

In the Matter Of:

City College of San Francisco and American Federation of Teachers, Local 2121.

CITY COLLEGE PROCEEDINGS

July 06, 2016

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12 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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16 Taken before Catherine M. Meyer, RPR, CSR

17 CSR No. 11596

18 July 6, 2016

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I N D E X

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SPEAKERS:

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1 REPORTER'S TRANSCRIPT OF PROCEEDINGS

2
3 BE IT REMEMBERED, that pursuant to Notice, and on
4 the 6th day of July 2016, commencing at the hour of
5 10:12 a.m., San Francisco City College, 33 Gough Street,
6 San Francisco, California, before me, Catherine M.
7 Meyer, a Certified Shorthand Reporter, the following
8 proceedings took place.
9

10 ---o0o---

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Fact Finding Board:

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Zev Kvitky, arbitrator

John Hendrickson, arbitrator

Doug Orr;

Richard Campean;

Li Lovett;

Wendy Owens;

Timothy Killikelly;

Dr. Guy Lease;

Steve Bruckman, Esq;

Becky Perelli, RN;

Tom Russell;

P R O C E E D I N G S

Wednesday, July 6, 2016 - 10:14 a.m.

---o0o---

MS. ADLER: Okay. Jeff, you're on. On the record.

MR. SLOAN: We begin by distributing some documents.

MS. ADLER: Okay.

MR. SLOAN: First off --

MS. ADLER: I've lost track of what numbers we're at.

MR. SLOAN: Well, the first document actually is a table of contents which has been revised to include reference to some new documents. Next we have the paper version of the PowerPoint presentation on economic rebuttal that Mr. Gerhard will be presenting as soon as we're done with this paperwork exchange. So what was District A-6, A, as in Albert, 6.

Next we have a District C-43 which will accompany Mr. Gerhard's statement.

MS. ADLER: Whenever you are ready, identify yourself for the record and then --

MR. GERHARD: Dim the lights or can you see?

MS. ADLER: I can see it.

MR. GERHARD: Ron Gerhard, Vice Chancellor

1 Finance Administration, City College of San Francisco.

2 MR. SLOAN: I would like to introduce
3 Mr. Gerhard's testimony as follows.

4 MS. ADLER: Okay.

5 MR. SLOAN: Mr. Orr, in the last day of fact
6 finding, made a presentation relating to District
7 finances. Mr. Gerhard will address that testimony in
8 rebuttal and indicate seven assertions that from our
9 standpoint were incorrect.

10 MS. ADLER: Okay.

11 MR. SLOAN: Mr. Gerhard.

12 MR. GERHARD: Thank you very much.

13 So as Mr. Sloan has prefaced it, kind of
14 brevity being golden, I'll go through some of the
15 assumptions or assertions that were presented at our
16 last meeting and provide some context or some
17 information or data that from our vantage point either
18 makes that contention inaccurate or incorrect or out of
19 context in light of what we're doing in this forum. So
20 beginning with the first slide is a table of contents,
21 those seven assertions being the numbers keep changing.
22 Number two, an amount that was set aside for -- 7.7
23 million for -- in the context that was presented is fund
24 balance. The third area is a historical pattern of
25 budgeting in context of faculty salaries, FTEF,

1 full-time equivalent faculty, going to the next slide.
2 And then five, six and seven are related to enrollment,
3 in light of what was presented -- previously presented
4 by Vice Chancellor Anna Davies related to the financial
5 impacts or consequences of if we were able to restore
6 certain amounts of enrollment and how it may or may not
7 be able to fund the faculty salary proposal.

8 So turning to slide three, contention number
9 one, the District's numbers have been constantly
10 changing was a concern that had been expressed. And we
11 don't dispute that. Again, providing some context
12 behind it is the numbers changed during the calendar as
13 we received updated information from the State and as
14 the State processes our enrollment information. So, for
15 example, during this fiscal year during the time that we
16 had ongoing conversations with AFT, the number changed a
17 number of times. On February 24th there was a reduction
18 of 1.3 million that was related to our enrollment report
19 that was submitted to the State in January. It was
20 changed again on April 22nd, further reduction of \$2
21 million. So cumulatively a \$3 million reduction, again,
22 as a result of enrollment numbers that were submitted to
23 the State. Unfortunately the enrollment numbers -- the
24 enrollment report show that the enrollments continue to
25 go down. That's the direct result of that negative

1 reduction. And then as recently as June 23rd there was
2 a \$200,000 adjustment upwards. But again in context of
3 actually the first day that we met in May is that there
4 are certain points in time where our numbers will
5 change. And as our revenue changes our expenditure
6 changes and we update those scenarios and have a
7 conversation not only with the faculty and AFT but our
8 participatory governance committees, our budget
9 committees, our cabinet meeting planning committee and
10 throughout the institution.

11 So contention number two on page 4 or slide
12 four is that speaking to the \$7.7 million. Again, in
13 context is that at the -- when the board of trustees
14 approved the final adopted budget for the '15/'16 fiscal
15 year that ended seven days ago, six days ago, they
16 approved it in September of 2015.

17 So part of that discussion was a recognition
18 that there was some one-time money that would be
19 available for negotiations. That meeting was held in
20 this room in September. So the spirit and thought and
21 the action and the discussion taken by the board is that
22 that \$7.7 million is current year revenue, meaning
23 '15/'16. We will set it aside. It wouldn't go into
24 fund balance until the books are closed, meaning after
25 the fiscal year, but it would be a set-aside to help

1 fund and pay for whatever materialized through
2 negotiations with the five collective bargaining groups.
3 So that money has since that time been shown as a line
4 item or shown as an amount set aside per the board
5 action, board direction. And to the extent that
6 agreements have been reached with the other collective
7 bargaining agreements, some of those funds have been
8 used to fund Lookbacks or whatever materialized out of
9 those negotiations and agreed to out of those
10 negotiations. So that covers slide five. Again, the
11 funds were set aside specifically by the board of
12 trustees to help pay for agreements reached through the
13 collective bargaining process. In the context of the
14 presentation that was provided was that money should go
15 into or should be added to the fund balance. Well, to
16 the extent that we don't reach agreements with
17 collective bargaining groups, that money will go into
18 fund balance. And in the subsequent year or whenever
19 those agreements are reached, those funds will be used
20 to help fund the cost of those agreements. And we've
21 -- again, going back to September of 2015, that has been
22 the understanding.

23 Slide number six, contention number three is
24 underestimating -- the District is underestimating
25 available funding by historically underbudgeting for

1 faculty salaries. We -- there's two elements of this.
2 There's -- number one, there's the assertion or the
3 contention that there's a practice. But I think number
4 two, there's some context that needs to be provided
5 during this window of time. And so for that, if you
6 would be so kind, within AFT's binder there's an
7 Exhibit 5-D. And that exhibit is also within the
8 District's binder. But --

9 MR. SLOAN: Is that binder two or --

10 MR. GERHARD: I think it's binder two. But
11 it's easier found -- their binder is a little smaller.
12 It's easier in AFT's binder, again. Exhibit 5-E. 5-D,
13 excuse me. It's the six-year history of the
14 unrestricted general fund as well as parcel tax.

15 MR. SCEVA: It's in the large AFT binder.

16 MS. ADLER: All right. It's in the bigger one.
17 Okay.

18 MR. GERHARD: So looking at -- going back to
19 the first year in 2009/'10, we deficit spent for faculty
20 positions by -- in excess of 2 million, almost \$2.1
21 million. And in subsequent years going from 2010/'11,
22 you can see anything in a count series of a one, one and
23 three digits, so it's a total of four digits, is
24 academic salaries. And you can see in there where there
25 are years where we had surpluses and we had deficits.

1 In whole, in total in 2009/'10, again we had a total
2 deficit in faculty salaries of about \$2 million. So
3 again, there's other years where as a whole there's --
4 there's not a total deficit like that here, but there's
5 different counts like faculty salaries or part-time
6 faculty salaries where there were deficits or surpluses
7 as well.

8 But I think more importantly than that is the
9 context behind it. And that is looking at that six-year
10 window of time, we were on -- the college, the District,
11 we were on stability funding for -- for all but two
12 years. For four of those six years we've been on
13 stability funding. Again, going back to day one,
14 stability funding is revenue or dollars of the District
15 or college has received that is not reflective of the
16 level of enrollment. Enrollment significantly
17 decreases, under the normal scenario we receive
18 stability funding in that year of reduction to help the
19 college to adjust or to restore that enrollment. Again,
20 looking at the context of it is that four of those six
21 years we were on stability funding. Over that window of
22 time that total stability funding for those four years
23 almost -- was in excess of \$80 million. \$80.3 million.
24 So in looking at it in terms of context, those years or
25 at least the more recent years going back to 2009/'10

1 for all intents and purposes our revenue and the way we
2 derive revenue hasn't been reflective of enrollment as
3 it will be after this '16/'17 fiscal year.

4 So again, in the broader picture is that that
5 drives everything in terms of our staffing levels
6 haven't necessarily been reflective of enrollment and in
7 the future won't be reflective of receiving additional
8 stability dollars. The governor approved the budget and
9 part of that is we're not continuing to receive
10 stability funding, but we are receiving some
11 consideration or assistance from the State in terms of
12 not having a cap, if you will, put on our growth
13 dollars. So beginning next fiscal year, 12 months from
14 now, we won't have the additional dollars that again, in
15 context of the contention, that would provide additional
16 dollars and resources to staff the way we've been
17 staffed going back to 2009/'10.

18 So turning to the next slide, slide nine --
19 eight, excuse me, is contention number four is related
20 to the District hasn't -- we haven't provided FTEF
21 numbers. And again, just kind of a quick reflection of
22 day one, FTEF, full-time equivalent faculty, it's
23 essentially a measure on the staffing levels for faculty
24 that the District has. And that's comprised of
25 full-time faculty as well as part-time faculty. And

1 quick response or quick answer on this one is that we
2 have in exhibits -- District Exhibit 28 and 29 for every
3 scenario we've provided the FTEF for again all the
4 scenarios that we've been provided.

5 In addition to that, for the last two-plus
6 years in our budget documents that are disseminated
7 throughout the institution, that are posted on our
8 website, that go to the board of trustees for review and
9 approval, all contain from a budgetary perspective the
10 number of full-time equivalent faculty, the number of
11 FTEFs that that budget is funding. That's reflective of
12 the work that academic affairs is doing in terms of
13 putting together the scheduled classes to serve students
14 to generate full-time equivalent students.

15 Slide number nine, which is contention number
16 five, is that according to the District's enrollment
17 management plan an increase of 2500 FTES or 5,000 FTES
18 is easily achievable. And the response to this is in
19 reflection of the conversation that you had with Vice
20 Chancellor Anna Davies is that it's obviously easier
21 said than done. Given the amount of work that lies
22 ahead of us in terms of restoring that enrollment, Vice
23 Chancellor Davies spoke really of three major campaigns
24 or efforts that in the longer term we may result in
25 restoring those FTES, the students. The first she spoke

1 about was borrowing of summer and shifting of summer
2 from one year to another. And I can't underscore or
3 stress the term "borrowing" because under that practice
4 it's not generating additional FTES. It's shifting FTES
5 and when it's recognized from one fiscal year to
6 another. So to the extent that as Vice Chancellor
7 Davies spoke about, to the extent that we are borrowing
8 from a future year 1700 FTES, that borrowing has to be
9 repaid in subsequent years. So hypothetically as in the
10 context discussed, if we borrow 1700 FTES to help
11 stabilize in a subsequent year, that's basically an
12 eight and a half million dollar loan that would have to
13 be paid back in subsequent years, and given our
14 enrollment environment, it would be paid over multiple
15 years. So that's I think one key thing to keep in mind
16 in terms of context of this contention.

17 Another initiative that Vice Chancellor Davies
18 is pursuing is bringing back our police and fire
19 academies. We're in the process of negotiating those
20 agreements. And it would be sometime until those
21 academies and those academic programs are operational
22 and up and running and actually bringing in those
23 additional FTEs. And similarly with the compressed
24 calendar, that is potentially a large endeavor that
25 oftentimes statewide in other districts pursuing and

1 implementing this is an 18-month-plus exercise that
2 involved bringing in an outside facilitator to help with
3 that process.

4 And as a note, too, just again to put some
5 context in it, since last time we met or since we began
6 meeting in May is that we continue to receive an update
7 enrollment numbers. And right now when looking at the
8 summer term that we are currently in, we're
9 approximately 241 FTES below in terms of credit
10 enrollment this summer compared to the previous summer
11 of 2015. Fall hasn't began yet. But based upon recent
12 enrollment, what we do is a point-in-time comparison,
13 meaning hypothetically today reflective of the beginning
14 day of instruction and I believe on August 12th,
15 comparing that point-in-time comparison or reference
16 with the previous summer and doing a comparison to see
17 are we up, are we down in comparison to point in time of
18 last year. And right now, fall, unfortunately we are
19 about a thousand FTES below. Even though we're in
20 registration but the beginning of instruction hasn't
21 started yet, we're about a thousand FTES down compared
22 to fall of '15. So again, right now enrollment is first
23 and foremost on everyone's minds and everyone is
24 monitoring it on a daily basis. And right now it
25 doesn't appear that we've completely hit bottom of our

1 enrollment decline just yet.

2 Slide number ten, I believe contention number
3 six, 2500 FTES would allow the District to be able to
4 afford AFT's proposed wage while maintaining appropriate
5 reserves. And this one we believe is incorrect. And
6 there's -- and it's based upon some of the fundamental
7 data that has been used in the analysis that was
8 presented last time.

9 So looking at slide number ten -- or excuse me,
10 eleven is the beginning point. Again, in terms of the
11 cycle, the budget cycle, full-time equivalent students
12 drives full-time equivalent faculty. There's an
13 analysis or an evaluation are we on target, are we not,
14 adjustments made. And those adjustments go back into
15 the schedule of classes to adjust FTES, full-time
16 equivalent student targets.

17 There's two key pieces to the analysis that was
18 presented. Number one is the FTEF, full-time equivalent
19 faculty. And the point on that one is the starting
20 point on how much full-time equivalent faculty we're
21 actually budgeting for to fund the schedule of classes.
22 And in the slide that was presented was a beginning
23 point or starting point of 1,061 full-time equivalent
24 faculty. That is significantly below what we actually
25 funded for the current year for '15/16. Actually funded

1 in the current budget '15/'16 that was -- we included in
2 the budget documents in last year's '15/'16 budget
3 documents we actually funded 1,836 full-time equivalent
4 faculty. That was comprised of both full-time faculty
5 as well as part time. But again, in terms of a
6 reference point or a starting point in terms of funding
7 those positions, funding your schedule of classes,
8 there's -- basically the beginning point of the analysis
9 provided is about 73 percent off or about 775 full-time
10 equivalent faculty that that beginning point was off by
11 which is significant. The marginal cost for us to offer
12 a class, meaning part-time faculty, is about \$6,000 per
13 class plus or minus. That's average. In terms of one
14 FTEF, that's basically ten classes. That could be a
15 combination of four people teaching those ten classes,
16 five people. But those ten classes, it's about \$60,000
17 on an annual basis. We have two primary terms, a fall
18 and a spring. So half of that is basically 30,000 which
19 is the marginal cost for an FTEF for any particular
20 term. Not to get into too much of the weeds is that
21 when you're off by that amount, your budget, your
22 academic budgets are going to be significantly
23 different. In this case less because there's less FTEF
24 than what is actually needed to serve the students and
25 generate the FTES off of the classes.

1 MR. SLOAN: Do you have an opinion as to what
2 accounts for that 73 percent error?

3 MR. GERHARD: Yes. Actually we're going to get
4 to that on slide 13. Thank you.

5 So slide 12 is -- we just kind of went through
6 that, so we can skip slide 12 and go to slide 13 is that
7 in looking at it in -- through a very brief conversation
8 with Doug is that -- is that the numbers in the analysis
9 that was provided was based not on FTEF but on actual
10 head count. And again, that's not so much -- that won't
11 take you too far off course from a budgetary perspective
12 in terms of full-time faculty because part of the
13 contractual commitment or load is both the fall and
14 spring but on the part-time faculty where the big delta
15 or the big difference was.

16 So looking at slide 13 is that it appears the
17 number was derived from the District Exhibit 22 and in
18 there 683 full-time equivalent faculty for the
19 full-timers and then 377.7 for the part-timers. But
20 where -- what needs to be recognized and factored into
21 the analysis -- and again, these are 2014/'15 numbers,
22 so these are really two years now data -- is that the
23 full time -- the part time -- part time is only for the
24 fall term. So you have to add an amount of FTEF,
25 generally about equal for the spring term as well as the

1 summer. So the big delta or the big difference is that
2 the part-time faculty for the spring term as well as the
3 summer term wasn't incorporated into that analysis.

4 So turning to then slide 14 is -- so that's the
5 first -- that's the first piece of it in terms of the
6 FTEF. Again, kind of based upon that wheel and the
7 relationship of the FTEF budget or FTES budget, the
8 student budget, the faculty budget, the analysis on
9 whether or not we're on or off, adjustments made,
10 corrections then made is that those adjustments impact
11 everything. They impact FTEF. They impact dollars.
12 They impact productivity rates which are a reflection of
13 actual students, actual faculty, FTEF. So from that is
14 that the productivity numbers and the productivity
15 assumptions that are included in that analysis are going
16 to be off as well. And it's a waterfall effect. It
17 flows all the way down through.

18 The other piece in terms of context as well is
19 that the productivity as it was presented, the 11.1
20 number presented, was kind of applied across the board
21 as opposed to recognizing that there are distinctions or
22 differences between the different types of FTES that we
23 generate. And so in looking at this chart or this table
24 at the bottom, that's our actual productivity. And our
25 productivity is in two sections, credit, non-credit by

1 nature of those classes and in some part how they're
2 funded. So just kind of put that in there in terms of
3 context and reference. But the end result is that
4 because the FTEF numbers on the previous slide or
5 previous discussion was off, basically that trickles
6 down to everything else. Everything else is going to be
7 significantly different especially if you're off by
8 seven hundred-plus FTEF.

9 So slide 16 related to one last point on
10 productivity before moving on to the next piece of this
11 is that the productivity targets we set in our
12 multi-year scenarios. So in those landscaped documents
13 with the fine print, at the bottom of every one of them
14 not only is the FTEF numbers that we budgeted that's
15 driving the dollars in the academic salary line, but
16 it's also our productivity targets. And we set very
17 ambitious targets in terms of going out because of the
18 circumstances and the amount of money that we're trying
19 to restore -- students restore translating to dollars is
20 that getting to productivity of 15, 15 and a half and
21 16, well, right now in terms of the credit, well, right
22 now we're below 12. So it is going to be a -- it's a
23 stretch goal as my colleague would say. In a number of
24 forums it is a stretch goal. It's very ambitious. But
25 recognizing the size of that chasm, that hurdle, we've

1 done it over multiple years to get to that -- to get to
2 a higher productivity level. And again, that's driving
3 the dollars in the budget. And to the extent that those
4 are off, everything in the multi-year scenarios are
5 going to be significantly off.

6 Turning to slide 17 now, we kind of touched on
7 some of this already, but just as a recap before we go
8 to contention number seven is that the underestimate of
9 the FTEF has to that degree or to that level is
10 significant. And it's going to carry out through any of
11 the scenarios that would be based upon that assumption
12 especially when on a per-term basis the one FTEF is
13 about \$30,000. Multiplying that out, your budget for
14 academic salaries are going to be off more than \$6
15 million. So kind of leaving that.

16 Turning to slide 18, which is the last one, is
17 the last contention that a 5,000 FTES increase would
18 easily accommodate the proposed salary increase while
19 maintaining reserves at 16 percent. Again, in light of
20 what we just discussed and covered is that's not the
21 case. And so what we've done is provided -- turning to
22 slide number 20, on the first day we walked through
23 those multi-year scenarios, rather brief because they're
24 quite dense. But part of that discussion we
25 referenced -- we presented three scenarios that holding

1 everything constant with the exception of enrollment
2 scenarios basically costed out through fiscal year 2021
3 with the long-term impacts would be in terms of revenue,
4 expenses and fund balance net position. So we didn't
5 cost out or include in one of those scenarios a 5,000
6 scenario restoration. In one of the previous
7 discussions that we had with AFT as well as the broader
8 audiences is that we did a scenario where it was 4500
9 FTES.

10 So what this table is reflective of, given that
11 we want to be consistent with what has been previously
12 presented even though it was outside of this forum,
13 provided a table of, okay, in the previous scenario
14 three that we didn't discuss on that first day, I
15 referenced it but we didn't go through it in depth, in
16 scenario number three we restored 4500 FTES. So what
17 we've done in term of this forum is adjusted that in a
18 summary level to adjust for the additional revenues of
19 what going from 4500 FTES to 5,000 FTES restoration
20 would look like. And it's about 2.3, \$2.4 million in
21 additional revenues but also adjusting the expenditures
22 in the FTES that that would entail to fund the schedule
23 of classes to serve the students. And so that was --
24 again, this was a scenario that had been previously
25 presented. And again, the context or the contention was

1 that if we're able to restore that much that we would
2 easily be able to afford the salary proposal offered or
3 put forward by AFT. And so again, adjusted -- so
4 adjusting for the 500 FTES, the revenue comes out to a
5 little under 189 million, expenditures go up to 212
6 million, and then there's the column there in terms of
7 comparing that with the proposal that was last provided
8 at our last meeting and coming -- looking at the delta,
9 the changes.

10 So in looking at it, the revenue was overstated
11 by approximately five to \$5.1 million and the
12 expenditures were understated by approximately \$10.7
13 million. So net in looking at that scenario provided as
14 presented, it's off by about 15 -- in both looking at
15 the revenues and the expenditure side, it's off by about
16 \$15.7 million. Significant in terms of that's about a
17 little less than eight percent of the entire budget. We
18 provided I believe in the materials the detail behind
19 this in terms of somewhat the dense numbers that we
20 covered on day one reflective of a 5,000 scenario,
21 restoration scenario but for being cognizant of time
22 only presented the summary of it as well in context of
23 how it was presented at our last meeting.

24 MR. SLOAN: And the document just referred to
25 is at C-43?

1 MR. GERHARD: Correct, the new exhibit just
2 handed out today, C-43.

3 That concludes I guess the rebuttal.

4 MR. SLOAN: That concludes your portion of the
5 rebuttal. Thank you.

6 Questions?

7 MR. HENDRICKSON: A couple of points to make
8 sure I understand.

9 One, the statement about the \$7.7 million, I
10 think what you said is that the board authorized by
11 including that in the budget to spend that money for
12 salaries. So it was budgeted for expenditures rather
13 than as a bottom line addition to reserves?

14 MR. GERHARD: Correct.

15 MR. HENDRICKSON: It turns out it'll roll into
16 it?

17 MR. GERHARD: Correct.

18 MR. HENDRICKSON: So you had the authority to
19 spend it but didn't reach an agreement.

20 Also it appears from the new information that
21 actual enrollment at this point in time compared to last
22 year at this point in time actually enrollment is down
23 almost a thousand FTES making the prospects for building
24 our budget and staffing on the enrollment growth as
25 seeming unrealistic. But we'll continue to examine

1 that.

2 MR. GERHARD: Correct.

3 MR. HENDRICKSON: And then the last point, it
4 appears that the District has needed to project an
5 improvement in overall productivity to be able to
6 develop class schedules and staffing at the end of
7 stability funding beginning July 1, '17.

8 MR. GERHARD: Correct. And if I could, is that
9 that is the whole purpose and value of those multi-year
10 scenarios is giving us, based on whatever enrollment may
11 or may not do, a road map on how the college may proceed
12 and maintain fiscal stability.

13 MR. HENDRICKSON: Okay. Thanks.

14 MS. ADLER: So I'm clear based on John's
15 question, the 7.7 or \$7.2 million in set-aside, that was
16 for all salary increase not just faculty?

17 MR. GERHARD: Correct.

18 MS. ADLER: You talked about class time. So
19 some of that has already been spent?

20 MR. GERHARD: Correct. Some of it, not all.

21 MS. ADLER: Okay.

22 Zev, do you have any questions?

23 MR. KVITKY: I'm a little unclear on the last
24 slide that you just went over in looking at the
25 restoration of 5,000 FTES which is a stretch. So I'm --

1 I don't know how much time I want to spend asking about
2 it.

3 MS. ADLER: Not much.

4 MR. KVITKY: But I'm just curious why you make
5 an adjustment for additional FTES. It looks like this
6 is an end rock. I would think that -- I guess I
7 don't -- maybe I need to study the calculations because
8 on the surface I would think if you're adding FTES,
9 you're not necessarily just adding additional faculty as
10 well. The way it looks like on that last slide is if
11 the more students you add, the --

12 MS. ADLER: The greater the loss.

13 MR. KVITKY: -- the greater the loss which does
14 not seem fortuitous.

15 MR. GERHARD: And I would love to answer that
16 question. It would take me walking you through the
17 Exhibit 43. But I would say keep in mind that even if
18 we restore back 5,000 FTES, that's approximately 4500
19 FTES reduction on where we came from. I mean, in total
20 we're about 10,000 FTES down.

21 MR. KVITKY: Right. Okay.

22 The only other question was I didn't totally
23 understand contention three. There was -- I guess the
24 union contended that you were underestimating funding
25 and you referred to the six years that they had

1 presented. But it looks like they're -- I mean, part of
2 this -- maybe I'm unclear on the contention. It sounds
3 like because the numbers in five of the -- in '09/'10,
4 clearly there was a deficit, right?

5 MR. GERHARD: Right.

6 MR. KVITKY: There was more spent on academic
7 salaries than budgeted but in the subsequent five years
8 there was less spent that was actually budgeted. So it
9 sounded like the contention was more of an explanation
10 for why that was than saying that wasn't the case.

11 MR. GERHARD: For example -- if I could take a
12 few more moments on this. For example, in '11/'12 on
13 the fine print is that we had approximately a \$2 million
14 savings, looking at the first row, 1120, faculty.
15 That's our full-time instructional faculty. The vast
16 majority of our part-time budgets for part-time faculty
17 is about a third down on the page on the left-hand side.
18 It's 1323 faculty dash rate, REG hours paid by low PBL.
19 So if you were to look at that year for '11/'12 is that
20 we budgeted \$15 million but we spent 17.4. So in terms
21 of instructional faculty, again, that generates directly
22 the FTES that is funded by the State, the revenue
23 drivers, is that yeah, in some areas we had a surplus.
24 In full-time faculty we did. In that same year as part
25 of the academic salaries we had a deficit. So, you

1 know, it's keeping it in context. Okay, well, yeah, as
2 we have retirements in our full-time faculty, someone is
3 going to teach the class. Someone has to teach the
4 class in order for us to generate the FTES not lose more
5 revenue from the State. That has to be the part-timers
6 if we don't replace that faculty.

7 So my point is in the description, maybe I
8 wasn't articulate enough, is that looking at the six
9 years, the year -- the one year that we had across the
10 board deficits was '09/'10. In the subsequent years we
11 had surpluses in some areas, we had deficit in some
12 areas. But I think the underlying context that needs to
13 be taken into consideration is that during this six-year
14 period we received \$80.3 million from the State. That
15 allowed us to have surpluses in some of these areas.
16 So, for example, in that '11/'12-year that we were
17 looking at, we received stability funding from the State
18 of \$6,668,000. Without that stability, without that
19 additional revenue we couldn't afford to do any of this,
20 to have the surpluses. And it's one-time money.

21 MS. ADLER: Anything else?

22 MR. HENDRICKSON: No.

23 MS. ADLER: Thank you.

24 It's my understanding that the way you agreed
25 is that the faculty now gets to respond.

1 MR. SLOAN: Actually the agreement was that
2 once we're done with our rebuttal case they will
3 respond, and we have one more witness.

4 MS. ADLER: Okay.

5 MR. SLOAN: Before that witness we have a
6 document that Mr. Sceva is going to explain.

7 MR. SCEVA: It's a replacement for two pages.
8 This is a replacement for two pages in what was A.1
9 which was our first day PowerPoint. We found that one
10 of the charts needed to be amended. So just we're
11 replacing two pages. Since it's double-sided. It's 84
12 through 87, slides 84 through 87 I should say. The
13 changes are on the slides that are 85 and 86 in the
14 middle here.

15 MS. ADLER: Okay.

16 MR. SCEVA: There were a couple of erroneous
17 entries in the lump sum columns for that. But more
18 importantly we realized that what was being shown as the
19 total increase over the term was being calculated
20 including one-time monies which was arguably misleading
21 and we wanted to make sure it was as clear as possible.
22 So this has been recalculated so it only shows the
23 increase in ongoing monies.

24 MR. KILLIKELLY: Has that been corrected on the
25 website as well, the information on the website if a

1 person goes to see has been corrected?

2 MR. SCEVA: I'll look to see if that needs to
3 be corrected. I'm not aware of anything on the website
4 that is in error.

5 MR. KILLIKELLY: Okay. We made the District
6 aware of it before.

7 MR. SCEVA: This is A.1. The slide numbers are
8 on it.

9 MS. ADLER: Will you identify yourself for the
10 record, please?

11 MR. SKINNER: Sure. My name is Erik Skinner.

12 MR. SLOAN: Now, we have a resume.

13 MR. SKINNER: I'm the Interim Chancellor of the
14 California Community Colleges. I work in the state
15 chancellor's office.

16 MS. ADLER: Welcome.

17 MR. SKINNER: Thank you.

18 MS. ADLER: What questions do you have for this
19 gentleman?

20 MR. SLOAN: What is the state chancellor's
21 office?

22 MR. SKINNER: The state chancellor's office is
23 a state agency that oversees the California Community
24 College system, the 72 districts, 113 colleges. We're
25 located in Sacramento. Our work ranges from

1 promulgating regulations, providing fiscal oversight to
2 colleges, allocating funding to the colleges, providing
3 corpromatic (phonetic) leadership and guidance and more.

4 MR. SLOAN: Now, there's also a board of
5 governors of the state community college system. What's
6 the relationship between your office and the board of
7 governors?

8 MR. SKINNER: The relationship is that the
9 board of governors is a 17-member board appointed by the
10 governor, and the board of governors hires the
11 Chancellor of the California community colleges, and
12 then the Chancellor serves as the CEO of the
13 chancellor's office. So it's analogous to the
14 relationship of a local board of trustees and a college
15 president

16 MR. SLOAN: What does your job as Interim
17 Chancellor entail?

18 MR. SKINNER: As Interim Chancellor I perform
19 the duties of the Chancellor. I've been in that
20 position since April as we've been in the middle of a
21 transition. And so I'm the -- I answer to the board of
22 governors. I help them craft their board agendas. I
23 consult with them on critical decisions facing the
24 system, advise them on policy matters and on a
25 day-to-day basis run the chancellor's office. I serve

1 as the CEO in the chancellor's office. We're an office
2 of approximately 160 employees. And so I handle the
3 day-to-day operations there. My regular job when I'm
4 not Interim Chancellor is the deputy Chancellor,
5 essentially the chief operating officer. So I'm doing
6 both of those jobs now.

7 MR. SLOAN: Now, we've identified your resume
8 as C-44. Can you briefly give us the sense of your
9 background and experience in managing and overseeing
10 community college district operations?

11 MR. SKINNER: Sure. My background is really in
12 the state budget process. I worked initially at the
13 legislative analyst's office where I was an expert over
14 the school finance, Proposition 98, advised the
15 legislature on matters dealing with school and college
16 finance, then went on to work for two governors in the
17 office of the Secretary of Education working on
18 education budget and policy matters. My portfolio
19 included emergency loan legislation, takeovers of school
20 districts or community colleges that were in fiscal
21 crisis, again, advised the governors on education budget
22 working closely with the Department of Finance.

23 Then about nine and a half years ago I took the
24 position in the state chancellor's office as the Vice
25 Chancellor for fiscal policy. And in that position I

1 operated the fiscal and the facilities programs for the
2 California Community Colleges. We allocate about
3 \$8 billion a year to the colleges. There's state fund
4 and local department tax monies that we budget and
5 allocate out to the colleges, also the facilities
6 program. But part of the function as the Vice
7 Chancellor for fiscal policy was operating the fiscal
8 accountability program for the colleges including we
9 have -- it's a small audit function. But we look at
10 local district audits, review those, try to identify
11 problems and intervene when a college is struggling.

12 And then subsequent to that I was promoted into
13 the executive Vice Chancellor position which is a
14 broader authority in the agency and became more involved
15 in officewide projects, particularly initiatives that
16 dealt with multiple divisions, so coordinating these
17 cross divisions. And then my most recent position has
18 been the deputy Chancellor. I've been in that position
19 for a couple years serving as the chief operating
20 officer coordinating statewide initiatives and working
21 closely with the Chancellor to achieve the objectives of
22 the board and the Chancellor.

23 MR. SLOAN: So before we talk about City
24 College, let me ask you what authority does the state
25 chancellor's office have over the 72 districts and the

1 113 college that constitute the system?

2 MR. SKINNER: It's a complex relationship. You
3 know, the 72 districts are local government agencies,
4 local educational agencies with locally elected boards.
5 It's a system that's built heavily on a high degree of
6 local control. The board of governors does have
7 regulatory authority. Oftentimes that is in the form of
8 establishing minimum standards that the colleges need to
9 adhere to. Oftentimes the authority is hinged on
10 particular funding streams that we're allocating out to
11 the colleges. Either state leaders or the legislature
12 or the governor or our office will attach conditions to
13 those funds, and so they bring accountability. But the
14 norm in our system is really one where decision making
15 occurs at the local level. Local boards are
16 responsible. And we adhere to a system, the notion that
17 that's how it should be, that having the decision making
18 closer to the local college is preferable. And our
19 office then kind of lives in that space in a system that
20 believes that. We also have, again, oversight
21 responsibility. We've got accountability to state
22 leaders for the funding. We are the primary conduit in
23 terms of interfacing with the governor's office, the
24 Department of Finance and the legislature representing
25 the system and advocating resources for the system. So

1 it's kind of an odd space in between sometimes. But we
2 do our best.

3 And in terms of -- I guess I should highlight.
4 The exceptions are when a community college district is
5 in severe crisis, there are provisions that allow us to
6 intervene. And this goes beyond just the normal annual
7 reporting cycles that every college is required to
8 submit budget information to our office. But when our
9 office grows concerned about the fiscal state of a
10 community college district, we have the authority to put
11 a progressive series of interventions, ultimately the
12 most severe of which is intervening, imposing a special
13 trustee that takes the place of the locally elected
14 board and with all those duties and responsibilities.
15 And that special trustee is an appointee made --
16 appointee of the Chancellor made up of the authority of
17 the board of governors. It's an extreme step. In the
18 history of our system it's occurred twice. And it is
19 something that is not done lightly and obviously
20 something our office is not equipped to do with any
21 regularity or with any scale.

22 In our engagement -- and I'm sure we'll get
23 into the question of authority. Our engagement of City
24 College has been hugely taxing on our small office to
25 try to keep up with the complexities of trying to turn a

1 district like this around. And so not only
2 philosophically are we geared towards local control but
3 practically and operationally we're not equipped to be
4 hands on with our colleges. So our engagement with City
5 College of San Francisco has been exceptional and
6 definitely not something we want to repeat. We would
7 like to try to get this district and this college moving
8 back in the right direction as soon as possible and get
9 out.

10 MR. SLOAN: What was the other instance in
11 which the Chancellor's office took over control of a
12 community college?

13 MR. SKINNER: That was the Compton Community
14 College District that also went through some severe
15 crisis, different in nature. I think the crisis at
16 Compton was much more rooted in a fundamental failure of
17 their college culture and that there was extensive
18 criminal activity that was involved in that instance,
19 also some decay in the infrastructure of just not having
20 proper controls in place. It violated -- you know, I
21 note that in the case of City College in San Francisco
22 that has never been a concern. There's a lot of finance
23 experts in this institution not only instructionally,
24 some very strong academic programs. But fundamentally I
25 don't think the problem has been one of any corruption

1 or malfeasance or those kind of abuses but other kinds
2 of dysfunction that brought City College of
3 San Francisco down and those other kind of issues that
4 have been worked on and there's been a lot of recovery.

5 MR. SLOAN: What is the extent of your
6 involvement in connection with the accreditation and
7 fiscal crisis the District has been facing?

8 MR. SKINNER: So I've been in various roles in
9 the Chancellor's office throughout this. So when this
10 commenced, I was in the -- I was serving as the Vice
11 Chancellor for fiscal policy and then the executive Vice
12 Chancellor during the early phases of this crisis in
13 2012 when the accreditation commission issued its
14 initial show cause finding and then that alerted us to
15 problems in the District. We started looking at it more
16 carefully and we contracted with the fiscal crisis and
17 management assistance team. I was under -- I was
18 directly responsible for contracting them to do a couple
19 studies, one in late 2012, another in 2013. So I was
20 involved in digesting that information. And I'm not
21 sure I answered the question in terms of -- I think
22 maybe you can ask some questions that will allow me to
23 get deeper into it. But I was involved in that phase of
24 the work working with FCMAT digesting the information.

25 I was -- on the accreditation matters I was --

1 you know, again, we were consumers of that information.
2 We looked at the information coming out from the
3 accrediting commission, looked at that information. And
4 it was part of what -- again, red flags for us and
5 caused us to intervene. During that phase I was working
6 fairly extensively with Dr. Pamila Fisher and then
7 Dr. Tillman (phonetic), Pat Tillman.

8 MR. SLOAN: Two prior interim chancellors?

9 MR. SKINNER: Two prior interim chancellors in
10 the District. Both of them, beginning with Pamila
11 Fisher, contacted Chancellor Jack Scott at the time and
12 also myself. At that point I was executive Vice
13 Chancellor and expressed concerns in terms of the
14 direction that the District was taking, that they were
15 having trouble getting traction addressing the
16 accreditation concerns, the deficiencies that the
17 commission had noted. The board had, in their view,
18 lost direction and was not engaging in prudent decision
19 making to get them back on track. And there was a great
20 deal of dysfunction during that period and we became
21 very hands on at that point. And Chancellor Scott and
22 myself spent considerable time, came over to the
23 District a few times, addressed the board through a
24 public session urging a focus on doing the hard work it
25 would take in order to make things right on the

1 accreditation front and on the fiscal front because we
2 were concerned with the survival of the institution.
3 That perpetuated a series of special trustees.

4 MS. ADLER: I think we need to focus more on
5 where we're at.

6 MR. SLOAN: Let me turn you to the issue of
7 stability funding. Have you been involved in
8 discussions at the State level regarding extension of
9 stability funding?

10 MR. SKINNER: Yes. As I noted before, our
11 office is the primary interface with the legislature and
12 the governor, the Department of Finance and the key
13 legislative staff. So when the stabilization, the first
14 stabilization was put in place, we worked closely with
15 the District, the special trustee at the time,
16 Dr. Agrella at that point and Ron Gerhard. And we
17 advocated on behalf of that stabilization funding to get
18 City College of San Francisco a three-year period in
19 which to stabilize funding so that they could get back
20 on track. And we can get into that in more detail on
21 that if you want.

22 In terms of the renewal or the extent -- for
23 the proposed extension of stabilization funding, that
24 proposal came up through the college and through AFT.
25 We were on the ground in Sacramento in the middle of

1 that and we were a participant and a witness to how that
2 proposal was received by state leaders and also by other
3 community college stakeholders. And I would say on both
4 those fronts the notion of extended stabilization
5 funding was not well received. From state leaders I
6 think there was a lot of -- a great deal of skepticism.
7 When I say that, key budget staffers in both houses,
8 particularly in the State Senate, the Department of
9 Finance, the governor's office, I think there's a sense
10 that the initial stabilization funding was a significant
11 bailout and there wasn't the appetite to take that off,
12 put that -- to extend that out, that it was time for
13 City College of San Francisco to make the tough
14 decisions to balance its budget and to either bring
15 students back or cut expenditures but somehow bring
16 things into balance.

17 MR. SLOAN: Where we are today, what is the
18 appetite in Sacramento for extension of stability
19 funding to City College?

20 MR. SKINNER: I don't think there's the
21 appetite. And it's not only in the Capitol, I think the
22 State leaders, but it's also in the rest of the
23 California community college system there's a high level
24 of skepticism and some resentment and a sense that other
25 colleges are on hard times as well. Many of our

1 colleges have flat or declining enrollments. And those
2 colleges feel that they made the tough decisions in
3 order to bring their budgets into balance. And so I
4 think we have a political problem not only in the
5 Capitol but also in the system around that issue. In
6 fact, that was the barrier.

7 And so our office was in the middle of trying
8 to redirect that push for additional stabilization
9 funding towards the push for extended restoration, the
10 stabilization that essentially the free money getting
11 from students who aren't really there. And it's an
12 exceptional step. Compton was the only other extended
13 stabilization, again, a three-year period that I'm aware
14 of I think in the history of the system and the --
15 whereas, restoration is the ability to grow at a rate
16 that's faster, higher than the growth cap would
17 otherwise allow. So it's basically as fast as the
18 college can grow, there's an ability -- there's an
19 ability claimed apportionment at that level.

20 And we were in the middle of brokering the
21 conversations in the Capitol back towards restoration
22 because one is we thought that it was sellable and we
23 were successful. And there were other parties, too,
24 that were advocating for it. I don't mean for our
25 office to take sole credit for it, but it was

1 politically viable as a solution from a policy
2 perspective. Our belief was -- I think a lot of people
3 believed it put the incentives in the right place
4 because it gives the college an incentive to grow.

5 MR. SLOAN: So from a practical standpoint what
6 will be the impact of the District receiving
7 stabilization funding? I'm sorry, restoration funding.
8 Excuse me.

9 MR. SKINNER: From a practical perspective it
10 provides a light at the end of the tunnel. It provides
11 an opportunity for the college to move towards a goal of
12 growing and growing at a rate that's faster than the
13 growth formula would otherwise allow. And it would be
14 our hope that that would be an opportunity for parties
15 to -- for the college to come together, to behave like a
16 high functioning college, to try to overcome a lot of
17 negative press that's occurred because of the
18 accreditation crisis because of some earlier dysfunction
19 I mentioned and there would be an opportunity to come
20 together and again operate in a way that attracted
21 students and made parents more confident in sending
22 their children here. And by having an incentive we feel
23 it sets the right policy. And I think our office wasn't
24 the only entity that felt that way. I think that
25 resonated in the Capitol, the legislature and the

1 governor's office, the Department of Finance. And so I
2 think that's the opportunity that is at hand for the
3 college here is to seize that opportunity and come up
4 with that enrollment management plan.

5 MR. SLOAN: So you've been monitoring the
6 District's economic situation, right?

7 MR. SKINNER: Yes.

8 MR. SLOAN: And from the standpoint of the
9 state chancellor's office, how would you describe the
10 District's present economic situation and how much at
11 risk is the District at this point in its history?

12 MR. SKINNER: In my experience I have not seen
13 a community college district facing a fiscal cliff like
14 the one that City College faces with the drop off from
15 the stabilization, the over 25 percent reduction in
16 enrollment that occurred. It creates this -- I think
17 potentially it's a devastating step off a cliff. And
18 unless the appropriate planning is put in place and
19 prudent decisions are made to back that up, I don't know
20 if the college survives that. And I don't know that --
21 I'm very sceptical whether there would be the appetite
22 at the state level to intervene again. So I think at
23 this point City College is on its own. We're in the
24 process of pulling a special trustee out. We're at the
25 final phases of that. We hope at our board meeting

1 later this month to extend the special trustee through
2 the end of the calendar year as the final -- you know,
3 the final phase of our working in the college, allow an
4 orderly exit. At that point we'll be out and it's up to
5 this college, up to the board and up to the constituents
6 at the college to take it from there. And I am very
7 concerned that if the right decisions aren't made about
8 how to manage that cliff that City College of
9 San Francisco would be at extreme peril. And I don't
10 think it's a stretch at all to say we'll be at risk of
11 entering bankruptcy and potentially ceasing to exist as
12 a college. Now, I make that statement with reality to
13 you.

14 MR. SLOAN: So what would be the impact of
15 funneling reserves into wage increases for the faculty?

16 MR. SKINNER: Well, you know, I would like to
17 clarify. Maybe I should clarify. I'm not a party to
18 this. In the state chancellor's office our role is to
19 be -- is to support the functioning of our colleges. At
20 the end of the day my dog in the fight on this is to
21 have an effective operational college serving this
22 community. And I don't purport to be the most expert on
23 these tables in terms of the detailed numbers that
24 pertain to this budget, so I don't mean to purport to
25 say that. So your question about redirecting revenues

1 out of the reserve into the conversation, I don't know
2 what that magic number is and I don't pretend to come
3 here to tell you what percentage the college can afford.
4 That's not why I'm here. I'm here to say that I'm
5 looking at that fiscal cliff the college is facing
6 losing over 25 percent of the students, not even finding
7 bottom, still trying to figure out how to stabilize the
8 enrollments and begin to grow back. And I look at it --
9 a reserve, while the reserve is above the average in our
10 system, the risks that this college faces are also far
11 above average in our system. And so I don't know.
12 Again, I don't know what the magic number is. But I see
13 that the reserve -- if the college isn't able to -- when
14 that stabilization funding goes away, without
15 significant painful cuts to the budget that reserve is
16 going to be exhausted within a couple years, even one
17 year, I mean, if you look at the magnitude of these
18 numbers. And so I just urge some prudent decision
19 making here to make sure that whatever is determined
20 around the compensation is something that is --
21 something the college could survive. And I think that
22 would be in the interest of both the administration and
23 labor in this instance.

24 So to your question, I don't know what the
25 magic number is. I just know those reserves are a huge

1 friend to this college right now. And I would hope that
2 anybody who works here or who draws a paycheck from this
3 college realizes how vitally critical those reserves are
4 going to be surviving the next couple years. So
5 whatever number is arrived at through this process, if
6 it depletes that reserve to a point where there's not
7 the cushion to survive the cliff, then there will be I
8 think a devastating situation at hand.

9 MR. SLOAN: So what words of wisdom do you have
10 for the District and AFT?

11 MR. SKINNER: You know, again, I think
12 essentially what I said before is I think this is a time
13 for some pragmatism. I think it's time to come together
14 and focus on the survival of the institution. You got
15 some key, key events coming up. You got the
16 accreditation site visit this spring

17 MS. FINKELSTEIN: In the fall

18 MR. SKINNER: I'm sorry, in the fall, the fall
19 and leading up to that January decision by the
20 commission. You got a situation where we need to find a
21 way to draw the students back in. And you know your
22 community better than I do. But I think common sense
23 tells you if you got a college where there's -- that you
24 got a focus on instruction, a focus on the students, you
25 got an institution that's behaving like a high

1 functioning college, that's what's going to draw
2 students back in. So again, I think this is the time
3 for some prudence and some pragmatism. Focus on
4 survival and -- you know, and I think that, you know,
5 maybe there's a middle ground where you could focus
6 again on this issue of having a shared interest, you
7 know, coming up with a strategy if you're able to
8 achieve certain levels of enrollment growth that there
9 would be some built-in adjustments or something because
10 we're really grappling with this huge unknown, what's
11 going to happen over the next two or three years.

12 One way to try to address that would be to
13 build in some adjustments that are based on efficiency,
14 based on enrollment growth and get the college to focus
15 more on those shared interests and not just about the
16 bargaining issues. But there's still work to be done on
17 the accreditation front. And it would be nice to see
18 the -- find a way for you to get back to focusing on the
19 shared interest and working together for the future
20 because again, this college has a proud history. It has
21 fabulous academic programs. It has award winning
22 student services programs, the work you were talking
23 before about like the Promise Program. Exciting stuff.
24 I think if that was in the newspapers about City College
25 of San Francisco, I think your enrollment situation

1 would start to come around. It's not a silver bullet or
2 a magic number for you to work towards, but I think
3 it's -- I would encourage pragmatic choices, focus on
4 survival now so you can get back to doing the good work
5 at hand.

6 MR. SLOAN: Thank you.

7 MS. ADLER: I think we need to take a break.
8 The usual ten not to exceed 15, please.

9 (Break taken from 11:30 a.m. to 11:43 a.m.)

10 MS. ADLER: We're going to go back on the
11 record and Zev has questions for Mr. Skinner.

12 MR. KVITKY: Thank you for coming today. I
13 just have one question that hopefully you can clear up
14 which is there seems to be a difference of understanding
15 between the two sides at least in what I heard. So in
16 testimony from Guy Lease there was I think the
17 implication that he still had some authority over
18 budgetary affairs at the college. And I heard --

19 MS. ADLER: '16/'17 year.

20 MR. KVITKY: So for the '16/'17-year. So for
21 the budget that's being submitted next year and from the
22 union's side, I heard an explanation that their
23 understanding from talking with the people at the
24 college was that that authority had ended and that the
25 board had final authority over the budget and had

1 been -- their typical authority had been restored. And
2 I don't think that difference of understanding was ever
3 resolved. So I'm hoping that you can resolve it.

4 MR. SKINNER: Yeah, hopefully I can. I'll take
5 a stab at it. So the special trustee was first put in
6 place in -- so it was July. I mean, your question
7 really gets at the issue of what is the authority of the
8 special trustee. So the first special trustee went in
9 in 2012, Bob Agrella. He was there in an advisory
10 capacity. It wasn't until the commission took the
11 action to terminate accreditation that we elevated the
12 special trustee to having the full -- essentially taking
13 the college, the District over, so assuming the full
14 powers and responsibilities of the board. That board no
15 longer had any decision-making authority. So that was
16 in July 2013.

17 So at that point the special trustee was
18 actually making the budget decision. Over time we
19 dialed that special trustee back to for what I'll say
20 rescind capacity. So essentially being a spotter, being
21 a board for -- as the board picked up the
22 decision-making authority, the special trustee was
23 really there to identify if there was a step that took
24 the college off the path of recovery they could undo
25 that action. But it was in -- currently though the

1 special trustee has been dialed back all the way to an
2 advisory capacity which no longer has that ability to
3 block a budget action. So that's part of an answer to
4 your question is at this point the special trustee, Guy
5 Lease, serves in an advisory capacity to the board
6 that's making budgetary decisions.

7 There's one last dimension of this which has to
8 do -- special to that is the stabilization language has.
9 The stabilization funding provision that was put into
10 law had a notation about the special trustee that the
11 college needed to be operating under a budget plan
12 approved by the special trustee. And the way that was
13 crafted, there are some ambiguity to it. I think that
14 might be at the source of why there's some disagreement.
15 I think if you read the language closely, what it says
16 is what you needed to do by April 1st. And in that
17 report they needed to make a finding that the college
18 was operating under a budget approved by the special
19 trustee. So from a very narrow reading once FCMAT made
20 that finding they did in April, then the special trustee
21 never -- didn't have a role in -- or a defined role in
22 terms of continuation of that stabilization funding. So
23 I think that's probably what you characterize as more
24 the union understanding of it. I think it's because
25 keying in on that FCMAT finding as being the key moment.

1 What I would tell you in the State Capitol
2 there's a strong feeling that stabilization money came
3 with some added accountability. And that accountability
4 is really in the form of having a special trustee in the
5 college and involved. And our office has been trying to
6 navigate that ambiguity in the light of the narrow
7 reading and what we think is the intent of the Capitol.
8 So what we're keying on is the December 31st date as the
9 exit for the special trustee.

10 MR. KVITKY: So from the State --

11 MR. SLOAN: I want to make sure he's finished.

12 MR. SKINNER: I am. And I apologize for the
13 complexities in my answer. I could probably answer that
14 a little more clearly. The reality is the underlying --
15 you got the overlay of the special trustee and the
16 gradation of how that changes over time and then relate
17 it to the stabilization funding. If I was less than
18 clear, just ask me another question on that.

19 MR. KVITKY: So I guess the answer is that from
20 a very narrow reading the role of the special trustee
21 has ended but your office still sees a role for the
22 trustee in approving budgetary matters?

23 MR. SKINNER: Yeah. So two things on that.
24 One is --

25 MS. KAUFMYN: I'm sorry. Could you speak up?

1 I'm having a hard time hearing.

2 MR. SKINNER: Sure. The role of the special
3 trustee I would underscore, it continues being --
4 serving in an advisory capacity. So that role is
5 crystal clear and pretty straightforward. As long as
6 that special trustee is assigned there, you know, he or
7 she will be available to advise the board.

8 In relation to the stabilization funding, the
9 narrow reading on that is that the role of the special
10 trustee is completed and really no longer has bearing on
11 whether the stabilization funding flows or not, but it's
12 when it pushed the money out, it's done. My caution and
13 what I would share with everybody around here is, you
14 know, we really need to make sure that we don't
15 eliminate state leaders at the Capitol building who come
16 back and say hey, we thought we had some additional
17 accountability in place. What's going on? And they
18 would end up scrutinizing not only the college but
19 scrutinizing my office if they felt that the intent of
20 it had been violated. We're trying to thread that
21 needle, that political needle by having the special
22 trustee's role extend midway through the year, and then
23 we think that we can defend that in the Capitol in terms
24 of we did keep accountability in place well into the
25 fiscal year before the special trustee left.

1 MR. KVITKY: Is that accountability still
2 binding or just advisory?

3 MR. SKINNER: Advisory. Again, at this point I
4 think just candidly I think we would be hard pressed to
5 come in and say we're going to pull stabilization
6 funding back because the special trustee is gone. I
7 don't think that's the situation. I mean, to be very
8 frank with you, that's not a situation -- I don't think
9 that would be a good place for my office to position
10 itself. It would be very destabilizing and in a very
11 literal way to the college. And so we're doing
12 everything we can to try to make the situation succeed.
13 And so you won't see my office or my board I don't think
14 taking a hard line position on that trying to -- you
15 know, to pull funding back from the college, the
16 stabilization funding.

17 MR. KVITKY: Thank you.

18 MS. ADLER: Anything else?

19 MR. HENDRICKSON: No questions.

20 MS. ADLER: Anything from the faculty at this
21 time?

22 Thank you, Mr. Skinner. We appreciate your
23 coming. And as far as I'm concerned, you can leave.
24 But you might want to check with Jeff.

25 MR. SLOAN: Thank you.

1 MR. SKINNER: Thank you very much.

2 MS. KAUFMYN: I have some questions.

3 MR. SKINNER: Sure.

4 MS. KAUFMYN: You know, earlier you said you
5 talked about the special trustee and when he was
6 originally appointed in an advisory role and then he was
7 made special trustee concerning the powers basically
8 with regard after the accreditation decision on
9 July 3rd, 2013. But in your testimony you seemed to
10 imply that that special trustee was given extraordinary
11 powers because of the financial concerns; is that
12 correct?

13 MR. SKINNER: No. Actually I think I keyed in
14 on about the termination of the accreditation action by
15 the commission.

16 MS. KAUFMYN: Because my -- in hearing your
17 testimony, and I apologize if I couldn't really hear it
18 all, but it seemed like that's what you were saying,
19 that the special trustee was brought on because of
20 financial concerns. But I remember watching that
21 meeting on my computer, and there were two emergency
22 resolutions that were put forward. One was to change
23 the wording of what constituted the authority to bring
24 on a special trustee because previously it was only
25 about financial concerns, but the wording was changed to

1 include threats to accreditation. So that emergency
2 resolution passed, and then the emergency resolution was
3 to appoint Bob Agrella to be the trustee. So it was
4 strictly based on accreditation concerns not fiscal
5 concerns; would you agree with me there?

6 MR. SKINNER: I wouldn't agree that it's
7 strictly. Definitely the fiscal concerns had been there
8 throughout.

9 MS. KAUFMYN: But the language needed to be
10 changed in order to bring on a special trustee?

11 MR. SKINNER: Right. So the change in terms of
12 broadening the Title 5 regulation around this to clarify
13 that the takeover of the District could be based on two
14 factors, one would be imminent fiscal failure, or two,
15 imminent threat to the accreditation. So --

16 MS. KAUFMYN: Right. And the accreditation
17 needed to be added because we weren't under fiscal --

18 MR. SKINNER: Just let me finish if you would.

19 So both -- that additional clarifying point was
20 added because part of the dynamics we were facing in
21 City College of San Francisco was the fact that while we
22 did have underlying fiscal concerns, really the most
23 profound threat to existence of the college was the
24 termination of the accreditation. And we shouldn't, you
25 know, confuse the issue here. The minute that

1 accreditation is revoked, the minute a college is no
2 longer accredited, it has an immediate fiscal crisis.
3 It will almost certainly become bankrupt because the
4 State cannot provide funding to a college that's not
5 accredited. Students aren't going to attend a college
6 that's not accredited. And so our board felt it was
7 prudent to clarify the scope of the responsibility and
8 that the authority would be both on the fiscal matters
9 and the accreditation matters. But I think your
10 question points to something we should always remember
11 is how profound the threats to the institution had been
12 for multiple years here. And --

13 MS. KAUFMYN: And yet you tended to add in that
14 wording to the emergency resolution the special trustee
15 could not have been assigned, correct?

16 MR. SKINNER: We could debate that. I think
17 we -- I know we debated it in my office about whether
18 there was sufficient grounds clearly on the fiscal. I
19 think part of that was a sense of transparency that what
20 was really at the heart of that intervention was a
21 concern not only the fiscal threats, the immediate
22 fiscal threats, the lack of appropriate fiscal
23 management, but then also the deeper issue of if
24 accreditation was terminated that it would be a death
25 sentence for the college. So it was -- it's been tough

1 times and the college has done a lot of recovering and a
2 lot of improvement. And I wish you well in this
3 final -- in both the restoration status with the
4 commission but also coming up with a prudent decision
5 here that allows you to be on some solid fiscal footing
6 moving forward.

7 MS. ADLER: Okay. Thank you, sir.

8 I would like to get this piece of business done
9 before lunch. And it's my understanding that the
10 faculty has a response to the response. And I don't
11 want to keep you from doing it, but I have a feeling,
12 some concern about the fact that we don't have a lot of
13 time to get through a whole bunch of other issues that
14 are there. So to the extent that you can streamline
15 things, I would appreciate it.

16 MR. KILLIKELLY: So let me just -- we did have
17 a little bit of a discussion about how we would want to
18 respond to even what Ron Gerhard was saying earlier. So
19 we're going to go ahead with the response and issues
20 that have come up since the last fact finding. There
21 was a whole bunch of new information we wanted to share
22 with you about -- Chris will make that presentation. In
23 terms of us presenting some sort of rebuttal to the
24 presentation this morning, we're not going to do that
25 now. We're going to -- we had skipped something out,

1 but we really would like to make that a more thorough.
2 One and we would bring that out at another time because
3 there were some serious concerns about some of the
4 things that were said earlier. So we do want to be able
5 to address it, but we're not going to be -- we're not
6 going to do that now. So in terms of today, we would
7 want to talk about some of the other issues as time
8 permits. But we do have something that we think is
9 relevant we prepared for today already.

10 MS. ADLER: Chris, you're on.

11 MR. HANZO: I need to pass this on to you
12 first. But this goes in the first binder. It's a
13 change in the table of contents and a copy of which I'll
14 go over. The new section is 3.F.

15 MS. ADLER: Identify yourself for the record.

16 MR. HANZO: Chris Hanzo, Executive Director
17 AFT, Local 2121.

18 So to recap from previous sessions, we've seen
19 how faculty salaries have suffered annual pay cuts and
20 remain 3.7 percent below 2007/'08. Faculty have lost in
21 aggregate 15 million for these salary giveaways and
22 takeaways. Faculty salaries have sunk to the bottom of
23 the Bay Ten community colleges and are now among the
24 lowest statewide. The number of CCSF full-time faculty
25 has dropped dramatically since fall of 2011. Today we

1 want to look at how the District has particularly
2 targeted faculty salary expenditures for ongoing cuts
3 relative to other employee groups. And this is the
4 information Tim alluded to. We previously discussed
5 evidence of this. We talked about the decline in AFT's
6 proportionate share of the salary benefit pie. We
7 talked about how expenditures on faculty salaries have
8 dropped by a greater percentage than any other employee
9 group at City College.

10 District information about other employee
11 groups' wage settlement for '14/'15 were included in
12 their binder Exhibit C, 40-42, the so-called "Lookback"
13 agreements which show that the District provided or
14 offered to provide on-schedule wage increases beyond
15 restoration, something effectively denied to this union.
16 The documents show -- I'm not going to go through every
17 one of these -- but that the District completely
18 restored other bargaining units for concessions that
19 were done in the form of work furloughs while faculty
20 wage take-a-ways are simply lost and not to be
21 recovered. Those are the monies from previous years we
22 talked about.

23 Further, the Lookbacks provided on-schedule
24 increases for the skilled trades and the option of
25 on-schedule for represented classified workers or in the

1 alternative a larger off-schedule amount. The Lookbacks
2 focused on District unspent monies from '14/'15, the
3 surplus of revenues minus expenditures, in other words,
4 the '14/'15 ending balance. We're engaged in a full
5 contract reopener, including salary negotiations, which
6 necessarily involves a look at all District resources
7 including the ending balance from '14/15.

8 The District is essentially offering
9 restoration to '07/'08 plus COLA, while other bargaining
10 groups have received recovery of losses from work
11 furloughs plus COLA.

12 Let's also not forget the District doesn't
13 offer complete restoration much less recovery of losses
14 from past years because it refuses to restore the lost
15 or frozen salary step from '09/'10 to impacted faculty.

16 It's important to dispense with the District's
17 characterization of its wage proposal. AFT as offering
18 two percent on schedule. As pointed out previously,
19 this two percent is part of the 4.68 off-schedule
20 payments proposed by the District in '15/'16 and '16/'17
21 and would only become ongoing if the District attained
22 dramatic growth in enrollment and faculty productivity,
23 clearly unattainable by June 30th, 2017. The District
24 only offered the additional off-schedule payments when
25 the union brought to its attention the \$12.9 million in

1 one-time revenues from the State for '15/'16 that the
2 District had failed to include in its budget.

3 Other bargaining units are now engaged in
4 reopener salary negotiations for '15/'16 and will also
5 be negotiating for their share of those one-time monies.
6 This information was only recently provided by District
7 AFT and contradicts a previous response from Steve
8 Bruckman that the Lookback settlements represented other
9 employee groups' share of the 12.9 million. Thus, the
10 District's wage proposal to AFT can be summarized as
11 incomplete restoration to '07/'08 with no recovery of
12 lost wages or losses to inflation while other groups
13 received full restoration plus recovery plus proposed
14 on-schedule increases.

15 We have some related points. The District
16 denies the existence of "me too" agreements by other
17 employee groups even though their existence in practice
18 is widely acknowledged, including by members of the
19 Board of Trustees. The administrator salary schedule
20 generally follows the AFT salary schedule regarding
21 across-the-board wage adjustments. Other employee
22 groups have often received "me too" wage increases.
23 Since '13/'14 AFT wages were restored 1.5 percent from
24 that initial five percent ongoing reduction and other
25 groups have received increases in that amount albeit not

1 as a restoration.

2 I want to -- we haven't spoken much or
3 responded to the whole notion of productivity the way
4 the District has brought that up a lot. I want to
5 preface these remarks by saying that people in general
6 and faculty typically bristle at even the term
7 "productivity" in talking about a college. It's an
8 educational institution. It's a teaching college. But
9 the District and the state chancellor and others insist
10 on adopting a business model for the college, to which
11 we respond by saying if you're going to run it in that
12 manner, then you need to pay faculty a comparable
13 salary. The District proposes that all faculty ongoing
14 salary increases be tied to increases in productivity.
15 And they define that as FTES/FTEF yet not for other
16 employee groups. For '15/'16 at least the District on
17 the -- however, the District is proposing linking a
18 salary increase to classified staff, SEIU, to
19 elimination of Reduced Work Week. Of course, the
20 faculty has no more control -- you know, what can the
21 faculty -- why would you tie faculty salaries to
22 productivity? Who controls the productivity of the
23 college? The faculty has no more control over
24 productivity than any other employees. Faculty do not
25 set enrollment policy, FTES targets. They don't

1 determine which classes will be cancelled due to low
2 enrollment. They don't determine scheduling of classes,
3 nor do they decide faculty staffing levels. That is
4 hiring. It's the administration that exclusively
5 determines those with the approval of the board. AFT
6 adamantly opposes tying faculty wages to productivity.

7 The State chancellor said that we should act
8 like a high functioning college. We think that should
9 include paying -- not paying substandard wages to
10 faculty.

11 AFT regards these negotiations, especially
12 these wage negotiations as particularly significant in
13 the college's history since they are pivotal as to what
14 will occur for decades to come. Management seeks to
15 institutionalize the reset of faculty wages, the
16 lowering of faculty salaries relative to other CCSF
17 bargaining unit employees and to other community college
18 faculty for the foreseeable future. The consequence of
19 this is ongoing economic hardship and damage to faculty
20 livelihoods and the social fabric of the college. AFT
21 will not accept this. Either faculty labor will be
22 justly compensated or we will withdraw it.

23 I wanted to just point one item out, and that's
24 an exhibit we looked at before where we did the
25 comparisons of budget versus actual expenditures on

1 salaries. Ron Gerhard pointed us to a District budget
2 document that we had in our binder. But we also did a
3 further analysis of that. And that's the one we talked
4 about, and that's Exhibit Z. And it shows what we --
5 clearly we think is indisputable evidence of
6 overbudgeting -- or underspending on faculty that
7 started in '11/'12. We took out -- to make it more
8 pointed, we took out the amount out of academic salaries
9 spent on the administrator. So we isolated the
10 overspending on faculty. That's what that Schedule Z
11 does. Thank you.

12 MS. ADLER: Okay. Thank you. We're going to
13 break for lunch. But I would appreciate knowing what
14 the next item on the agenda is and who's taking the
15 first shot at it.

16 MS. KAUFMYN: It's load, and I'll be doing
17 that.

18 MS. FINKELSTEIN: With the District's
19 agreement.

20 MS. ADLER: Is that --

21 MR. SLOAN: I'm sorry. I didn't hear it.

22 MS. KAUFMYN: After lunch we'll start with
23 load, and AFT will present first.

24 MR. SLOAN: Okay.

25 MS. FINKELSTEIN: Is that agreeable?

1 MR. SLOAN: That's not the sequence that we
2 were anticipating, but it'll work.

3 MS. FINKELSTEIN: What would your preference
4 be?

5 MS. ADLER: We can do this off the record.

6 MR. SLOAN: That's fine.

7 (Lunch break taken from 12:10 p.m. to 1:00
8 p.m.)

9 MS. ADLER: Who is doing frozen steps?

10 MR. SLOAN: Mr. Gerhard.

11 MS. ADLER: Ron, welcome back. Ron, will you
12 identify yourself for the record again?

13 MR. GERHARD: Ron Gerhard, Vice Chancellor.

14 MS. ADLER: He is frozen steps.

15 MR. GERHARD: Vice Chancellor, Finance
16 Administration. Topic is restoration of frozen step.

17 MR. SLOAN: And on this issue our understanding
18 is the Union has already presented their perspective as
19 part of their economic case. This is our response to
20 their position.

21 MS. ADLER: Okay.

22 MR. SLOAN: We have District Exhibit A.5 which
23 we've submitted to the panel. And --

24 MR. GERHARD: So the related exhibit in the
25 binder is under E, as in Edward, 1.

1 MR. SCEVA: So actually we have a revised
2 version of E.1 because it breaks it out with and without
3 variable benefits which wasn't included in the first
4 version.

5 MS. ADLER: Okay. Ron, you're on.

6 MR. GERHARD: So beginning with -- are these
7 slides in the binders as well?

8 MR. SCEVA: Yes.

9 MR. GERHARD: So beginning with slide number
10 three, in 2000 -- as we heard, in 2009/'10 AFT and the
11 District negotiated a one-year salary freeze, meaning
12 that there was no advancement for that particular year.
13 Ordinarily there would be a step in column movement on
14 the salary schedule. AFT proposed to make both current
15 employees who were negatively impacted by the freeze,
16 again in 2009/'10 those that would have advanced in
17 2009/'10 and who are not at the top step, meaning step
18 16 in the current salary schedule. As shown in Exhibit
19 E.1, the revised one now that everyone has, the total
20 cost -- our projections in terms of cost of this is
21 approximately 670,000 or 669,527 salary, and once you
22 throw in the related benefits brings the cost of it to
23 \$751,542.94. Accepting this proposal would require the
24 District to reduce the current wage proposal
25 commensurate or proportionally to basically provide for

1 it within the dollars that we currently have and put on
2 the table.

3 Power point four: AFT proposed another -- I'm
4 sorry?

5 MR. SLOAN: You're done?

6 MR. GERHARD: I'm done. I'm gone.

7 MS. ADLER: Questions?

8 MR. KVITKY: No.

9 MS. ADLER: Any questions?

10 MR. HENDRICKSON: I do not.

11 MS. ADLER: Thank you. Moving right along.

12 Chris is up next.

13 MR. HANZO: So in your day two/three binder
14 number eight is a document that I'm going to present. I
15 want to make sure you have it. Take a look. I'm not
16 sure if I gave it to you. It would have been in that
17 packet. So this goes in that tab eight.

18 Okay. So this is on the issue of retiring
19 health coverage for full-time categorical employees.
20 Normally the District is restricted from hiring
21 full-time faculty members on a temporary nonretained
22 contract basis for more than two semesters. However,
23 faculty who are employed in categorically funded or
24 perempt funded programs have been determined their
25 duration may be employed on a full-time, temporary

1 ongoing basis in accordance with the Education Code as
2 I've cited it. So the District employs a number of
3 full-time categorical employees. We don't know the
4 number. We think it's fewer than the District presented
5 to us in a side meeting. Under this provision -- so but
6 these folks, many of them are hired year after year
7 after year as non-tenured, temporary, full-time
8 employees. Because these employees have many of the
9 same duties and responsibilities as the full-time
10 tenured colleagues, they are paid on the same salary
11 schedule and enjoy many of the same rights as tenured
12 faculty. However, because temporary employees are not
13 eligible for lifetime health coverage, these full-time
14 categorical faculty lose their health coverage after
15 retirement.

16 During spring 2015 the Union brought several
17 categorical employees to testify about their conditions
18 of work in a prenegotiation session with the District.
19 Several full-time categorical faculty talked about how
20 they devoted themselves for years to the college on a
21 full-time basis yet dreaded retirement and the loss of
22 health coverage because of the temporary status. In
23 response, once negotiations were underway, the District
24 agreed in concept to extend retiree health coverage
25 eligibility to full-time categoricals who vested.

1 However, very reasonably the District reversed its
2 position rejecting the AFT proposal claiming that would
3 be prohibitively expensive. Data provided to the Union
4 recently identifying full-time categoricals appears
5 flawed overstating the actual number. The parties have
6 not had the time or opportunity to review this data
7 carefully, nor is it clear to the Union what assumptions
8 the District cost-out is based on particularly related
9 to the graduated cost structure of the retiree health
10 premiums of the District based on length of service.

11 Further, AFT has changed its proposal to
12 provide the newly eligible full-time categoricals would
13 pay the maximum two percent contribution to their
14 retiree healthcare trust fund. The categorical
15 employees are employed on a full-time basis year after
16 year by the District and retire from City College, need
17 and deserve the same access to retiree health coverage
18 as tenured full-time faculty. These employees should
19 not face the loss of healthcare at the time of their
20 lives when they most need coverage as at the end of
21 their dedicated careers.

22 Then I include the text of the proposal.
23 Full-time categoricals with at least five years, that's
24 the initial vesting level, who are members of the health
25 services system, that's how healthcare is done for City

1 College through the City's healthcare health services
2 system, at the time of retirement from the District
3 shall be eligible for lifetime healthcare benefits and
4 will contribute two percent of salary to the retiree
5 healthcare trust fund.

6 MS. ADLER: And the reply will come from?

7 MR. SLOAN: Mr. Gerhard.

8 MS. ADLER: You're getting all the exercise
9 today.

10 MR. GERHARD: Yes. Ron Gerhard.

11 So continuing with slide number four.

12 MR. SLOAN: District A.5.

13 MR. GERHARD: District A.5. The remaining
14 disputed issue in this area is the expansion of the
15 existing benefits provided, lifetime benefits provided
16 for vested full-time categorically funded employees.
17 Currently regular -- under restricted general fund,
18 funded positions, full-time employees are eligible if
19 they meet the requirements set forth in the City and
20 County of San Francisco's charter under civil service.

21 Turning to five, slide five. As we talked
22 about previously, one of the issues that the -- both in
23 terms of accreditation and otherwise, the challenges
24 that we face is funding our other post-employment
25 benefit obligations. And again, we spoke on this last

1 time briefly is that the last actuarial study that the
2 District conducted was in 2014. That pegged that
3 liability at approximately \$175 million. Currently we
4 funded only approximately between five and six million
5 of that liability. The question in terms of whether it
6 be accreditation or anybody else who reviews our
7 financial statements or has an interest, most recently
8 bond rating agencies -- I think we spoke about that
9 too -- asked the question how, given the financial
10 conditions that exist, how are we going to fund that so
11 that the liability is sufficiently funded.

12 So in the exhibits we spoke or we briefly
13 covered that 2014 actuarial liability. Kind of taking a
14 step back how we're currently funding it, we're
15 currently funding it out of an agreement reached with
16 the collective bargaining groups in Fall of 2013 where
17 new employees who were hired prior -- or excuse me,
18 hired after that date started contributing two percent.
19 And that's consistent with the City and County employees
20 in the charter. For grandfathered, if you will,
21 employees hired before that, there's a timeline in which
22 it ramps up. So beginning July 1 of this current year,
23 those employees hired prior to that date started paying
24 a quarter percent, subsequent another quarter percent,
25 so totaled half a percent, and all the way they reach a

1 cap right now after paying one percent of their annual
2 salary. And so, you know, right now there's a funding
3 gap between extrapolating out how much revenue that's
4 going to derive to fund that \$175 million liability over
5 essentially a 25- to 30-year period.

6 So while the District initially indicated
7 openness to AFT's proposals and after we looked at it
8 and figuring out okay, that was kind of the discussion
9 that Chris alluded to more recently we had, there's some
10 further exploration that we understand from that
11 discussion that needs to be held because there's a
12 disagreement of who would be eligible under their
13 proposal. And that hasn't necessarily been determined
14 yet from those conversations. And so on that basis, our
15 proposal right now is to maintain the status quo.

16 So right now, as we understand it and based
17 upon the information in the actuarial report that's
18 contained in the exhibits as well as the current funded,
19 categorically funded positions that their proposal is
20 intended to cover as we understand it would increase
21 that actuarial liability from 175 million to
22 approximately 184 million, 184.6 million. It increases
23 by the 9.6 million shown on slide six.

24 MR. SLOAN: How did you calculate the 160,674?

25 MR. GERHARD: So on slide six there's an

1 estimate because we're going off of 2014 actuarial
2 numbers. Right now we're in the process of getting a
3 2016 actuarial study done. So answering the question
4 how we arrived at that number is based upon the tables
5 and the data the actuary used as part of his analysis,
6 in particular what the actuarial liability for the
7 faculty group was as a whole and the number of current
8 employees that made up that liability and doing a simple
9 division. We've since asked the actuarial in the course
10 and scope of his current study that we hope to have by
11 the end of August to quantify that in a more scientific
12 or using actuarial methods approach. But we don't have
13 that information at the current time.

14 MS. ADLER: Zev?

15 MR. KVITKY: What did you say of -- just my pen
16 wasn't quite quick enough. So I got the \$175 million
17 liability. What was the current funding level?

18 MR. GERHARD: Right now we actually put into
19 the irrevocable trust a little less than \$6 million.
20 Now, we have a funding plan that will get us -- oh,
21 between now and 2021 put approximately 21 million in
22 there. But it's again, when looking at the total
23 liability as a whole, it's a start. And again, just
24 perhaps for reference, in the binder that actuarial
25 study is Exhibit 21.

1 MR. KVITKY: The other question is the other
2 number of slides which is the 60. So I was a little --
3 it sounded like there wasn't total agreement on how many
4 categorically funded full-time faculty there were. So
5 how did you get the 60?

6 MR. GERHARD: Based upon our current position
7 controller reports, our budget reports, again, more
8 recently we've had conversations with faculty over that
9 report. And there isn't I guess a clear understanding
10 or an agreement on whether or not that is either an
11 all-encompassing list or overstating. But hopefully we
12 resume those conversations.

13 MR. KVITKY: Thank you.

14 MR. HENDRICKSON: No questions.

15 MS. ADLER: Thank you.

16 And moving on, I think we're back to the
17 District --

18 MR. HANZO: So is article 18 load and class?

19 MS. KAUFMYN: I believe it's already in your
20 day two binder.

21 MR. HANZO: Day two binder section six.

22 MS. ADLER: Identify yourself for the record.

23 MS. KAUFMYN: My name is Wendy Kaufmyn. That's
24 K-A-U-F-M-Y-N. I'm an engineering instructor at City
25 College and part of the bargaining team of AFT 2121.

1 So I'm going to address a variety of issues in
2 article 18. We have come to some agreements with the
3 District. The major disagreements that remain are
4 around the introductory language regarding current
5 practice, minimum class size, limitations on the
6 cancellation of classes, workload, office hours and
7 alternate assignments for full-time faculty. So it's
8 basically six issues. And I'll address them one a time.

9 So the first one is the introductory language
10 regarding current practice. The District is proposing
11 to remove the language from the current contract
12 language that respects current practices around -- that
13 respects current practices not expressly provided for in
14 the contract. So AFT wants to maintain the current
15 contract language. There's a standing agreement between
16 the District and the Union to honor existing practices
17 regarding load and class size rather than attempt to
18 include a myriad of such information in the contract
19 such as the maximum capacity for specific classes at
20 City College, load factors on specific classes and a
21 slew of other things like that. For example, some
22 classes must be kept small for reasons having to do with
23 safety or limitations on equipment or just appropriate
24 pedagogy. So we feel that stripping the word
25 "practices" from the current contract language would

1 actually change working conditions without the
2 appropriate negotiations.

3 The second thing I'll address is the minimum
4 class size. Right now the current contract language
5 specifies the minimum class size is 20 students. AFT
6 2121 propose to reduce this to 15 and also to allow new
7 classes or classes offered at a new location three
8 semesters to grow before subjecting those classes to the
9 minimum class size requirement.

10 So we have several reasons for feeling this is
11 an appropriate proposal. One is that keeping classes
12 open builds enrollment. Everybody wants to build
13 enrollment so they say. But however, the District
14 claims that cutting classes is necessary for budgetary
15 reasons. But we all know that cuts further reduce
16 enrollment and consequently reduces the college's
17 funding. It's kind of commonly referred to a phenomenon
18 called the death spiral. In fact, it was a term used in
19 the May edition of the Laney Tower which I actually
20 brought a copy to give. It's at my desk. Even Trustee
21 President Rafael Mandelman referred to it in his
22 candidate position statement. He acknowledged that cuts
23 will reduce enrollment. So even class sizes of 15 are
24 good for the school because they maintain enrollment.

25 The second reason is that small classes are

1 simply good education. This is not a controversial idea
2 and has been shown with study after study. The policy
3 brief from the National Education Policy Center at
4 Northwestern University summarizes the academic
5 literature on the impact of class size and finds that
6 class size is an important determinant of a variety of
7 student outcomes ranging from test scores to broader
8 life outcomes. It found that especially smaller classes
9 are particularly effective at raising achievement levels
10 of low income and minority students thus addressing our
11 achievement gap inequity which is another goal that
12 everybody can agree to.

13 It does no one a service to reduce the quality
14 of education at City College. In fact, the stellar
15 reputation of City College has nothing to do with its
16 administration or anything other than the high quality
17 education, the connection of the faculty to the
18 community and the dedication of the faculty. This was
19 even acknowledged in the ACCG student report.

20 The third reason to set the minimum at 15 is
21 that this has really been the de facto minimum that has
22 been used in the last few years and previously. A
23 letter sent to the department chairs by the dean of
24 behavioral and social sciences last April had
25 instructions for the planning of the summer and fall

1 2016 semesters. It explained that classes with
2 enrollments of 15 to 19 students will be allowed to
3 continue similar to last semester.

4 And the last reason is the idea of maintaining
5 a new class or a class at a new location regardless of
6 whether it meets the minimum because it needs time to
7 build. We will never expand our offerings if we cut
8 these new classes before they get a chance to get
9 established. The ability to offer new classes is
10 important not only to increase enrollment but also to
11 protect student equity. This was explained in the
12 campus ESL equity plan which was written by the ESL
13 department chair. And in it he proposes specific steps
14 to address the achievement gap among Latino students at
15 the Mission campus. He states that in order to go
16 forward new sections must be held harmless for a period
17 of at least three years.

18 The next issue I want to address is
19 multi-faceted, and it had has to do with workload or
20 load factors. Just to give you a little bit of
21 background, an instructor teaching only credit lecture
22 classes has a full-time workload of 15 hours in the
23 classroom. So this presumes that with all the
24 preparation, grading, committee work and other
25 responsibilities outside the classroom a full-time

1 credit instructor would be working about 40 hours a
2 week. So if you have an assignment other than a credit
3 lecture class, for example, a lab or a non-credit or
4 some non-teaching assignment such as counseling or
5 library, each of these assignments have a load factor.
6 So, for instance, the load factor for library work is .5
7 such that a full-time librarian would be assigned 30
8 hours per week, and then with their ancillary
9 responsibilities they would be working about a 40-hour
10 workweek. So there is a chart in your materials there
11 that show what the current load factors are for the
12 various types of classes which I won't repeat.

13 So now to go on to the proposals that AFT is
14 presenting. So the first one is that -- I mean, it's
15 kind of a trivial one. Maybe I'll skip it. It's
16 changing the name of science and non-science to credit
17 lab A and credit lab B just because it's kind of a
18 misnomer because some of the classes in the science
19 category are not science classes. So we think it would
20 clarify the language to redesignate them as credit lab A
21 and credit lab B.

22 Here is an important one. AFT 2121 is
23 proposing to add a category called conference lab and
24 set its load factor to one. The background of this is
25 that currently there are classes that are designated as

1 conference, just conference, and they get a load factor
2 of one. But the administration is requiring that -- is
3 requiring that all of these conference classes be
4 redesignated as either lecture or lab. So we're getting
5 rid of the conference designation by Fall 2016. This
6 creates a very difficult bind. Faculty teaching
7 conference classes currently receive this load factor of
8 one. But if they're designated as lab, then the load
9 and the pay for the instructors will decrease despite
10 the fact that what actually happens in the classroom
11 doesn't change at all.

12 This is actually the subject of a current
13 unfair labor practice charge. Alternatively if
14 departments designate their conference classes as
15 lecture, that would preserve the load factor of one and
16 not have any adverse effect on faculty pay. However, it
17 would have adverse effect on students. It would
18 increase the number of units that students would take
19 for the same work that they have been doing which is bad
20 because it adds cost to them. There's limits on the
21 number of units that a student can transfer or get
22 financial aid for, so that would adversely effect the
23 students and it would also limit how many units students
24 can transfer. This invalidates actually some of our AST
25 degrees. So there's a lot of departments that get

1 adversely affected by that, actually having to remove
2 those degrees from the catalog, departments such as
3 chemistry, radiological sciences, computer science,
4 physics and biology. So this is very bad for the
5 students. It decreases their chance of transferring
6 successfully to the school of their choice. So we feel
7 that our proposal to add the category conference lab
8 instead of load factor to one mitigates all of these
9 problems. It's a very simple change and it's cost
10 neutral. It doesn't cost the District one single penny
11 because teachers are already being paid at a load factor
12 of one for these classes. And so if you redesignate
13 conference to conference lab and set its load factor to
14 one, nobody suffers. Students don't suffer. Teachers
15 don't suffer. The District doesn't suffer.

16 The next proposal is very similar but the
17 details are slightly different. The proposal that AFT
18 has is to make the current music courses designated as
19 music lab and set their load factors to one. The
20 background is that currently faculty teaching music
21 courses receive the lecture load factor but the students
22 do not get the corresponding unit value for the hours
23 that they put in. So this has created a conflict with
24 Title 5 and needs to be addressed. So the music
25 department has been ordered to either increase the

1 student units of its courses to align with the lecture
2 hours or redesignate some of the lecture hours as lab
3 hours. So this is another difficult bind that's very
4 similar to the one that I just mentioned. To
5 redesignate them as labs means that the teachers would
6 be experiencing a pay cut for doing the exact same work
7 that they're currently doing. To increase the units
8 that the students get for it would very adversely affect
9 students for the reasons I identified earlier. So our
10 proposal to add the music lab category and set its load
11 factor to one would again mitigate all those problems
12 and it would be cost neutral for the District. It would
13 not cost them one dime.

14 Next, here is the meat of the proposal for lab
15 load factors. AFT is proposing to raise load factors
16 for credit labs in stages over the next three years.
17 Year one we would propose, which is the year that
18 actually just finished, raising all .67 load factored
19 labs to .75. In year two, we would raise all labs by
20 .05. So then that would make all the ones that were at
21 .75 .8, the ones that are at .85 would be at .9, and
22 then in the third year do the same thing so that again
23 you would raise each one by .5 so you would end up
24 having labs -- some labs will still be at .9 and others
25 will be at .95.

1 So I have eight reasons why this is a very good
2 proposal. One, the District and AFT have already agreed
3 to work towards the goal of reaching equity between labs
4 and lectures. This is language in the current contract
5 on Article 20.8.3.1.1. So that's already been an
6 agreed-upon goal that teachers -- lab teachers have been
7 expecting for years. It's been put on the back burner
8 because of the fiscal problems.

9 Two, the State of California actually
10 reimburses the college at the exact same levels for
11 lecture or lab classes. So it's inherently unfair not
12 to pass this funding on to the faculty.

13 Three, this proposal is actually affordable.
14 If you look at Exhibit 16, AFT has a cost-out of what it
15 would cost for the proposal that we're making. And it's
16 based on the District's cost-out that they gave us. In
17 the first year, the one where the .6 goes to .75, it
18 would cost the District \$144,000 and some change, in the
19 second year it would cost an additional \$577,000, and in
20 the third year an additional \$577,000 so that the total
21 cost over the original year, you know, when all of these
22 labs finally get up to those .9 and .95 rates it would
23 cost the District 1.299 million 727.83. Just looking at
24 the District's slide show that apparently they're going
25 to be giving after I finish my presentation, and they

1 have it at 1.594 million. I'll be interested to see why
2 our numbers are different on that. But this chart is
3 based on the District's own information that they gave
4 us on the cost-out for labs. So ultimately I'm saying
5 this is affordable. These are not, you know, pie in the
6 sky numbers here, the two proposals that we're
7 suggesting.

8 The fourth reason why our proposal makes sense
9 is that the current multipliers actually don't make
10 sense in terms of the work that goes on inside the
11 classroom. The departments that have .67 multipliers,
12 you know, they're really not very different than
13 departments that have .75 multipliers and others that
14 have .85 multipliers. And even within some department
15 labs have some of these mismatched load factors. They
16 don't necessarily reflect a difference -- a real
17 difference in the workload of the instructor. And so
18 our point is that, you know, faculty across all
19 departments and within the departments need to be
20 treated equitably. And this proposal resumes the
21 progress towards equity that the District and AFT have
22 already agreed that they want to work toward.

23 Five, load factors are actually intended to
24 account for the work faculty do outside the classroom.
25 So labs traditionally have been given smaller load

1 factors because they're presumed to be less work. But
2 this is not actually the case. They involve working
3 directly with students, monitoring safety, complicated
4 setups, ordering equipment and so on. The idea that
5 labs are somehow less work is an artifact of an older
6 system.

7 Six, the idea that we can clearly name modes of
8 instruction is actually outdated. Modern pedagogy mixes
9 loads and blurs the distinction between lab and lecture.
10 Lecture classes frequently include small group work,
11 discussion and hands-on activities. And on the other
12 hand, labs often include lectures. And they also often
13 tend exams, quizzes, homework and outside work just like
14 lecture classes. So it doesn't make sense to say that
15 all labs or all lectures will be taught in a particular
16 way. They both require a lot of hard work outside the
17 classroom.

18 Two more reasons. Number seven: We actually
19 would not be breaking new ground. I notice that in the
20 District's PowerPoint presentation they say that the Bay
21 Ten none of them have lab load factors of one. But
22 that's not consistent with the research that I did. And
23 I actually did research throughout the country.
24 Colleges throughout the country are actually moving away
25 from the outdated idea that labs and lectures should be

1 paid or valued differently. They're working toward an
2 understanding of modern pedagogy and equity. In
3 Wisconsin State Community College system all 13 colleges
4 give their science labs a multiplier of 1.1. That's
5 actually more than the one -- just the 1.0 load factor.
6 And even within the California community college system
7 there's many that are improving their load factors and
8 some have already achieved this equity. In fact, the
9 Los Angeles Community College District, which is the
10 largest district in the State, has a lab load factor of
11 one. Palomar College in San Diego pays their labs at
12 the rate of one and Foothill College also recently moved
13 to one.

14 And lastly it's not -- you know, there's a
15 reason why the District and the Union came to an
16 agreement to work toward equity in making lab equal to
17 lecture. Professional societies and academic leaders
18 agree that lab and lecture should be weighted equally.
19 The American Chemical Society has said that lab and
20 lecture should be equal. The American Association of
21 Physics Teachers, the California Academic Senate passed
22 a resolution that they'd work to eliminate the
23 differential between lecture and laboratory hours. And
24 the Journal of College Science Teaching notes that in
25 lab activities which are essential to good instruction

1 are often more work to prepare and teach than lecture
2 classes. The author of that article writes that the
3 practice in some community colleges awarding less load
4 credit is inconsistent with nationwide goals of science
5 excellence and the standards set by multiple
6 professional organizations. City College has a
7 reputation for academic excellence. If we want to
8 maintain our high standards, we should not discount the
9 professional advice of our peers.

10 The next issue I'll address is the proposal on
11 office hours. Currently the full-time faculty --

12 MS. ADLER: Hold on a minute.

13 MR. SLOAN: Will we be going issue by issue or
14 should we cover more than one issue?

15 MS. ADLER: It doesn't matter.

16 MR. SLOAN: Okay. Just asking.

17 MS. ADLER: I would just as soon get through
18 this piece of it.

19 MS. KAUFMYN: I'm only five minutes at the most
20 left.

21 MR. SLOAN: Thank you.

22 MS. KAUFMYN: The only things left that I'll
23 talk about are the office hours and the alternative
24 assignments.

25 So currently full-time faculty are required to

1 hold two office hours per week. The District has
2 proposed increasing this to five hours per week with no
3 additional pay. So we reject this proposal. Over the
4 past four years faculty workload has increased with a
5 disturbing decrease in our salary. We consider this a
6 work speed-up on steroids and has precipitated the
7 lowest faculty morale in the history of the college.
8 Nonetheless, the faculty actually have continued to work
9 tirelessly for the college and for their students. In
10 addition to the usual committee work and teaching
11 responsibilities, the past four years have seen faculty
12 step up to the plate in areas of student assessment and
13 reporting, accreditation work groups and outreach to
14 help enrollment. Instead of having these efforts
15 appreciated, faculty have experienced a disheartening
16 lack of respect from the administration. Like I said,
17 morale is at an all time low.

18 I'm going to go off script for just a second
19 and say that the stellar reputation that City College
20 has is due to the faculty. The State of affairs at City
21 College is such that the faculty are being trashed and
22 the one good thing about City College is being trashed.
23 This proposal to increase office hours with no
24 commensurate additional pay is one more piece of
25 evidence of this. You know, on the practical side

1 teachers are already spending more than two hours per
2 week in office hours. Students have restricted
3 schedules and the official office hours that teachers
4 have are often not convenient or even possible for
5 students to attend. And so what students do is they
6 just schedule with their teachers an appointment which
7 is outside office hours. And teachers for the most part
8 I see are very accommodating of this, of the
9 complicating lives of their students. There's also a
10 lot of unofficial office hours before and after class.
11 The current structure of two office hours per week plus
12 by appointment actually works quite well. To schedule
13 five hours per week would cut down on the flexible time
14 a teacher has to accommodate students' complicated
15 schedules and actually makes it harder for students to
16 see teachers in their office. Furthermore, the proposal
17 will require the faculty to lose some of the flexibility
18 in their weekly schedule for committee work and other
19 meetings.

20 All right. Lastly, I forgot what you -- you
21 have a slightly different phrase for this, but I'm
22 calling it alternative assignments. It's article
23 18.2.0. So AFT is proposing when there are not enough
24 classes to give a full-time faculty their normal load
25 that they be offered a voluntary reassignment. The

1 rationale for this is that the administration is
2 responsible for enrollment not faculty. Faculty needs
3 to be held harmless for the administration's failure to
4 provide them classes. Faculty have actually been at the
5 forefront of trying to grow enrollment and many faculty
6 see that the administration has actually sabotaged
7 enrollment. Without a reassignment the full-time
8 faculty would have to go under load and make it up in a
9 later semester, therefore teaching more than a normal
10 load which is very difficult. It's difficult enough
11 just to teach the normal load. For instructors in the
12 non-credits it's almost impossible since they're already
13 working 25 hours a week. So it will decrease the
14 instructor's ability to perform well and hence it will
15 decrease the quality of instruction at City College.

16 You know, faculty have actually many skills
17 that can be tapped to help with needed work. Across the
18 college there is coordination work that needs to be done
19 such as grant writing, developing new pathways and
20 certificates and faculty have stepped up to the plate to
21 do this often unpaid. An example is in the enrollment
22 campaign. Faculty began the voluntary community
23 outreach campaign to advertise the college and increase
24 enrollment. It's since been institutionalized and now
25 the paid faculty and volunteers working on the campaign

1 constitute the backbone of City College's outreach at
2 this point. We all agree that we want to grow
3 enrollment. Faculty and other programs should be in the
4 front lines. So the enrollment campaign is an excellent
5 example of using faculty expertise to help the college.
6 If full-timers who suffer under loads due to
7 cancellations were assigned to enrollment campaign or
8 other useful full work, everyone would benefit.

9 And that's concludes my presentation.

10 MS. ADLER: Thank you.

11 MS. KAUFMYN: Should I stay for questions?

12 MR. HENDRICKSON: Yes, I have a question. Some
13 of the thread that goes through your presentation from
14 my viewpoint I find difficult to accept. We need to
15 strive for good and proper salaries which also depends
16 on good and proper enrollment management practices which
17 whether we like it or not --

18 MS. ADLER: Are you arguing with her or do you
19 have a question?

20 MR. HENDRICKSON: Whether we like it or not,
21 it's dependent on the way in which State calculates
22 funding. To put money into changes that lower
23 productivity because of class size or to put money into
24 changing load factors or to put money into the area of
25 how to assure that full-time faculty maintain full-time

1 load when the class they're assigned to is no longer
2 being scheduled because of low enrollment or other
3 purposes I believe means that City College is going to
4 have to get in line with the bulk of the State and
5 follow good practices across the board and recognize
6 that the money can be spent perhaps better in providing
7 improvements and proper salary rather than all areas.

8 MS. ADLER: Do you have a question, John?

9 MS. KAUFMYN: I would question what good
10 practices are in your statement. And, you know, the
11 reason City College has such a stellar reputation is the
12 faculty. The faculty are being demoralized and they're
13 leaving. We're going to end up with a downsized school
14 and mediocre faculty with these District proposals,
15 faculty that aren't paid for labs, faculty that aren't
16 paid enough in their salary. We need to institute both
17 of these things and grow enrollment. If the District
18 got serious about enrollment growth, we wouldn't be
19 here. Most of the faculty has seen that the District
20 has sabotaged growth, not done much to help it.

21 MR. HENDRICKSON: And the District and the
22 faculty would work together --

23 MS. KAUFMYN: You know, it was --

24 MR. HENDRICKSON: -- in assuring the best we
25 can.

1 MS. KAUFMYN: -- the faculty that started the
2 enrollment campaign.

3 MR. HENDRICKSON: Just a thread I see.

4 MS. KAUFMYN: We had wanted to start
5 negotiations by talking about enrollment. And I love to
6 argue. We can argue. But if you have a question, I'll
7 answer the question.

8 MR. HENDRICKSON: No, I recognized the thread
9 in what you had to say and I wanted to pointed that out.
10 Thank you.

11 MS. KAUFMYN: Thank you.

12 MR. HENDRICKSON: Thank you.

13 MS. ADLER: Any questions? One panel member at
14 a time. Thank you.

15 MR. KVITKY: All right. Then I have no
16 questions.

17 MR. SLOAN: We'll need five or ten minutes.

18 MS. ADLER: Okay. Break time.

19 (Break taken from 1:46 p.m. to 2:04 p.m.)

20 MS. ADLER: Back on the record.

21 Will you identify yourself for the record?

22 MS. DAVIES: Anna Davies, Vice Chancellor of
23 Academic Affairs.

24 MS. ADLER: We are on the record, guys.

25 MS. DAVIES: Good afternoon. It's nice to see

1 you all again. I'm here to present the District's
2 perspective on loading class size as well as minimum
3 class size workloads and office hours. So I will walk
4 through a PowerPoint that I think is being projected
5 behind you and certainly invite you to stop me if you
6 have questions as I know in particular load factors can
7 be a bit complex. As soon as that fires up, we will get
8 started.

9 MR. SCEVA: This is reference A.5 slide seven.

10 MS. DAVIES: So I'll be talking about these
11 factors as listed in slide seven.

12 So we move on to slide eight. In terms of
13 introductory language, you heard a little earlier the
14 District does have an interest in making some changes to
15 some current language regarding practices in Article 18.
16 And the reason that we feel it's important to take
17 practices potentially out of the agreement is that
18 there's no way for the District to anticipate what
19 practices could potentially conflict with policies that
20 are already in existence or might be updated or
21 modified. And so recognizing that the District fully
22 intends to continue to negotiate items that are
23 negotiable or within the scope of negotiations, it seems
24 to be more clear to just stay focused on that and stay
25 focused on policies and less on practices. Also as

1 you're going to hear me talk a little bit when we talk
2 about class size, practices are typically within the
3 context of the economic and enrollment factors of a
4 college at any given time and oftentimes those change.
5 The situation that we find ourselves in today at City
6 College, ten years ago had we -- had somebody said this
7 was going to be the status of the college, nobody would
8 have believed them at any point about that. And so the
9 District's interest is in making sure that our practices
10 can evolve to the context of the District at any given
11 time and be appropriate within that context while still
12 honoring our obligation to negotiate those issues which
13 are subject to the Union and subject to the labor
14 agreement. So we're just trying to achieve clarity
15 there.

16 So I'm going to move on to slide nine. The
17 proposal, as you heard earlier, was to identify for the
18 duration of the contract that we would refrain from
19 cancelling low enrolled classes to help retain students
20 and rebuild enrollment and to not cancel classes that
21 are new. The challenge with codifying something like
22 this is that in reality we currently strive to avoid
23 cancelling any class for this very reason. So if you
24 asked me as the Vice Chancellor of Academic Affairs, I
25 would say we don't need to codify this because it is

1 indeed our practice to make every effort to retain
2 classes as we are focusing on restoration and the
3 rebuilding of our enrollment. So from my perspective
4 this is just not necessary as it is currently the
5 practice that we have. We have classes currently that
6 are let to go with significantly less than 20 students.
7 And we do that for a number of considerations that I
8 won't go into today but to try to honor and to recognize
9 the diversity of the curriculum and to consider each
10 program, again, within its unique needs.

11 The issue that I particularly have concern
12 about in terms of offering new classes at a site or a
13 campus is that the curriculum process and curriculum
14 approval process really is managed and led and the
15 responsibility of our faculty. It is what we call a ten
16 plus one item. So our Academic Senate has primacy in
17 that area. And so one of the challenges that I could
18 foresee with this is that because we do rely primarily
19 on our faculty, there's no way for us as a district to
20 put this into a negotiating agreement when we, in fact,
21 don't have any role really in monitoring or setting
22 parameters for the development of new courses. So this
23 could potentially result in an onslaught of new course
24 development for the express purposes that there's a
25 guarantee basically built into a contract that the

1 District has no ability to manage. So to me this --
2 again, in practice, in reality this may not be a firm --
3 there may not be a number of three semesters, but
4 everybody agrees that new classes need to be nurtured
5 and there needs to be time to develop them.

6 We also agree there needs to be a demonstrated
7 demand for a course before it's approved. So we try to
8 balance those things. And my concern is that new
9 courses might be put into a schedule because there's a
10 notion that it might be guaranteed in lieu of a course
11 that students may need at that same site. So I think
12 this would be disruptive to the scheduling process as we
13 currently have it. And given our practices align
14 philosophically with it, certainly my practices align
15 with this, we already provide this opportunity for
16 faculty when we are able to do that and when student
17 demand reflects courses be brought to new sites or new
18 centers. So I would say retaining those practices
19 should be our shared interest in that area.

20 If I move on to slide ten, class cancellations,
21 I'll go back to this issue of practice. In 2009/'10 the
22 productivity levels of the college were very high
23 because we had -- we had been rationing education at the
24 State level, and so students were clambering to come
25 into all community colleges and City College as well.

1 And so the average class size went above 20 and it went
2 above 20 for a couple of years. But we didn't see that
3 as an opportunity to adjust the collective bargaining
4 unit to recognize, well, we should really raise the
5 class size because it is above. I don't think that
6 would have been appropriate just as I don't think it's
7 appropriate today because our class size has fallen for
8 us to lower the number. Class size and class
9 cancellations as you heard today, which really are a
10 managerial responsibility, are always in motion in the
11 context of a college. And so we currently have
12 language. That language is considered in decision
13 making. That language doesn't necessarily dictate and
14 mandate practices, another reason it could be important
15 to separate practices from codified languages. But in
16 the year that I've been at the college -- and I know in
17 the previous year there has been a concerted effort to
18 help articulate how decisions are being made about
19 classes, how we are evaluating enrollment in classes,
20 how we are trying to maximize student access during a
21 difficult time. And so right now I would just I guess
22 state that's not a necessary change because in practice
23 we already make those considerations.

24 So slide number 11 again just kind of goes back
25 to there are exceptions to that number that's already in

1 the contract which is what we utilize in how we make our
2 decisions. We regularly do not cancel classes, new or
3 existing courses, that fall below 20. And including
4 this language about canceling classes, it would make it
5 subject to a grievance which I think would complicate
6 things.

7 Also, from a global perspective, and it's not
8 listed here, but from a global perspective, the art of
9 enrollment at a community college is about balance.
10 It's about making sure that the classes that are small
11 are balanced by the classes that are large. And nobody
12 would argue that a small class provides a more intimate,
13 engaged, focused learning opportunity for students. I
14 certainly believe that's the case. I also believe that
15 we don't always recognize the need for larger classes to
16 balance that. And so typically we see that happen
17 organically in colleges because the social sciences
18 classes will be large to help the nursing clinical
19 rotations which are small and that happens. But if
20 we're going to drive down class sizes in some areas, we
21 will have a corresponding need to force up class sizes
22 in other areas to make sure that the college can
23 maintain its balance. And in my 20 years in higher ed,
24 I have been comfortable and I have seen that this can be
25 managed successfully in a less formal way, which again

1 allows the college to evolve in its practices and as its
2 curriculum evolves to adjust practices that make sense.
3 So I would resist the notion to drive down that number,
4 number one, because we have no way to balance that
5 against what would need to go up in areas, but also
6 because the college has decades of success in managing
7 this without that language. So we have a demonstrated
8 track record of being able to manage our scheduling
9 process in a way that can support the college's goals in
10 terms of FTES and its fiscal goals. So I would like to
11 continue to rely on those practices whenever possible.

12 So slide 12, we do have an Exhibit G.1 for your
13 reference that shows that five of the other Bay Ten
14 colleges -- and the Bay Ten colleges typically are a
15 comparison group. That's why we selected that
16 particular group of colleges. Half of them have a state
17 set class size in their CBA at 20 students. The others
18 I believe are silent on the issue, and they are likely
19 silent for the same reasons that I've described, that
20 typically you need to have lots of flexibility in how
21 you manage the class sizes and canceling the classes in
22 order to have a successful broad and deep curriculum for
23 students. But if you would care to see those, they are
24 in Exhibit G.1.

25 You heard earlier today about productivity. I

1 certainly don't want to belabor that. But there is a
2 relationship between class size and productivity, and we
3 want to make sure that we are moving in a direction that
4 supports the goal of the educational programs, supports
5 the college's and the District's FTES goals, and we
6 support those goals in the context of our fiscal
7 commitments and the resources that we have available.
8 So we will continue to keep that as a strong
9 consideration in decision making. So I won't belabor
10 that. But you can see that there is a highlighted bold
11 in slide 13 that re-emphasizes the need for us to move
12 towards stronger FTES per FTEF ratios as we prepare for
13 our transition at the end of 2017 away from stability
14 funding.

15 So we're going to move on to load factors. And
16 I just want to start by saying that load factors are a
17 complicated issue. And I will start by saying that
18 changes to load factors through negotiations are
19 typically done with a snapshot of the current curriculum
20 and the current fiscal changes. I also want to
21 acknowledge that load factors once approved by a
22 district or agreed to with a labor organization become a
23 tool that the faculty use in the curriculum approval
24 process. Again, a process led and responsible for by
25 faculty. So in approving load factor changes one input

1 is the current context, the current impact, financial or
2 otherwise. But we also must acknowledge that once that
3 tool is available to faculty across the curriculum they
4 will use that tool how they believe is appropriate. And
5 again, the District cannot predict that or put
6 parameters on that unless that language is included with
7 those changes. So when you hear things like it wouldn't
8 cost any dollars to make this change, I want to
9 acknowledge that if we said make this change and we put
10 in parens and freeze everything exactly where it is,
11 that would be true. But once the tool becomes available
12 to faculty, then they are able to use that equitably
13 across the curriculum. So the current change may not
14 have a major financial impact. But without language
15 which puts barriers around that, the potential impact
16 over the course of years and years and decades and
17 decades is significant. And so the District has to be
18 responsible and consider that in part of the
19 negotiations. So I just want to give you that little
20 piece of context.

21 We have agreed to more clearly articulate how
22 we currently calculate load. And so slide 14 we believe
23 shows the current practices and how they will be
24 articulated in the CBA moving forward. It's a bit more
25 clear than it currently is. That's on slide 14.

1 slide 15 you already heard about AFT's proposal
2 today, so I won't review that. It's there in slide 15.

3 We are proposing that we maintain the current
4 way that we calculate load with the exception of moving
5 the .67 load factor, which you see as credit lab
6 performance in slide 14, up to the .75. So we agree
7 that that was a positive move for faculty and for
8 students impacted in those areas. However, beyond that
9 change the District is not at this time confident in our
10 ability to finance that or predict the impact of that
11 without further study, further discussion. And so we
12 are standing with that proposal to change the .67 to
13 .75.

14 I'll move on to slide 17. There is an Exhibit
15 G.2 that's again the lowest lab factor is currently
16 below average for the Bay Ten. I want to recognize
17 that. And that's the driving factor in our willingness
18 to move that up to the .75. Our highest credit load
19 factor, which is our science labs, although you heard
20 there are some anomalies in that category and perhaps
21 that's not the best title, is above the average, the
22 second highest in the Bay Ten. And so we have examples
23 of both. We could say we have the lowest lab load
24 factor and you could say we have one of the highest lab
25 factors and both of us could be right and maybe perceive

1 the other as incorrect. But we are working on this and
2 I think the first step of moving that lowest lab up
3 makes sense for us at this point as we further study
4 this in the future and the potential impacts that we
5 might have.

6 In terms of moving the other categories up,
7 part of our reasoning for not being able to support that
8 at this time is that it would move us overall to the
9 second highest load factor in the Bay Ten, our
10 comparable group. And while we're trying to focus on
11 salaries, which we clearly have heard from faculty is
12 their primary concern, and I fully agree, we fully agree
13 is a primary concern, this type of an initiative would
14 erode our ability to improve salaries at this time. So
15 again, that's the rationale there.

16 And also just to specifically call out the
17 proposal about music lab. It is not typical higher ed
18 practice for music or performance labs in general to be
19 paid at lecture rate. That could be changing. That
20 could be moving in a different direction. But currently
21 in California certainly most performance disciplines,
22 and we've called out music, but you could also say
23 theater arts would be in this, art would be in this,
24 physical education, kinesiology, most of the time those
25 performance activity groups together are typically at a

1 lab rate rather than a lecture rate. So that's just a
2 practice that I feel -- we feel are in alignment with
3 current higher ed standards.

4 So if we move on to slide 18, again, we would
5 be increasing the District's responsibility for changing
6 load factors if we were to increase those. And a few
7 more reasons that are listed there that are supporting
8 our position of just taking a single step forward at
9 this time. Again, when you hear things like things
10 don't cost, they may not cost this year if there's a
11 current practice. However, in future years there
12 certainly are costs. And unlike other higher education
13 systems in California, California community colleges are
14 regulated by Title 5 and Educational Code. So when you
15 hear things like the department has been dictated to
16 make a change, really in California faculty are
17 responsible to manage the curriculum, but they have to
18 manage that curriculum within the boundaries that are
19 provided in the Educational Code of California as well
20 as Title 5. And we have had historically examples at
21 CCSF where we have not been in those boundaries and we
22 are now making sure that we are moving within those
23 boundaries. And I understand that can be perceived as a
24 dictate or a mandate. But the alternative to not
25 falling within boundaries of lecture and lab ratios and

1 lecture and lab ratios to units is that the curriculum
2 couldn't be offered.

3 So again, I understand the perception that that
4 change is mandated. However, how the changes are
5 managed, we've relied on the faculty to do that. And so
6 they may have been faced with uncomfortable decisions in
7 terms of who's benefiting potentially, who is not
8 benefiting. But at the end of the day, we have
9 exclusively relied on those faculty to make proposals,
10 and those proposals have gone through our Academic
11 Senate for approval and ultimately through the
12 Chancellor to the board of trustees. So I do want to
13 recognize it has been a difficult process because of the
14 large scale of the initiative of moving the pieces of
15 the curriculum into alignment with higher ed standards.
16 But that has not been a CCSF created initiative. It was
17 part of our accrediting review process, and it was
18 acknowledged that is a challenge that the college needed
19 to face up to and meet, and we have and we've been
20 successful in that. So we will continue to rely on that
21 practice as we look at the items related to it that are
22 negotiable because the Academic Senate of the California
23 community colleges has some privacy and try to keep
24 that -- I'm personally trying to keep that separate from
25 the items that are negotiable and listed in our contract

1 currently.

2 So I'm just going to move on to office hours at
3 this point. I'll move to slide 21. The District has
4 proposed identifying five --

5 MR. SCEVA: Could you go over the cost?

6 MS. DAVIES: Oh, you want me to go over the
7 cost? Okay. I'm sorry. So let me let's go over the
8 specific financials.

9 So it's predicted that the cost per year of the
10 current load factor which is listed in the first top
11 light blue row is about \$10.6 million. That's currently
12 the investment we're making in labs at the current load
13 factors. If we were to make changes in that as proposed
14 by AFT, what you see is a -- as a result would be an
15 increase of about \$1.6 million annually in those same
16 lab classes. And the reason that I say that is that is
17 it is correct to say that as a full-time faculty your
18 salary is your salary. Your load factor builds to that
19 salary. But a change in that load factor is not going
20 to result in a net change in your paycheck necessarily.
21 The reason that the District recognizes the 1.6 million
22 is if the load factors are increased, what that really
23 operationalizes as is that we will have fewer -- we will
24 have fewer sections staffed by full-time faculty because
25 it will take fewer hours and classes to get to a

1 physical 1.0 load. What that will mean is that in order
2 to maintain our FTES levels and our course levels, we
3 would have to hire additional part-time faculty to keep
4 at a level playing field. So the cost doesn't come in
5 additional dollars on the salary scale for our full-time
6 faculty; it would come in additional sections available
7 to full-time faculty as overload or to adjunct faculty
8 in order for us to maintain the water line as it
9 currently is.

10 MR. SCEVA: Anna, in this chart it says
11 ignoring the impact of the music and conference lab in
12 this analysis. Can you speak to what the impact would
13 be?

14 MS. DAVIES: Well, the issue of conference
15 hours is that the California Community College
16 Chancellor's Office doesn't recognize that as
17 curriculum. The California Community Colleges recognize
18 lecture, lab with homework, lab without homework,
19 activity and a few other items, but nowhere on that list
20 is conference. And so our challenge was we had -- it
21 had been a long part of our history, but we needed to
22 name it in a way that aligned with the chancellor's
23 office. So what we did, our curriculum committee
24 recommended to give faculty a choice to name it in any
25 of those ways that they felt were responsible. If we

1 were to create an opportunity for all labs, all labs
2 across the college to be conference and, therefore,
3 lecture, we would be right back at this number that you
4 would be looking at only it would be a lot bigger
5 because everything would be 100 percent, right? That
6 would be a probable outcome. So that would be the issue
7 with conference.

8 With music, the challenge with the music
9 curriculum would be that it is likely we would see a
10 reduction in the breadth of the music program because
11 the cost of that program would become exponentially
12 higher. And so we would have to do an analysis to see
13 based on the current level of enrollment how much would
14 that change result in a corresponding impact on student
15 demand, the size of the program, et cetera, but I would
16 anticipate that it would affect the breadth of offerings
17 in the music program. Based on my experience, that
18 would be a likely outcome for that. So I'm glad that
19 we've taken it out because it would be difficult to
20 predict.

21 So we're going to move on to office hours,
22 slide number 21. I do want to recognize that the
23 District has proposed increasing office hours to five
24 recognizing that faculty are indeed a primary source
25 of -- the primary source of engagement for students and

1 that students having access to faculty does increase
2 their success and does increase their retention.
3 Currently it is at two hours. And if you look at
4 Exhibit G.3, you will see that we are, according to our
5 research, the lowest among our Bay Ten comparison
6 districts. You will also see that the majority of the
7 Bay Ten is at five hours. So the intent was to bring us
8 into alignment with other comparable colleges in this
9 area.

10 And I have no doubt that faculty spend a number
11 of hours outside of the classroom engaged with students
12 and they do that in a variety of ways. To recognize
13 that need for flexibility that you heard about earlier,
14 there are ways I believe for the District and AFT to
15 come together on that. There are some evolving
16 practices in office hours such as on-line office hours
17 or on-line office hours by appointment, things that you
18 heard about today. I believe there are ways to blend
19 those to recognize that it is -- that that commitment is
20 already being made but also to recognize that in a way
21 that shows we are comparable across the districts we're
22 trying to compare to in that particular area. So I
23 would leave you with that thought and then move on to
24 the last issue which is schedule deviations.

25 We -- currently the District's perspective on

1 this is that it's currently just not necessary. We --
2 for starters, there is not a subject at City College of
3 San Francisco where there is less than 1.0 FTEF
4 available. So there is currently not an example that I
5 can find in the 3,000 credit sections that we have where
6 a faculty doesn't have a full load. There are, however,
7 situations where a faculty will enter a semester with a
8 full load but a class gets cancelled due to low
9 enrollment they fall below that full load. And that
10 does occur, although not on a level that is
11 unmanageable.

12 So the way that we currently address that is --
13 a way I feel that can be effective is that we already
14 have the right in the contract when that occurs to bump
15 another faculty, an adjunct faculty specifically, and
16 put that full-time faculty that into section that's
17 fully enrolled and maintain their 1.0. So we already
18 have a mechanism that enables us to manage that reality
19 if and when that occurs. Another possible way to manage
20 that would be what you heard earlier which is if a
21 faculty were to suggest or we agreed, yes, you'll go
22 below this semester but next semester you'll go above
23 and you'll balance that 1.0. So, for example, I might
24 be at a .8 in the fall but I'm at a 1.2 in the spring.
25 So overall I'm at a 1.0 and my annual salary shouldn't

1 be affected. That's other tool that we have to manage
2 that. And so what I believe is that we can use those
3 existing tools that we have to avoid faculty going below
4 a 1.0 because you heard earlier, and I fully agree, our
5 faculty are the reason that our students are coming.

6 So with that agreement, my stance is if the
7 faculty are the reason our students are coming and
8 staying, I don't want our faculty anywhere else but in
9 the classroom because they're drawing the students. So
10 to me if we want to achieve our larger goals, which is
11 restoration and growth and all those things that we keep
12 hearing that are important, we need to keep our
13 full-time faculty specifically who we hired because they
14 are anchors of our college. We need to keep them
15 engaged with students. So the best opportunity that we
16 have to achieve our other goals in my opinion is to make
17 sure that our full-time faculty are fully engaged with
18 students. And we can do that using the tools that we
19 already have that are articulated in the contract. And,
20 therefore, having this additional language is really in
21 my opinion, I think in the District's opinion not
22 necessary and could complicate things if it were to be
23 put into the contract in a vague way without determining
24 which tool that we already have would trump one another
25 and who would decide that. I believe it would cause a

1 distraction for us. So my position is that we continue
2 to approach the issue the way -- with the tools that we
3 have and that we keep our full-time faculty in the
4 classroom engaged with students and that those efforts
5 will help us achieve our larger goals.

6 MR. SCEVA: There's a reference in this slide
7 to attempting to start bumping instructors as beginning
8 fall 2017. Could you speak about that?

9 MS. DAVIES: Sure. So the contract language
10 currently says that if a full-time faculty has a class
11 cancelled that they fall into an underload status. The
12 managerial right is we would bump a full-time faculty
13 out of a section, assign the full-time faculty to that
14 section and that they would maintain their 1.0. And so
15 we do that through a negotiations process not -- I use
16 that term -- I shouldn't use that term. We would
17 consult with the faculty impacted in that process to try
18 to identify sections that align well with their
19 schedule, that they have recency in teaching. So
20 there's a number of considerations in that process. But
21 working together we can make sure that a faculty does
22 not work through a semester with less than a 1.0 load.
23 So we can work through that together.

24 MR. SCEVA: Then before I let you go, one minor
25 point. Backing up a bit. When you were talking about

1 the labs with the full 1.0 credit and are assigned
2 reference to that not being in place in the Bay Ten, is
3 that true? And there was reference to Foothill. Do you
4 know --

5 MS. DAVIES: My understanding about Foothill is
6 that they don't have -- they don't have a codified
7 lecture lab by the unit or by the workload or by the
8 hour. It's by the class. And I have to admit I don't
9 fully understand it because I believe it's more complex
10 than certainly I know. And it has some historical
11 factors that fall into that. I would have to do a lot
12 more digging to become an expert in that. But they
13 don't approach their workload like we do. And there are
14 a lot of colleges, there are a lot variations in
15 workload. Some base it on units. Some base it on
16 hours. Some base it on classes. Some base it on other
17 factors. So there's -- I would be hesitant to say that
18 it's a 1.0.

19 MR. SCEVA: Thank you.

20 MS. ADLER: He's going to ask you a question.

21 MR. KVITKY: So a few questions. One is that
22 at one point -- so in the AFT's presentation it said
23 currently music courses are categorized as lectures and
24 it's been -- that those have changed, so those are now
25 going to be categorized differently. They have been

1 lectures. They were at 1.0. But what you said was that
2 that the cost of music would be higher if the load
3 factor doesn't change.

4 MS. ADLER: Music labs which were --

5 MR. KVITKY: So can you clarify what that is
6 for me?

7 MS. DAVIES: So this is what I say what I mean
8 when a tool becomes available and a process -- I'll just
9 say -- we're going to use a metaphor, a manufacturing
10 process. So if I'm responsible for the process. You
11 give me the tools. I'm going to use the tools in a way
12 that makes sense to me as I go through a process. We
13 had this thing called a conference, not codified by the
14 chancellor's office, not really higher ed standards but
15 locally defined and it was almost always paid at the
16 lecture rate even though it was never called a lecture.
17 Okay? The music department at some point in the past
18 looked at the tools available to them and said we like
19 that tool. We will calculate our units like lab,
20 three hours one student unit. But we'd like the tool to
21 pay that in workload like it's a lecture. So we created
22 this hybrid locally where we calculated the units based
23 on a lab, a higher ed lab standard. We calculated the
24 pay based on a locally identified pay level. And so
25 what we had to do was reconcile that. We had to either

1 continue to call it a lab in the course outline and pay
2 it like the contract says we pay lab or we needed to
3 call it a lecture and pay it like a lecture. So we had
4 choices there to make. Our music department ultimately
5 chose I believe -- I have to go back and look -- I
6 believe they chose to calculate the units at a lecture
7 rate. And so their lecture units increased, right? So
8 the students, instead of getting one unit now, the
9 students get three but their workload, their pay stayed
10 the same. Does that help clarify?

11 MR. KVITKY: Partially. I'm just not clear why
12 the cost would be higher if the load factor isn't
13 changed.

14 MS. DAVIES: Let me clarify. The cost to the
15 students is higher, right? So what happens when the
16 cost -- and you heard it earlier as well.

17 MR. KVITKY: They have to pay for more units.

18 MS. DAVIES: The students are now paying for
19 more units. So what happens is while the cost typically
20 goes up, the student enrollment patterns typically
21 change and for the most part go down. So instead of
22 taking a piano class because I want to play introductory
23 piano, it's one unit, now it's three units. It's three
24 times the cost. Maybe I'll opt out. What's going to
25 happen is that the enrollment patterns are affected,

1 then our ability to offer a breadth of the curriculum
2 will be affected. And so there will be changes in that
3 if that happens where it's too soon for us to know.

4 MR. KVITKY: So when you -- and you referred to
5 it as -- again, you referred to using these load factors
6 as tool. So is the -- but it wasn't immediately clear
7 to me what you meant by that.

8 MS. DAVIES: So the way that the curriculum
9 approval process happens in California is that we rely
10 on a statewide Academic Senate and our local Academic
11 Senate. We primarily rely on them to develop and
12 approve curriculum. We usually refer to those issues
13 that they have privacy in, if you will. And so what
14 happens at our college is that if I'm a full-time
15 faculty and I decide I want to write a new course, I
16 have the -- I will typically get the support of my
17 colleagues in the department. And that's typically here
18 informal. But I can develop a course and propose that
19 to our curriculum committee for approval without the
20 institution having a process to say we agree or we don't
21 agree. So as administrator I don't have a role at that
22 local level in saying, boy, no, that's not really -- we
23 don't -- it's not the right time for that or we don't
24 really have demand for that that we can really show in
25 evidence. So faculty can choose how many hours the

1 course is. Then what type of hours, lecture lab, we
2 calculate the workload based on that. We anticipate the
3 pay based on that.

4 So all of that is done through an approval
5 process that's really owned by the faculty, our Academic
6 Senate. So once we say yes in a contract to a workload,
7 that workload becomes available to the college as a
8 whole. And so what we got to try to understand is how
9 creating a new -- creating a new workload like a music
10 lab, right, that would be paid at the lecture, how that
11 will play out itself in the next year or two years or
12 three years. And what we saw with the conference, what
13 we see today and where we are today is a result of that
14 agreement informally at that time. But then it
15 broadened in its application because individual faculty
16 or individual departments thought that was the best
17 choice for them and their students, and I'm sure it was,
18 but without an institutional context.

19 MR. KVITKY: Okay. I think I understand that.

20 And then just two more questions. One was -- I
21 was confused. You talked about the Ed Code and Title 5
22 and that the AFT approval on load factors falls outside
23 so that you won't be able to offer the courses. I'm
24 just a little bit confused because they also presented
25 like L.A. City College they have equivalent load factors

1 for labs and lectures. So --

2 MS. DAVIES: Yeah, that's --

3 MR. KVITKY: -- they can offer classes. So I
4 wasn't sure -- I wasn't sure what that meant.

5 MS. DAVIES: Let me clarify. So the Department
6 of Education requires that accredited colleges and
7 universities issue unit credit applying higher education
8 standards. And so that issue is what was highlighted
9 when people saw at City College we had music classes
10 that were three hours of lecture but one unit, right, or
11 in other areas where the units and the hours they didn't
12 match. That was highlighted in what you could kind of
13 call higher education practices. We also have State
14 Title 5 and the Chancellor's office which says here are
15 the types of college courses you can offer at community
16 colleges. And remember, we're really codified because
17 every course that we offer that's articulated, it's
18 really the CSUs and the UCs who decide that we're
19 falling within those practices. And so it's important
20 for us to know that some of this is related to our
21 ability to transfer those courses to the CSUs and the
22 UCs.

23 So between the higher ed standards which say
24 your unit credit needs to fall into a ratio, right, and
25 the State standards which show in our -- what we call

1 our Program and Course Approval Handbook, we call it the
2 PCA in this state, that there are certain types of
3 curriculum between those two we have to fall within the
4 outside boundaries. And that's what we've been working
5 on for the last year and a half. So that in some cases
6 we were well within those boundaries, but in some cases
7 we were not, and we had to move ourselves towards those
8 in order to prepare for the accreditation coming this
9 fall. So if we had not, for example, if Anna, who
10 teaches sociology, say I teach sociology, if I had a
11 class that was conference hours and I decided I'm not
12 going to change the course, I'm not going to change the
13 course. If the course stayed as it was, we would not
14 have been able to put it in the schedule because we
15 would have been knowingly been putting it in the
16 schedule. From an administrative perspective, right, we
17 can't put in courses that we know don't fall within
18 those standards. And so we would not have been able to
19 offer that course. That's what I meant when I said we
20 wouldn't have been able to offer it.

21 MR. KVITKY: Okay. One more question. It was
22 back on one of your earlier slides. I have to find it.
23 Slide eight. Sorry. This is going back to the very
24 beginning about current policies and practices. Can you
25 give an example -- so I assume that there are practices

1 that you imagine may need to change. That's typically
2 what one faces with a proposal like this. So can you
3 give an example?

4 MS. ADLER: Or that might need to change.

5 MR. KVITKY: Or might need to change. Can you
6 give an example, even if it's not the kind of practice
7 you imagine over time, might have to change if it was
8 specifically probative?

9 MS. DAVIES: I think there's two issues with
10 the word "practices." One is this -- and this is my
11 experience, right? When the word "practice" is put into
12 a labor agreement, we tend to then look around and see
13 individual examples and we want to call them fixed
14 practices. We tend to do that. We tend to see that's a
15 past practice, that's a current practice. We tend to
16 want to do that. And when it comes to enrollment and
17 schedule development and class cancellation and all
18 those things, if we were to try to live by one list of
19 rules, one list of practices, we would cripple ourselves
20 because the context always changes. We cycle up, we
21 cycle down, we cycle up, we cycle down. And if we were
22 just trying to create one list of practices, I don't
23 think we could function as well as if we were working
24 together in the context moving along. So to me it's not
25 as much about what practices need to change. It's about

1 not limiting ourselves by trying to create restrictive
2 practices in an organization as diverse and complex as
3 ours which requires us to have individual
4 considerations, unique -- we have unique context. And
5 all of that needs to be put into the mix.

6 I think where we might see the change is if we
7 had a board policy that got updated and that board
8 policy conflicted with a practice that we had had.
9 Well, if that practice is a fixed practice and we have a
10 board policy that is out of alignment, how do we put
11 those things together because the board approves its
12 policy and updates its policies. And if something is
13 fixed, then how does the District bring those things
14 together? I think that's the other reason to
15 potentially move away from that term but not move away
16 from mutually agreeing on those things that are
17 appropriate in the scope of negotiations.

18 MR. KVITKY: Then you can probably understand
19 why they want to put into the contract the practice
20 around 15 hours given the changing circumstances.

21 MS. DAVIES: 15 hours or 15 -- class sizes of
22 15?

23 MR. KVITKY: Sorry. Class size of 15 because
24 this was a counter example that was -- I think went --
25 these went across each other. The arguments went across

1 each other. So...

2 MS. DAVIES: Yeah, when I got here last fall,
3 and again, I have limited experience at CCSF, although I
4 feel I've been in higher ed awhile, we had hundreds of
5 classes below 20 last fall. Hundreds of classes. Not
6 ten, not 30, hundreds of them. I would guess we were
7 almost at 25 percent of our sections in credit were
8 below 20. If we had -- if we held firmly to that
9 practice, that curriculum would have been decimated.
10 And nobody wants that to happen. So in my mind working
11 together as the context of the college changes gives us
12 the best opportunity to make appropriate decisions at
13 the time rather than creating some artificial line that
14 may work today but may not work in the future or we're
15 fearful that something might happen so we try to be
16 preemptive not knowing how that could operationalize. I
17 think the managerial responsibility and the role of the
18 faculty together make the strongest decisions. And so I
19 try to orient myself from that position.

20 MR. KVITKY: Okay. Thank you.

21 MS. ADLER: Any questions, John?

22 MR. HENDRICKSON: I'm good.

23 MS. ADLER: Thank you, ma'am.

24 What now?

25 MR. SLOAN: Faculty service area. Give me a

1 moment to organize the documents.

2 MS. ADLER: Can we take five?

3 MR. SLOAN: That would be good.

4 (Break taken from 2:53 p.m. to 3:09 p.m.)

5 MS. ADLER: Let's go back on the record.

6 Jeff, I think you go next.

7 Back on the record.

8 MR. SLOAN: We have submitted a binder number
9 two now for the panel. And binder number two includes
10 within it as the first document a PowerPoint which
11 you're about to receive titled "District's Presentation
12 to Fact Finding Panel, Other Remaining Issues in
13 Dispute." It's right behind the table of contents. And
14 as noted in the table of contents, this actually will
15 appear in A.7, but we're giving you the PowerPoint here
16 for convenience.

17 MS. ADLER: And it's my understanding that
18 evaluations is going to be reserved for the parties to
19 work out hopefully.

20 MR. SLOAN: Evaluations will be reserved and
21 the issue of commencement is one that will also be
22 reserved.

23 MS. ADLER: Okay.

24 MR. KILLIKELLY: Jeff, I don't know if that --
25 we will certainly be willing to talk about commencement,

1 but we're going to -- we're planning on presenting it
2 next time.

3 MR. HANZO: And prescription drugs.

4 MR. KILLIKELLY: The two that we talked about
5 trying to work on, right? If we could also work on
6 connecting them, that would be fine. But we're planning
7 right now also next time to have something on
8 commencement as well.

9 MR. SLOAN: Right. So we'll reserve that until
10 the fourth day.

11 MR. KILLIKELLY: Yes. Thank you.

12 MS. ADLER: Okay. We are talking about --

13 MR. SLOAN: Faculty service areas which appears
14 on the PowerPoint page in which this begins is 18.

15 MR. SCEVA: So in the PowerPoint immediately
16 after the index, the next page after the index there's a
17 PowerPoint.

18 MS. ADLER: Okay.

19 MR. SCEVA: And slide 18 of that.

20 MS. ADLER: I'm going to follow the PowerPoint.

21 MR. SCEVA: Which is a different page than what
22 you're on now.

23 MR. SLOAN: No. We have spare copies just of
24 that document if you want it.

25 MS. ADLER: I'm just going to follow.

1 Identify yours for the record.

2 MR. SCEVA: I'm Justin Sceva, S-C-E-V-A,
3 attorney with Renne, Sloan, Holtzman, Sakai. I'm going
4 to be addressing the issue of faculty service areas on
5 which the District has a proposal on the table for the
6 negotiations.

7 Before I get into this document, I just want to
8 say that this is an area that I find myself knew nothing
9 about until these negotiations. So it's fairly
10 abstract, and hopefully I'll cover the basics. I'm
11 going to start with the very basics just because of that
12 reason. And that is what factors services areas are.
13 Basically in 1988 AB1725 was passed and it requires
14 every community college district to establish and to
15 assign tenured faculty to a faculty service area which
16 has the sole statutory rule when a reduction of force
17 occurs under the Education Code. And a key provision is
18 at Code Section 8773, which is attached as Exhibit I.2,
19 which says that no tenured faculty member can be laid
20 off or let go when there's any other employee with less
21 seniority retained to teach classes where they meet
22 minimum qualifications and are competent to serve under
23 district competency criteria.

24 So in connection with this, community colleges
25 needed to both identify what their FSAs are going to be

1 which they could define them any way they wanted. Most
2 places, including here, have mirrored the list of
3 disciplines established by the state chancellor's
4 office, and to define what competency criteria, if any,
5 are attached to each of those FSAs above and beyond the
6 minimum qualifications by the State.

7 Before I move off this slide, there's also a
8 reference to I.1. That's a publication from the State
9 Academic Senate on the topic of disciplines and faculty
10 service areas which just discusses practices in the
11 State. And the impact and purpose of FSAs is one of the
12 more comprehensive documents that we found. So we
13 included it for your reference.

14 So the Ed Code establishes that the college
15 districts have authority to establish what competency
16 criteria are. It specifically says that they're a
17 negotiable subject. So they have to be negotiated.
18 Article 23 of the current CBA as it stood going into
19 these negotiations only said that we wouldn't conduct
20 additional negotiations over the area and it was
21 otherwise silent. And it had been that way for quite
22 some time. We finally -- we knew it was time that we
23 had to actually establish some written guidelines on
24 what the FSAs were and the competency criteria and how
25 they would operate within the reduction in force to be

1 in compliance with state law and best practices.

2 So we brought some proposals to the table. As
3 are a result of the initial negotiations, the parties
4 did agree to define FSAs at the District congruent with
5 the disciplines list with minor exceptions, for example,
6 in foreign languages where each language is a separate
7 FSA instead of each discipline of foreign languages
8 which makes sense because otherwise someone would be
9 bumped from French to German even if they didn't speak
10 German, for example.

11 We have not agreed on the issue of additional
12 competency criteria which is really where the nub of the
13 dispute lies at this time. AFT's position consistently
14 has been that they wish to use minimum qualifications
15 only. So if an instructor meets the minimum
16 qualifications to teach a discipline under state law,
17 they should be considered competent in that discipline
18 for purposes of bumping in a reduction in force as an
19 FSA. We initially proposed requiring additional
20 competency criteria for all FSAs that were geared
21 towards keeping current and relevant in the field by
22 having recent teaching experience or professional
23 experience, for example. And the result to the
24 resistance that that got at the table and a lot of back
25 and forth, we've modified our position and agreed to go

1 with minimum qualifications for most FSAs but with the
2 key exception of what we're designating career arts and
3 technical education FSAs which is things like computer
4 science, technology, arts, some of the business areas,
5 things that are performative and especially areas that
6 have rapid change where a practical knowledge of current
7 state of the art is very important for relevancy and for
8 marketability.

9 So the problem from the District's point of
10 view is that if you use only minimum qualifications for
11 these areas, there can very easily be problems in the
12 event of a reduction in force because an employee may be
13 hired by the District and may be hired -- two employees
14 may be hired, right? Employee A is employed to teach in
15 history but also meets the minimum qualifications for
16 computer information and science and they're current and
17 up to date at that point. They could teach computer
18 science as of that point. But an employee -- and that's
19 fine, right? Instructor B is hired six months later to
20 teach computer science and goes into that department.
21 They then both teach for 15 years. The instructor in
22 history has no necessity for keeping up to date with
23 changes in the field, learning new programming languages
24 or anything like that. Despite that fact and despite
25 whether the instructor B had taught continuously in

1 computer science for those 15 years, if a reduction in
2 force happened, if you used minimum quals, that history
3 instructor bumps the computer science instructor if no
4 one else is available and forces them out and takes
5 their place which leaves the District without an
6 instructor who can actually teach current offerings that
7 are desired by students and necessary to have a robust
8 program. This is avoided if you have additional
9 competency criteria as we proposed. The specific ones
10 of which as listed in our proposal relate to having
11 aptitude at the college level within the "X" certain
12 number of years at a certain number of credits, having a
13 certain amount of professional experience in the last
14 five years or just demonstrating currency and ability by
15 providing a portfolio or a performance, you know,
16 exhibit to a panel that would then rule on whether or
17 not you had met the competency criteria.

18 We think this is a reasonable approach to the
19 problem that avoids the potential worst case scenarios
20 of bumping, but it limits it to areas that are most
21 relevant. We also, in addition to those requirements
22 for competency, we added two further steps on it neither
23 of which are in dispute. One is that the competency in
24 those areas in those FSAs would expire after eight years
25 if you didn't resubmit proof that requires continuance

1 competency. So it's not just that they're competent in
2 the last five years to become competent, but then if you
3 don't teach again or have professional experience or
4 redemonstrate the competency to the panel before the
5 eight years is up, then you would no longer be
6 competent. But if you did demonstrate any of that, it
7 would bring you indefinitely.

8 And second, we added a requirement that in the
9 event that an instructor did bump someone in a different
10 FSA that's their secondary FSA, i.e., the FSA for which
11 they weren't originally hired to teach but which they
12 had secondary qualifications, that they would then be
13 evaluated in the first year of their new assignment as
14 part of that assignment instead of going on the normal
15 three-year schedule. It would be accelerated. Again,
16 we think these are an appropriate compromise that
17 addresses our concerns without being overly onerous.
18 It's also consistent with other Bay Ten colleges.
19 Exhibit I.3 is a list of comparability between the
20 various Bay Ten districts. It is in your binder. The
21 majority of those districts require additional
22 competency criteria in at least some cases. In many
23 cases they are limited to not all FSAs, at least our
24 proposal, but in at least some, most of them require
25 some additional competency.

1 And that is the end of my presentation.

2 MS. ADLER: Questions?

3 MR. HENDRICKSON: No.

4 MS. ADLER: Okay. Thank you.

5 MS. FINKELSTEIN: So this is a cover sheet and
6 two exhibits for the binder. This is the second binder.
7 And I apologize. The second of the two exhibits, if we
8 had gotten it together, it would have been a joint
9 exhibit. It's exactly the same as what Justin gave you,
10 and I think in Justin's it's I.3. In ours it's
11 Exhibit 20. It's the same document.

12 MS. ADLER: Identify yourself for the record.

13 MS. FINKELSTEIN: Sure. I am Malaika
14 Finkelstein. I am an instructor at City College.

15 MR. HENDRICKSON: Is this one tab nine of this
16 or after 23?

17 MS. FINKELSTEIN: We are tab ten. I don't have
18 the binder in front of me, so maybe one of these guys
19 can answer that question for you. Is it tab ten in this
20 second binder? Sorry about the binder shuffling.

21 MR. HANZO: That's right, ten.

22 MS. FINKELSTEIN: Tab ten, Exhibits 19 and 20,
23 except 20 is the same as the District's 53.

24 MS. ADLER: Okay.

25 MS. FINKELSTEIN: So the parties have made a

1 lot of progress on this issue since we started,
2 especially just recently actually. Just in the last
3 month we've had a couple proposals fly back and forth.
4 And I think we actually owe the District an apology for
5 this because we were doing it just this week. There's
6 actually a change in our proposal that the District has
7 no seen yet. It's a minor change. And that is
8 previously we had -- we had opposed restricting FSA
9 bumping rights to only tenured faculty. We had wanted
10 it to be tenured and tenured track. We're now going to
11 accept the District's proposal that the bumping rights
12 be restricted to tenured faculty only. And I'm sorry
13 you didn't know that before you made the presentation.

14 So I'm not to going to read this to you.
15 Justin already explained a lot of it. Justin already
16 explained what FSAs are and what they do and Justin
17 already explained what the two proposals are. I do want
18 to explain a bit of our rationale. Now, there are two
19 real disagreements: the idea of an extra evaluation, an
20 off-cycle evaluation for someone who bumps into a new
21 department under FSA and this idea of extra criteria.
22 The evaluation issue is simpler and quicker, so I'm
23 going to do it first.

24 So if FSAs ever are actually used, what will be
25 happening is that layoffs to the college have been so

1 deep that entire departments are framed. For
2 full-timers to get laid off requires most part-timers
3 have already been laid off. It's a giant mess. The
4 college is going to be in a lot of chaos. Everybody is
5 going to be understaffed. Everybody is going to be
6 stressed out. The last thing we want to do is add the
7 extra work of evaluations. Evaluations are serious. We
8 try to do them well. They matter for professional
9 development improving our academic excellence. We want
10 to do them right. And in that environment just adding
11 extra workload to everyone's vault, the speedup is
12 already happening, it's just going to be a disaster.

13 Also, the District is claiming that these extra
14 evaluations are necessary to ensure high academic
15 standards. But I don't think that's actually what the
16 District's proposal gets at because the District is
17 proposing not just a peer evaluation. A peer evaluation
18 is what might check on academic standards and
19 pedagogical excellence. The District is proposing a
20 peer management evaluation as if the faculty member has
21 done something wrong, inappropriate and unnecessary.
22 And it makes me think that the District's proposal
23 doesn't actually accomplish what the District's stated
24 goals are. Faculty are already evaluated at least once
25 every three years. This is already ensuring high

1 academic standards. It does not need to change.

2 Now, the second -- our second disagreement with
3 the extra criteria is a bit more complicated. What the
4 District has done is they arbitrarily identify nine
5 departments that would be subject to these additional
6 criteria. To show how arbitrary their choices are,
7 they've identified computer information systems as one
8 of the nine but not computer science. It's an arbitrary
9 list.

10 So we have a couple reasons why we think this
11 is a bad idea. First of all, the City College Academic
12 Senate does not want extra criteria. The City College
13 Academic Senate is the voice about academic excellence
14 at our school, and so we thought it was a good idea to
15 consult them on this. We thought that was sort of an
16 obvious choice, so we consulted them. And AFT and the
17 Academic Senate are in agreement that just the regular
18 qualifications, the minimum quals are all that's
19 necessary for all departments. If the Academic Senate
20 doesn't think there's extra criteria needed, we
21 certainly don't see the need to add it.

22 Second, AFT's proposal more closely matches the
23 FSA system at other colleges. Now, you can see from the
24 exhibit that both of us have given you there are 15
25 colleges identified in the list. Five of them use only

1 minimum quals. That's what's -- I'm sorry. Where it
2 says on my page exhibit question mark, that should have
3 been Exhibit 20. I apologize for that. So five of them
4 have exactly the scheme that we're proposing, and these
5 are the minimum quals that AFT and the District have
6 already agreed to. I wrote in that second paragraph
7 eight colleges have additional criteria. It's actually
8 ten. Again, I apologize. It's ten colleges that have
9 additional criteria. Somehow I decided that five and
10 eight added up to 15. I don't know how I did that. But
11 the thing is there's no common element among those ten.
12 They're all over the place. Some of them list academic
13 achievement as a criteria, having taught a subject or
14 worked in the field recently, having taught the subject
15 at the particular school in question, having run
16 positive evaluations. There's not a consistent thread
17 among those ten. So it isn't accurate to say that the
18 District proposal reflects what's going on in these
19 other schools.

20 It does reflect what's going on at exactly one
21 school, it's on the list, and that's El Camino College.
22 Now, I think what the District did here is they listed
23 the language of their proposal directly from El Camino
24 College. It's exactly word for word what it says on the
25 charter. I think that's why they got their arbitrary

1 list of departments. El Camino says computer
2 information systems, so it's in the proposal here even
3 though computer information systems isn't actually
4 appropriate for City College. We have two computer
5 divisions, computer science and what is it, computer
6 networking and information technology. Computer
7 information systems is not the name of a department at
8 City College.

9 Okay. So in addition Justin gave you a
10 scenario where bumping could create a problem. We don't
11 think this scenario is going to happen. And here is
12 why. The right to -- FSAs would guarantee a full-timer
13 the right to work in a particular department if they
14 were qualified under minimum qualifications. That would
15 not necessarily guarantee that person the right to teach
16 any specific class in the department. That's not how
17 our departments work. If a class requires specific
18 knowledge or experience or credentialing in addition to
19 what it takes just to work in the department, it is the
20 job of the department chairs to make sure that the
21 teacher actually has those qualifications or
22 credentialing or experience or knowledge or whatever it
23 is. The department chairs are already doing this. They
24 already take care of it. They're not going to stop
25 taking care of it because of FSAs. So I understand that

1 the District is concerned about the possibility of
2 someone unqualified teaching a class. It's a real
3 concern. But it's actually already taken care of under
4 our current system, so unnecessary to add criteria into
5 the FSAs.

6 And last but certainly not least, the District
7 proposal opens the door to inappropriate procedure and
8 allows favoritism. Now, what they say they do -- well,
9 what they actually do is they set up a panel that is
10 going to look at these extra criteria. What the panel
11 does though, how does it judge the FSAs, what are the
12 criteria is not stated anywhere. And what that means is
13 that the panel will have to make it up. They will just
14 have to make the decisions themselves however they want.
15 So we get favoritism, we get arbitrary judgments, we get
16 potential for discrimination, we get grievances and
17 complaints, and then we have to resolve them. It's a
18 giant mess.

19 Now, the District proposed, and I think it was
20 an attempt to make this more palatable to us, that one
21 of the committee members be chosen by AFT. AFT does not
22 and should not have a direct role in hiring or
23 assignment. We think this is inappropriate. Although,
24 you know, we appreciate the effort to make it more
25 palatable to us, it doesn't actually work. Our hiring

1 process as it is is we have specific rubric set up. We
2 have specific methods that prevent discrimination. We
3 have a very formal process that involves faculty, it
4 involves department chairs at the first level. And then
5 to hire a full-timer if they pass through that level,
6 very formal and it involves -- there's often an officer
7 from -- what's the name of the office, the people who --
8 Title 5.

9 MR. HENDRICKSON: Equivalency?

10 MS. FINKELSTEIN: The affirmative action people
11 are often involved in the process. They're training,
12 people involved in hiring committees. Very formal
13 training to make sure that all candidates are treated
14 fairly. Very strict reporting requirements and
15 requirements that we keep track of everything we do when
16 we're on hiring committees in order to make sure the
17 process is fair. Certainly not perfect and it's not
18 always done perfectly, but the mechanism is there to
19 make it work. Someone passes through that level, then
20 they get to the level where the Chancellor or the
21 Chancellor's designee, often a Vice Chancellor, looks at
22 the person very closely. And at that level also there
23 are requirements for fairness. It's all laid out. It's
24 laid out in our contract. It's laid it in our hiring
25 policy, in the faculty handbook. And it works. It's

1 not perfect, but it works.

2 We already make sure instructors are qualified
3 to teach. We don't need another committee to do that.
4 We certainly don't need another committee that's not set
5 up with the kind of fairness and process that is needed
6 in such a weighty decision. We do need FSAs and we need
7 them in our contract. The law says we need them, right?
8 So we're putting them in one way or another. We need
9 them as a fair way to allow people to teach in other
10 departments where they're qualified. That's all we need
11 them for.

12 MS. ADLER: Questions?

13 MR. HENDRICKSON: No.

14 MS. ADLER: Yes. Zev?

15 Thank you.

16 MR. SLOAN: We need five minutes to assemble a
17 possible rebuttal which will be a five-minute rebuttal.

18 MS. ADLER: Okay. Five minutes it is.

19 (Break taken from 3:34 p.m. to 3:44 p.m.)

20 MS. ADLER: Back on the record.

21 MR. SCEVA: I'm appearing again for rebuttal.
22 Justin Sceva. I'll try to keep this to the five minutes
23 we promised.

24 Going through a few key points. First I wanted
25 to point out the exhibit that was distributed by Malaika

1 and our Exhibit I.3 are not, in fact, identical for one
2 reason. The version passed out by Malaika is something
3 we had shared in negotiations. That includes 15 college
4 districts I believe. The version we submitted is just
5 the Bay Ten. So it was cut down. So just to note that
6 for the record.

7 In the Bay Ten there are only three other
8 districts that -- three districts that do FSA as its
9 need be, looking at five in the larger group. Seven of
10 the ten, you know, include some form of additional
11 criteria. Just enough for that.

12 We were very upfront in negotiations. And it's
13 true, our proposal on the FSAs for technical and arts
14 areas was, number one, the El Camino approach. The key
15 point there is that the FSAs have been defined as
16 disciplines. So it's the disciplines list not the
17 departments that we need to look at in terms of what's
18 included in the list of the FSAs that require additional
19 competency. So that list is not going to necessarily
20 match up with department names at the District.

21 Now, to the extent that computer technology is
22 a separate discipline, which I honestly could not tell
23 you this second, I haven't had a chance to look, we are
24 not at all adverse to expanding it. We were open to
25 discussing what was included in that subgroup in

1 negotiations. I don't think we have closed that out.
2 But we didn't have any significant back and forth in
3 what to add or subtract because the AFT position was not
4 to have the group, right?

5 The next point is -- something else Malaika
6 said that is very true is we agreed there are systems in
7 place. Bumping is not to result in an instructor
8 teaching a class they were not competent or capable of
9 teaching regardless of FSA. But if the bumping resulted
10 in there no longer being an instructor who was capable
11 of teaching, it would result -- it would mean they
12 couldn't offer the course anymore which is a separate
13 issue. So an example we'd given, say the District
14 professor bumps into computer science, it's not they
15 didn't teach courses they're incompetent to teach. It
16 would be the District may no longer be able to offer the
17 courses that they can't teach because the person who
18 could teach it was bumped and is now out the door. So
19 that's the issue.

20 And that's actually an example I want to point
21 out. In the document from the State Academic Senate at
22 page 13 which is in Exhibit I.2, there's a little
23 discussion of a similar issue with languages where it
24 makes the point that if a newly hired French instructor
25 is laid off from the language arts FSA because we

1 defined language arts as covering all languages and that
2 leaves no full-time French instructor and the other
3 people left includes speech, reading and English
4 faculty, none of them may actually have the
5 qualifications to teach French, then the District can't
6 offer French courses which is exactly what we're trying
7 to avoid by adding additional qualifications.

8 Finally, in terms of the committee approach for
9 submitting portfolios or performance reviews, I want to
10 say first that's a third option. Under our approach,
11 you can show if you have recent teaching experience or
12 recent professional experience. If you do that, there's
13 no need to go through a committee to evaluate your
14 qualifications and competency. This provides a third
15 option. It's useful for those areas where somebody
16 might not have teaching experience. It might be in
17 professional experience. For example, in the arts you
18 might not have a very good portfolio or you were
19 professionally doing something, if you sold a piece or
20 two. And I know people who are artists. The
21 documentation may be sketchy. Let's put it that way.
22 But the important thing is I have a portfolio of work
23 that shows I've been doing stuff that's good and up to
24 date and among current trends and everything like that.
25 So this provides a mechanism for that. We agree it's

1 not ideal.

2 You know, one of the things Malaika said was
3 that when we originally hire people, there's a very
4 strict process that we go through to hire people. And
5 that's kind of our point is that for the discipline
6 you're hired into there's a lot of review. That doesn't
7 involve review of all the other things you may meet
8 minimum qualifications for, that you may be able to get
9 a second FSA. That's not part of the decision making
10 process. So if the time comes where someone is looking
11 to add FSA they could bump into, there should be some
12 involvement from the subject matter experts or some
13 criteria showing that you've been looked at a little
14 tighter than just check the box, they have the degree,
15 which is kind of what the minimum quals boil down to for
16 a lot of cases.

17 That being said -- well, not that being said,
18 but the last point I guess on the evaluations: We do
19 think it's important to have management involvement at
20 that point because in terms of pure management
21 evaluation in most cases just because if this is a very
22 rare circumstance and when this occurs, it will
23 definitely get called on to look at the reduction in
24 force and bumping. There's a lot of chaos going on.
25 And it's all the more important to have some management

1 involvement in the process to make sure things go
2 smoothly and that we have some input and knowledge. And
3 it's just a role we think is appropriate.

4 Overall, I want to stress we went into this
5 trying to be as flexible as we could within what our
6 constraints were. We moved a lot from the original
7 position the District felt what things should look like.
8 But at this point we feel like we've dug down to the
9 minimum that protects the interests we're concerned
10 about. Thank you.

11 MS. ADLER: Thank you.

12 Any questions?

13 MR. KVITKY: Yeah. I'm just curious if --
14 because it sounds on both sides like the arguments
15 surrounding this are largely theoretical. I'm curious
16 if there was any effort to actually inform the proposal
17 based on the experience of layoffs at other colleges.

18 MR. SCEVA: There was no -- that I know of no
19 direct reach out to other colleges to talk about their
20 experience with layoffs. There was certainly a review
21 of, you know, like the policies that were out there that
22 other people have adopted. There was also a lot of
23 discussion what people's knowledge was of the experience
24 personally in other areas from where they had worked,
25 for example, and concerns they might have. But no,

1 there was no formal effort that I know of to reach out
2 and gather information in that sense. It is rare, you
3 know. As we all know, reductions in force for full-time
4 tenured faculty are not something that happens very
5 frequently in the community college system. So this is
6 a problem in the theoretical world. This is why it's
7 designed around preventing the worst case scenario in a
8 in a lot of ways. And so that's being recognized, but
9 we have to worry about it.

10 MR. KVITKY: Thank you.

11 MS. ADLER: John?

12 MR. HENDRICKSON: I'm good. Thank you.

13 MS. FINKELSTEIN: May I clarify something about
14 how our assignment process works?

15 MS. ADLER: Sure. But make it brief. This is
16 all pretty esoteric in this process.

17 MS. FINKELSTEIN: All right. I'll be as brief
18 as I can. Two minutes.

19 MS. ADLER: And again, please identify yourself
20 for the record.

21 MS. FINKELSTEIN: Malaika Finkelstein.

22 The way people are assigned to classes at City
23 College is by the specific class. So the District is
24 not ever required to create a class to fill somebody's
25 load, whether that person is a full-timer or a

1 part-timer. So if there are more people in a department
2 than they are classes available for them, people lose
3 classes, right? But that's the way it works. It's not
4 that one person replaces another person and then the
5 classes can't be taught and then that determines what
6 classes can be taught. The way it works is we have a
7 pool of people, we have a pool of classes, and we match
8 them up as well as we can. So there is no case in which
9 somebody bumping into a department would remove someone
10 else unless they were removing them from a specific
11 class. That's all I needed to say.

12 MS. ADLER: Okay. And the next issue?

13 MR. HANZO: I don't think we have anything else
14 today. We would prefer to wait for the remaining
15 issues. We weren't prepared today to deal with them.
16 The District can go ahead.

17 MS. ADLER: Jeff, do you have anything more
18 that you can offer today to use the time?

19 MR. SLOAN: I think all the remainder is their
20 issues.

21 MS. ADLER: Okay.

22 MR. SLOAN: Commencement is our issue. And I
23 understand the Union is not ready to respond on
24 commencement yet which would be a reason for us to
25 forego.

1 MS. ADLER: Willing to discuss it. It's not a
2 response issue.

3 MS. KAUFMYN: We're actually ready. We're
4 presenting. I didn't bring my notes because I didn't
5 think we'd get to it. Sorry. So if you want to go
6 first, and then we could start there next time.

7 MR. SLOAN: I think it would be better to have
8 them with the same -- within the same meeting.

9 MS. ADLER: Okay. If we've reach the end of
10 what we can usefully to do today, we've reached the end
11 of what we can usefully do today. I don't know how to
12 make a strong enough pitch that I hope you guys will not
13 only keep talking but will keep talking with the help of
14 the mediator. You're really coming closer together.
15 The differences it looks to me are bridgeable. The
16 worst possibility is to not reach a resolution which you
17 can both live with and the best possibility is that you
18 will reach a resolution you can both live with. That's
19 hard to do. It's going to take hard work. But I
20 understand the mediator you had some experience with who
21 blessedly made everybody unhappy. And that is the
22 mediator's job. It's available and I hope that you will
23 take advantage of that and see if you can make it
24 happen. I really perceive that the gaps can be closed.
25 If they can't, we're here as a fallback. But truly,

1 fact finding is a fallback. It's not a good solution to
2 anybody's problem. And not resolving the issue in the
3 circumstances the college is in is the worst outcome
4 because whether you like the accreditors or not, they're
5 coming back. Whether you like the fact that the
6 District is in deep Dilbert (phonetic) -- I just cleaned
7 that up -- it is. And it's time to move forward and not
8 just nurse old grievances on both sides.

9 So I'm going to close the record for today with
10 my fingers crossed and thank you all very much. And I
11 will see you on the 14th either to celebrate a
12 resolution or to keep going in this. But we are going
13 to finish on the 14th. I'm leaving town the first week
14 in August, leaving the country, and this is all going to
15 be done by then. So one way or another we're going to
16 finish. Thank you.

17 (Whereupon, the proceedings were adjourned at
18 4:00 p.m.)

REPORTER'S CERTIFICATE

I, CATHERINE M. MEYER, a Shorthand Reporter,
State of California, do hereby certify:

That said proceeding was taken before me at said
time and place, and was taken down in shorthand by me, a
Certified Shorthand Reporter of the State of California,
and was thereafter transcribed into typewriting, and
that the foregoing transcript constitutes a full, true
and correct report of said proceedings that took place;

IN WITNESS WHEREOF, I have hereunder subscribed
my hand this 19th day of July 2016.



CATHERINE M. MEYER, CSR NO. 11596
State of California

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