

THE ACE REPORT



"Far and away the best prize that life offers is the chance to work hard at work worth doing."

Theodore Roosevelt

"Contributing to the success of our students is work worth doing."

Anonymous



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THE PRESIDENT'S MESSAGE

WHERE IS ALL THE WORK GOING?

As we move toward the absence of positions, whether they are vacant or filled, I hear one thing over and over from both Managers and Staff. It usually goes like this. "We have lost this position and the work must go away. I am not sure how this department is going to get this service to the students and that work is crucial".

According to the ED Code and Article 11 in the contract, every time there is a layoff of a position, **THE WORK MUST GO AWAY**. This means every department suffering a loss must re-organize itself and re-set its priorities or simply do without.

If you read Article 11, in both the new and the old contract (it hasn't changed) the basic rules for layoff are:

1. The work must go away.
2. No one can do over time to replace the work. Some of the work can be re-distributed to other ACE members, but assuming they already have a 40 hour work week, something must be taken away in order to take on additional duties.
3. If they re-distribute the work as mentioned in #2, they must file for a re-organization, and that has to be approved by the union.
4. No one outside the unit can do the work after the position is eliminated. (Temporary workers, Students, Faculty, CSEA, Teamsters, or Managers, and outside contractors).

I know we have very dedicated staff that worries about all the ways they contribute to getting the students down the road. However, do not kill yourself trying to cover the work that has been eliminated. The Administration has made the decision that this work does not have to be done. Don't do it. Unless you are re-assigned the work through re- organization,

PRESIDENT'S MESSAGE / *continued*

the big bosses are saying they are willing to sacrifice this work to solve the budget problem. Don't break your back and burn yourself out trying to do what they have said they don't need, even if you know they are wrong. If you are missing a position in your department, at least 40 hours worth of work has to be eliminated.

What to do when your boss re-assigns the work:

- ▶ If you are given extra duties within your classification, ask your boss what they will be taking away.
- ▶ If you are given duties that are at least 20% (8 hours) of a higher classification, you need to be re-classified. Volume (the amount of work in the same class) does not constitute a reclassification. If your volume increases, the first bullet applies.
- ▶ If everyone in your department is assigned different duties, your boss needs to file for a re-organization.
- ▶ If you are afraid to tell your boss any of these things or you do tell them and they ignore you, contact your steward and ACE will enforce this.
- ▶ If you are on the list and know something within your job duties that cannot go undone and there is no plan to have it done within the unit, contact your steward and let them know.

Little known contract provisions in Article 11 for those on the list:

If you are on the list and close to retirement, you may "Retire in Lieu of Layoff", which means if you are at least 50 and have 5 years, you can retire with your PERS and still be on the 39 month re-employment list.

This is the only way to come back from retirement once you retire as classified with PERS.

You may also retain your re-employment rights if you choose layoff instead of bumping.

If you have suffered a reduction in contact, you are **not** subject to the upcoming benefits changes for new part time hires. You still keep your full time benefits without having to pay for the percentage you were reduced.

There are other benefits after you are notified of layoff besides the 39-month re-employment rights to your classification. They are:

- 11.16.1 Paid medical benefits for 3 months for workers and their eligible dependents;
- 11.16.2 Preference for workers whose work year or hours have been reduced in filling temporary jobs that would ordinarily be filled by short-term workers;
- 11.16.3 Reasonable paid release time for seeking employment for workers who are subject to termination because of layoff;
- 11.16.4 Payment of accrued vacation hours for workers with fewer than six (6) months of service;
- 11.16.5 Priority registration privileges for workers who have been terminated because of layoff;
- 11.16.6 Eligibility to apply for Educational Assistance funds in accordance with the terms of this agreement during the first six months of layoff. Applications for funds shall be submitted to the Director of Human Resources who shall sign in lieu of the worker's former administrator;
- 11.16.7 Career counseling and job placement assistance for workers who have been terminated because of layoff;

***Blanche Monary
ACE President***

ACCREDITATION AND US

I keep hearing about Accreditation. What is it and what does it have to do with me? The main purpose of Accreditation is “to provide assurance to the public that education provided by institutions meets acceptable levels of quality.”

The accreditation agency for the California Community Colleges is the Accrediting Commission for Community and Junior Colleges (ACCJC). In short, if we are not accredited, our students may not have their course work transfer or may not obtain their certificates or degrees, which in theory, could put us out of a job. There are various stages short of full accreditation that are less dire, but **everyone** has an interest in having a successful accreditation visit.

When is the next visit? The next visit is scheduled for October of 2011, but much work needs to be accomplished between now and then, the largest of which is the self-study, to be completed by Spring of 2011. The cycle is every six years. Our last visit was in 2005.

What is the big deal? Don't we just have to update the last one? There have been many changes since the last accreditation visit. The biggest challenge that we have is that we must demonstrate “Sustainable Continuous Quality Improvement” for Program Review and Planning by 2011 and at the “Proficiency” level for Student Learning Outcomes by 2012. This means that we have to demonstrate, or have evidence for accomplishments in these areas, and we can't just say that it is something we plan to do. In addition, we must demonstrate (provide evidence) that we have and have had, broad participation from all groups on campus; yes that means classified staff, in addition to managers, faculty and students. The other fairly new development is that over 40% of colleges undergoing accreditation are

in various stages of risking non-accreditation. In other words, they are getting more serious about making colleges comply with their standards. And it is important to note that when the commission visits, they may question anyone they choose, not just participating staff. So even if you are not involved, you could be asked some questions that will have significant impact. See the end of the article for sample questions.

Are there any other areas with which we may have issues? There are extensive requirements for Distance Education that they are concerned about, especially how we provide support for students in those programs (must be similar to on campus services) and verification of student identification. And we will need to demonstrate how we are doing the best we can to provide support services to our on-campus students as well. With the elimination of so many positions over the past several years, and the proposed layoffs of so many support staff, this will be challenging, especially in the light of ever-increasing student enrollment.

How can I learn more? There is still time to join an accreditation team and ongoing training will be provided. Or, you can view the ACCJC website at <http://www.accjc.org/> to do your own research. The campuses are developing their own websites for information dissemination and updates and will have those up soon. You can also attend the California Community College Classified Senate conference in June 10-12 to obtain detailed training. You do not have to belong to Classified Senate to attend. The conference is for all classified staff. Conference information is available at <http://www.ccccs.org/cli/index.html> . There will also be information at college hour sessions in the coming months.

ACCREDITATION AND US / *continued*

Sample Questions provided from the ACCJC from the Standard Four area of governance for staff:

- ▶ “Can you tell us what are your institution’s goals and values?”
- ▶ Show me how the role of leadership and the institution’s governance and decision-making structures and processes are regularly evaluated to ensure their integrity and effectiveness, and where the institution widely communicates the results of the evaluations and uses them for a basis for improvement.
- ▶ Does your institution’s processes for institutional evaluation and review, and planning for improvements provide a venue where these evaluations are made available to all staff?
- ▶ Do institutional planning efforts provide opportunity for appropriate staff participation?
- ▶ How do individuals and groups at the institution use the governance process to enhance student learning?
- ▶ Provide a **written** policy providing for faculty, staff, administrator, and student participation in decision-making processes. Show me where the policy specifies the manner in which individuals bring forward ideas from their constituencies and work together on appropriate policy, planning, and special- purpose bodies.”

I think you get the idea. There are many more questions that are similar. We must all become more aware of the accreditation process and find out how we can support the effort.

Do you have questions or comments? Please contact Maureen Chenoweth for Foothill or Central Services, or Lois Jenkins at De Anza College.

*Maureen Chenoweth
ACE Board Member
for Foothill*

LAYOFFS – IT'S A MANAGEMENT RIGHT

Foothill De Anza Community College District has determined that because of actions beyond its control (The state budget) it would not receive sufficient revenue to continue funding itself at its then current level. During the '08-09 school year, it eliminated approximately 150 adjunct faculty positions and at the same time eliminated numerous classified positions, effective June 30, 2009. The District also decided to continue funding of those classified positions, even though they had been eliminated as of June 30, 2009, through June 30, 2010 with one time money. These positions have been referred to as Escrow 1.

After these decisions were made during the '08-09 school year, the state eliminated even more budget, approximately 7 million more in general fund money and 7 million in categorical funding that was not addressed during the '08-09 budget cycle. This, unfortunately, led to even more reductions in classified staff and at the beginning of the year (2010) even more positions were identified for layoff effective June 30, 2010. These are referred to as Phase 1 positions.

To make matters even worse, the District, in anticipation of even more funding reductions in the future, has identified another series of classified positions and slated June 30, 2011 as their final date of existence. These positions have been labeled Escrow 2.

Most of the positions in Escrow 1 and Phase 1 have been eliminated and the District has stated on numerous occasions that these positions are gone and there is no intent to keep them. (A few positions may actually continue, but if they do it will be by the use of one time money and they will be gone on June 30, 2011.)

There are approximately 41 full time employees and 39 part time hourly employees affected by Escrow 1 and Phase 1 reductions. The District maintains, at this time, that they cannot afford to lose the Escrow 2 positions and have stated that they are committed to finding the funding to keep those positions. Only time will tell if they are successful or not in preserving those positions. However, they are adamant that the Escrow 1 and Phase 1 folks will be gone **the individuals affected need to find other employment either within the district or outside of it**, even if funding is secured through 2011 for their position.

A few people have questioned why ACE hasn't stopped these layoffs or at least tried to find funding through other sources. Your Union has worked diligently with the District in trying to save as many people as possible. But once the District has decided that they are eliminating a position through layoff, the law is very clear; it is their right to do so. Education Code § 88127 states that classified employees shall be subject to layoff for lack of work or lack of funds. This gives management the absolute right to lay people off in only two situations, a lack of work, or a lack of funds. No one can argue that there isn't a lack of funds in which to justify the current layoffs. The Public Employment Relations Board (PERB) has determined that it is solely a management right to determine whether to implement a layoff.

The Union's responsibility during a layoff is to insure the accuracy of the seniority list and then to meet and confer with the District regarding any classification changes or reorganizations due to the layoffs. ACE has negotiated an agreement with the District giving Escrow 1 and Phase 1 employees the ability to apply for open positions

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LAYOFFS – IT'S A MANAGEMENT RIGHT / *continued*

before they are publicly announced. Further, your bargaining team has met with management to insure that there really is a budget crisis. There is one. ACE has convinced the District to try and keep some positions around for another year with some one-time funds. This is not a fix. It is a band-aid; and every employee identified as being in either Phase 1 or Escrow 1, needs to keep trying to find another job.

HR will be stepping up its efforts in helping people find future employment. In the meantime, ACE is ever vigilant making sure that the District is doing it correctly and challenging them whenever ACE believes they're wrong. Is it fair? Not to those losing their jobs. But it is legal. And all we can do is to keep on the District to insure its done properly.

Bradley Booth
Chief Negotiator for ACE

FEBRUARY FINANCIALS

- ▶ Net Positive Cash Flow of ~**16.0K** for February on Dues of ~**25.5K**.
- ▶ Checking account balance is ~**\$26.5 K**.
- ▶ As of the end of February 2010, ACE has ~**112.2 K** in Savings.

Annette Perez
ACE Treasurer

THE ACE REPORT

ACE BOARD, STEWARDS, AND NEGOTIATORS: CONTACT INFORMATION

CAMPUS	TITLE	NAME	EMAIL
De Anza	President	Blanche Monary	monaryblanche@deanza.edu
Central Svcs	Treasurer	Annette Perez	perezannette@fhda.edu
Central Svcs	Vice President	Ray Sarria	sarriaray@fhda.edu
Central Svcs	Chief Steward	Bill Baldwin	baldwinbill@fhda.edu
Central Svcs	Board Member	Patience McHenry	mchenrypatience@fdha.edu
Central Svcs	Chair of Negotiations	John Barch	barchjohn@fhda.edu
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Foothill	Board Member	Maureen Chenoweth	chenowethmaureen@fhda.edu
Foothill	Negotiator	Stephanie Franco	francostephanie@fhda.edu
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De Anza	Negotiator	Paula Joseph	josephpaula@deanza.edu
De Anza	Negotiator	Selda Sigala-Aguilar	sigalaaguilarselda@deanza.edu
De Anza	Negotiator	Marie Taylor Harper	taylorharpermarie@deanza.edu
De Anza	Lead Recorder	Wendy Bilanski	recorder@acefhda.org
Sacramento	Attorney/Chief Negotiator	Bradley Booth	n/a

ACE Office Hours: Monday through Friday, 1PM – 5 PM

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ABOUT THE ACE REPORT

The ACE Report is published on a periodic basis during the academic year.

The ACE Report welcomes any questions from the ACE Membership appropriate for the new Q&A column “ACE Answers” coming soon. Email your questions to recorder@acefhda.org. Please type “ACE Report Q&A” in the subject line.

The ACE Report is always looking for ways to improve! Email your suggestions to recorder@acefhda.org. Please type “ACE Report CPI” in the subject line.

ACE is on the Web!

<http://www.acefhda.org/>

Please note we are currently in the process of fine-tuning the ACE web site. Thank you for your patience!

ABOUT ACE

The purpose of ACE is to represent its members who are classified employees in Unit 1 employed by Foothill-De Anza Community College District (District) pursuant to the Educational Employment Relations Act, commencing with Section 3540 of the Government Code (EERA).

The objectives of ACE shall be to improve the wages, work hours, and working conditions of its members, to promote active participation of its members in the decision-making processes of ACE and District; to promote the economic, intellectual, and social welfare of its members; and to represent them in all disputes with their employer.

CALENDAR

April 6, 2010
Site Meeting, De Anza, ADM109
Conference Room

April 14, 2010
Board Meeting, De Anza, SCS
Conference Room

April 20, 2010
Site Meeting, Foothill, Altos
Conference Room

April 28, 2010
Board Meeting, Foothill, ISC
Conference Room

