide input on how to best address the \$24 billion unfunded liability. The Board admits that any solution that is adopted will be painful. CFT, FACCC, CTA, and I will be at this next STRS Board meeting and provide input from the faculty perspective. Positions on this issue are not resolved and serious discussion will be necessary over the next few months.

Last year LRCFT was very active working with CFT and other employee groups to defeat Governor Schwarzenegger's attempt to move our retirement from a defined benefit to a defined contribution program. However, during negotiations the governor said he would continue this fight. This has resurfaced in the form of Keith Richman's legislation—Assembly Constitutional Amendment (ACA) 23. Currently, our STRS retirement contribution is 8% from the employee, 8.25% from the employer, and 2% from the state. According to ACA 23, any person hired after July 1, 2007 will be permitted to enroll in one of the two following plans.

1. Defined contribution plan. An 8% employee contribution, but this plan does not require the employer to make any contributions toward your retirement. The employer contribution is negotiable to a maximum of 4%.
2. Hybrid Plan. Half of the employee contribution (e.g. 4%) would go toward the defined contribution plan. The other half would go toward a new defined benefit plan (4% employee matched by 4% employer). The defined benefit at retirement would be 1.75% for the average of the highest three years of salary.

Additionally, there will be fewer contributions to the current defined benefit program. This may require

**... UNDER ACA 23 THERE IS
NO STATE CONTRIBUTION; A
PERSON CANNOT RECEIVE
RETIREMENT BENEFITS
UNTIL HE/SHE REACHES
SOCIAL SECURITY RETIRE-
MENT AGE, CURRENTLY 67.
APPROXIMATELY 80% OF
LOS RIOS EMPLOYEES
RETIRE PRIOR TO AGE 65.**

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Initiative

[cont. from page 1]

other postsecondary education systems have historically eaten our financial lunch, and most tragically, many of our students are being taxed out of school in the form of triple digit fee increases that don't even come back into their educational programs. In 2006, California's community college students, and those who believe that low fee access to higher education is the gateway to social equity, will have the opportunity to be the hammer instead of the nail by using the initiative process to change some of our realities.

After more than a year of weekly drafting meetings, in the last week of 2005 a proposed ballot initiative was filed with California's Attorney General by a coalition of organizations known as the Californians for Community Colleges. The proposed initiative is entitled the "Community College Governance, Funding Stabilization, and Student Fee Reduction Act." The initiative, if qualified by signatures for the November 2006 ballot, and then passed by the voters, will modify the California Constitution and the Education Code in ways that will ensure that California's golden dream of affordable access to a quality higher education for all of its citizens is reaffirmed.

As implied in the title, the initiative will assure that community colleges have both the political stature and the stable resources to fulfill our multiple missions. At the same time, the initiative will reverse some of the recent student fee increases and inhibit any future attempt by our elected officials to raise them again and further deny access to hundreds of thousands of Californians to a public education at the postsecondary level. There are three significant constitutional amendments and several statutory modifications to the education code that will enable the provisions of the initiative, if approved by the voters.

The first proposed constitutional amendment and its related Education Code provisions will provide for an independent public postsecondary education system of local community college districts as part of the Public School System. Without losing the funding protections of Proposition 98, community colleges will be given their rightful identity by constitutional recognition of a bilateral governance structure of autonomous local community college districts coordinated at the policy level by an adequately funded and independently staffed system board. California's community colleges will attain the constitutional stature needed to participate in the political process on an equal footing with the other systems of public education while maintaining accountability to our local



communities.

The K-12 student population declined last year and is projected to continue that decline for the next 10-15 years, while in the same time period, community college enrollment is expected to increase dramatically. Even with full funding of the current statutory funding split between the two systems of 89% and 11% (which community colleges have not received since 1988), we are rapidly headed for a financial crisis without some change in the Constitution. This proposed modification will allow community colleges to serve our students without taking money from the K-12 system. If this initiative passes, no longer will there be the annual budget battle that community colleges never win for a split of K-14 education funding. Thus will the community colleges achieve funding stabilization commensurate with changes in our student population.

In the third and final constitutional amendment and related education code provisions, student fees will be reduced from the current \$26 to \$20 per credit unit. Then, rather than automatically increasing or increasing as an afterthought to the budget process, any proposed legislative increases in student fees would, as any other proposed new tax, require a separate roll call vote and would require 2/3 vote for passage. If an annual increase was approved it would be limited to the one-year percentage change in California per capita personal income or \$10 whichever was less. The amounts and terms of these changes proved to be the most controversial within the coalition, as well as for the Academic Senate for California Community Colleges and other statewide organizations.

The controversy in development of this portion of

the initiative had to do with how much to rollback the student fees. The faculty groups hold to California's fee policy vision expressed in its Master Plan for Higher Education. California should not impose a user fee on its student citizens for open access to a community college education. Not everyone agrees with a no fee policy. Some argue that students should pay some percentage of the cost of that education and that the truly poor students would be provided for by higher levels of financial aid in the form of fee waivers, scholarships, grants, or loans.

The California Legislative Analyst reports that the current community college student fee covers 12% of the cost to educate a student and that it should be much higher. There is active legislation in discussion that would create a formula for an automatic annual increase. The *Sacramento Bee's* Daniel Weintraub recently opined that low fees are a form of taxpayer subsidy that is a "boon to the children of the wealthy and the middle class" and that a needs-based fee policy where the fee level was 75% of the cost would be the most efficient use of resources and would actually free up money for financial aid for the poor. This idea would set the fee level at \$163 per credit unit.

Every statewide community college faculty organization holds that the economic and social benefit to California provided by local colleges far exceeds the investment cost of no-fee access. The Academic Senate for California Community Colleges articulates the no student fee issues best in its paper, "What's Wrong with Student Fees? Renewing the Commitment to No-Fee, Open-Access Community Colleges in California" that can be found online.² While there is no resolution of support for the initiative, the Academic Senate's Executive Committee had an agenda item for discussion of the initiative and in that discussion seemed to be in consensus that rolling the fees back by any amount and creating a separate Proposition 98 funding formula for community colleges are both consistent with existing resolutions adopted at a plenary session of the Academic Senate.

Another complicating factor to the rollback decision is the cost of the lost revenue to the State general fund to reduce the fees. The money to pay for any rollback would have to come out of the new money flowing to the Community College System from the proposed change in the Proposition 98 funding formula. The amount of enrollment growth funds from the fee rollback to \$20 is estimated to be as much as \$130 million and the cost of the rollback is pegged at \$70 million. Economics were a constraint to the decision. We

probably could have gone as low as \$15 but there would be no funds left to serve the returning students.

More than forty years ago, the California legislature and Governor Pat Brown's administration adopted the Donohoe Act that enabled the public policy of no-fee, open access community colleges, as recommended in its 1960 Master Plan for Higher Education. About twenty years ago, AB1725 was adopted and in it affirmed that, "The Legislature is committed to an alternative vision in which California remains a place of opportunity and hope--where innovation and creativity mark our economy and our culture, and where the minds and spirits of all our communities contribute to our common future. The community colleges will be at the heart of whatever effort we make to insure that the future is equitable and open, that California's economy remains healthy and growing, and that both rural towns and rapidly expanding urban centers have educational resources close at hand."

Despite the vision of the 1960 Master Plan, statutory public policy, statements of legislative intent, and the human and economic toll of fee increases, community college fees first appeared in 1984 and since that time, usually when California was in a fiscal crisis and students needed training and education the most, have risen to the current level. For the past two years, students were hit with significant fee increases, and last month the State Chancellor's Office reported an estimated loss of 314,000 students. Fee creep is a significant struggle for most students in all of California's higher education systems and for 314,000 missing community college students the last two rounds of fee increases and community college program cuts were like slamming the doors shut to the opportunity to achieve their potential. The "Community College Governance, Funding Stabilization, and Student Fee Reduction Act" will reopen those doors and help keep them open. The initiative language, a summary of its provisions, and ways for faculty and students to help get it qualified and passed can be found on the LRCFT web site.

¹El Condor Pasa - J. Milchberg and D. A. Robles, 193 /translation into English by Paul Simon and Art Garfunkle, 1970

²<http://www.academicssenate.cc.ca.us/Publications/Papers/StudentFeesOpenAccess.html> ■

**... STUDENT FEES WILL
BE REDUCED FROM THE
CURRENT \$26 TO \$20
PER CREDIT UNIT.**

SO, HOW DOES MY DUES MONEY GET SPENT?

By Robert Perrone

I don't know about you, but for me, the final tally on Proposition 75 was too close. The results as of November 15 showed Prop 75 winning by 53.3% to 46.7%. A better idea of how close the vote was is seen by the actual number of votes separating victory from defeat—456,696 statewide; that's fewer than 26 votes per precinct. Based on the responses I received from people on my phone bank list, a not insignificant number of union members actually supported Prop 75.

So, the experience of the campaign and the narrowness of the defeat of Prop 75 has prompted me to respond to a question I heard often—how does my dues money get spent?

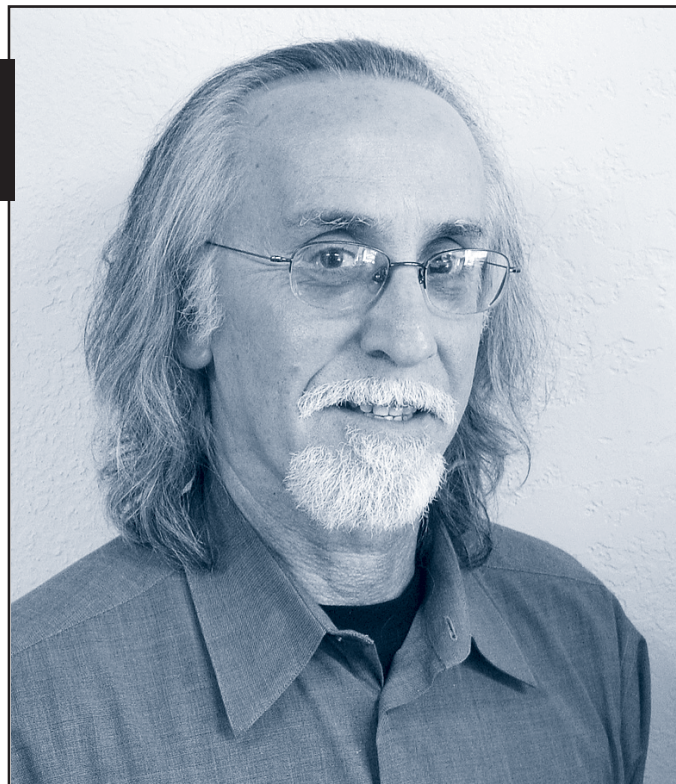
LRCFT'S REVENUES

The basis of the Union's revenues are the dues and agency fees it collects from union members and agency fee payers. Currently, dues and agency fees for full-time tenured and tenure track faculty are \$91.53 monthly for those faculty paid on a ten-month basis and \$76.27 monthly for those faculty paid on a twelve-month basis. Adjunct faculty who carry a load of .26 FTE or more pay \$29.35 monthly in dues or agency fees. Those adjunct faculty who carry a load of less than .26 FTE pay \$14.67 monthly.

In addition to revenues from dues and agency fees, the LRCFT receives approximately \$12,000 monthly from the California Federation of Teachers (CFT) for assistance in funding a full-time professional staff person. For LRCFT, that would be yours truly. That rebate from the CFT more than pays for the salary and benefits of the professional staff person. The Union also receives legal defense grants from the CFT and AFT in the amount of one-third of the total expenditures on grievances that have moved to arbitration. One recent arbitration cost the Union close to \$100,000, 67% of which was paid for by the AFT and CFT.

LRCFT'S EXPENSES

Those are the sources of the Union's revenues. I will now walk you through the expenses. Affiliation fees top the list of those expenses. For each full-time dues/fee payer the LRCFT sends \$13.20 per month to the AFT and \$30.09 per month to the CFT. For each adjunct working .26 FTE or more, AFT receives \$3.30 and CFT receives \$7.53 monthly. For each dues and agency fee payer, full- or part-time, the LRCFT spends five cents for accident insurance; \$.47 for affiliation fees to the California Labor Federation and; \$.40 for affiliation fees to the Sacra-



mento Central Labor Council. Seventy-five cents per dues payer goes for professional liability insurance. An additional mandatory \$3.00 per month per full-time dues/agency fee payer goes to the CFT. This is a temporary surcharge imposed by a vote of delegates to the 2005 annual convention of the CFT to help offset the expenses of "defending educational funding and defeating proposed negative revisions to pension funds, merit pay schemes and other anti-education employee initiatives." (CFT By-laws, 2005, Article II, Section 1g available at www.cft.org) The surcharge will sunset on September 30, 2007.

The last LRCFT election in December 2004 had a question on the ballot that asked voting union members to approve having two dollars of dues from full-time tenure track faculty to be designated for the LRCFT Political Action Fund. Adjunct faculty union members were asked to approve one dollar for that same purpose. It was made clear that the contribution would not result in an increase in dues. The question was approved by 84% of those voting.

The LRCFT is now left with \$41.57 per month from each full-time dues/agency fee payer, \$16.85 from adjunct dues/fee payers with a load of .26 FTE or more and \$13.00 for adjuncts with a load of less than .26 FTE. From those amounts, the Union must fund various additional expense categories.

The LRCFT budget is divided into several subsections; one is titled "member services," in which there are eight line items that include such categories as "legal" (\$80,000), for defending faculty and enforcing the contract through the grievance procedure and negotiations; "affiliations," the fees that the Union

pays to various organizations, such as the AFT and CFT, with which it is affiliated (\$500,000); "printing" (\$12,000) and; liability insurance (\$11,000). The total for all budgeted expenses in the overall category of "member services" is \$615,800. Since we have already deducted for affiliation fees, the remaining sum can be broken down to \$9.92 per full-time dues/fee payers, \$2.32 per adjunct carrying .26 FTE or more and \$1.37 for those adjuncts carrying a load of less than .26 FTE.

We are now left with \$31.65 for full-time dues/fee payers; \$14.53 for adjuncts at .26 FTE or more and; \$11.63 for each adjunct at less than .26 FTE. The next expense subsection is "office." These expense categories pay for maintaining the LRCFT office and include "accounting," which covers the cost of the annual agency fee audit, preparation of the Union's taxes and the cost of a payroll service (\$11,000); "postage" (\$10,000); "rent" (\$9,000) and; parking (\$8,000), among other smaller line items. The total for the subsection is \$62,700, not including a proposed operating reserve of \$55,000, which is considered an "expense" category. From each of the dues/fee paying categories deduct \$5.37, \$1.25 and \$.74 respectively.

The next subsection is "staffing," which covers all staff related expenses, including "auto expense," (\$5,000) covering mileage paid at the IRS-designated amount (currently 44.5 cents per mile); "workers compensation" (\$5,200); "salary reimbursement," where the LRCFT pays for reassigned time above the contractually agreed upon 2.75 FTE (\$10,000) and; the salary and benefits of the executive director and secretary (\$166,800). The total for the "staffing" category is \$186,013. That equates to \$15.93, \$3.72 and \$2.20 respectively. We are now left with \$10.35, \$9.56 and \$8.69 respectively.

The last expense category and the last category in the budget is "Training and conferences." This category includes items related to travel to and from conferences and other meetings; the cost of holding conferences; lodging when a member attends a conference. For example, several LRCFT members attended a recent FACCC conference. The LRCFT paid for the travel expenses, lodging, meals, and other related expenses while these members were at the conference. This subsection of expenses totals \$30,000. Following the same pattern, full-time dues/fee payers pay \$2.57 each per month for this category; adjunct with a load of .26 FTE or more pay \$.60 each and; adjuncts less than .26 FTE pay \$.35 each. We are now left with

\$7.78, \$8.96 and \$8.34 in each dues/fee paying category respectively. Subtract an operating reserve of \$55,000, the transfer of \$23,360 as per the December 2004 vote and we are left with a projected budget surplus of approximately \$80,000.

That may seem like a lot of money, until one realizes that if just one or two denials of tenure prove to warrant grievances, that surplus could disappear quickly. Or, in another scenario, the Union is seeking to move into larger quarters by purchasing its own building. Its current location affords it just over 500 square feet of space. The cost of searching, inspecting and purchasing a new building could also easily cause much of that surplus to disappear.

HOW ABOUT THE MONEY WE SEND TO AFT AND CFT?

Before addressing funds forwarded to the CFT and AFT, you may remember that the LRCFT has often emphasized that it spends no portion of dues or agency fee revenues on political issues and that the separate Political Action Fund, supported by voluntary contributions from faculty (and, over the years, a few administrators) is the source of funding for the Union's political activities, such as supporting Board of Trustee candidates and providing in-kind contributions to political campaigns. Obviously, we can no longer make that claim, since the December 2004 vote, in which members approved shifting two dollars from every full-time member's and one dollar from every part-time member's dues to the LRCFT Political Action Fund. The issue of how the local spends its revenues is something over which the membership has the ability to exert control.

While theoretically the rank-and-file membership has control over how each of the two larger affiliates spend what

amounts to your dues and agency fees, the difference between changing and/or influencing policy at the state and national level and doing the same at the local level is the difference between changing the course of an aircraft carrier and that fishing boat you tow to the river every now and then.

With that said, based on its 2005 agency fee audit report, the AFT spent approximately \$6.3 million in the

THE ISSUE OF HOW THE LOCAL SPENDS ITS REVENUES IS SOMETHING OVER WHICH THE MEMBERSHIP HAS THE ABILITY TO EXERT CONTROL.

FORMER LRCFT PRESIDENT IS MOURNED

By Bill Mahan



**DASCHE
MOURNED**

FEBRUARY 2006 VOLUME XXV, NO.3

Robert A. Dasch, one of the founders of the Los Rios College Federation of Teachers and President from 1973 to 1974, passed away peacefully on January 9, 2006, in his home town of Salem, Oregon. He was 82-years old and had battled a neurological disease, Cortical Basal, for about a year.

While employed as an English teacher at American River College, Bob devoted much of his energy to his belief in education for democracy and democracy in education. He believed that professional teachers were the foundation of the educational system in America. And he believed that when teachers organize themselves, they can improve the schools in which they teach as well as their own lives. He proved that over and over again during his teaching career, particularly when he served on the early, successful and precedent-setting union bargaining committees.

Those of us who worked with Bob and who socialized with him will miss him. But we will always honor the principles that he worked for, among them a commitment to freedom. One symbol of that was his love of kites. Take Bob into the country or to the ocean and he wanted to watch a kite fly.

And we will remember the passion that he displayed for all of his beliefs. He could not, for example, watch a basketball game or a football game all the way through. The errors that his team committed made him too upset.

Yet his passion was tempered with maturity and sound judgment when it mattered. That was true whether he worked with his students, Local 2279, the American River Faculty Senate or with the many talentless golfers that he patiently guided and encouraged.

Robert Dasch was born in Lusk, Wyoming, on September 9, 1923, the ninth of his parents' twelve children. His parents moved the family to Oregon when he was one. He graduated from Salem High School in 1941. Shortly after graduation, he enlisted in the U. S. Navy and served in the Pacific theater where he participated actively in two island invasions.

At the end of the war, he entered the University of Oregon, graduating in 1949. He completed his education with an MA in English from Sacramento State. He had a teaching career of 37 years, teaching English composition and literature at Rio Vista High, where he also coached junior varsity football teams,

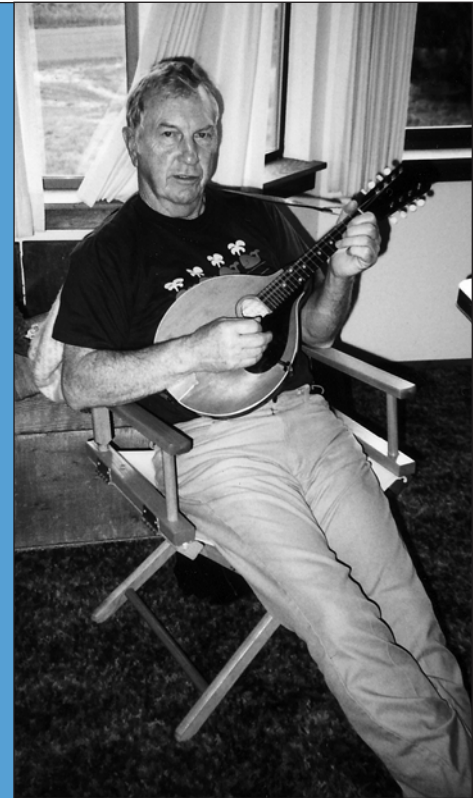
before moving on to American River College. Bob married Lee Mortimer in 1946. They had three children; Jeffrey, Christine and Ronald. In 1973 he returned to Salem, his home town, to marry Patricia Berryhill Kuebler. Pat and Bob's marriage lasted thirty-three years.

Bob is survived by his loving wife, Patricia, his three children; a stepson, Michael Kuebler; a stepdaughter, Katie Young; six grandchildren and three great grandchildren. He is also survived by four of his sisters and three brothers as well as numerous nieces and nephews.

About his retirement, Bob said, "I have no problem filling the time. I call my woodworking 'folk art'; my anacrostics 'relaxation'; and my golf 'disaster'." He would certainly have added American politics to his list of frustrations. But modesty was another of Bob's character traits: superb examples of Bob's furniture making are proudly displayed by many of his friends and his talent with the mandolin, especially with the local group Additional Live Music, delighted hundreds of local fans. In addition, during the last twenty or so years, Bob and Pat enjoyed their travels in both Europe and the United States.

Family and friends celebrated his life at the Salem Golf Club on January 16. Bob always loved the Pacific Ocean and asked that his ashes be scattered near Irish Beach, California.

(Bill Mahan is a former SCC history professor who retired in 1993) ■



adjustments to the retirement benefit of current employees and possibly current retirees. There have been no studies to determine if the proposed plans can be financially sustained by the proposed contributions. The employee and employer would share any financial shortfall in the defined benefit portion of the program equally.

It is for these reasons that LRCFT and other employee groups (CFT, FACCC & CTA) strongly oppose ACA 23. In a press conference the day before the STRS Board meeting, State Treasurer Phil Angelides, Superintendent of Public Instruction Jack O'Connell and Dennis Smith (LRCFT past President, CFT Vice President, and FACCC President), called on the STRS Board to take an oppose position on ACA 23. "Community college faculty commit to teach, counsel, and serve because public education is important work that is good for the welfare of our students, our local communities, and for California. The extreme proposals contained in ACA 23 are the worst answers at the wrong time. The STRS Board will consider several options available to reduce the current funding gap that do not resort to the extreme of eliminating the defined benefit pensions and their value as a recruitment and retention tool for community college faculty," said Smith. An official position on ACA 23 was an action item in the STRS Board agenda, and we all wanted to see what the new Schwarzenegger appointees would do. Last year, all the Schwarzenegger appointees who voted to oppose his defined contribution proposal, which was shown to be financially unsound, were unceremoniously canned and replaced by the governor. I spoke in passionate opposition to this legislation, along with several others representing employee groups. Well, the Schwarzenegger appointees did this amazing orchestrated dance around it (not prepared to take a vote; did not realize a vote was coming, even though it was an action item on the agenda; need more information, etc.). To be fair, the staff did not complete

their analysis of ACA 23, so did not provide any specific recommendation. However, the Schwarzenegger appointees who cried so loudly that there should not be a two-tiered system of employee benefits, could not vote to oppose legislation that would force the most egregious two-tier system of benefits!

The Schwarzenegger appointees who were at the meeting abstained from taking an "oppose" position on ACA 23. The final vote was six opposed and five abstained.

This is not the end of ACA 23; there are several legislators who would like to see it pass, despite any analysis and despite opposition by STRS and PERS. We will vigilantly lobby our representatives to oppose ACA 23 and protect the integrity of our pension benefits.

The Governor's budget proposal for California community colleges looks very good. It is 11.6% higher than last year which includes a 5.18% COLA, \$130 million in equalization, and student fees remaining at \$26/unit. The focus on augmenting COLA and equalization was one of the best ways to direct funding to Los Rios. Additional adjustments and proposals will be made before the final budget, but we appreciate the Governor's financial support of community colleges. I have written the Governor a letter conveying that message. ■

**WE WILL VIGILANTLY LOBBY
OUR REPRESENTATIVES TO
OPPOSE ACA 23 AND PRO-
TECT THE INTEGRITY OF
OUR PENSION BENEFITS.**



*promote professionalism, enhance performance, and be effective in yielding a genuinely useful and substantive assessment of performance. To achieve this goal, it is **necessary** to identify, recognize and nurture excellence; to identify standard performance; and to indicate areas where improvement is necessary or **desirable**. (Emphasis added)*

If recommendations are intended to focus on areas for improvement, then it is critical to distinguish between “necessary” and “desirable.” Here the contract also provides some guidance: “In all reviews, the reviewer(s) shall cite specific examples and recommendations for improvement in writing for each “needs improvement” and “unsatisfactory” mark.” Clearly, a specific recommendation to correct a deficiency indicated by a “needs improvement” or an “unsatisfactory” mark is necessary and, all would agree, appropriate. In this case the expertise of a well-trained performance review team can provide vital direction, support and resources to a struggling colleague. And a well-crafted, measurable recommendation can provide hope that improvement is attainable and a career salvageable.

While a less than satisfactory rating on a professional standard may indicate what is necessary, what indicates that which is desired? And “desired” by whom? The philosophy that “everyone needs improvement” allows for a satisfactory performance review, while simultaneously including recommendations, not based on necessity but desire. For what purpose?

If the recommendation is desired by the performance review team or to fulfill an administrative directive but is not related to a professional standard deficiency, then what is the justification for the recommendation? More importantly, cont. on next page

Folsom Lake College continues to grow...in size, in students, in staff, and in faculty. In the last year the ranks of full time faculty grew 20%. And next year we will experience 18% more growth in faculty. While this influx of talented, committed professionals brings good news and opportunity for our students, it also represents many challenges for the college. Research indicates that it takes up to seven years to change the culture of a large organization; at FLC it only takes seven people.

Last year at this time, more than one-half of the existing full-time faculty were members of hiring committees; this past fall saw almost one-half of the entire full-time faculty become members of performance review teams. In fact, some of our first-year tenure-track faculty, in the first month of their employment, found themselves in the position of performance review team member for many of our adjunct faculty. Training opportunities were provided by LRCFT, but the turnout, unfortunately, was low. Consequently, many fair-minded, good-hearted faculty entered into a potentially life altering process (life altering for the reviewee that is) with no formal preparation to complete this critical and complex task. Many of them had been on the receiving end of performance review in the past and, undoubtedly, believed that they were prepared to do unto others as had been done unto them. The results were mixed and clearly reflect a fundamental confusion between “everyone has room for improvement” versus “everyone needs improvement.”

Some faculty who underwent performance review experienced a positive, collegial, collaborative, and nurturing professional development opportunity, while others were left out of the discussions and only discovered the will of the committee during the required team meetings and the final documents identifying several seemingly arbitrary recommendations for improvement. Admittedly, the process of performance review is complicated and complex, and FLC appears to be struggling to establish an institutional perspective on the purpose of the review process: is it intended to weed out poor fits and incompetents? Is it intended to nurture excellence, encourage self-reflection and lead to continuous improvement? Or is it a combination of both? And does everyone really deserve a “recommendation”? The contract (8.1) provides some guidance:

The primary goal of faculty performance review is to improve the quality of the educational program. The process should

where is the evidence that arbitrary recommendations will “improve the quality of educational programs”? Who benefits from a recommendation to “use more group work,” or “bend down when you talk to students so you can be at their level,” or “consider ways to address different learning styles,” or “use more handouts”? Recommendations so narrowly written they appear to constrain Academic Freedom by dictating specific methods of instruction, without regard for the professional best judgment of the faculty member who has had the opportunity to work with the students on a day-to-day basis, are problematic.

If we are to take the performance review process seriously as a tool for reflection, assessment and continuous improvement, then we must make the entire process meaningful. Recommendations do not have to come from the team; they may be mutually developed, or they may actually emerge from the faculty

member under review. Consider the purpose of the Self-Study:

“The purpose of the self-study is to provide an opportunity for introspection and planning for the future in your performance review. If you have made goals in the past, you should review your progress. If you have goals for the future, you should state them.”

The growth at Folsom will continue, and with that growth the power of any one individual to shape the culture of the college will diminish. Now is the time for us to embrace the value of continuous improvement and ensure that faculty performance review is a constructive rather than punitive process. To help in this effort, LRCFT representatives will conduct three workshops in the next several months: Writing the Self Study; Best Practices for Review Team Members; Writing Meaningful Commendations and Recommendations. All faculty are encouraged to attend. ■

CALL FOR DELEGATES

CFT to hold annual Convention in Sacramento

The California Federation of Teachers will hold its annual Convention in Sacramento at the Sheraton Grand in Downtown from Friday, March 24 to March 26. The LRCFT, as the host local, will sponsor a reception on March 25 at the Senator Hotel from 7 P.M. to 10 P.M.

The LRCFT has spots for up to 68 delegates to the Convention, 18 of which are reserved for members of the Union’s Executive Board. The Convention provides an opportunity to learn more about the union that represents you, take part in determining its future direction by voting on resolutions and constitutional amendments and to attend a host of informative workshops. There will also be opportunities to socialize with other delegates from up and down the state.

Workshops will address issues such as charter schools, the Latino “achievement gap,” full-timers and part-timers, how to talk to legislators and many other interesting topics. On Saturday morning, there will be a breakfast for community college locals, where awards are given to the most valuable players in each local. The LRCFT provides the cost of this breakfast for each delegate who attends the Convention. The Union will also pay for your parking while you attend.

We are looking for 50 volunteers to act as delegates. You must be a member of the Union and both part-timers and full-timers are welcome to apply. The deadline to apply is February 22. Send an e-mail to Robert Perrone at perrone1@igc.org with your request to be a delegate. ■

11

CFT
CONVENTION

COMPRESSED CALENDAR

By Chuck VanPatten

NEGOTIATIONS SUB-COMMITTEE RECOMMENDS "COMPRESSED CALENDAR"

At the conclusion of the last negotiations cycle (Spring 2005), the LRCFT and LRCCD agreed to carry over to fall 2005 the issue of whether or not the district should adopt an alternative calendar. In January the sub-committee addressing this issue agreed unanimously on the following recommendation.

THE RECOMMENDATION

There are 41 California community colleges that have adopted an alternative or compressed calendar. If Los Rios chooses to join these colleges by approving the recommendation, effective fall 2007, the district will move to a "compressed calendar." The concept of "compressed" means that faculty would do the same amount of work – as measured by time -- over a shorter period, e.g. fewer contract days.

For classroom faculty, the bottom line is that your classes will be slightly longer in exchange for an eleven-day reduction to your annual contract. For student services faculty, your work day will increase 30 minutes for your contract reduction.

Classroom faculty currently on a 175-day contract would move to a 164-day contract. Librarians on a 175-day contract would follow a contract similar to classroom faculty. Counselors, Nurses and Coordinators on a 185-day contract would move to a 175-day contract. In short, the district would move from the current 17.5-week semesters to 16.4-week semesters (an 81-day semester in the fall and an 83-day semester in the spring). Each semester we would continue to have two flex days.

Most classes will be scheduled in accordance with a "block schedule." Each block will typically be two days a week (although there could be one day a week blocks or four day a week blocks in circumstances that are appropriate). There is no intercession between semesters being planned or discussed at this time. Summer school would last twelve weeks which would allow for four, six, eight and twelve week classes.



Student services faculty will compress to fewer contract days by working 7.5 hours a day instead of the current 7 hours. Classroom faculty would teach slightly longer classes. For example, a three-unit "lecture only" class that currently meets twice weekly is 75 minutes. Under the block schedule format such a class would increase a mere five minutes to 80 minutes. Classroom faculty will also be required to "make-up" the eleven office hours missed by virtue of the eleven day reduction to their contract. The make-up would occur over the course of the year at the instructor's discretion.

Adjunct faculty participating in the district's office hour program will have their hourly rate increased so that they will make the same amount they made over the 17.5-week semester.

WHY WE DIDN'T RECOMMEND AN ALTERNATIVE CALENDAR EARLIER

The LRCFT and LRCCD negotiations teams convened a committee to study alternative calendar options following the negotiations cycle that ended Spring 2002. During the Fall 2003 semester, we conducted and acquired an abundance of research. Judy Beachler, the district's primary researcher, was amazingly thorough in the quantity and qual-

12

COMPRESSED
CALENDAR

FEBRUARY 2006 VOLUME XXV, NO.3

COMPRESSED

FOR CLASSROOM FACULTY,

THE BOTTOM LINE IS THAT

YOUR CLASSES WILL BE SLIGHTLY LONGER IN EX- CHANGE FOR AN ELEVEN- DAY REDUCTION TO YOUR ANNUAL CONTRACT.

ity of the research her office produced. At that time we decided not to go to an alternative calendar (1) because of the facilities challenges that existed prior to the district's recently completed construction projects, (2) because the district did not yet face the student enrollment challenges it faces today, and (3) because at that time, the Ed. Code did not permit moving to an alternative calendar without using more flex days (the Ed. Code has since been changed – thanks to Dennis Smith and the Faculty Association of the California Community Colleges (FACCC) – which now permits a compressed calendar without an increase in flex days).

THE PROCESS

During the Fall 2005 semester a new sub-committee of representatives from the LRCFT and LRCCD convened. The LRCCD representatives were Bob Allegre, Theresa Matista, Denise Nolden, Colleen Owings, Jon Sharpe and Marie Smith from the district. The LRCFT representatives included Annette Barfield, Reona James, Dean Murakami, Dennis Smith and this writer. Our charge was to decide whether or not the committee should make a recommendation to adopt an alternative calendar and – if the recommendation was affirmative -- to also recommend a model or option for a calendar and for scheduling. At the first meeting the committee thought that it was also important for the Academic Senate to be involved, and that communication and discussion on the issue was to be conducted most appropriately through the colleges' academic senates. Hence, Senate representatives joined the group. Allow me to express my gratitude now to the Senate representatives, viz. Dan Crump, Tammy Montgomery, Jamey Nye, Ken Snell and Linda Stroh.

The sub-committee kept many interests in mind as we discussed possible options for an alternative calendar. For example, we were interested in an option that (1) would lead to student success, retention, transfer, degree and program completion, and that

would maintain student access, (2) would be more student-friendly allowing for students to maximize their scheduling flexibility, (3) would allow for enrollment growth, (4) would maximize the possibility for developing summer school, (5) would not reduce classroom time, (6) would allow for better facilities utilization, (7) would allow for more faculty flexibility leading to professional development and an improvement in classroom quality, (8) would minimize the impact on classified staff, (9) would not endanger the district's state apportionment that is essential to our financial stability, (10) would not reduce salaries, (11) would put us in a position where we can continue salary improvements over the long run, and (12) would not endanger retirement status.

In short, we wanted an option that would maintain and then improve the financial well-being of the district and its employees, and we also wanted an option that would maintain and then improve the quality of our institutions. Our discussions and interests were not about longer vacations, they were about doing what would benefit students and the district.

We discussed many issues always with an eye toward the following question: Is there a problem significant enough that would lead us to not making a recommendation? Through out our meetings we tried to be as thorough as possible as to whether the options under consideration would cause problems that would

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CALENDAR

Compressed

[cont. from page 13]

outweigh the benefits of implementing the options. We searched incessantly for possible “deal breakers.” We discussed the impact on many programs and curricula. We spent a lot of time discussing the impact on student services. We created examples of how every type of course could be compressed into a “block schedule” format. We know that there will be a period of adjustment and there will be challenges, but we wanted to minimize whatever problems may arise in the transition. In our opinion the option we ultimately recommended will maximize the attainment of our interests while minimizing transitional problems that always results from any type of change.

FORUMS WILL BE HELD AT THE COLLEGES

During the fall 2005 semester Dean Murakami led a forum discussion at the ARC Senate and I led forum discussions at the CRC, FLC and SCC Senates. During the first half of the spring 2006 semester there will be an additional forum at each college to discuss the recommendation. At these forums we will be prepared to explain fully the details of the recommendation. Importantly, we will have examples of how department chairs and area deans can do scheduling in a “block schedule” format. These examples will show faculty what the impact will be in their respective schedules. I think you will find that the impact is minimal given the benefits that will result. At the forums we will be able to answer any questions and receive your concerns. We will always be interested in your concerns so that we can try to maximize the benefits and minimize hardships and adjustments.

THE FACULTY VOTE

After the forums are concluded the faculty will have the opportunity to vote on the recommended option. If the faculty vote against the option, then the LRCFT will immediately remove this item from the negotiations table. We don’t negotiate what the majority of the faculty has indicated that it does not want. In this scenario, we would drop the matter and I believe this would effectively kill the issue for at least a decade. We have now convened a committee twice on this matter. We have twice done a tremendous amount of work and I just don’t see us bringing this to the faculty again in the event that the faculty vote down the recommended option.

If the faculty vote in favor of the recommended option, then this is how the process would continue. The recommendation would go to Chancellor Harris. He would then have the choice of whether to send the recommendation to the LRCCD Board of Trustees. If

he chooses to take the recommendation to the Board and then the Board approves the recommendation, the recommended option would go to the district calendar committee which would incorporate the recommended option into the 2007-2008 calendar.

DURING THE FIRST HALF OF THE SPRING 2006 SEMESTER THERE WILL BE AN ADDITIONAL FORUM AT EACH COLLEGE TO DISCUSS THE RECOMMENDATION.

QUESTIONS

Feel free to contact Annette, Dean, Dennis or me with any questions or concerns. The last time the district changed the calendar was in the late 1980s. Prior to that change we did not start in mid-August like we do now but we also did not end the semester before winter break. At that time we had a traditional two-week break associated with Christmas and New Year’s and then came back for two weeks to finish off the fall semester. I remember how my students would come back and would forget too much of what they had learned prior to break. The calendar change eliminated that problem and all things considered that change had excellent overall consequences even though the start in mid-August has always hurt our enrollments. Eighteen years later the time has now come for the faculty to decide whether we should change the calendar again. Please attend the forums at your college and then cast your vote. ■

STUDENT GRIEVANCES

By KC Boylan & Reona James

It's a Monday morning and you get to your office to find a message on your voicemail asking you to call the college grievance officer...it doesn't sound good. Three days later, you arrive on time for your meeting and discover that a former student and his father are waiting to confront you over an incident that occurred the previous semester. The meeting comes after a thorough investigation by administration into your actions and interactions with the student six months prior.

What are your options? To answer that question and many more, the LRCFT responded to the requests of faculty across the district and raised the issue of faculty rights in the student grievance process during the last negotiation cycle. Though we were unable to complete the discussion in time to amend the contract, we are continuing to work with the District to ensure faculty rights to timely notification when a complaint has been filed, to union representation during the student grievance process if requested, and to provide access to all related information from the moment a complaint is filed.

Student rights to filing a grievance can be found in the college catalogs, the student handbooks, or the District Web site; unfortunately, faculty rights in this process are not clearly articulated anywhere. In fact, the very definition of student "grievance" is not clearly articulated. LRCCD Policy 2412 provides little guidance: "*A student may file a grievance or grieve an action or decision of the District or one of its colleges when the student's status and/or rights have been adversely affected.*"

While students are encouraged to attempt an informal resolution by meeting with the faculty member or the immediate supervisor, the formal grievance process begins with the student filing a written complaint. The written complaint is submitted to the Student Grievance Officer who determines if the complaint is even grievable. To further complicate the process, some grievances fall outside of the student grievance process altogether. For example, if the grievance pertains to "alleged actions of the Los Rios District/College employees that are covered by the Government Code, the Education Code, Los Rios Community College District Policies and Regulations, and labor contracts," it is handled outside of the student grievance process. Claims of sexual harassment or discrimination, for example, fall outside the student grievance process and follow a unique process identified in LRCCD Regulation 5172.

We also know that grievances related to grades are subject to Education Code Section 76224(a), which indicates that absent mistake, fraud, bad faith, or incompetence on the part of the instructor, grades are not grievable. So when is a grievance really a grievance? And most importantly, when should faculty be notified, when should they have access to representation, and when should they have access to information related to the complaint? The ongoing negotiations are focused on answering these questions. ■

LRCFT CONTACTS

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Union Dues

[cont. from page 7]

2004-05 fiscal year on political and legislative activities, out of a total budget of \$116,724,038 or 5.4%. The CFT spent \$1.3 million on similar activities during that same period out of a total budget of \$16,013,171 or 8.1%. Some, if not most, of those funds come from member dues. However, the percentage of each members' dues that are funneled into those activities is quite small, amounting to approximately seventy-one cents monthly for AFT and \$2.44 monthly for CFT for full-time dues/agency fee payers.

The only method available currently to those dues paying members who do not want any of their dues spent for political purposes is to drop their membership in the LRCFT and become an agency fee payer. Fee payers can request that their fees be reduced by a percentage equivalent to the amounts that the LRCFT, CFT and the AFT spend on political and legislative activities, among other expense categories that the courts have determined benefit members only.

The problem with dropping membership in the LRCFT, however, is that the individual then loses access to certain benefits available to members only, such as the all important professional liability insurance, access to free and discounted legal assistance, among other benefits, the right to vote for LRCFT officers and representatives, the right to be delegates to the annual CFT convention and, the right to participate in ratifying the contract and to approve LRCFT Constitution and By-law amendments.

Even if the LRCFT were to implement a new category of membership for those people who wanted to remain members but not have any of their dues used for political purposes, the Union would have to continue

paying that money to its affiliates, since there is no way for a local union to deduct those amounts from the affiliation fees it pays to the AFT and CFT.

Let's review what I have written here. We've seen the sources of the LRCFT's funding. We've seen where the LRCFT sends funds for affiliation purposes and, then, we've seen how the Union spends the remaining funds.

I have also reviewed the amounts that both the CFT and AFT spend on political issues and the monetary impact that has on each full-time dues/agency fee payer on a monthly basis. We can confidently predict that the monetary impact of those expenditures on the dues/fees of adjunct faculty are at least proportionately less.

So, given that the AFT spends seventy-one cents per month of each full-time dues/fee payer on political issues and a much smaller sum from each adjunct dues/fee payer; and that the CFT spends \$2.44 of full-time dues/fee payers and the much smaller sum from the dues/fees of adjunct faculty for political purposes and, given that unions spent in the neighborhood of \$80 million to defeat Proposition 75 in the special election and the governor and his allies spent in the hundreds of millions, we must ask ourselves "Was it really worth it?" Does anyone really believe that the Chamber of Commerce, big pharma, the CEOs of large enterprises, wealthy real estate developers, et al were genuinely interested in protecting our paychecks as they advertised when this union and its affiliates, at least, spend such a small portion of each dues/fee payer's monthly deductions on political issues? ■

16

FEBRUARY 2006 VOLUME XXV, NO.3

HOW YOUR DUES DOLLAR IS SPENT

