

30 Years Strong!



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Volume XXXIX No. 4, April 2009

Union Press

Ponderings of the President

by Ira Lansing

It happens maybe once a year, usually around this time of the year, just before the end of the spring semester. A full academic year is nearly complete, the intensity of the semesters is coming to a close. Union issues that have developed over the year have either been resolved or are moving forward on their own timeline. That is to say, while a lot may be happening, there is not much new going on. On the one hand, this is a good thing; on the other, if a column deadline is staring at you, there is not much newsworthy material.

Don't get me wrong. There is much going on now, most notably fact finding and potentially nearly a half-dozen grievances or arbitrations. But there is nothing particularly *new* to report on any of these, leaving me somewhat at a loss where topics for this column are concerned. In the past I learned when this "literary calm" occurs to engage in a retrospective piece; look at where we were last year—literally. Drag up the column from 12 months ago and reflect on it. After all, no one is likely to remember what I wrote a year ago, and it keeps the

front page of this newsletter from being a big white space.

So that is what I am going to do. But this time I decided not to go back just one year, but to pull out my archival CDs and go back even farther. It would seem especially appropriate at this time because the Board of Trustees is pushing the faculty in the direction of the first strike in the history of the College of Marin. What extreme crisis is taking place now that is so radically different from any we have experienced in the past? What issues now are so unresolvable that there are no options but to walk out? We must truly be experiencing problems of the worst kind ever encountered by UPM and the faculty. Let's take a brief look at what caught my mind at this time of the year, many years ago.

1995: my column that month was actually similar to this one. It references back to 1993 and 1994, all of which talked about the possible financial crisis the District could be experiencing and the uncertainty of the

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funding; how in 6 months the District went from a \$1.6 million dollar deficit to a \$1.9 million dollar surplus. How nice it is now, as a Basic Aid district, to have some level of stability with a reserve of over 7% on a budget that encompasses the largest amount of revenue in the history of the college.

1996: an article on a sexual harassment workshop given during flex time and faculty rights. Hmm, must have been a really slow period that year.

1997: I reported that bargaining was just starting and the District was publishing the contract articles over which they wished to negotiate for the upcoming bargaining. The list of articles the District proposed to discuss included Article 3 (Wages), Article 6 (Transfers and Assignments), Article 7 (Evaluations) and Article 26 (Student Academic Grievance Procedure). Wow! A total of four articles for the entire new, three-year contract! Does not compare with the nearly dozen-and-a-half articles the District chose to sunshine in this current round of collective bargaining. I guess back then faculty and management were able to use the contract to make things work and did not feel the need to completely rewrite the document.

1998: this column discussed the proposed merger between the community college components of the California Federation of Teachers (CFT) and the California Teachers Association (CTA). Interestingly, this discussion has again resurfaced between these two organizations this past year. Perhaps we have found something that progresses more slowly than our own fact finding.

1999: oops, another retrospective article. Actually, this was one of my favorites since it discussed baseball, Honus Wagner and

Wayne Gretzky (the latter individual having nothing to do with baseball except that he purchased one of the rarest baseball cards in the world, the Honus Wagner tobacco card). The other topic in this year's column was UPM's creation of a Political Action Committee (UPM/PAC). That committee now exists and has a treasury of over ten thousand dollars to spend on political matters related to education. Remember that this November is a CoM Board of Trustee election. Anyone interested?

2000: the first discussion by the Board of Trustees in a public meeting of a tax override or a bond measure. This is indeed the great-grandparent, so to speak, of Measure C, the quarter-of-a-billion dollar bond measure that passed a few years ago to fund CoM "redevelopment"

2001: the column this year took the form of pseudo-letters to the editor on various topics, with responses to the questions provided by yours truly. Another slow month?

2002: apparently contract negotiations for 2001-04 had stalled and there was much discussion about what could be done to bring them to a successful closure. Interestingly, these concerns surfaced after "only" one year of bargaining. As you know, we did get a contract back then with no strike. Of equal interest, when (if?) this current contract is resolved it will expire. We are working on 2007-10 and bargaining for 2010-13 will begin in about a year from now.

2003: this was an interesting month. The faculty had just taken and passed a vote of no confidence against then president Jim Middleton (are you hit by a wave of nostalgia?).

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My column made mention of the fact that the Academic Senate no confidence resolution listed 18 reasons for taking the action against President Middleton, yet the Marin *Independent Journal* focused on only one of the reasons in their reporting on the matter. It seems the *IJ* had problems getting it straight where the faculty are concerned, even back then.

2004: the start of the Fran White years, and I commented in my article on the large number of temporary, interim or changing administrators that we all were experiencing.

2005-2008: these columns all shared a common theme—the increasing difficulties UPM was having with the District in bargaining, resolving grievances and coming to mutually agreeable resolutions on any issues. Most notably I reflected on the current administrations new take on

bargaining/resolutions: you tell us your bottom line and then we will tell you what we can offer you. No give and take, no compromise. And I noted over the years that there was a certain sense of umbrage on the part of the administration if UPM's position was not truly the "real" one, but rather one of negotiability; to the point that the District would withdraw from any further discussion. Could you have predicted then that the current negotiations would take over two years and get nowhere?

2009: you're reading it!

For better or worse, I have fulfilled my obligation to fill in the blank space on the front page. It remains for you to fulfill some of your obligations: stay in touch, stay informed, stay involved. You can do some of these with ira@unitedprofessorsofmarin.org.

	<p>Tick-tock, tick, tock, time on the clock. Amount paid to the attorney for the District during the month of February:</p> <p>\$39,587</p> <p>... and still no contract</p>	
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2009 AFT Western Union Leadership Institute

When: July 26-31

Where: UCLA

Scholarships available through CFT

For more information, please contact UPM secretary Teresa Capaldo:
Teresa@unitedprofessorsofmarin.org

CONNECTING THE DOTS

News and Opinion
by Arthur Lutz

UNION 101

A Union is a group of workers who come together to solve workplace problems that they cannot, as individuals, solve by themselves.

Unions are effective because groups have more influence than individuals and employers will agree to do things for workers who are organized that they might not otherwise be willing to do.

In order for a Union to be successful however, management must be convinced that there will be *consequences* if they refuse to comply. The most effective consequence is a work stoppage – a strike, but most often just the threat of a strike will be sufficient to persuade an employer to make accommodations. Without the employer believing that a work stoppage might be a real possibility, employee influence is very limited.

Relating this to our current situation at CoM, it means that if we are going to be successful in persuading the District to alter their regressive Contract demands, they will need to be convinced of our unity and our willingness to back up our convictions with action. If they do not believe that we might invoke our right to strike, they will have little incentive to back down from their unacceptable bargaining positions.

For over 30 years our Union has been successful in Contract negotiations because the District recognized the unity and resolve of our faculty. They believed we would stand united if it came to a showdown – that there would

be *consequences*. But faculty unity is no longer so apparent to the District, and as a result they are willing to initiate an assault on the protections in our Contract and on our Union that they never dared attempt before.

The District hears voices from some in our faculty who express open hostility to our Union leadership and state publically that they will refuse to participate in any job action even if it is approved by a majority of their faculty colleagues. These voices provide encouragement to the District in their attempt to undermine our Contract and weaken our Union.

Personally, it's hard for me to understand why any of our faculty would malign our Union leadership or our bargaining team when they have had such an outstanding record of success. However, I realize that some faculty might disagree with tactics and might be hesitant about supporting a work stoppage in these challenging economic times. Openly announcing these trepidations, however, is very poor strategy. It emboldens the District to pursue their regressive policies.

So how should Union members make their voices heard and their opinions known to influence UPM policies with which they might disagree, without jeopardizing our struggle for a fair Contract?

UPM is a democratically run Union. We poll our membership as to their needs and opinions on important workplace issues. We encourage members to attend our weekly executive council meetings to share their ideas and concerns, critical or otherwise. We encourage members to run for our

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Executive Council where they can play an active role in deciding policy. We publicize, recruit and promote participation in Union committees, including the negotiating committee. We publish members' union-related letters (without censorship) in our monthly Newsletter. We provide frequent email and Website updates on important Union matters. And we **always** bring significant issues to our Union members for a final vote. This will certainly be true for any consideration of whether or not to engage in a work stoppage. Our Union encourages participation and takes faculty input seriously.

Interestingly, those who have been the most vocal and critical in maligning our Union leadership and our Executive Council's policies and practices are never the ones to attend Executive

Council meetings to share their views; or participate in Union committee work; or attend informational briefings.

A Union is composed of many individuals and not every member will have the same workplace needs or perspectives or opinions as to strategy. But Unions are based on the principal that in order to succeed, we all should support each other, *in solidarity*.

In our current bargaining situation this should be an easy task because the District's bargaining demands are so outrageous that all our faculty should be in agreement. If we would just join together, *in solidarity*, we can defeat the District's attempts to undermine our contractual protections and enfeeble our Union. Please play a part in helping to keep our Contract strong and our Union powerful.

UPM Executive Council Election Results	
Full-time positions (3) 65 Total Votes	Part-time position (1) 46 Total Votes
Laurie Ordin 52	Deborah Graham 23*
John Sutherland 42	Meg Pasquel 23*
Bonnie Borenstein 31	
Peggy Dodge 23	
	* There will be a revote for this part-time position

<u>CERTIFICATED RETIREMENT ACCOUNT TRUST Election Results</u>
Term 7/01/2009 to 6/30/2011: Ed Essick 92 Votes
Term 7/01/2009 to 6/30/2010: Judy Coombes 66 Votes
CRA Poll Results
I would like to know exactly how much I would receive if the trust were terminated. Therefore I would support the trust spending up to \$30,000 to conduct a complete legal and actuarial study before I vote. Yes 13 No 64
I would be able to vote to determine if the trust should be terminated or maintained without spending up to \$30,000 for a study before such a vote. Yes 93 No 4

CFT Resolution 20 * 2009
REQUIRE COMMUNITY COLLEGES TO PROMOTE PART-
TIME FACULTY TO FULL-TIME POSITIONS

Submitted by the CFT Part-time Committee
Adopted March 21, 2009

Whereas, part-time faculty often serve at the same institutions, in the same positions, continuously for many years, only to be passed over for full-time positions in favor of someone from outside the institution, often having less experience; and

Whereas, institutions could make a more informed decision about someone they have already hired and evaluated over a longer period of time than they can in just a brief interview; and

Whereas, current part-time instructors are already familiar with the college and its procedures and have developed relationships with students; and

Whereas, if part-time instructors knew they had a greater chance of getting a full-time position, they would be more motivated to be involved in college activities; and

Whereas, precedents for such a practice exist in the Vancouver Community College in Vancouver, British Columbia, where they negotiated a contract that requires hiring currently employed part-time faculty for full-time positions and only hiring outside if no qualified current part-time faculty can be found, and Oregon and New Jersey have both introduced bills requiring inside hiring of part-time faculty for full-time positions;

Therefore, be it resolved, that the California Federation of Teachers (CFT) support legislation amending the California Education Code so that when a full-time position is open, if there are part-time faculty who have been teaching in that department for eight or more semesters, have a record of satisfactory performance, and have applied, one of them should be promoted into that position. If there are no part-time faculty members who meet the requirements or if no part-timer accepts the position, then the institution may use the regular hiring procedure and advertise outside the institution; and

Be it further resolved, that until such legislation is enacted into law, CFT locals be encouraged to include such language in their contracts.



Letters to the Editor

Feel free to voice your comments and/or opinions concerning any Union related article or issue. Letters should be signed, but names will be withheld upon request. Please direct your letters to john.sutherland@marin.edu

Last year the Academic Senate wrote and approved this policy: *“Faculty members involved in Program Review volunteer as participants and faculty who choose not to participate shall not be penalized.”* That quote became part of IPC’s Program Review Handbook.

Senate President Yolanda Bellisimo recently told the board of trustees that the Senate’s goal is “zero tolerance” toward violations of all IPC procedures detailed in that handbook.

Knowing these two facts, a logical person might deduce that administrators who attempt to force faculty members to write program reviews, or to punish them for refusing, will be stopped cold by the Academic Senate for violating that specific IPC policy.

Nonetheless, a letter published in UPM’s last Union Press strongly, and absurdly, suggested to readers that the Senate has adopted a “zero tolerance” policy toward faculty members who don’t choose to write program reviews.

It’s a stunningly wrongheaded conclusion, and it’s damaging, to boot.

That letter was published and prominently displayed in the UPM newsletter without being subjected to any form of elemental fact-checking. We have to ask why.

Did the UPM newsletter editor want his readers to lose confidence in – even develop anger towards – an elected organization comprised of UPM members who work hard every week on the faculty’s behalf? Does the incumbent administration of UPM wish to harm another faculty organization by printing inflammatory falsehoods? That’s a question members should ask.

UPM members need to trust their elected leadership. Little libels like this will deter them from that leap of faith.

Michael Dougan
UPM member
Academic Senator

In response to Yolanda Bellisimo’s statement that I should have contacted the Academic Senate and not the UPM, regarding her zero-tolerance statement, the following explains why it was completely appropriate. The Academic Senate’s representation is for Academic

programs, not individual faculty members. The Academic Senate has a statutory authority to act as a consultant to the management and the Board of Trustees. A zero-tolerance policy, if there were one in place, would appear

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to be outside the Senate's authority. Since a zero-tolerance policy targets individuals and not programs, the appropriate faculty representative is the UPM. UPM is not limited to a consultant status. Our contract provisions supersede District and Senate policies under state law. Neither the District nor the Senate can write or implement policies that violate our contract provisions without risking losing in court.

Yolanda's concern about Union money spent on answering my question regarding her "zero tolerance" statement is odd. It would be appropriate and a welcomed voice from the Academic Senate, if Yolanda would direct her monetary concerns to Fran White and the Board of Trustees who have wasted well over half a million of taxpayers' dollars in litigation over anti-faculty cases they knew they would lose. The amount of money that Fran and the Board of Trustees wasted is enough to pay for (calculations courtesy of Laurie Ordin):

- A 2.9% raise for 3 YEARS for 75 full time faculty members at the entry level of the salary schedule, or

- A 2.9% raise for 3 YEARS for 127 part timers working at a 40% load.

It would be great if Yolanda, as the representative of academic programs, would advocate ending the District's anti-faculty legal expenditures and instead use the money to support existing programs. That would greatly benefit our students and our college. Advocating the use of these monies for academic programs is the proper function of an Academic Senate President.

I am pleased that Yolanda clarified that participation in Program Review is voluntary under the current labor contract, and that if faculty members choose not to participate, they will not (and cannot legally) be penalized. I am not opposed to Program Review, and believe that it can be valuable. However, it deserves to be accomplished professionally, with valid research methods, meaningful data, and efficient instruments, and not by threats to faculty of being "managed" by any of the members of the Academic Senate.

Maula Allen, Mathematics

Over the past month, as editor of the UPM Press, I've attended Academic Senate meetings and heard charges that I had printed "inflammatory falsehoods," "harmful fictions," "false claims" and "egregious and "reckless" statements, all of which absurdly suggested "wrong headed conclusions" to readers.

Two issues, in particular, were raised: The first was UPM President Ira Lansing's statement in the December 2008 Press that the Board of Trustees

had "rejected" an Academic Senate Revitalization/Discontinuance proposal; the second was a faculty member's letter to the editor (Feb, 2009, Press) asking me to inquire into the legal authority of the Academic Senate to create a "Zero Tolerance" policy regarding program review.

Webster's Dictionary tells us that the antonym of "accept" is "reject." The Board of Trustees did NOT "accept" the

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Senate's Discontinuance policy (See Board minutes March 18, 2008), so it follows that it did "reject" it. Board minutes note AS president Bellisimo's "disappointment at the proposed reinstatement by the board of the last sentence into the policy," her sentiment that it "seems punitive to state that in the policy" and her request for a "letter from the Board explaining reasons for putting the last sentence back into the policy." The minutes also note additional language submitted by the student trustee that further altered the Senate's original proposal.

In light of this added language, how is the word "rejected" inflammatory, false or reckless?

As for the "Zero Tolerance" policy on Program Review, the February 17, 2009, Board Packet contains the facts:

8) "Our goal is to reach a point where we have zero tolerance for circumventing the process, whether that be by faculty, staff, administration, or the board."

In defending the statement, both senator Mike Dougan and AS president Bellisimo cite the Program Review Handbook: "Faculty members involved in Program Review volunteer as participants and faculty who choose not to participate shall not be penalized." They contend that AS president Bellisimo's statement to the Board "refers to our expectation that all those who do choose to participate in program review, including faculty, staff, administration, and the board must follow the IPC approved procedures."

"To do" item number 8, Program Reviews and Governance, however, does not mention ANYTHING about IPC policies.

Though we have now been reassured that the Senate's intention is to protect faculty, a logical person might inquire into the apparent incongruity of these two statements, and since "Zero Tolerance" connotes punitive measures, she or he might, logically, ask her or his Union reps about the conflicting message. And this is exactly what happened.

Egregious? Harmful? Wrong headed?

Senators Bellisimo and Dougan have called these statements divisive. At one Senate meeting, I tried in good faith to clarify these issues, but citing the Brown Act, president Bellisimo would not allow such conversation. (Senator Gaiz later established that non-senators MAY indeed discuss an agenda item with the Senate.)

Finally, more than two weeks ago I asked if the AS News would print my response, just as I have here included Mr. Dougan's, but I am still waiting for a reply.

John Sutherland, Editor UPM Press

"For us to succeed—staff, students, administrators and faculty—there must be trust, respect and open communication."

--"The Role of the Senate"
Yolanda Bellisimo, President,
Academic Senate

AFT Perspective March 2009

Strike looms at College of Marin*

By David Bacon

College of Marin, where teachers have gone without a contract for two years, is probably a good example of the problems that arise when a district turns over negotiations to an attorney. Larry Frierson, attorney for the college district, is now its highest paid employee, having earned over \$700,000 in three years, according to Ira Lansing, president of United Professors of Marin, AFT Local 1610.

“The district used to have a chief negotiator on a monthly salary,” he explains. “Frierson, however, charges by the hour both as a negotiator and a litigator.” In other words, if bargaining goes on forever, the hourly charges mount up. And if the district winds up in litigation as a result, along with mediation sessions, fact-finding possible board charges, the charges mount up even more.

That seems to be where things are headed in Marin. When negotiations started, the district sunshined 18 of the 26 articles in the union contract. When the district gave its proposal, and the union gave a counterproposal, the district never responded.

To try to break the logjam, the union even made a drastic proposal during mediation. “We said we’d agree to all their changes in contract language, and there were many, if they’d agree with all our proposals on salaries and economics. Their response was that they had no authority to make an offer.”

Fact-finding was then scheduled for February 23-26, and in all likelihood will extend much longer. The union is

contemplating unfair labor practice charges. If nothing changes, the union is preparing to strike.

“From my perspective as UPM president it appears that these are the only two possible outcomes,” Lansing told members, “acquiesce or strike. If the Board of Trustees and the administration were truly serious about producing a collective bargaining agreement that was acceptable to both parties, they would have responded in meaningful ways to all previous proposals. They have given no counter-proposals to most of their initial positions and have remained, in most instances, at their opening proposals.”

Lansing anticipates that following fact-finding the district may choose to implement its final offer, presenting the faculty with a basic choice. “We as faculty can go on strike for the first time in the history of the College of Marin or we can accept a contract that changes our wages, benefits and working conditions in extreme ways and wipes out many of the accomplishments achieved over the last 30 years of bargaining.”

College of Marin is the 47th lowest-paid district in the state, in a county with higher living costs than almost any other. Across the street from the college campus is Kent Middle School, where a teacher with a masters degree and 15 years on the job gets \$17,000 a year more. The district has offered 0% over three years. “They believe we’re paid too much,” Lansing charges.

“Best wishes”

Meanwhile, as anger and resentment build, the district seems unconcerned, or even oblivious. One faculty member, Laurie Ordin, co-chair of the mathematics

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department, wrote a plea to college president Fran White, telling her morale hit rock bottom when teachers heard that the district wasn't willing to come to the table and negotiate.

“It is extremely important that we feel that the entire college community can put aside differences,” Ordin said, “as President Obama has asked us to, to get the important

work done. It is so much better to feel hope rather than despair in difficult times.” White’s response: “Thank you for your note. The District is honoring the Fact Finding process. Happy New Year and best wishes for the new semester.”

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New UPM Website
District Lawyer Paid \$ 39,587 for February 2009
UPM Goes to Fact-finding!
Read the latest issue of the UPM Press @
www.unitedprofessorsofmarin.org

United Professors of Marin
UPM-PAC Payroll Deduction Form

The UPM-PAC (Political Action Committee) provides financial support to candidates and measures that support or benefit education in Marin County and the College of Marin in particular. If you would like to support the UPM-PAC with a monthly contribution, small or large, please fill out the form below and send it to the Payroll Office.

To: Payroll, College of Marin
Date: _____

I hereby authorize the Marin Community College to deduct from my earnings the sum of _____ beginning in the month of _____, _____ (year), and each month thereafter, and to remit this sum to the United Professors of Marin PAC #990958 until I revoke this authorization in writing.

Signature: _____
Print Name: _____
Address: _____
City: _____
Zip: _____
SSN: _____

UPM Membership Application

I hereby apply for membership in the United Professors of Marin, AFT Local 1610

Date: _____ Email: _____

Name _____ SS #: _____

Address: _____ Department: _____

City: _____ Zip: _____

Home Phone: _____ Campus Ext.: _____

Check the appropriate category:

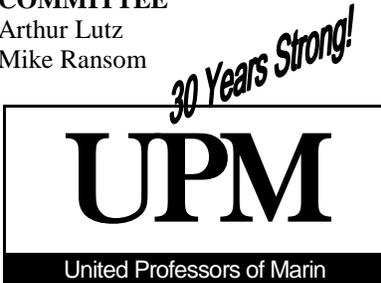
I am a permanent credit or non-credit employee or leave replacement.

I am a temporary non-credit employee on the quarter system.

I am a temporary credit or non-credit employee on the semester system.

Return to UPM Kentfield campus mailbox or UPM Office, Science Center 136

UPM Committees and Staff

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