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The Community College Initiative: What it Takes to Win

By Jonathan Lightman

Jonathan Lightman is the Executive Director of FACCC, the Faculty Association of California Community Colleges, one of the co-sponsors of the Community College Initiative.

In my eight and one-half years at FACCC, I've always admired the determination, spirit and foresight of the Santa Monica Faculty. Years before other faculty leaders understood the value of strengthening the statewide faculty



association, your union developed a way for all Santa Monica College Faculty Association members to join FACCC. That decision paved the way for the successful SMCFA - FACCC lobbying effort to force a Fifty Percent Law compliance audit – show-

casings how Santa Monica College, among others, shortchanged faculty salaries.

During the years that Santa Monica faculty suffered the indignities of a wayward administration and often hostile board, you never gave up the fight, utilizing every available political, legal and media strategy to advance your cause.

When former Governor Gray Davis tried to balance the budget on the backs of community colleges, you organized flights, buses and carpools to Sacramento, elevating your voice among the loudest in the state.

The SMC faculty's legacy of pluck and determination also helped qualify the Community College Initiative for the February 5, 2008 ballot. Your financial and volunteer contribution

made a genuine difference in the first part of the campaign. It's now time to gear up for February, which is all about money and organization.

Don't expect someone to do this for you. We still need to make this a collective effort. Everyone who's vested in securing the future of community colleges must contribute something. If you've written a check for the qualification phase, please consider writing a new one for this part of the campaign. We're not going to win without money, and we need it today, not tomorrow.

Have you communicated the significance of this initiative to other registered voters? To your colleagues and your students? Are you making sure they are registered to vote? The Community College Initiative is the best chance for every Californian to go to college – and they are living proof of it. In the end, it's for them, so get them involved, registered, and working on getting others registered to vote. The more we involve our students in the electoral process, the greater our chance of succeeding. These kind of students vote – and so do their parents.

I'm confident that when the history of community college faculty is written, Santa Monica College will be highlighted as a case study demonstrating the power of faculty unity and determination. And when they write about the Community College Initiative, the SMC faculty will also be showcased as a model for everyone making this a collective effort. Let's get to work.

Visit the FACCC Website, www.faccc.org, for more details about the CCI and the upcoming FACCC Education Institute conference (which will have dedicated sessions about the initiative) October 19-20 in Pasadena.

“Outside Experts” or “Hired Guns”?

By Mona Field

Mona Field is a professor of Political Science at Glendale College and is currently serving her third four-year term as Trustee of the Los Angeles Community College District. This article is an updated version of one originally published in the April, 2005 FACCC journal.

While only a handful of faculty ever deal directly with their district in the roles of union contract negotiators, every faculty member is affected by the contract that the union and district create.

Negotiations for that contract can last for months (sometimes years) just to develop or update an agreement about salary adjustments, health benefits, workload, and other important aspects of working conditions.



Thanks in part to a state law that permits reimbursement for a portion of the district's costs of negotiating, some districts

do not rely on their own administrators to sit with faculty unionists and hammer out the contract. Many districts pay hundreds of dollars per hour to non-employee consultants (often attorneys) and the total spent can add up to hundreds of thousands of dollars if negotiations drag out.

At Santa Monica in their two-and-a-half year long negotiations ending in 2006, an attorney flew from Napa Valley, earning approximately \$200 per hour plus expenses, and, according to some faculty sources, tended to “drag

out” negotiations --- perhaps due to legitimate bargaining details, but perhaps due to his hourly earning capacity.

Because of some previous labor-management difficulties, Santa Monica also used a mediator (believed to charge \$2000 per day) to assist in “communicating” back and forth at the bargaining table. The total costs of negotiations are only partially reimbursable by the state, so the district inevitably uses some of its basic operating funds for these outside experts – not to mention the faculty time and effort involved.

Districts that frequently use outside consultants include Santa Barbara, Ventura, Marin and San Jose Evergreen. In some cases, where newly defined unions are developing their first contracts, outside consultants are being used by districts, in some cases with the intention of ensuring a legally accurate contract and of setting the stage for future “employee to employee” bargaining. However, when districts bring in costly outsiders, unions sometimes feel they must respond in kind, thus spending scarce union funds for THEIR negotiations consultants.

Where are we?

The District has employed an Outside Negotiator, a lawyer, Ellen Shadur for our current contract negotiations. She has been employed approximately 4 months, at an hourly rate of \$235, and her contract runs for a year. It is estimated that the previous Outside Negotiator, Alan Frierson of Napa Valley, received in excess of \$200,000 in fees and expenses during the 2 ½ year long negotiations process that ended in 2006.

Continued on page 3.

Continued from page 2.

Pro's and Con's of Outsiders

In fairness, the use of an outside expert who knows the Education Code and labor laws may have some value. If the consultant truly supports collective bargaining, understands our often-arcaic issues (50% law, 60% law, 75/25 ratio, lab/lecture ratio, etc), and wants to get the job done right, it may be valuable. This would especially be true in districts with recent turnover in administration, and perhaps not enough managers available who know how to negotiate. Management employees who serve as district negotiators generally lack training for this specialized task, and a skilled outsider may be needed. Better training of management can occur, but a district has to make this a priority.

On the other hand, at Antelope Valley College, the district spent nearly a million dollars in one year for outside "help" only to find that the negotiations were slow, the attorney didn't understand such items as intellectual property rights, and faculty felt the attorney was not committed to a positive outcome. Ultimately, the district management (with a new college president in place) and board decided that the outside help was not productive, got rid of the lawyer and sent both union and management for Interest Based Bargaining (IBB) training. (*see sidebar for more info about IBB*)

Role of the Board of Trustees

In many districts, CEOs want to control their Board, and one way is to tell novice Board members that they may not talk with employees during negotiations, for fear of creating an unfair labor practice. The "unfair" is a very official complaint filed with the Public Employee Relations Board (PERB) and can lead to various sanctions for a district.

The problem is that a good Trustee wants to stay in touch with employees all year long, and not be incommunicado during what can be long periods of negotiations. The ground rules for

Trustee/Faculty interaction would include a clear "NO PROMISES" approach whenever an individual Board member hears employee concerns about negotiable issues. A good Board member realizes that he/she is just one vote and can never commit to any particular action or outcome based on information exchanged at a meeting with faculty. You can help your Board members stay in touch with your issues by making clear that your interest in communicating with them is to maintain clear and direct communication rather than create specific policy or negotiations outcomes.

Does your District use "Best Practices"?

There is no clear "one size fits all" when it comes to collective bargaining. Some unions report that the outsider is preferable to poorly trained managers, others feel that outsiders slow the process and don't understand the issues. Find out how your district and union negotiate, and find out the real costs (in dollars, time and quality of results) to both the district and union when one or both sides use outsiders. An alternative is to get everyone involved in a more collegial approach such as IBB which can vastly improve the climate of bargaining and the outcomes.

Interest Based Bargaining:

One of the best sources for IBB training in California is through the Center for Collaborative Solutions (formerly known as CFIER). They present an annual introductory conference as well as working directly with districts at the local level. Their staff has specialized training in labor relations, mediation, and interpersonal communication, and they can turn around situations in which mistrust and miscommunication have festered for years. They generally ask teams of union and management negotiators to come to their conference for introductory training and then they follow up with training sessions at your college. For more information: www.ccs.org

AAUP Summer Institute

By Martin Goldstein

For almost a century, the American Association of University Professors has represented the moral high ground in the battle for academic freedom. It has recently gotten more and more involved in the related issue of contingent employment, emphasizing that job security equals academic freedom, and the lack of it – contingent employment -- deletes it. With all this in mind, several leaders of our FA, namely Lantz Simpson, FA President, Kathy Sucher, VP, Mitra Moassessi, Chief Negotiator, and myself, Editor and Political Director, have become active in the AAUP, forming our own Santa Monica College Chapter, and as part of that, we four went of the national AAUP Summer Institute in Reno, Nevada, July 19-22.

It was held on the spacious campus of the University of Nevada, Reno, which, at 5,000 feet, was quite comfortable even in late July when we arrived for the annual event. The bulk of our time, in morning and afternoon sessions, was spent in various different workshops we all attended, some of which lasted two full days. They covered negotiations, arbitrations, grievances, organizing, chapter formation, and the like. As we discussed our experiences, the value of the national scope of the AAUP became clear; we were able in all the seminars to compare our own local situations with those from other systems and other states, and thus gain further insight into them. Swapping war stories over meals from the excellent campus food services added to the intellectual energy, as strangers became colleagues.

Overall, I would say the issue of contingency was, understandably, on everyone's mind, as higher ed has fully realized what a dangerous position it is now in, being threatened on one side by the rapidly growing for-profits, where both tenure and academic freedom are practically non-existent, and the continuing growth of contingent faculty on the other, which now covers over 60% of the workforce in higher ed.

The profession has changed, and not for the better, in the working lifetime of one generation.

If it's going to change back, we're starting to realize, it's going to take, in all probability, just as long to fix it as it took to break in the first place. Which is another generation, at least.

All in all it was an intellectually vigorous, even bracing experience. Beyond that, it was great to spend time with our good friend, Craig Flanery, AAUP west coast secretary. And on Friday night we all got to take a sunset cruise on Lake Tahoe, where some of us danced and most of us knew the words to the old 60's songs, or at least could fake them well. We all came home tired and filled to the brim with good thoughts and ideas. We'll be back.



Kathy Sucher, Lantz Simpson, Mitra Moassessi and Martin Goldstein at the AAUP Conference.

SMC FACULTY ASSOCIATION BULLETIN

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