

January 5, 2009

Dear Colleagues,

Response to the Chancellor's message of December 18, 2008:

Point 1:

The Chancellor stated that:

"As many of you know, the District and ACE have been negotiating since early February 2007 on all of the contract articles not resolved during the negotiations which concluded in fall 2006. ... Progress has been made, most notably on December 12 with the District's acceptance of ACE's proposal regarding intellectual property and tentative agreements on the technology article and many job descriptions."

Response:

December 12 was not notable. The ACE negotiating team had been consistently bringing proposals and counter proposals to the table during the entire negotiating process.

The District changed their negotiating team again at the start of the fall 2008 semester. This caused confusion for their team. It took about three meetings before their new chief negotiator had in his possession the correct version of the articles that were being worked-on. This meant that it took until October 3 for any valid work to take place. At the October 3 meeting the following agreements were reached: academic calendar for 2009-2010, change of associate faculty maximum load from 60% to 67%, and determination of what remained for Article 26A and job descriptions. Over the next few meetings documents were exchanged between the two teams. The District kept using meeting time to urge ACE to settle the contract using only the District's proposals and counter proposals instead of negotiating.

At the November 21 session ACE presented detailed modified job descriptions. On December 12 the District, in a one page proposal, stated that they would accept a proposal on technology and intellectual property. There was a problem in accepting this immediately. The District did not include the text of the articles in question. The ACE team wanted to review the articles before signing the tentative agreement. They obtained copies of these articles and carefully reviewed them. This was time consuming. Also at this meeting a number of job descriptions, which had been presented at a prior meeting, after review were accepted by both teams.

Respectfully submitted,  
Susanna Pancella  
ACE Secretary

----- Original Message -----

Subject: Chancellor's Update

From: "John Hendrickson" <john\_hendrickson@wvm.edu>  
Date: Thu, December 18, 2008 6:42 pm  
To: "All Mission Users" <all\_mission\_users@wvm.edu>  
"All WVC Users" <all\_wvc\_users@wvm.edu>

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Dear Colleagues:

As my first semester as Chancellor of the West Valley–Mission Community College District nears its end, I want to thank you all for the very warm welcome you have given me during my first months here in the WVMCCD community. While our students are now breathing a sigh of relief that finals are over, I know that employees are busy finishing up their projects so they can enjoy time with family and friends. Before everyone scatters for the break, I'd like to provide an update on activities throughout the District.

Congratulations are due to our Colleges for developing environmentally focused classes that have attracted media attention, especially since "green collar" jobs are in demand during this current economic downturn.

Bond construction is proceeding on schedule with West Valley's Science and Math addition set to be completed by next year. As you can see by the cranes and open ditches, the Fox Technology Center construction has begun and the infrastructure project is in full progress. The design of the Mission College Hospitality Management remodel is complete and the construction bid and award will be done later this year. Everyone has demonstrated great patience during construction, especially during the hectic last weeks of the semester.

The winter issue of our quarterly District newsletter will be posted on our re–designed District website, wvm.edu, before the New Year, and will include features on outstanding graduates, recognition of the Advancement Foundation's efforts to raise private funds, and new career programs at the Colleges.

Thanks to the efforts of instructors, staff and administrators, our fall enrollment has increased. A substantial grant from the Land Corporation infused the College's marketing budgets, and research indicates that our outreach efforts have been successful. We are also making use of "free advertising" by placing stories in media outlets and producing a cable TV show at the West Valley College studio that airs in approximately a million homes. Please let me or Ruth Carlson, the Public Information Officer, know if you're interested in

appearing as a guest.

As promised, the District has been sharing emails with you from Sacramento regarding California's budget projections. The latest news from the State Chancellor's Office makes it clear that our District will have to cut more than the \$9 million outlined by the Community College Brain Trust (CCBT). The CCBT report requires cooperation in negotiations to implement several key recommendations. The District will need a combination of budget cuts, resource improvements, and efficiencies to make up this shortfall during 2009-10. Presidents of both the Academic and Classified Senates at each College have publicly taken leadership roles in adapting the recommendations of the organizational review report to solidify the District's financial future.

As many of you know, the District and ACE have been negotiating since early February 2007 on all of the contract articles not resolved during the negotiations which concluded in fall 2006. In November 2007, ACE ratified and the Board approved 33 articles. During the past year, except for the summer, the District has continued to negotiate with ACE on the remaining articles, including job descriptions, the appraisal process, a new technology article, and a new intellectual property article. Progress has been made, most notably on December 12 with the District's acceptance of ACE's proposal regarding intellectual property and tentative agreements on the technology article and many job descriptions.

You probably noticed in the organizational review report that there is an opportunity for the District to save between \$250,000 and \$500,000 per year in prescription costs without changes to this benefit. The savings would be generated by changing our pharmacy benefit administrator and related procurement practices. This move was unanimously endorsed by the District Benefits Committee, which includes members representing all of the unions. Because Walgreen's is specifically named in the collective bargaining agreements with ACE and SEIU, the change in pharmacy benefit administrators must be negotiated. The District has offered to negotiate on this, and has provided all of the information requested by ACE and SEIU. Because neither ACE nor SEIU have agreed to resolve this issue at the table, this opportunity to realize a significant savings with no change in benefits is being forfeited.

Finally, as recently as Wednesday, December 17, the District attempted to resolve a stalemate with ACE over the impending December 31, 2008, reversion of the load base for science and nursing lecture classes from 15 to 18 (based on an 18 week semester). As a necessary part of that discussion, the District was prepared to negotiate compensation for hours by arrangement, an issue which had also

reached a stalemate with ACE. The District offered to bargain both the science and nursing lecture issue and the hours by arrangement issue. ACE refused to bargain both issues together and so the parties were unable to negotiate a resolution.

In both of these areas, the District continues to seek a collaborative relationship with its larger employee unions to achieve goals of mutual benefit to the District and its employees.

Thanks to the efforts of instructors, classified employees, and administrators, we are serving more students and together we can even do better to get out the good news about our programs and services. In the months ahead, we are all going to need to pull together, as we have in the past, in order to continue our commitment to the students of Santa Clara County.

I feel confident that with the help of our academic and classified senates and administrators, along with productive union negotiations, we will make the changes necessary to look toward the future with confidence. I am looking forward to the holiday break and a return to work in 2009.

Warm regards,  
John