

To: Board of Trustees, CCSF
Robert Agrella, Special Trustee With Extraordinary Powers, CCSF

Fr: Alisa Messer, President, AFT 2121 *AM*
Chris Hanzo, Executive Director, AFT 2121 *CH*

Date: February 27, 2014

CC: Chancellor Arthur Q. Tyler, CCSF
Chancellor Brice Harris, CCCO
Board of Supervisors, SF
Assemblymember Tom Ammiano
Senator Mark Leno
Congresswoman Nancy Pelosi

Re: Resolution Nos. 140227-III-B-54, 140227-III-B-55, 140227-II-D-44: Salaries for new high-level administrators above the existing administrative salary schedule without legal authority; restoration of public Board meetings

We are writing in opposition to the above referenced resolutions of February 27, 2014, "memorializing" salaries above \$200,000 for CCSF Vice-Chancellors, salaries that have already been paid to these high level administrators *without legal authority*. AFT 2121 objects to CCSF Special Trustee Agrella's payment of exorbitant salaries to a small group of high-level District administrators, salaries that have been paid at levels *several tens of thousands of dollars* above the existing salary schedule for CCSF administrators, who, like CCSF faculty, are currently earning approximately 4% less than the established salaries in 2007/08.

We call on the District to immediately and retroactively rescind these unlawful payments of excessive salaries to top administrators and pay these administrators in accord with the established administrative salary schedule.

Such egregious violations would not likely have occurred if this District were operating with open Board meetings and under the watch its publicly elected Board of Trustees. Therefore, we also call on the District and the State Chancellor's Office to reinstate CCSF's Board meetings immediately. Restore the voice of San Francisco voters and bring democratic decision-making, transparency, and public accountability back to City College of San Francisco by restoring the duly elected Board of Trustees.

Background

In the last few months, a select group of CCSF administrators have secretly been paid salaries over and above the published schedule. A newly proposed administrative salary schedule "addresses the salaries of positions that have been, or in the future may need to, exceed the maximum salary of Step 12." The resolution (No. 140227-III-B-54) authorizes top administrative salaries to "be independently adjusted based on market variations." This represents a significant departure from previous policy and one that is deserving of sunshine and public dialogue.

Additionally, AFT 2121's research indicates that at least one administrator was given a significant increase of \$27,000 in the last months. On April 25, 2013, Resolution No. 130425-V-A set salary for VC of Student Services Fabienne McPhail Naples at Step F, 10 of the Administrators Salary Schedule, approximately \$175,000. The resolution dated February 27, 2014 retroactively increases this salary to \$202,000, the amount she is currently receiving, according to the *San Francisco Chronicle*, which obtained salary information through a California Public Information Act Request (Asimov, Feb. 7, 2014).

All of these salaries exceed the amount of salary authorized for those positions by District salary schedules. These unauthorized decisions appear to coincide with the District's declaration of impasse in negotiations with AFT 2121. This lack of transparency is a slap in the face to CCSF faculty who, along with the rest of the CCSF community, have made tremendous sacrifices. Faculty members made the difficult choice to ratify a contract with a significant cut in pay last fall at the same moment the College hid these unprecedented increases in salaries for administrators. How can we be expected to move forward and develop a more trusting college community with such instances of bad faith?

Several provisions of the Education Code establish that when paying academic and classified administrators, a district must adhere to published salaries. For example, Education Code section 87801 requires the governing board to fix and order paid the compensation of academic employees of the district. This includes managerial employees serving in academic positions, such as a Vice Chancellor of Instruction. Similar code (Ed. Code 88160, 87802, 88087) covers other academic and non-academic employees.

District policy provides that the contract of an academic employee should be established by a Board resolution, and reference to the "salary schedule applicable to the position." When salaries that were not properly fixed are paid to a select group of administrators, then the Board acts in excess of its authority.

Given that these exorbitant salaries were provided without authority, they amount to gifts of public funds. The District has no right to give away public money, particularly when it is under the watchful eye of ACCJC and when it has just demanded huge pay cuts from the faculty, who are now being paid at 4% below 2007 pay levels.

Without a board hearing to discuss and announce prospective and actual pay increases, the District also violates the Brown Act. There has been no public notice or airing of payment of these salaries that greatly exceed existing salary schedules by several tens of thousands of dollars. Simply put, the Interim Chancellor and State-imposed Special Trustee approved payment of salaries to these few top-level administrators without any legal authority, without public notice or "sunshining," violating the Brown Act.