



ACE
Association of College Educators
West Valley Mission Community College District
Office at Mission or send email to: ace@wvm.edu
Web Site <http://wvmccd.cc.ca.us/ace/>

APPROVED MINUTES
Thursday, February 19, 2009
West Valley College BU9 at 3:00 pm

MEMBERS PRESENT

| Present | Member | Present | Member |
|---------|---|---------|---|
| x | Roberta Berlani, WVC, FT Rep, Vice President | x | Susanna Pancella, MC, Secretary |
| | Randy Castello, WVC, Chief Negotiator, Budget Analyst | x | Eric Pape, WVC, FT Rep |
| x | Donna Frankel, AF Rep At-Large | x | Rod Pavao, MC, FT Rep, Grievance/FSA Specialist |
| x | Richard Greco, WVC, Grievance/FSA Specialist | x | Leslie Saito, WVC, FT Rep |
| x | Ed Kleppinger, MC, FT Rep, President | x | Ashley Sousa, WVC, FT Rep |
| x | Pat LaVallo, MC, FT Rep | | Doug Temkin, WVC, Newsletter Editor (attendance optional) |
| x | Rob Leadbeater, MC, AF Rep | x | Marge Thronson, WVC, AF Rep |
| x | Louise Lodato, MC, AF Negotiator | x | Jim VanTassel, MC, FT Rep |
| x | Ellen McAlister, MC, Negotiator | | Sallie Wisner, Web Master (attendance optional) |

Guests: Diane Rudy, James Andrews, Chancellor Hendrickson

I. CALL TO ORDER The President called the meeting to order at 3:08 p.m.

II. ORGANIZATION

III. AGENDA: No changes

IV. MINUTES Motion: To approve the minutes of the Feb. 5 meeting. (M/S/P) (Kleppinger/Thronson)

V. REPORTS

A. President:

- At last week's joint District Council and DBAC meeting the new acting VC of Finance announced that the District was in negotiations with the other units re: a retirement incentive. To date there has been no BOT approval on this. We will see if approval is given at tonight's meeting.
- At MCAS meeting last week the Chancellor announced that there would be no pink slips for 2009-2010 but that he was also looking at 2010-2011. To date the BOT had not yet authorized this.
- At the joint DC/DBAC meeting the Chancellor gave an organizational review implementation matrix. This contains all comments that were received regarding the BT's recommendations. He has identified who is responsible for each recommendation; playing fields, some time frames and status report have been indicated. This will be duplicated and sent to the Council.
- At a meeting with James Andrews on 2/18 he verified that for the AF, who had not paid nor correctly placed on their appropriate steps, the correction should now be complete.
- MC PGC reviewed the plans for 2009-2010. At census date MC had exceeded its FTES goal; MC's efficiency rate went from 485 to 586. We would like to see this information from WVC.

- Requested that the VP of Instruction send to all faculty the weekly status of the enrollment and the WSCH/FTE goal that is being achieved by division.
 - At the last BOT meeting both college Presidents announced that their enrollment was better than anticipated. It looks like we will recapture all of the lost FTES from the HBA problem.
 - Thank you to the negotiating team for their hard work and persistence. With all of the current information it was good that we did not rush to close the contract.
- B. Vice President:** attended the following meetings: Benefits Committee and the ACE Forum. There was discussion about benefits and what the faculty wanted. Some ideas were presented about meeting the budget deficit. The faculty does not expect all of the money to be found in one area or from one group.
- C. Secretary:** the announcements for ACE elected and appointed positions will be sent out. The ballots for the tentatively agreed to articles for the 2005-2008 ACE Contract will be sent out the week of Feb. 23; the vote ends on March 13; forums will be held the week of March 2. The plan is to have all elections completed before spring break.
At the MC Forum there were over 30 faculty members in attendance. They indicated strongly what they considered as a bottom-line. There was some discussion about efficiency. There were questions about load matters.
- D. Treasurer:** None
- E. Budget Analyst:** None
- F. Newsletter Editor:** we would like this to be sent out the week of Feb. 23.
- G. Associate Faculty:** In mid-April 2009 there will be a CPFA meeting for part-time faculty held at MC. Help will be needed. There will be a retirement workshop for part-timers at this event. Can ACE partially cover some of the expenses for their part-time faculty members to attend? This could be by a donation or free lunch. More information will follow.
Request from ACE: please draft a request for money or work that ACE could do for this meeting. Please bring this to the next meeting.
Even though there is finally a sign indicating its location there are still concerns about the WVC Part-time Center. Other groups are still using it for storage, etc.

VI. CLOSED SESSION

- A. Confidentiality
- B. Negotiations: status current contract, next contract
- C. Load Committee
- D. Health Benefits
- E. Personnel Matters/Grievances

REPORT OUT OF CLOSED SESSION:

- Negotiations: the negotiating team shared their work with the Council. The Council is preparing steps to be taken for the next contract.
- Load Committee: no curriculum was presented at the last meeting.
- Benefits Committee Report: the consultant came with multiple options on how we can modify the health benefits to save money for the District without affecting the coverage. This will be reviewed over the next few months.
- Personnel matters were presented and a brief status report given; there are no grievances at present.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

Negotiation Update: We have essentially closed the contract.

- The job descriptions are in alignment with Title 5 in terms of minimum qualifications; we have asked that the District's position control file match this. ACE will get a copy of the position control file annually.
- There will be evaluations for distance learning and work experience instructors; an LOU was created so that evaluations can take place. This means we do not have to wait for contract ratification. This was also a big item for accreditation.
- There are tentative agreements for Articles 8 and 18, new Articles (52 and 53) and job descriptions.
- After contract ratification there will be a new contract printed.
- Article 26 will rollover to the next contract and work on it will commence with the new contract negotiation sessions. All of the work we have done will not be for naught.
- We managed to get another opportunity for the faculty to select the second Window of the retirement incentive offered in spring 2008 – lump sum payment and STRS+2; there is no SERP option.
- We also have a “no pink slip” qualifier in the agreement. We knew this is of concern to many faculty. The pink slip promise is not contractual; we have a signed promise.
- Overall it is a good package; we completed a great deal of housekeeping.

Concerns:

The MCAS has requested that ACE attend part of a Senate meeting to discuss the boundaries between what the Senate handles and what ACE and collective bargaining handles. We will arrange for this to take place. We should also have a similar discussion with the WVCAS. Our attorney has presented a position paper on this matter. A Council member pointed out that the Senates have to be careful what they discuss and what resolutions they pass; it is possible for them to trump and interfere with negotiations. For example, there are different types of reassigned time – one is contractual, which is just for division and department chairs; the other is the shared governance reassigned time. These are different; the contractual reassigned time does not include the shared governance reassigned time. These two should not be mixed – ACE handles the contractual reassigned time; the Senate does not handle or discuss this. Also the Load Committee is a contractual committee and not shared governance. The process a course should go through: the Curriculum Committee for approval, to the Load Committee to be loaded, to the Board for approval and then finally it offered in the schedule and taught. There are courses that are currently being offered that did not go through this process. This is a problem.

The Senates will be contacted about these concerns.

Chancellor Hendrickson: this was an informal meeting. Introductions were made.

- He commented that talking to ACE should be like talking to the team; he feels that unions have a place. It is important that employees have a voice. Unions serve to ensure that things are not done arbitrarily. There are capable people who represent the faculty's interests, often zealously.
- He commented on the negotiation session that went until 6:30pm on Wednesday 2/11. The result was a proposal to close the 2005-2008 contract. At this time it was voiced at the table that it was about time that there be a public statement about no teacher layoffs. I drafted a statement to this effect, shared it with Trustee Lucas as an email document, and it will be discussed in closed session at the Board meeting tonight. During this session we should have a document stating this. It is Trustee Lucas' intention to read this statement in open session.

Questions/Comments:

- On the “sunshining” of the ACE contract there seems to have been an omission; how do we address this? Three summary paragraphs are missing; they should be part of the ACE document. The Chancellor suggested a method for getting this information into the record.
- The acting Vice Chancellor of Finance at District Council made a good presentation about addressing the issue of the budget deficit using open vacant positions. He used some wording

that was cause for concern. He referred to “open budgeted” positions. We thought that the Board had directed that any time a position became vacant that it would be defunded. The Chancellor stated that the terminology gets odd. There is a long list of defunded positions; there is also a list of unfilled positions. The defunded positions have been there for some time. There are positions that become vacant and when this happens we have this “managed” freeze in effect. We go through a checklist to determine if they are essential, whether they should be held open. We don’t want the effects of the organizational review throttled because a job was filled that could have become available for restructuring. A few jobs have been grant funded. The WVC President and Associate Vice Chancellor positions have gone through this process. We know that there is a list of retirements that will be coming. These positions will become vacant and go on the list to be reviewed. This list will be reviewed with the colleges; we would like to review the positions that we wish not to eliminate. There is a deadline next month of going to the Board with an action item to eliminate the group of defunded positions; this is my recommendation. These positions will no longer exist. When there is a need we determine together what the position is and justify it at that time. We have a position control system in which every position has a number; if there is no number then there was no Board authority for the position. There must be a record.

- Would you please talk about the Brain Trust recommendations? Much work has been done on this. Many have reviewed the report and have seen the matrix that has been developed over time. There is a comment sheets that have come in from the colleges, from the Administrative Council, which is the shared governance group at the District office. All of this information is on the web and available to be printed. I have made an oral report at the last Board meeting and this was made into a Chancellor’s message and posted with the organizational review on the internal web. He has laid out the calendar events that have taken place to-date and the dates by which there must be further action. Next, District Council will have an opportunity to see the entire matrix; the work is subject to change. The work is to take all of recommendations and suggestions in the report and put them into a matrix so we can assign a responsibility to a person to get something done by a certain date. There will be suggested start dates, ending date, and status column. We are going to use this to see if there is actual progress. There are some items listed that the Chancellor does not personally agree with, e.g. saving \$200,000 on temporary and student hourly pay checks. There are some items that are one-time costs, which may be appropriate for the Land Corp to consider funding. If this happens this will save the General Fund a considerable amount. For example, there is a large price tag for the retirement incentives, software package purchase, etc. We have a package proposal of \$830,000 – recruitment, marketing, and retention – management is recommending and presenting to the Land Corp tonight. HR is doing an audit of retiree benefits, position control component, online hiring process for short term and temporary employees comes to about \$145,000. Information systems have software packages for \$160,000. The big items are retirement incentives. We are asking the Land Corp to fund this program. The range of this can be from \$1.3million to \$3million depending on whether the Land Corp sees this as an annual installment or a one-time payment to save interest payments. There are items not being recommended to be funded by the Land Corp; for example, a computerized grievance process. If the Land Corp agrees to our proposal this will go a long way to be a part of our budget solution. We will present the information to the Land Corp tonight but give them until March to decide.
- The report wanted us to eliminate 35 positions. I believe there are 21 who have put in for retirement. Is there an update on this figure? Another recommendation was to clear up the Position Control File – when will this be done? Chancellor stated that they intend to have the Position Control File cleaned up by June 2009 at the latest. James Andrews stated that there were 35 retirees – there were 21 selecting STRS, 4 selecting the SERP, and the others selecting

the cash option. Also, we were working on the Position Control File even before the Brain Trust recommendation. We have been negotiating the job titles with ACE. HR will own the Position Control File. Chancellor: we are attempting to clean-up 20 years of practices. Between payroll, finance and HR we don't always have the exact same record. In the end we want a single record. Saturday, Feb. 21 is a Board budget workshop from 8:30am to noon. At this workshop we will state to the Board the Chancellor expects with the number of faculty retiring and resignations that we will be hiring in the 2010-2011 year to meet our FON. With the increase in enrollment he believes that our FON will be rising at a time when we have reduced faculty.

- Will the statement coming from the Board tonight re: "no pink slips" include 2010-2011? The statement tonight will cover just the year 2009-2010. President Kleppinger commented on some confusion at the Academic Senate meeting where they thought this covered two years. Chancellor: at the Senate meeting he said that it was for this year and next. He wanted to make the statement so that it was understood that there would be no general classified staff layoffs this year and next. Notice for classified is 45 days. There is a caveat for classified in that this statement is contingent on no surprises in the State budget or that our increase in enrollment caps off. This would change our staffing requirements.
- Will the information going to the Land Corp include the fact that we will be offering another time frame in which people may elect the retirement incentive? Chancellor: the Board already knows about this. In closed session this will be discussed and we hope they will come out of closed session stating that they agree with this. The STRS resolution will have to come from the following Board meeting.
- I am a teacher in the Court Reporting program; our chair will be retiring at the end of this year. There has been no incentive to hire a replacement for this person. There are five associate faculty in this program who will have to split the retiring person's load in order to carry on this program. This is not very efficient. The Division Chair over this program spoke on this subject at the last Board meeting; there was no response. Do you have any response about this? Is there any way that we can turn this around? Chancellor: the President and College Council would have to present this. I cannot say much. Faculty: The College President has recommended that a person be hired. Chancellor: at EMT we were going through this issue of the number of early retirements and would any of these be replaced. The direction going in was that none of these would be replaced; the WVC President has made a special effort to campaign for this position.

Chancellor's final statement: we are going to be working with ACE. He has served as chief negotiator in other jobs that he has had. He believes it is an opportunity to assure that the parties aren't confusing things and come up with things in writing that we all understand and can implement so that it eliminates issues. We are going to have some items that we think are important in the future of the colleges. But they will be at the table and we are looking forward to getting going.

President Kleppinger invited the Chancellor to continue to have these discussions with ACE on a regular basis.

Chancellor: liked the way that this meeting worked. He was concerned that this meeting might have been an unsatisfying discussion because he would be asked about things that he could not talk about because they were being addressed at the bargaining table. If the meetings are making certain that we see and understand each other then he would be open to future meetings.

The ACE Council thanked the Chancellor Henrickson and James Andrews for attending this meeting.

IX. FUTURE BUSINESS

Next regular ACE meeting: Thursday, March 5 at Mission College at 3pm in W1-602.

X. ADJOURNMENT The meeting ended at 4:47pm.

Respectfully submitted,
Susanna Pancella, Secretary