

The

PERALTA TEACHER

Peralta Federation of Teachers, CFT, AFL-CIO – Democracy in Education

FOR TEACHER
DIGNITY



May 1, 2007

vol. 49 no. 4

From the President

Greetings Faculty

By Debra Weintraub - As we draw to the end of another academic year, we should, as individuals, take time to reflect on what has happened as well as what lies ahead. Hopefully, we acknowledge not just the challenges of our work, but the rewards and joys as well. As a union we must also reflect about the past year and anticipate the future.

We faced challenges: creating a better salary schedule, improving the rights of part time faculty, maintaining health care while costs soar, and making sure that faculty who step up and take leadership roles, particularly as department chairs, are fairly compensated. Thanks to the tireless efforts of our Chief Negotiator, Rick Greenspan, and the other members of the negotiating team, we have made positive changes in all those areas this year. Yet, there is much work still to be done. We do not have an equitable health care program for all faculty; many of the faculty do a great deal of work for which they are not adequately compensated; our classrooms and facilities need to be improved so our students can be better served. We should be active participants in keeping Peralta "green" and ensuring that Peralta contributes to environmental solutions. We are a far cry from having true equity for part timers and many of our faculty are stretched thin just trying to do the enormous amount of work that it takes to best serve our students and the colleges in general. And if we are to be a truly successful District - meeting the needs of our diverse student population - we need more full time hires. We need to work on changing the imbalance of part-time to full-time faculty ratio.

Eventually, we can effect positive changes in many of these areas if we are united. PFT elections are being held now; it is important that you vote and then that you communicate with your elected PFT representatives. The people that are elected to the PFT positions take their jobs very seriously and commit a great deal of time to serving the

PFT

Alerts:

- 1) Your step & column are now listed on your paycheck; refer to "Sal Grade" on your April check
- 2) Step 6 increase for hourly and extra service reflected in your April pay - please see "Part-Time Faculty News" inside this edition.
- 3) Official ballots for PFT Executive Council positions should be received by PFT members at their home addresses by May 2nd and must be returned as instructed by May 16, 2007

CALENDAR:

Executive Council Meetings

1st and 3rd Thursday (next and last meeting for 2006-07 academic year is May 17, 2007)

500 E. 8th Street, Suite B

3:-5:00PM

(See "Around the PFT" box, on last page, for more events)

faculty, from working many hours at the negotiating table, settling potential grievances, organizing informational meetings and sitting on various Peralta, CFT and other local community committees to represent the PFT- you. A small way you can make a difference is by attending membership meetings so that you can be better informed about the issues facing the faculty and participate in the decision making process. In addition, consider attending executive

council meetings and other shared governance meetings that the PFT participates in during the year.

PFT representatives brought the issue of increased department chair release time to the executive council after hearing from their faculty. Recently, at a membership meeting concerns about faculty's access to professional development time were brought forward. As faculty communicates concerns with their union representatives, all of us can work on solutions. But this is work we must do together.

The PFT applauds the hard work you have all done this year and your dedication to educating students. We look forward to celebrating more victories with you next year. For those of you about to depart on a summer break as well as those of you that aren't, I hope you all have a safe and joyous time. Enjoy the summer months.

Finally, my heartfelt thanks to the PFT Executive Council, and the very dedicated, diligent staff in the PFT Office: Ann Whitehead, Sara Connors and Ophelia Phifer.

In Unity,
Debby Weintraub
PFT President 1603

Part-time Faculty NewsUpdates:

By Cynthia Mahabir - PFT Part-time Representative

As the spring semester winds down there are several bits of information to share.

- **6th Step Increase:** The District recently informed us that payment of the 6th step salary increase will begin with our April 2007 paychecks, but instead of a lump sum retroactive paycheck in April for January, February and March '07, the increase will be spread over two paychecks, April and May '07, for retroactive payment for January '07 through March '07. Part-time faculty members who have completed 30 hours of service at Step 5 will be eligible for this increase, which will vary according to their current column status. The columns range from A through E. Eligible faculty members can verify their anticipated 6th step by referring to their column and step listed on April's pay stubs as "Sal Grade". Please note that paycheck amounts for the Fall '07 semester will be lower than paychecks for April-May '07 because the retroactive installments would have been paid in full by the end of the spring semester. We are awaiting an update on the 7th step salary increase.

- **Part-Time Rehire Pool:** Evaluations for inclusion in the PT rehire pool have begun or will begin soon. We would like to know how the process is working out, so we would like to hear from PT faculty members who are being evaluated this semester. To find out whether you are to be evaluated, you

may check with your dean or department chair. Please let me know right away (cmlaney2003@yahoo.com or 464-3185). This is very important.

- **PT Office Hour Compensation:** Part-time classroom instructors teaching two classes or 40 percent or more of a full-time teaching load and who maintain one office hour per week for the semester will be paid at the non-instructional rate (.5) or half of their teaching rate of pay. Office hours must be posted and included in the class syllabus. The office hour payment is made at the end of the semester.

- **Parity Compensation:** In 2001-2002, the state made available funds to community colleges for the purpose of assisting community college districts in making part-time faculty compensation more comparable to that of full-time faculty for similar work, as determined by each district's local collective bargaining process. In accordance with the Part-Time Parity Agreement between the District and the PFT, PT faculty members will receive a parity check for the 2006-07 academic year at the end of the spring semester, in June.

- **Community College (CC) Budget:** PT faculty activists have pointed out that the larger CC budget of 2006-2007 did not significantly increase part-time parity pay, medical benefits or office hour pay. They disagree with, and are challenging, the governor's June '05 assertion that the larger 2006-2007 community college budget WOULD provide the funding necessary to increase monies for part-time pay and benefits without needing to increase the line items within the state budget itself.

- **Unemployment Compensation:** Since most part-time faculty members have several weeks of "vacation" at the end of each semester, it is very important that everyone take advantage of the unemployment benefits offered by the Employment Development Department of the State of California (EDD): a percentage of your income each week you are between assignments.

In *Cervisi vs. Unemployment Insurance Appeals Board* (208 Cal. App. 3d 635), decided in February 1989, the Court of Appeals held that a "contingent assignment is not a 'reasonable assurance' of continued employment" within the meaning of the Unemployment Insurance Act, and does not disqualify the employee from the receipt of benefits. Even if you have received an offer of employment or a letter of assignment for the next semester, you are entitled to apply for unemployment benefits over the semester break immediately upon completion of your last working day of the semester. In order to file a claim, you must call the Employment Development Department at 1-800-300-5616 or apply at www.edd.ca.gov. All claims are now processed by phone or web, and paperwork is mailed to you.

You should have a copy of your Letter of Assignment from

PCCD on hand, which usually states that your assignment is contingent and implies no rights of continued employment. What you have as a part-time faculty member is a tentative offer based on enrollment and other factors. You do not have a guaranteed contract position. Many part-time faculty members have been mistakenly denied benefits because they mistook their assignment letter to be a contract and answered this question incorrectly. Remember, when asked if you have a contract, just say "No!" If you have other employment in addition to your teaching assignment, this may affect your claim by making you underemployed (which provides a smaller benefit) or ineligible to receive benefits. (For more information from the PFT, go to pft1603.org.)

• **PT Legislation** – AB 591: This bill, the outcome of a strong state-wide (and also national) movement to pay part-time faculty prorata of the full-time salary scale in accordance with the percentage of the full workload that they do, was proposed by PT faculty advocates and sponsored by long-time legislator Mervyn Dymally. It would do away with the 60 percent limitation on assignments entirely, and it requires pro rata pay, and medical benefits for any part-time faculty member working more than a 40% load.

The bill also requires that at least 50 percent of new full-time positions on a campus be filled with veteran part-timers already teaching at the college and further requires statewide collective bargaining for all temporary employees not covered by a local union contract. In addition, the bill asks that the state fund the increased cost of higher pay, benefits and administration with new money from the state's coffers, but it does not include due process job protection. Advocates compare the bill to the CSU model of the nontenured, but more fairly paid, fully employed and benefited teacher, which they note is better than the current exploited CCC part-timer, although not as good as a tenured or tenure-track full-timer. AB 591 has cleared the first committee and is now in the appropriations committee.

Another bill, AB 1343 (Faculty and College Excellence Act), includes provisions for the improvement of PT working conditions, but differs from AB 591 in some significant ways. Phyllis Eckler, 2nd Vice President, Glendale Community College Guild, explains that AB 1343 proposes similar gains as AB 591 for PT faculty members in the areas of pay and benefits but (1) it does not change the 60 percent limitation on work hours, a restriction that results in extreme hardship for PT faculty members who must become 'freeway flyers' in order to make ends meet by teaching in two or more community colleges, and (2) it is somewhat weaker in its requirement for new full-time positions to be filled from the ranks of already hired PT faculty members. It asks only that incumbent PT faculty members receive "preferential consideration" in the full-time hiring process.

The main thrust of this bill, however, according to Eckler, is

to realize the goals of AB 1725 (1988), which promised that 75 percent of the hours of instruction at all community colleges be taught by full-time tenured (or tenure track) faculty. AB 1725 has never been fully implemented, due to insufficient funding. If enacted, AB 1343 will require massive new funds for full-time tenure track positions and parity for PT faculty. AB 1343 has also cleared the first committee and is now in the appropriations committee. It is important that part-time faculty members take a look at these two bills, decide where we stand, and express our positions to our PT advocates as well as our political representatives as the bills move through the state legislature over the spring and the summer.

On the bright side, the bills are calling attention to the plight of part-timers and the need for more full-time teaching positions to be funded. On the dimmer side, neither bill indicates where the revenue stream will come from to realize the stated goals. Yet, we PT faculty members can draw some solace from the hope that the introduction of these two important pieces of legislation enables us and our advocates to inform legislators and the public about the damage from low pay, lack of benefits and the absence of job security to the teaching profession and how it impedes progress towards academic excellence in our local communities and in the state as a whole. **[REMINDER:** Please let me know right away (464-3185 or cmlaney2003@yahoo.com) if you are scheduled to be evaluated for the rehire pool this semester. This is very important.]

Josh Wolf Update:

By Ann Whitehead - Following the longest incarceration of a journalist in American history (seven and one half months or 226 days), Josh Wolf was freed from the Federal Prison in Dublin, California on April 3, 2007. Josh had been held on contempt charges because he refused to turn over his videotape of an anarchists' protest against the G8 economic summit held during the summer of 2005.

As was reported in the March 8, 2007 issue of this newsletter, Josh's case had been referred by U. S. District Judge Alsup to a Magistrate, Joseph Spero. Between the Magistrate and Josh's legal representative/s, a compromise was achieved. The terms of the compromise are identified below.

- ✓ Wolf relinquished to the prosecutors a copy of his videotape as requested
- ✓ Wolf posted on his Blog that same section of videotape

Wolf denied under oath his knowledge of two specific incidents at the rally 1) Who injured Officer Shields

(skull fracture) 2) Who placed or shoved material under a patrol car

- ✓ Prosecutors withdrew their demand for his testimony at the Grand Jury
- ✓ Prosecutors withdrew any demand for Wolf to identify the protestors

Interestingly, Josh Wolf had offered to give over his videotape last November if he was excused from testifying. His offer was rejected and Josh spent the next four months imprisoned. As has been mentioned previously in this newsletter, the case of Josh Wolf has received significant support from distinguished organizations, e.g. American Civil Liberties Union, the Society of Professional Journalists, the Committee to Protect Journalists, the San Francisco Democratic Central Committee, Reporters Without Borders for Press Freedom and the National Writers Union.

Importantly, the result of Josh Wolf's actions has inspired serious academic discussion surrounding the need for a Federal Shield Law and more profoundly, the impact of online journalists—their rights and needs for protection. The Committee to Protect Journalists found in its worldwide annual survey, that as of December 1, 2006 134 online journalists (Wolf specifically identified among them) had been imprisoned in 2006 alone. Access to electronic information and the power of the Internet are germane to this entire episode. Josh Wolf has made a huge sacrifice for the maintenance of professional ethics in the exercise of journalism and the right of journalists to be heard. Admirably, Josh has stated that he would do it all over again if necessary. [The PFT office maintains a file of interesting materials regarding Josh Wolf. If you wish to consult the file – please let us know]

Negotiation Update:

By Rick Greenspan – PFT Treasurer and Chief Negotiator

Department Chair Negotiations The PFT and PCCD have been in negotiations for almost two months over the issue of increasing District-wide Department Chair release time. The PFT has proposed that PCCD grant Department Chairs enough release time to do their jobs and that the District adopt a rational, unified and consistent District policy for allocating Department Chair release time to the colleges. Our proposal is for the District's total Dept Chair release time to be allocated to the colleges based on the total number of sections taught at the college during the year.

Each college would then allocate its Department Chair release time to elected faculty Department Chairs as outlined in our contract. This college-level allocation will be based on

multiple factors, some of which might be unique to that specific college. The PFT proposal does not include any changes to the process of allocating Department Chair release time at the college level.

The District 'countered' the PFT proposal in late April and it looks like these negotiations will continue during the summer. We are hoping to come to a resolution on the issue in time for implementation to begin in the Spring of 2008.

New Distance Ed Article sets Distance Ed Working Conditions

After more than a year of negotiations, the PFT and PCCD have added a new article to our contract on the subject of On-Line Classes (Distance Education). With the help of a state mediator, the new article sets the basic work rules for on-line instruction and on-line classes.

The new article guarantees that:

1. Assignment of on-line classes shall be voluntary (on-line class teaching assignment always have been voluntary, but there was no contractual guarantee until now).
2. PCCD will provide the necessary support services for instructors to teach on-line classes.
3. Faculty should be adequately compensated for extra time they spend to develop on-line classes, as well as for the training time and expense necessary to teach these classes.
4. Faculty who develop an on-line class have a two-year 'right of first refusal' to teach the class.
5. On line class size will be set at the size of the equivalent 'brick and mortar' classes. The issue of class size (and other issues relevant to on-line classes) will be discussed by the Educational Technology Committee during the next several months, and their recommendations will be considered at the table next Fall.

Faculty Voices

PFT Delegation Helps Community Colleges Take Reins at 2007 CFT Conference

By Matthew Goldstein – PFT Co-Chair Laney College.

The Peralta Federation of Teachers sent seven delegates to the 2007 convention of the California Federation of Teachers, held March 16-18, at the Wilshire Grand Hotel in Los Angeles.

Led by President Debby Weintraub, the PFT delegation included Bob Grill of College of Alameda; Matthew Goldstein, Francis Howard, and Susan Schacher of Laney College; and Tae-Soon Park and Teresa Williams of Merritt

College. "The convention provided a wonderful opportunity for the delegates from PFT to meet, exchange ideas, and think about the future of our union together," Weintraub said.

Attended by over 500 delegates representing 120,000 employees from locals around the state, the convention featured educational seminars on a variety of union issues as well as general-session speeches and presentations from high-profile figures from politics, education, and labor. Among the notables who addressed the body were Los Angeles Mayor Antonio Villaraigosa, State Senator Gilbert Cedillo, and U.S. Representative Lynn Woolsey.

And, of course, delegates to the 2007 CFT conference also elected new top leadership—including a new president—and passed resolutions on a range of timely issues that affect teachers' lives in and out of the classroom.

The races for the CFT presidency and the secretary positions were among the most hotly contested. Ultimately, candidates with community college backgrounds prevailed, launching a new era of higher-education-oriented leadership and policymaking.

Marty Hittleman, a longtime math professor and union activist from Los Angeles Valley College, emerged as the frontrunner from three-way preliminary voting, finishing with just under the 50% necessary to avoid a runoff. He then outpolled the incumbent, one-time PFT member Mary Bergan, by a margin of nearly 20 percentage points, to assume the CFT's top job.

The PFT Executive Council had dual-endorsed Hittleman and Bergan prior to the conference, directing its delegates to consider candidate presentations on the convention floor before casting their votes. The PFT delegation, after meeting with the candidates and hearing their speeches, agreed to throw its support behind Hittleman, whose higher-education focus and impassioned call for teacher activism convinced the PFT contingent that his goals aligned closest with the interests of Peralta members.

"I am dedicated to continuing the California Federation of Teachers' strong progressive traditions of advocacy for better working conditions for all of its members, higher quality learning conditions for California's students, and better living conditions for all Californians," Hittleman said. "I believe that to further those goals, we need to weigh in on the issues of the day—ending the war in Iraq; cleaning up the environment; implementing a single payer universal health care system; protecting people's personal and civil rights; and, having a progressive tax system which

adequately invests in education in order to enhance the quality of life for all Californians."

President Weintraub was enthusiastic about the top-level changes. "I'm excited about the new leadership and the impact it will have on community colleges," she said, echoing a popular sentiment on the convention floor.

The contest for secretary-treasurer proved almost as hard fought, with Dennis Smith, another candidate with a long community college resume, squaring off against incumbent Michael Nye. Smith, an accounting professor at Sacramento City, argued that Nye hadn't adhered closely enough to generally accepted accounting practices during his tenure; Nye countered that no audit had ever turned up any problems with his bookkeeping. Following a spirited debate, the PFT delegation decided to split its votes. Smith garnered well over the 50% he needed in the first round to head off a second round of voting.

And Smith will have more money to count in the year to come, as the CFT voted to raise per capita dues for members. As a result, the PFT will see its "per cap" obligation go to \$34.52 in the year to come, an actual increase of \$1.43/FTE.

Los Angeles City College professor Carl Friedlander, running unopposed, won the presidency of the CFT Community College Council, the body that shapes higher-education policy for the CFT. Friedlander replaces Hittleman, who presided over the CCC for 12 of the last 16 years before he decided to pursue the CFT's highest office.

Delegates passed a number of resolutions, one endorsing universal single-payer healthcare and another in support of retaining highly skilled teachers in low-performing schools. They also passed a resolution calling for changes to the No Child Left Behind Act.

Demonstrating the new activist spirit of the CFT, more than 100 delegates briefly left the convention center to join a major antiwar protest in Hollywood. United States Labor against the War (USLAW), a group the PFT supports and on whose steering committee President Hittleman sits, was one of the backers of the rally.

To learn more about matters addressed at the convention, talk to one of the delegates on your campus or call the PFT offices—the delegates would be happy to share their experiences and give you their takes on all the latest CFT developments!

Union Representation: Your Rights

While the District and the Union work to resolve problems before they get to the point that disciplinary action is being considered, it's always helpful to protect yourself by having a union representative present when you meet with a manager.

Your Rights to Union Representation and Due Process in the case of investigatory reviews, disciplinary actions, and meetings with management.

You have a right to union representation at any meeting you have with any manager or any agent of the District (such as an outside investigator) if you believe the meeting might result in disciplinary action or other adverse action. This right applies even if no discipline results. It is only necessary to have a reasonable belief that an interview or meeting is likely to result in discipline or adverse action. If this is the case, assert your right to union representation.

The employee must take the responsibility to request the presence of a union representative. The administration is not required to provide union representation unless you request it. Once a request for union representation has been made by an employee, the College or District representative must stop the interview/meeting until the union representative arrives. If you are asked to waive your rights to union representation and continue the meeting, PFT urges you to refuse. Assert your rights if you want assistance and protection.

The union representative must be informed of the subject of the meeting/interview and has the right to assist and counsel the employee, including speaking privately with the faculty member before and during the meeting. The representative can also interrupt to clarify a question or object to confusing or intimidating tactics; offer advice on how to answer a question; and add additional information to support the employee. Adequate notice by the District is essential, so that you may inform the representative of the nature of the issues involved. For investigations, the Union will want copies of any complaints filed against you.

If the administration denies the request for a union representative to be present, the employee has the right to refuse to answer any further questions and cannot legally be disciplined for insubordination. If the interview continues anyway, it is best to politely decline to participate and take notes on anything that is said.

Before a faculty member may be disciplined, s/he must be given notice of a hearing. The member must be told, in writing, of the proposed disciplinary action and the reasons for it, and other pertinent information, including copies of the policies alleged to have been violated, and other relevant statements or documents.

The faculty member must also be notified of their right to representation both at and in preparation for the hearing, and the employee must be afforded an opportunity to respond to the person who proposed the discipline. **If a faculty member is improperly disciplined, s/he is entitled to full back pay until such time as a proper hearing is held, and the person may not be suspended or terminated in the meantime.**

AROUND THE

PFT

Local 1603 has endorsed the forthcoming visit to the Bay Area of a delegation of Iraqi trade union leaders. Faleh Abood Umara, General Secretary of the Iraqi Oil Workers Federation and Hashmeya Mohsen al Hussein, President of the Iraqi Electrical Workers Union will speak at events in San Jose and Santa Cruz on Sunday, June 10, and in Oakland and San Francisco on June 11-12. For more information and for details on each of these events visit www.uslaboragainstwar.org

What Are You Doing This Summer?

Doing anything interesting to invigorate your inner self or is it going to be the same old same old routine between the semesters? After some soul searching, a lot of investigating...and a little bit of planning, I have decided to build the airplane you see pictured here, flying it back to the Bay Area upon completion this summer (hopefully).



If interested in being part of this project....for fun or otherwise, let's talk.



Wishing all a good time had this summer.
Val Djukich, CIS Dept. at BCC (510) 981-287