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**Subject:** Message from ACE to Unit One Employees  
**Date:** May 18, 2011 10:52:04 AM PDT  
**To:** Shelley Schreiber <schreibershelley@fhda.edu>  
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Good Morning Unit One ACE Employees,

I have received questions about voluntary reductions of contract from a number of you in the light of the Foothill-De Anza CC District's charge to managers to provide proposals for budget reductions in their areas. Specifically, may a manager ask for concessions from you, such as contract or salary reduction, in order to mitigate department/district layoffs and program reductions?

I have received numerous reports that many of you have been told by your managers that it's OK for them to ask you about what you are willing to do in the way of reducing hours, salary, benefits and other terms of employment in order to mitigate layoffs (including your own) or to avoid program cuts because you are "volunteering" this information and are willing to act upon it (i.e. making a voluntary request).

**Please be clear that the above management stance is NOT correct.**

If you have been asked by your manager to suggest or agree to concessions regarding your position for the purpose of avoiding layoffs and/or program reductions, **this does not meet the criterion of a voluntary request.** If you have been in a meeting where the subject is how your department can cut X percent of its budget while mitigating layoffs or program reductions and you say, without being asked, that you will reduce your hours to save positions, **this is not a voluntary request.**

In the first scenario, you did not initiate the request to reduce your contract, your manager did. In the second scenario, the "volunteering" is a response to potentially negative consequences to yourself and/or co-workers that is arrived at **under duress.** In both scenarios, the situation is not about your individual personal needs or wishes to reduce your contract; the situation is about a district-wide budget problem that affects all classified workers.

When a situation has consequences for the entire Unit One classified staff, it is a bargaining situation, in which neither your manager nor you are authorized or recognized as the negotiating agent. ACE is the only authorized, recognized exclusive bargaining agent with the FHDA district for Unit One classified in this situation.

**Collective bargaining laws make it illegal for a manager to negotiate with any individual.** ALL bargaining must be done with the exclusive bargaining representative or ACE. Any attempt to individually negotiate should be reported to ACE so that steps can be taken to hold the manager accountable for his/her actions.

**As such, you have certain rights:**

#### **ARTICLE 1 RECOGNITION AND EFFECT OF AGREEMENT**

The District hereby **recognizes ACE** (herein referred to as the Union) as the **exclusive bargaining representative** in ACE for all classified workers holding those positions listed in Appendix E and all classified hourly workers holding those positions listed in Appendix E.1.

#### **ARTICLE 2 NO DISCRIMINATION**

2.1 Neither the District nor the Union shall **interfere with, intimidate, restrain, coerce, or discriminate** against members of the bargaining unit because of the exercise of rights to engage in or refuse to engage in Union activities.

#### **ARTICLE 5 UNION RIGHTS**

5.2.4 [We have] . . . stewards . . . to represent grievants in grievance resolution meetings and accompany employees to disciplinary meetings.

#### **ARTICLE 6 STEWARDS**

. . . the steward shall be permitted to leave her/his normal work during reasonable times in order **to assist in informal resolution of potential grievances and in investigation, preparation, writing, and presentation of grievances.** The stewards shall advise the supervisor of the grievant of her/his presence. The steward is permitted to discuss any problem with all workers immediately concerned, and, if appropriate, to attempt to achieve settlement in accordance with the grievance procedure, if possible on an informal basis.

**This means:**

1. Management interference, intimidation, restraint, coercion or discrimination against you for participation in union activities is against the law. **Report it to ACE.**
2. You have the right to respectfully refuse to negotiate your contract individually with a manager in a private individual or a public group meeting. If a manager insists on bargaining with you individually in this manner, **report this to ACE** so that steps can be taken to hold the manager accountable for his/her actions.
3. You have the right to request that an ACE steward be present at any meeting where you expect, or have been told of possible disciplinary actions. If this request is denied or delayed, **report it to ACE.**
4. If you go into a meeting with your manager and the meeting **you are intimidated or threatened**, you have the right to request that a steward be present. **Report it to ACE.**
5. If a manager insists that you meet with him/her and will not disclose the subject of the meeting, you have the right to inform that person that you will attend the meeting and listen but will not be able to respond without having a steward present. **Report it to ACE.**

I hope this will make it clear to you all that you are empowered by your **ACE Agreement** to decline to negotiate individually with a manager over contract issues that affect the entire bargaining unit; and to request an ACE steward for situations that you feel are inappropriate or intimidating.

Feel free to call or email me if you have questions or concerns.

Best regards,  
Shelley

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United We Stand . . .  
— Aesop

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