

# *ACE Update Newsletter*

**ACE - Association of College Educators**

**West Valley-Mission Community College District**

*February 2007 Volume 15 Number 2*

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## **President's Message**

WELCOME to the first newsletter for the spring semester from the ACE Executive Council. This semester the Council is planning on utilizing multiple avenues to engage the membership in discussion on many topics. To this end, a series of open, informal faculty meetings for suggestions/ideas on the ACE Constitution and By-laws will be announced shortly. The first meeting is already planned for February 15th at Mission College from 3:30 to 5:30pm, the time allowing participation of the Mission College Academic Senate.

As a starting point for discussion, a draft of the Constitution and Bylaws, including changes the previous Councils have identified over the past three years is available at the ACE Web site, <http://www.wvmccd.cc.ca.us/ace/>.

On another front the ACE Council and the Academic Senates are trying to establish a working relationship on common issues. I look forward to reporting more on this topic as the semester progresses.

As part of a push for contractual compliance in regard to part-time-faculty appraisals leading to Re-Employment Preference status for many Associates, ACE and the District are also discussing a series of workshops/training sessions for the Division Chairs of the two colleges.

The recent court ruling on our 50% Law suit (See page XXX) has sparked a lot of discussion throughout the state. Both independent and national unions are interested in how they might use our methodology and legal precedent to assist them in regards to their own 50% Law situations. I have already been contacted by various union leaders suggesting meetings with various elected and appointed officials.

Finally, the Council wishes to remind full-time faculty of their six-hour per semester Flex activity obligation. **- Ed Kleppinger, President, ACE**

# Negotiations Update

by Randy Castello, Chief Negotiator, ACE

Spring negotiations commence on Friday, February 9, 2007. In addition to myself, your ACE negotiating team includes Ellen McAlister, Louise Lodato and Susanna Pancella. The District team will be headed by James Andrews, Associate Vice-Chancellor of Human Resources.

There are numerous articles still being negotiated. In many of these articles, we are simply trying to “clean up” the contract language, hopefully making the language easier to read and understand. In some of the articles, we are asking for substantive changes. These articles include:

- Article 20 Performance Goals
- Article 21 Organizational Structure
- Article 26 Performance Evaluation
- Article 30 Sick Leave
- Article 31 Personal Necessity Leave
- Article 32 Maternity Leave/Family Leave
- Article 40 Sabbatical Leave
- Article 47 Professional Growth and Development

Finally, we are negotiating two new articles with the District: Article 52, Intellectual Property and Article 53, Technology.

We are hoping that these negotiations will mark the beginning of a “new day” in our negotiations with the District and our “new” Board of Trustees. As a team, we do not believe that you can ever completely remove the adversarial nature of negotiations, but we are committed (as always) to working towards a fair agreement that is satisfactory to both parties. Both the District and the ACE negotiating teams have expressed a commitment to complete negotiations on all of these articles by the end of this Spring semester.

If you have any questions, comments or concerns on any of the articles listed above, feel free to contact any of your Council members or members of the negotiating team.

Finally, a reminder that the current contract (and the articles we are negotiating this semester are for the current contract) runs through June 30, 2008. Therefore, negotiations on the “new” (2008-2010) contract (which will then include negotiations on compensation) will not begin until sometime next academic year.

# New Contract Salary Payment Schedule

It's complicated, folks, but here's when the District should be showing you the money.

## **Increases Under the 2005-2008 Contract**

### **PAYMENT AMOUNTS**

#### **All Faculty (Full-time and Part-time)**

##### **2005-2006 academic year**

4% raise

Paid retroactively in January 2007 paycheck (issued mid-December 2006)

##### **2006-2007 academic year**

5% raise

Paid retroactively through January 2007 in January 2007 paycheck (issued mid-December 2006)

##### **2007-2008 academic year**

3.3% raise (tentative) [COLA (Cost of Living Allowance) minus .7%]

#### **Associate (part-time) Faculty**

##### **2006-2007 academic year**

1% parity raise (translates to 1.5% raise in salary)

##### **2007-2008 academic year**

1% parity raise (translates to 1.5% raise in salary)

### **PAYMENT SCHEDULE**

- Beginning with the November 30, 2006 paychecks, all pay has been at the new 2006-2007 amounts, which includes the parity increase for part-time faculty.
- All faculty paychecks for 2005-2006 AND the first three faculty paychecks for 2006-2007 were at the old 2004-2005 rates.
- December 31 checks included the 4% retroactive increase (on full-time faculty pay only) for 2005-2006--this was reflected in the first retro line item on our paystubs.
- December 31 checks also included both the 4% and 5% retroactive increase (on full-time faculty pay only) for the first three paychecks for 2006-2007--this was the second retro line item on our paystubs.
- For part-time and full-time overload paychecks paid from 7/1/05 through 6/30/06, the 4% retroactive increase will be paid in the January paychecks.
- For part-time or full-time overload paychecks paid from 7/1/06 through 10/31/06, the 4% and 5% retroactive increase will be paid in the February paychecks. For part-time faculty this retroactive paycheck also includes the 2006-2007 parity increase.

# 50% Law Suit

By Doug Temkin, ACE Update editor

At the ACE Council meeting February 8 ACE attorney Robert Bezemek reported on ACE's lawsuit alleging violations by the District to the state's 50% Law requiring 50% of revenues be used for instructional purposes. Calling the decision a "real plus" for faculty, Bezemek advised the Council that the judge in the case reversed his earlier ruling and found the suit can move forward to trial.

According to Bezemek, the next step for this case is to prepare for trial or to reach a settlement with the District. The lawsuit will next enter the "discovery" or "interrogatory" phase, in which the plaintiff, ACE, has a right to ask questions the defendant is required to answer. To this end Bezemek is preparing drafts to be served to the District.

Following the discovery stage, if the case is not settled out of court, it will go to trial, and ACE will submit testimony and documentation, including agreement already obtained from the State Chancellor's office that the District has been out of compliance. (Bezemek explained that the facts of the case are not in dispute; rather, the issue is interpretation regarding enforcement of the law.)

Many districts and faculty organizations, including CFT and FACCC, are watching the case with interest. There have been only four 50% lawsuits filed in the history of the State and all have been fought tenaciously by districts and by the State. Of the four, two were settled out of court and one, at College of Marin, ended with a court order resulting in payments of over a million dollars to the plaintiff and increases on the salary schedule.

## Faculty Reminders

- Check the ACE website for contract and union information, Council minutes, announcements: [www.wvmccd.cc.ca.us/ace](http://www.wvmccd.cc.ca.us/ace)
- Review the ACE Constitution/Bylaws draft at the ACE website and send any comments or feedback to the ACE Secretary (contact information below) by March 2.
- If you are due for an evaluation please make sure that you are being evaluated. Please check with your department or division chair for this information. If there are any questions or problems please contact the ACE Secretary (contact information below).
- Get involved! In the near future there will be announcements for involvement in ACE faculty committees. Please sign up. Information to follow.
- With the calendar contract changes all full-time faculty at both campuses are required to complete six (6) hours of flex activities each semester (fall and spring). (See ACE Web site for 2006-2007 calendar approved by the faculty in October.)

Contact: ACE Secretary, Susanna Pancella at [susanna\\_pancella@wvmccd.cc.ca.us](mailto:susanna_pancella@wvmccd.cc.ca.us) if you have questions or concerns on any of the above reminders.

# Dates to Remember

## General Information Dates

- February 2 Pre-retirement banked leave plan must be submitted to HR for fall 2007.  
February 2 Members on paid leave must notify appropriate college President of intent to return in fall 2007.  
February 9 Banked leave usage request for fall 2007 must be submitted to HR.  
February 12 FSA request to be submitted to HR to be reviewed week of February 26.  
April 2 FSA request must be submitted to HR to be reviewed week of April 16.  
April 6 Written compliance reports due to the PGD committee.  
April 6 Associate Faculty apply for insurance reimbursement.

## Faculty Evaluation Dates

- February 21 Evaluation Teams for Regular and Associate Faculty submitted to Office of Instruction by this date.  
February 23 Performance appraisal pre-appraisal conference for non-tenured Contract (full-time) faculty should have been completed by this date  
March 2 Performance appraisal pre-appraisal conference for Regular and Associate Faculty should have been completed by this date.  
March 5 - April 20 Student and other appropriate appraisal surveys should be completed for non-tenured Contract (full-time) faculty.  
March 5 -May 4 Student and other appropriate appraisal surveys should be completed for Regular and Associate Faculty.  
April 20 All Contract (Non-Tenured) Faculty observations completed by this date.  
May 4 All Regular and Associate Faculty observations completed by this date.  
Week of May 14 Post-appraisal conference should have been held and appraisal summary forwarded to the Office of Instruction by the end of this week (May 18).

**Grievances** In general, a grievance has a time limit. A faculty member has only twenty (20) days from the date they know or reasonably should have known of an alleged grievance to initiate the grievance. (See Contract, Article 48.)

# ACE Informal Meetings

The ACE Council is reviewing the ACE Constitution and Bylaws. To facilitate dialog about these documents,

West Valley College ACE representatives will host two informal meetings:

Monday, February 26, 4:00-5:30 AAS 34

Tuesday, February 27, 4:00-5:50 AAS 34

Mission College ACE representatives will host two informal meetings:

Thursday, February 15, 3:30-5:00pm E3-301 (ACE Council open session)

Thursday, February 22, 3:30-5:00pm E3-301

On the ACE webpage ([www.wvmccd.ca.us/ace/](http://www.wvmccd.ca.us/ace/)) is a link to a rough draft of proposed suggestions. Any faculty member from either college may attend any or all of these four meetings.

# ACE Council Meetings for Spring 2007

Be on the lookout for an email announcement and agenda before each ACE Council meeting. All meeting dates, times and locations are subject to change. At present the meetings are scheduled as follows:

<u>Date</u>	<u>Campus</u>
Feb. 15*	Mission
March 1	West Valley
March 15*	West Valley
April 5	Mission
April 19*	Mission
May 3	West Valley
May 17*	West Valley

Mission College are scheduled for Room E2-301 and those at West Valley College are scheduled

for Room 9, Business Department.

\*Open session meetings are scheduled for 2/15, 3/15, 4/19 and 5/17. The open session will begin at 3:30pm and end at 5:00pm.

## **ASSOCIATE FACULTY MATTERS**

### **How the Associate Faculty Salary Schedule Works**

**By Randy Castello, Chief Negotiator**

After the most recent round of negotiations on compensation, it was brought to my attention that when ACE Council communicated with faculty that the full-time salary schedule would be increased 4% in 2005-2006 and 5% in 2006-2007, many of our associate members were unclear as to whether those increases applied to them. I want to apologize for the confusion; when you work with these articles long enough, you start assuming that everyone else knows what you know! Therefore, I would like to explain how the Associate Faculty Salary Schedule is derived and also how fits into the picture.

Full-time faculty are paid on the Full-Time Academic Salary Schedule. This salary schedule has multiple columns (A through F) and multiple steps. Column placement is dependent upon each individual faculty member's educational background and step placement is dependent upon the member's years of experience.

The Associate Faculty Salary Schedule is computationally derived from Column B of the Full-Time Academic Salary Schedule. The salaries included on the full-time schedule are annual salaries, but associates are given semester-based contracts. Therefore, the amounts in Column B must first be divided by two to get per semester amounts. Associate faculty are then paid a percentage of these per semester amounts. This percentage is called the *parity percentage*.

Our ultimate parity goal is to get our associate members' total compensation to 88% of our full-time members' compensation (note, total compensation would include both

salaries and benefits). In 2004-2005, this parity percentage was 66%. In 2005-2006, we negotiated an increase in the parity percentage from 66% to 70%. And for 2006-2007, we negotiated an increase in the parity percentage from 70% to 71%. So, for 2006-2007, the Associate Faculty Salary Schedule is computed as follows:

The associate salary amounts represent the pay for a load of 1.000 (that is, a full load), so the amount in the salary schedule is multiplied by the load of the individual course taught to determine the amount of compensation for that course. For example, an associate member on Step 8 of the salary schedule who is teaching a 3-hour lecture course which carries a load of .200 would receive compensation of \$22,065 x .200 = \$4,413.

Therefore, anytime an increase is negotiated in the Full-Time Faculty Salary Schedule, the Associate Salary Schedule automatically increases, too. Anytime an increase is negotiated in the parity percentage, the Associate Salary Schedule automatically increases.

And just some final information---all of the hourly rates are computationally derived from the Associate Salary Schedule; that is, the hourly rates are computed by dividing the Associate Salary Schedule amounts by the total hours per semester spent in a member's primary assignment (per the load chart in Article 18).

## **Notes from Your WVC Associate-Faculty Representative**

I hope all Associate Faculty have noted the increase in medical insurance coverage to \$1,000 per semester in Spring 2007. Also included in the new contract are dental, vision and prescription drug insurance - nice additions! I personally have used Golden West Dental and Vision insurance for at least 10 years. The cost is approximately \$59 per year and includes a vision exam for \$39 (the actual cost is twice as much). It also has reduced fees on all other vision and dental services. A member does need to be willing to use the dentists and optometrists under the Golden West plan. I consider my optometrist to be one of the best in the area and will be happy to share information about him with anyone interested.

The other choice, Delta Dental, is \$573 per year for a family of four. Basic cleaning, x-rays, and basic fillings are completely covered. As with Golden West, you must use the dentists covered under the plan. Note that no vision is included. Prescription drug insurance is also now covered under the new contract. Please note that this is only for *prescription drug insurance*, not individual prescriptions.

In order to apply for medical benefits, an associate faculty member must have REP and be carrying at least a .067 load. Your load is always on your contract, and you can check with your department chair if you are not sure about REP (3 evaluations over 6 semesters). You do need to list the date that you received REP. All paperwork must be submitted to Lucy Clementi, Human Resources at WVC, by the first Friday in April, which is April 6. Luci has said that the deadline is firm, with no exceptions, so make a note. You need to attach an Associate Faculty Benefits Reimbursement Form to the paperwork. You can download the form online under "HR Documents" and then under "Benefit Documents". If you have further questions, Lucy can be reached at (408) 741-2168.

**- Marge Thronson, WVC Associate-Faculty Representative**

## **Seniority Added for Associate Faculty Assignments**

This semester new contract articles regarding Associate Faculty assignments take effect. There are two important changes in the new contract. First, in Article 19 overload assignments: Full-time faculty from other departments no longer have a priority over associate faculty when assignments are made. Full-time faculty are now to be considered associate faculty for those assignments and will be given assignments based on the same criteria used to make associate assignments.

The criteria for associate assignments has also been expanded to include two new additions. In article 100.7 we now have Section J: semester or term of first department assignment and Section K: history of assignment load as determining factors for assignments. These added criteria will now strengthen the Reemployment Preference and give it real meaning. This is a simple, clear, and non-discretionary way of making assignments to faculty who are doing the same work when all other factors are equal. No longer will the assignment of one section satisfy REP, but your assignment must be what you have regularly been assigned before new or less- senior REP faculty receive an assignment.

These changes were made in an effort to create more stability and security for associate faculty. The goal is not to create privileges for a few but to protect all from unfair assignments based on prejudice, influence or other personal motives. Departments will also feel the benefit from these changes as they find they will have a more stable associate pool, with well-trained professionals and a lower turnover.

*- Louise Lodato, Associate Faculty Negotiator*

## **Notes from Associate-Faculty Representative-at-Large**

We Hear You, Part-Time Faculty

- All faculty members (part-time and full-time) are eligible spring to register for up to three units of any WVMCCD spring semester class free of charge. The unit and student fees will be refunded

upon successful course completion, whether taken for credit or a grade.

- Please be advised! The new contract contains a change in reference to the faculty evaluation process. If you have been employed by the District and taught as required by Article 100 for at least three years and have not been evaluated three times within those six semesters, then you may request assistance from an ACE Grievance Officer to address the lack of evaluations. (See

Contract Article 100.9 Re-Employment Preference at the ACE website, [www.wvmccd.cc.ca.us/ace/](http://www.wvmccd.cc.ca.us/ace/).

- Also if you are eligible and have not received a specific letter stating that you have re-employment preference, please contact Rose White in the Human Resources Office. If you have any questions

please contact any ACE representative.

*- Donna Frankel, Associate Faculty Representative-at-Large*

## **ACE COUNCIL**

President	Ed Kleppinger	MC	Sociology/Humanities
Vice-President	Roberta Berlani	WVC	Biology
Secretary	Susanna Pancella	MC	Computer Applications
Treasurer	Ed Janke	WVC	Architecture
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MC Associate-Faculty Representative	Rob Leadbeater	MC	Business/Management
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Negotiator	Ellen McAlister	MC	Learning Services
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Newsletter Editor	Doug Temkin	WVC	English

ACE Web site: <http://www.wvmccd.cc.ca.us/ace/>

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