

31 Years Strong!



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Volume XXXV No. 4, April 2010

Union Press

Ponderings of the President

by Ira Lansing

When I was first hired to teach in the Marin Community College District, the Dean of Sciences at that time had a particular penchant for pithy platitudes (as this column might be said to have for alliteration). One of his favorite remarks, especially if you came to him with a concern or a problem, was “May you live in interesting times”. And then he would remind you that this was an ancient Chinese *curse*. It would seem that this clever quip is even more applicable to our situation as faculty, for indeed, we all are living in interesting times.

Perhaps the tantalizing tease of the statement is that it is labeled as a “curse”, something that would seem to be undesirable. Yet that which might be interesting is, well, interesting. It could have elements of excitement, curiosity, adventure and entertainment. Where is the curse in that? However—“How did you ever find yourself suspended upside-down over a cliff with swarming piraña 100 feet below? Very interesting.”—also seems to fit. Perhaps seemingly savage situations are “interesting” only if they are not happening to you.

But here we, the United Professors of Marin, find ourselves having just ended the longest fact finding in the history of California community colleges, with the interesting potential situation that a contract will be imposed on us after it has already expired and while we are in negotiations for the successor contract without even the knowledge of what the predecessor contains. Very interesting. All of which could lead to the first faculty strike in the history of the institution. Even more interesting.

As it stands now, and as this column is being written, the parties have presented proposals to one another (at the request of the State appointed fact finder) that are major modifications and abridgments of their respective original proposals. If these versions can lead to further discussion and eventual resolution, as is hoped, then we will have a contract to bring back to the membership for their approval (or not). Appreciate that for both parties not everything that would have been desired would be included and that some things that are included would not be desirable.

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That is the nature of compromise, and that is why the voting Union members will ultimately decide to accept or reject whatever is offered to them.

However, none of this may come to pass if the two sides cannot find the proposal mutually acceptable. There may be insistence on keeping language that is a deal breaker, that under no circumstances would UPM ever find acceptable. For example, as the District has proposed, the evaluations of tenured faculty are punitive and can lead to the dismissal of a tenured faculty member. This is language to which we would never willingly agree.

So what are the options if it comes to this? The situation then becomes interesting. To some the jittery gibe of a job action is frightening, but that is indeed one choice. Withhold services until the administration bargains meaningfully and in good faith, which means giving some to get some, a willingness to compromise and no longer perpetually insisting (as they have for the last three years) that all of their proposals must be accepted. The alternative to a strike is to accept an imposed contract. This just happened last month in Oakland. Their fact finding report (which came in considerably

less time than ours would) recommended raises and other benefits for the faculty. Instead their Board of Trustees voted to impose a contract, give no raises and lay off faculty. Now that is an interesting action!

As this column is written, the last ditch effort meetings have yet to take place. Regardless of the outcome, agreement or not, UPM will report to you what did and did not happen so that you can make the most informed decision when the time comes. If there is no immediate agreement UPM will begin a new phase of action, one that will bring each and everyone one of you in close contact with all the details, with all the pro and con arguments for our situation. The decision is not one to be taken lightly and the outcome, whichever way it goes, has serious long term consequences. UPM will employ a Union Action Coordinator to assist in the entire process. This person will have the responsibility of providing detailed information and will meet with you face-to-face to answer all of your questions. It is critical that you stay in touch, stay informed and stay involved. If you would allow someone else to foolishly figure your fate, then I would indeed say, "That is interesting!"

	<p>Tick-tock, tick, tock, time on the clock. Amount paid to the attorney for the MCC District as reported in the April Board Packet: \$31,900.00</p> <p>District Total since start of 2009: \$246,845.50</p> <p>(Additional legal fees: \$7,946.00) ... and still no contract</p>	
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CONNECTING THE DOTS

News and Opinion
by Arthur Lutz

MADNESS

A year before he died in 1890, Vincent Van Gogh was visited by his friend, painter Paul Signac.

In a letter to a colleague about this visit (written by Signac many years after Van Gogh had died) Signac wrote, "*The whole day, Vincent spoke to me about painting, literature and socialism.*"

It's interesting that when critics and art historians study Van Gogh's work, they rarely identify his interest in literature or politics. They prefer to view his work as the manic outpourings of an artistically and socially naïve and sometimes mad savant. Hollywood biopics and biographies reinforce this view.

A reading of Van Gogh's letters, however, reveals a different picture — a picture of an artist who was cogent, painstaking and thoughtful — a pioneer who knew exactly where he was going... and why.

Van Gogh was well educated and sophisticated — a voracious reader of novels, poetry and historical works. He spoke several languages and spent years studying his craft. Perhaps most significant to his work, however, was his political sensibility.

Van Gogh lived during a time of political upheaval in Europe. The Paris Commune of 1871 — an attempt by French workers to establish an egalitarian state free of economic exploitation and clerical interference — had been brutally suppressed by the Versailles government and hundreds of thousands of men, women and children "*communards*" were summarily executed.

This event, along with the publication of the Communist Manifesto in 1848 and working-class conditions that Van Gogh had read about in Dickens and Zola, left a lasting impression on him, about which he corresponded frequently, decrying the evils of a capitalist system that imposed brutal wage slavery on working people. He travelled to

Belgium's industrial region where he saw first hand the miseries of endless hours of child labor and untreated diseases and explosions that left hundreds dead or disfigured with terrible burns. He lived with these miners and painted their lives.

Throughout his life, Van Gogh chose peasants, miners, weavers, prostitutes — the disenfranchised, to be his subjects — choices which reflected his compassion, his egalitarian ethic and his political consciousness. He was, perhaps, one of our most class-conscious artists. Concerning his painting, *The Potato Eaters*, he wrote, "*I wanted to convey the idea that these people have toiled with their hands, and that therefore they should not be wanting of the bread that they have sown.*"

Van Gogh devoted his life to creating an art through the filter of the disenfranchised; a far cry from the way that most "academy" painters of his day viewed the role of the artist.

Given the above, it's not surprising that Van Gogh (as Signac reported) might have spent whole days talking about socialism.

In keeping with his belief in collaborative political action, Van Gogh also tried to organize an artist's collective where artists would work together and support each other's efforts and protect themselves from "*avaricious dealers.*" Now days we would call that a *trade-union*.

It is quite a different view of Van Gogh we get from reading his letters than that presented by movie portrayals or are historians who

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attribute his genius to mad hallucinations caused by epilepsy or syphilis or lead poisoning or absinthe.

How demeaning it is to an artist who created over 800 paintings in the ten years that he worked; who spent years studying his craft and enduring a lifetime of poverty in order to represent the lives of the working poor; whose works have stirred the hearts of millions of people from all social classes – how demeaning and elitist it is to ignore his ethics, his passion, his politics and his social conscience, and attribute the power and beauty of his work to a case of madness. If Van Gogh suffered from an

ailment, it was more certainly a case of moral outrage. May we all suffer from such an infirmity.

(For those who point to the incident of Van Gogh's ear cutting as evidence of his derangement, a new book by historians Hans Kaufmann and Rita Widegans argues that Van Gogh may have made up the whole story to protect his friend Paul Gauguin, who actually severed Vincent's ear with a sword during a heated argument).

Your UPM Website

www.unitedprofessorsofmarin.org

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AFT Local 1610 PO Box 503 ~ Kentfield, CA ~ 94914 Telephone / Fax (415) 459-1524

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UPM Protests for a Fair Contract at Board of Trustees Meeting
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Bargaining Update

Fact finding officially ended when the District made its final presentation at the beginning of April!

The State appointed fact finder has requested that before he issues his final report, the parties once again meet and try to settle the contract. In an effort to reach a mutually agreeable resolution, UPM has greatly restructured its proposals and the District has eliminated some of their original demands. The parties will give it one last effort the week of April 26. After this there are two possible outcomes.

The first possibility is the parties are able to agree upon a contract, in which case each side will go back to its respective constituencies (you, the membership of UPM; or the Board of Trustees for the District) and seek approval. At this stage any agreement is likely to contain elements undesirable to someone, or not include things that would be desirable, so despite the longest community college fact finding in the history of California, approval by both parties is not a given.

The second possibility is that there is no agreement on a contract after next week and the next phase of fact finding begins. This phase, at the request of the State appointed fact finder, will be written briefs on the outstanding issues, from which the fact finder will issue his written report. If it comes to this writing phase, it could be another 4-5 months before the final report is presented. The parties then have 10 days to read the findings and reconsider, after which the District has three choices: bargain some more or accept the report and impose it as the new contract, along with some or all of their last, best offer; or impose their last best offer. If either of the last two occur, the UPM membership can vote to go with the imposed contract or strike to force further negotiations that are mutually agreeable.

Regardless of the outcome, agreement or not, UPM will report to you what did and did not happen so that you can make the most informed decision when the time comes.

--UPM Executive Council

PAC News

The Professional Affairs Committee (PAC) has a balance of \$2400.00 available for conferences. If you are interested in going to a conference before the end of June 2010, fill out a PAC travel request form and turn it into Human Resources. We meet on Tuesdays.

Bonnie Borenstein and Carl Cox

EXECUTIVE COUNCIL ELECTION RESULTS

Terms for those elected begin July 1, 2010 through June 30, 2012

<u>PERMANENT FACULTY</u> <u>(3 positions, plus one At-Large):</u>	<u>TEMPORARY FACULTY</u> <u>(1 position, plus one At-Large):</u>
CHRISTENSEN* 27 VOTES	MARTINISI * 16 VOTES
COX * 27 VOTES	BEHR 8 VOTES
LUTZ* 26 VOTES	LANSING (AT-LARGE)* 24 VOTES
LANSING (AT-LARGE) 28 VOTES	
* elected	* elected

UPM Initiates Sidebar for Emergency Hires

On March 16, 2010, UPM proposed a sidebar to the District that would grant ETCUM status to temporary credit unit members who have been satisfactorily evaluated and who have been working under “emergency hire” status for two or more semesters.

Since the CBA requires the District to “notify UDWC of any temporary credit emergency hire in a discipline that exceeds two semesters and the reasons therefor” and since the District has failed to make the appropriate notification, UPM reasoned that granting ETCUM status would be fair and sensible. After all, the District relies on emergency hires to serve the needs of the college and the demands of the students, so it follows that it values these key employees. NOT!

On March 17, the District representative Linda Beam acknowledged receipt of the proposed sidebar and promised to get back to us “shortly.” As of this writing, April 25, and despite one more request (4/8) from UPM for a response, the District has been silent.

The District’s silence on this matter is a further reminder of its disregard for our part-time unit members, for the CBA and for California law. For example, UPM has attempted sidebars on at least three different occasions that, per California law, would allow part-time unit members to teach up to 10 units (67%) as opposed to the current 9 units (60%). Though part-time instructors at Santa Rosa Junior College already enjoy the extra unit and though raising unit totals would benefit the District, our part-timers and our students, the District refuses to entertain the idea.

UPM continues to work on behalf of all unit members; unfortunately, not all parties involved have our part-timers’ best interests in mind.

John Sutherland, UPM Grievance Officer

AFT/CFT Increases

The following is a description of the CFT per capita rate changes approved at the 2010 CFT Convention in March.

Recognizing the extraordinary financial impact from the loss of CFT membership resulting from the relentless California budget cuts and also anticipating the high stakes ballot issues and candidate contests in the November, 2010 elections and beyond, the convention delegates approved three future increases to the per capita rates. The first change is temporary for three years and becomes effective on July 1. The other two increases are ongoing and become effective September 1.

- **Effective July 1, 2010 and ending on June 30, 2013**, a “Special Assessment” of \$1 per full-time equivalent member/fee payer per month (or appropriate share) is to be passed through to all CFT affiliate locals. This amount is to be placed into the CFT general operating fund to avoid disruption of CFT services and programs in the immediate future.
- **Effective September 1, 2010**, an ongoing “Special Assessment” of \$2 per full-time equivalent member/fee payer per month (or appropriate share) is to be passed through to all CFT affiliate locals. This amount is restricted for deposit into the “Fund for California’s Future” as part of the CFT COPE funds to strengthen the political advocacy efforts on behalf of our members and local affiliates.

The third amendment is derived from a formula in the CFT Bylaws that determines the annual per capita rate change applicable to AFT/CFT affiliated locals.

- **Effective September 1, 2010**, the per capita rate per full-time equivalent member/fee payer per capita rate per month is to be increased by .38% (14 cents) and passed through to all CFT affiliate locals. This change also resulted in a .38% increase in the base rate for computing staff funding assistance for locals participating in the program.

In summary, the monthly per capita rate per full-time equivalent member will increase by \$3.14 (or appropriate share) in 2010. The first increase on \$1 is effective July 1, 2010 and will “sunset” after three years. On September 1, 2010, the monthly per capita rate will increase an additional \$2.14 per full-time equivalent member. Of this amount, \$2.00 is designated for the CFT COPE fund.



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

UPM BUILDING REPRESENTATIVES

<u>Building:</u>	<u>Contact:</u>	<u>Campus Extension or Email:</u>
<i>Austin Science Center</i>	<i>Ira Lansing</i>	7531
<i>Business Center</i>	Mike Ransom	7579
Dance, Landscape,	Deborah Graham	<u>Deborah.graham@marin.edu</u>
Fine/Visual Arts	Tara Flandreau	7576
Dickson, Fusselman Hall	Paul Christensen	7635
Harlan Center	John Sutherland	7434
IVC Campus	Arthur Lutz	8518
Learning Resource Center	Carl Cox	7423
Part-time Faculty	Tom Behr	<u>tom.behr@marin.edu</u>
Physical Education	Ira Lansing	7531
Student Services	Theo Fung	7389

The Part-Time B.U.M.

Many of us Temporary Part Time Bargaining Unit Members rely solely on our teaching salaries for our total annual income though we only receive those payments during the semester. California courts have determined that, as temporary employees who can possibly lose their positions because of low enrollment and class cancellation, we do not have reasonable assurance of reemployment and are therefore eligible for California unemployment benefits. It does not matter how many consecutive semesters you have been employed.

This is a significant dollar value. I myself have received these benefits and they can total \$6,000 to \$7,000 a year depending on your award amount. California unemployment payments are based on your highest earning quarter of the last two years not including the last two quarters. The online application from the State of California Employment Development Department is simple to complete. It is a good idea to spell out that

you are a temporary employee, the semester has ended and you "do not have reasonable assurance of reemployment." I have never had a problem with filing for and receiving benefits, but if you do, you should cite the judicial ruling, the Cervisi decision.

UPM's attorney, Robert Bezemek, wrote a guide called the "Community College Part-Time Faculty Unemployment Compensation Handbook" for which the California Part-time Faculty Association purchased the rights to publish on the internet for use by the public. It can be accessed at

<http://www.cdfa.org/bezemek.html>

The world is run by those who show up. Keep or start showing up.

Tom Behr

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

2009-2010

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Ira Lansing

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Tom Behr, Theo Fung, Arthur Lutz,
Michele Martinisi, Laurie Ordin

UPM-PAC

Arthur Lutz, Laurie Ordin, Co-Chairs

GRIEVANCE OFFICER

John Sutherland

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Theo Fung, Co-Treasurer: Mike Ransom

BUDGET MONITOR

Deborah Graham

BAY 10 REPRESENTATIVE

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31 Years Strong!

UPM

United Professors of Marin

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EXECUTIVE SECRETARY

Teresa Capaldo

Our UPM Political Action Committee is asking for your help.

Our faculty is currently involved in a contract dispute with the District which if unsatisfactorily resolved will have great impact on our wages, benefits and working conditions. The District Board is demanding take-backs and a huge increase in medical co-pays as well as extreme changes to our professional working conditions. We need to convince the Board that these demands are unacceptable. One way to do this is to prove that we have the strength to effect their re-election if they persist with these demands.

During the last Board election, our Political Action Committee used our treasury to unseat a trustee that we felt was unfriendly to our faculty and help elect a trustee who was more evenhanded. But an anti-faculty majority still controls our Board.

We would like to be able to change this Board majority. Your payroll deduction contribution to UPMPAC will help us build the war chest that we need to accomplish this at the next Board election. Please help by making a monthly contribution on the form below and sending it to the UPM office, SC 136. We will forward it to Payroll. (Checks written to UPMPAC are also welcomed.)

We should be able to elect a more faculty-friendly Board if we have the funds.

Arthur Lutz and Laurie Ordin
Co-Chairs, UPM Political Action Committee (UPMPAC)

**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: _____