

District Shared Governance Council (DSGC)
November 1, 2010
Minutes

Members Present: Co-Chairs Jing Luan and Ray Hernandez, Vivian Abellana, Diana Bennett, Donna Bestock, Peter Bruni, Jennifer Castello, Sandra Stefani Comerford, Fermin Irigoyen, Teeka James, Charles Jones, Raymond Parenti-Kurttila, Martin Partlan, Rita Sabbadini, Stephanie Samuelsen, Darnell Spellman

Members Absent: Kathy Fitzpatrick, Patiane Gladstone

Others Present: Jim Keller, Barbara Christensen

The meeting was called to order at 2:17 p.m.

Review and Approval of Minutes

Professor James requested that the following changes be made to the minutes of the October 4, 2010 meeting:

- Page 1, Paragraph 2 under “Board Policies” – state that the policies listed were withdrawn because AFT filed a demand to negotiate.
- Page 1, Paragraph 3 under “Board Policies” – add that Vice Chancellor Joel said the District does not believe the policies are negotiable but is discussing them as a courtesy only.
- Page 2, Paragraph 3 under “2.25, Prohibition of Harassment” – state that Professor James said Ms. Christensen’s role should not be to tell the group what AFT wanted and did not want but, rather, to speak for the District.

There was some discussion regarding the appropriateness of amending minutes when a person whose statements are being amended is not present.

It was moved by Professor Bennett and seconded by Mr. Parenti-Kurttila to approve the minutes as amended. The motion carried, with three abstentions and the remainder of those present voting “Aye.” The amended minutes will be posted on the DSGC SharePoint site.

Statements from the Public on Non-Agenda Items

None

District/College Budget Update

Executive Vice Chancellor Keller said the County is collecting Measure G monies and there is an issue regarding how much the County will charge for this service. The County originally wanted to charge \$1.35 per parcel. The District is disputing this amount. Information is being collected about the amount claimed for senior citizen exemptions. At a recent Board meeting, the Board of Trustees approved reimbursements to seniors if they were charged for the parcel tax on their tax bills. The District has hired a consulting firm to consult on unusual parcels in the County and to respond to senior citizens’ questions about exemptions.

Measure G funds were put into each College’s budget and the Colleges are in the process of deciding how to spend the funds on instructional programs and classes. Following this process, the allocation plan will be determined. Professor Partlan said there should be transparency regarding the allocation process. Executive Vice Chancellor Keller and Vice Chancellor Luan both said transparency is happening at the Colleges in their current discussions and formulation of plans. Executive Vice Chancellor Keller said the first step is for the Colleges to identify plans for spending the money and for the Presidents to bring the plans forward. He noted that there is still uncertainty about the amount of money that will be received because the number of senior

exemptions and the amount of County services charges are not yet clear. He also said there is concern about spending temporary money on permanent needs and about how the State will treat temporary funds since SMCCCD is the first community college district to pass a parcel tax measure. Professor James asked for clarification regarding money being put into the Colleges' budgets but not being allocated. Professor Hernandez said his understanding is that the money was put into the budgets as a mechanism so that the budget could be approved, but the funds are not allocated. The Colleges have been asked to develop budgets which they will submit to the Board of Trustees, who will then approve final allocations. Executive Vice Chancellor Keller said the Board of Trustees will consider the Colleges' plans at their December meeting. Professor James asked if the percentage of the allocation to each College has been set. Executive Vice Chancellor Keller said this will be determined after the College presidents have presented and discussed their plans.

Regarding the use of temporary funds for permanent situations, Mr. Jones asked if there is concern about both services and the potential issue of permanent vs. temporary employees. Executive Vice Chancellor Keller said a variety of nuances in the Colleges' plans will be entertained. He said the simplest plan would be to use the money in classes and to hire adjunct faculty, but some services will probably be included. He said it is critical that the money be spent in accordance with what the voters approved and this will be the task of the Citizens' Oversight Committee which he will chair. Professor Bennett asked who is on the Measure G Citizens' Oversight Committee. Barbara Christensen, Director of Community/Government Relations, provided the names and qualifications of the seven Committee members.

Professor Partlan said he is still puzzled over the issue of transparency. He said that Cañada College has had a plan for two months to spend \$1.7 million. However, if there is no transparency regarding allocation, why would each College not develop a plan to spend the entire anticipated amount of \$6 million per year. Executive Vice Chancellor Keller said this would not be a reasonable or professional route to take. Professor James said she believes College of San Mateo was also using the one-third estimate in its planning. She said it now sounds as if the best plans and those with the most need will win. Without guidelines or parameters, she said Professor Partlan's comment about submitting plans which would use the entire yearly amount of the parcel tax makes sense. Professor James added that there are at least two faculty members present who do not understand the transparency referred to by Vice Chancellor Luan; therefore, she said it is not really transparent. Vice Chancellor Luan said his reference was to the transparency is in the conversations taking place on the campuses, which will drive the process and will be as transparent as the conversations that take place. Professor James said she is referring to a different part of the process, e.g. what happens at the District Office. Vice Chancellor Luan said the conversation begins at the campuses and participation in discussions about what needs to be restored or added using the parcel tax money is strongly encouraged. Executive Vice Chancellor Keller said this is an ambiguous situation because it is uncertain how much money will be available or what the Colleges' plans will be. He said the Presidents understand the process and everyone must live with the ambiguity at this initial stage of the process. Professor James said the percentage each of the Colleges will receive is not dependent on the total amount of money which will come in. Vice Chancellor Luan said that Executive Vice Chancellor Keller has given information as he knows it to date and cannot divulge what he doesn't know. Dean Castello said that at Cañada College, all discussions started with consideration of the language in the ballot measure and has kept this in mind throughout all of the discussions. Dean Stefani Comerford said the same was done at College of San Mateo, but that does not address the question of the uncertainty regarding allocation.

Executive Vice Chancellor Keller said there is likelihood of problems with the state budget because the legislature and governor did not address the structural deficit. It is uncertain whether there will be midyear budget cuts.

Mr. Parenti-Kurttila asked if it is feasible that community colleges could offer bachelor's degrees. Vice Chancellor Luan said the law currently does not give community colleges the authority to do so. Ms. Christensen said that last year, the District asked Assembly Member Jerry Hill to introduce legislation to allow

the offering of bachelor's degrees, but it did not progress. Professor Bennett said that College of San Mateo Academic Senate leaders put forth a resolution recommending that community colleges be allowed to offer bachelor's degrees at last spring's State Academic Senate plenary session, but it was voted down.

Board Policies

Vice Chancellor Luan said that many of the revisions consist of modernization and updating of terms. He distributed a list of policies with such changes and asked that they be considered first. Council members considered these policies, using the DSGC consensus model:

- a. I support the recommendation completely
- b. I support the recommendation with reservations
- c. I cannot support the recommendation

3.00, Applicability of Chapter III Policies: It was moved by Professor Partlan and seconded by Dean Bestock to approve the revisions. Polling resulted in 15 members at the "a" level and one member at the "b" level; therefore, the revisions will be submitted to the Board of Trustees.

3.05, Designation of Faculty: It was moved by Dean Bestock and seconded by Professor Partlan to approve the revisions. Professor Partlan said the academic titles shown in the policy should be consistent with those in the AFT contract. Ms. Christensen will verify that they are consistent. With this clarification, polling resulted in all members at the "a" level; therefore, the revisions will be submitted to the Board of Trustees.

3.15, Employment Requirements: It was moved by Professor Partlan and seconded by Ms. Sabbadini to approve the revisions. Polling resulted in 15 members at the "a" level and one member at the "b" level; therefore, the revisions will be submitted to the Board of Trustees.

3.20, Evaluation of Faculty: It was moved by Dean Bestock and seconded by Mr. Spellman to approve the revisions. Professor James said that AFT would like to add "Local 1493" after the reference to AFT in this and all other policies which refer to AFT. Ms. Christensen said staff will make sure this is added in all appropriate places. After this discussion, polling resulted in all members at the "a" level; therefore, the revisions will be submitted to the Board of Trustees.

3.25, Wages, Hours and Other Terms and conditions of Employment: It was moved by Professor Bennett and seconded by Mr. Parenti-Kurttila to approve the revisions. Polling resulted in all members at the "a" level; therefore, the revisions will be submitted to the Board of Trustees.

3.30, Pay Period for Faculty: It was moved by Dean Bestock and seconded by Professor Hernandez to approve the revisions. Professor James said the pay schedule is in the AFT contract and cannot be changed without negotiating. She suggested that it be taken to contract negotiations. Ms. Christensen said she will take this policy back to Vice Chancellor Harry Joel for clarification. It was moved by Mr. Parenti-Kurttila and seconded by Mr. Spellman to table this item and all members voted "Aye."

3.35, Payroll Deductions: It was moved by Mr. Spellman and seconded by Ms. Abellana to approve the revisions. Professor James said that #3 regarding Medicare and #4.6 regarding dues/service fees needs to be checked further against the AFT contract. Ms. Christensen will take this policy back to Vice Chancellor Joel for clarification. It was moved by Mr. Spellman and seconded by Ms. Abellana to table this item and all members voted "Aye."

3.40, Faculty Substitutes: It was moved by Professor Hernandez and seconded by Ms. Abellana to approve the revisions. Polling resulted in all members at the "a" level; therefore, the revisions will be submitted to the Board of Trustees.

3.80, Summer Session Faculty Employment: It was moved by Dean Bestock and seconded by Mr. Spellman to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

3.90, Post-Retirement Contract: It was moved by Professor Partlan and seconded by Professor James to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.00, Applicability of Chapter IV Policies: It was moved by Mr. Parenti-Kurttila and seconded by Dean Stefani Comerford to approve the revisions. Dean Bestock suggested that the local/chapter numbers be added to the references to CSEA and AFSCME. Ms. Christensen said staff will add these in all appropriate places in the policies. After this discussion, polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.05, The Classified Service: It was moved by Dean Bestock and seconded by Mr. Spellman to approve the revisions. Ms. Samuelsen said CSEA would like to make it clear that “newly promoted” means the promotion is to a higher paid position. Ms. Christensen will add this language. After this discussion, polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.15, Employment Requirements: It was moved by Professor James and seconded by Dean Stefani Comerford to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.20, Supervision of Classified Employees: It was moved by Mr. Parenti-Kurttila and seconded by Dean Bestock to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.22, Classified Staff Development Program: It was moved by Mr. Spellman and seconded by Ms. Sabbadini to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.25, Employees Not Members of the Classified Service: It was moved by Professor James and seconded by Dean Castello to approve the revisions. Mr. Jones suggested changing the word “personnel” to “employees” in order to maintain consistency. Ms. Christensen will make this change. After this discussion, polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.30, Pay Period for Classified Staff: It was moved by Mr. Spellman and seconded by Professor Partlan to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.35, Payroll Deductions: It was moved by Professor Hernandez and seconded by Dean Castello to approve the revisions. Professor James said that #3.6 regarding dues/service fees might have the same issue as policy 3.35 discussed earlier. It was moved by Professor James and seconded by Dean Bestock to table this item and all members voted “Aye.”

4.40, Continuation of Employment: It was moved by Dean Castello and seconded by Professor James to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

4.45, Dismissals and Disciplinary Action: It was moved by Professor Hernandez and seconded by Mr. Parenti-Kurttila to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

5.00, Applicability of Chapter V Policies: It was moved by Mr. Parenti-Kurttala and seconded by Ms. Abellana to approve the revision. Polling resulted in all members at the “a” level. Ms. Christensen said this policy will not go to the Board of Trustees because there are no revisions within the policy and the only change is the notation that the policy was reviewed in November 2010.

5.01, Definition of Non-Represented Employees: It was moved by Mr. Spellman and seconded by Dean Castello to approve the revisions. Professor Partlan said the link to this policy and to policy 5.02 in Vice Chancellor Luan’s email was not working. Vice Chancellor Luan said staff will check all links. After this discussion, polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

5.04, Non-Represented Employees: Staff Development Program: It was moved by Dean Castello and seconded by Professor Hernandez to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

5.10, Managers: Employment and Reassignment: Professor Partlan moved to table this item because his constituency has concerns with #7. Mr. Spellman seconded the motion and all members voted “Aye.”

5.12, Managers: Responsibilities: It was moved by Mr. Spellman and seconded by Vice Chancellor Luan to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

5.20, Academic Supervisors: Employment and Reassignment: It was moved by Professor Hernandez and seconded by Mr. Spellman to approve the revisions. Professor Partlan said his constituency has concerns with #3 and moved to table this item. The motion was seconded by Professor James. The motion carried, with four members voting “No” and the remainder voting “Aye.”

5.50, Classified Professional/Supervisory: Employment and Transfer: It was moved by Mr. Spellman and seconded by Ms. Sabbadini to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

5.60, Confidential Employees: Employment and Transfer: It was moved by Mr. Spellman and seconded by Dean Castello to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

8.28, Hazardous Materials: It was moved by Mr. Spellman and seconded by Dean Castello to approve the revisions. Professor James said her constituency had trouble accessing the link to this policy; Vice Chancellor Luan said it will be checked along with the others. After this discussion, polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

This concluded the consideration of policies which Vice Chancellor Luan asked to have considered first. He asked that the policies needing more discussion be considered next.

Professor James said that policies 2.13, 2.19, 2.25, 2.28, 2.60, 6.33 and 7.21 are negotiable items. She said that AFT has also added 6.32, Educational Materials, to the list of negotiable items; this policy has not yet been brought to DSGC. She said that AFT twice filed demands to negotiate, the latest on October 28, 2010. She said it is not legal to discuss these policies at this body. It was moved by Mr. Spellman and seconded by Professor James to table the above named policies and all members voted “Aye.”

Professor Partlan moved and Professor James seconded that these policies not be brought back to the Council until there is resolution between AFT and the administration. Ms. Christensen asked what will happen if agreement cannot be reached, noting that some of the policies are required by accreditation. Mr. Spellman said he believes the policies should be brought back at the next meeting, saying it is unfair to the rest of the Council

for the policies to be held back because two parties cannot come to an agreement. Dean Bestock said there must be some appeal process if the two sides cannot find resolution. Professor James said the issue would go to PERB (Public Employment Relations Board) where it could sit on a desk for up to a year. Ms. Christensen said she believes the policies can be taken to the Board of Trustees even if this body does not concur, with the Board being informed of what the vote was. Professor Partlan said that since existing policies are in effect, there should not be a problem with accreditation. Ms. Christensen said that policies 2.19 and 7.21 are new and there are significant changes in policy 2.25. Professor Hernandez added that accreditation requires reports on the status of updating the District's policies. Mr. Parenti-Kurttala said he does not believe the Accrediting Commission would withdraw accreditation if they are aware of the issues between the two parties. Mr. Jones said it is problematic that there is language other than bargaining issues in some of these policies that needs to be discussed. Vice Chancellor Luan said the policies have been on the table for about a year and the process is becoming very ineffective.

Professor James said she would like to clarify some facts: In November 2009, AFT sent a letter to the District's legal counsel requesting to negotiate. At the October 4, 2010 DSGC meeting, Vice Chancellor Joel said the District does not believe they are negotiable items. Professor James said that County Counsel did not get back to legal counsel at AFT as is required by law. AFT filed a second letter on October 28, 2010 with John Nibbelin, Deputy County Counsel, and he has the legal responsibility to respond in writing to AFT's lawyer. The District has had almost a year to respond. The District has had the ball in its court for coming up on twelve months.

Ms. Christensen said Vice Chancellor Joel did meet with AFT a number of times and they agreed to disagree. Professor James said AFT did not agree to disagree. She said Vice Chancellor Joel said the District did not agree that they were negotiable items and was talking to AFT as a courtesy. She said County Counsel must respond in writing to Robert J. Bezemek, Attorney-at-Law, in response to AFT's letters of November 2009 and October 28, 2010. Professor James said there are very severe consequences for the District not being willing to follow the laws of collective bargaining in the State of California. She said no one is being held back by anything; they simply need to sit down at the table and agree to talk. She said progress can be made, but not if the process won't be followed.

Vice Chancellor Luan said the policies are not being negotiated; one party says they should come to DSGC for approval while the other party says they should be negotiated. He said they cannot be stuck forever and there must be a method by which they can go to the Board of Trustees for a decision. Professor James said the lawyers need to talk with each other. Then, either (1) the District will capitulate and agree to negotiate, after which the policies will come to DSGC; (2) the District will present persuasive arguments that AFT's legal analysis is incorrect, in which case AFT will capitulate and the policies will come to DSGC; or (3) AFT will file an unfair labor practice suit and it will sit on the desk of PERB for up to a year or more.

Dean Bestock suggested that Professor Partlan amend his motion to state that this series of policies that has been tabled will come back to this body at a time when the legal issue as to whether or not this is a negotiable item has been resolved. After discussion among Council members about whether DSGC has the right to discuss and act on the disputed policies and when they may be forwarded to the Board of Trustees, Professor Partlan accepted the amendment suggested by Dean Bestock. Professor James seconded the motion. The motion carried, all members voting "Aye."

Vice Chancellor Luan asked for consideration of the remaining policies brought for approval.

1.70. Board Action on Legislative Issues/Political Activity: It was moved by Dean Bestock and seconded by Professor Hernandez to approve the revisions. Polling resulted in all members at the "a" level; therefore, the revisions will be submitted to the Board of Trustees.

2.07, Policy Development: It was moved by Professor Hernandez and seconded by Dean Bestock to approve the revisions. Professor James asked that the phrase “through the Chancellor” be removed from #7, and Ms. Christensen agreed to do so. After this discussion, polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

7.73, Student Grievances and Appeals: Mr. Parenti-Kurtila asked if it is the intent of the District to give more power to the Colleges to establish their own policies. Ms. Christensen said the intent is simply to include the sections to be deleted in Procedures rather than Policies. After this discussion, it was moved by Ms. Sabbadini and seconded by Mr. Parenti-Kurtila to approve the revisions. Polling resulted in all members at the “a” level; therefore, the revisions will be submitted to the Board of Trustees.

3.50 Suspension and Dismissal: It was moved by Professor Partlan and seconded by Dean Castello to approve the revisions. Mr. Jones suggested that this might be a negotiable item. Professor James moved and Mr. Jones seconded to table this item and take it back to members’ constituencies for further consideration. All members present voted “Aye.”

This concluded consideration of proposed policy revisions. Ms. Christensen distributed a summary showing policies which need to be reviewed and/or revised and are not yet completed, along with a list of which groups are reviewing the policies.

District Strategic Planning Update – Visioning

Vice Chancellor Luan said the District Strategic Planning Committee has developed a draft Visioning Statement. It is currently being reviewed by the constituents represented by the District Strategic Planning Committee. It will be brought to DSGC for review in December. The final Visioning Statement will subsequently be presented to the Board of Trustees for approval.

Closing Remarks

None.

Statements from Council Members/Agenda Building

Dean Bestock said she believes DSGC should adopt standard parliamentary procedures and provide a brief training to Council members at the next meeting.

Adjournment

The meeting was adjourned by consensus at 4:26 p.m.