

ACE BOARD MEETING MINUTES

Meeting Date: 9/12/14

Meeting Location: The Cypress Hotel

Scribe: Anthony Booth



1 ATTENDANCE

Name	Title	Organization	Present
Blanche Monary	President	ACE	Yes
Olivia Patlan	DA Chief Steward	ACE	Yes
Denise Perez	Vice-President, FH	ACE	Yes
Matt Trospen	Vice-President, DA	ACE	Yes
Chris Dubeau	Vice-President, CS	ACE	Yes
Chris White	Negotiations Chair	ACE	Yes
Art Hand	Chief Steward, FH	ACE	Yes
William Baldwin	Chief Steward, CS	ACE	Yes
Arthur Levine	Board Member, FH	ACE	Yes
Patti Whelan	Board Member, DA	ACE	Yes
Annette Perez	Treasurer	ACE	Yes
Bradley Booth	Attorney	Law Office of Bradley Booth	Yes

Meeting Start: 10:00 - Quorum Present

Votes:

Appointment of Chris Dubeau to VP of CS

Bill Makes Motion to Appoint Chris

Olivia Seconds

All Approve

Appointment of John Barch to Board Member CS

Olivia Makes Motion to Appoint John

Bill Seconds

All Approve

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Minutes from June Meeting

Art Makes Motion to Approve June's EB Meeting Minutes

Patti Seconds

All Approve

Approval to Proceed with Grossmant Case

Art Makes Motion to Proceed with Moving Forward

Chris W. Seconds

All Approve

Discussion:

Brad: If you are on a 39 Month Rehire list. If you apply for a vacant position and they don't have any laterals or promotions and you qualify for the position, they have to give it to you before they go outside. One of our ex members applied for a job and they hired a temp from the outside. We have worked with him to file a Government Tort claim. This is first step to filing a law suit. If we file the lawsuit we will be using association dollars for a non-member. We are asking the board to approve our representation.

You are looking at spending \$10-20k to pursue the lawsuit. We met with Charo and we raised this issue with her and she said she doesn't want to spend District resources on attorneys. I think the District should settle it, but their lawyer may want to pursue it. We need someone to make a motion to approve the expenditures.

Art: We would be pursuing it to win the point, not the specific position.

Brad: They would then have to hire from the 39month rehire list if the person is qualified. If we win, they would have to give him back the position. Here is the reality: different appellate courts could come up with different decisions. Marilyn may try and take it all the way to the appellate court.

Chris W.: I like it because it forces them to manage. They are putting equivalent positions with different titles.

Olivia: The bigger issue is ACE's global position of backing its employees. It seem like the District can do whatever they want in a snap. It really affects our moral. The more we fight back and can win something, the more respect we will gain from the District that they cannot fire us at the snap of their fingers.

Arthur: Suppose we ask if he will get an attorney first. If he says no then we could represent him.

Bradley: He was not aware of what was going on and does not have the resources to hire an attorney.

Art: We have also started the process and if we do not follow through it will be one more thing we don't follow through on.

Annette: Was Grossmont similar exactly?

Brad: Manager was laid off, he was qualified for a job, they told him that he was overqualified and then hired outside the position. It is an interpretation of the Ed Code that says if you are on a rehire list then you have priority for a hire. There are subsequent cases which also prove our point.

Out of class work is a perfect example. We can look at the contract or the Ed Code. There is law out there that says Ed Code is not within the purview of bargaining. You can only bargain more than the ED Code, you cannot bargain less. Therefore, if the Contract says less then you want to go with the Ed Code.

Art: We might want to move seniority to date of hire.

Blanche: They don't want to do that. We can put it on the table.

Opening Day/Classification

Olivia Makes Motion that we pay 50% to the Hay Group for Opening Day Presentation

Bill Seconds

All Approve

Art Makes a Motion to pay 80% for Lunch and Facilities on Opening Day with CSEA

Bill Seconds

All Approve

Discussion:

Olivia: We will pay \$400 for half of the Classification presentation?

Blanche: Yes.

Blanche: We tried to do this classification thing last year and it was too late.

Olivia: A long time ago the employee was there at a classification hearing.

Blanche: The District has agreed that they need to negotiate this with us.

Blanche: Do I hear a motion to approve up to a certain amount for Opening day?

Blanche: John Bartch suggested we go to Memorial Park but I have not received cost yet. We want to separate so we don't have to do the ticket thing.

Olivia: We could use the top of the Stelling Garage.

Matt: Student athletes will be parking there.

Blanche: Last thing with Opening Day is what to give away.

Does anyone object to no tchotchkes? No

Classification Study:

Bill Makes Motion to Direct Blanche to get bids for a plan to set up a Classification Program

Olivia Seconds

All Approve

Discussion:

Blanche: Do we want to hire a specialist to help our folks fill out classification materials?

Brad: Classifications are the most difficult thing we do. The hardest problem is finding someone you can use that isn't biased. It is difficult to find someone that can do classification. If you can hire somebody on retainer that can advise you, it is a big benefit to your members.

Blanche: I will pass around some resumes that you can look at for possible candidates. This will be one of our biggest expenses. It may be as high as Bradley. The problem is; the District has the only expert, which puts them and a higher advantage.

Brad: You are constantly comparing what you are doing with other Districts and what they are doing. The problem is you are comparing yourself to other schools with outdated studies. All these Districts pay their people differently. If you have someone that can navigate you through this process, it will be a big benefit.

Art: I think we should consider doing a couple things. The first is Article 15 does not serve. There is not input from the supervisors in the classification process. If we hire someone that is on the level and we pay them, then we are getting expert advice from the other camp. It feels like an adversary process and it really shouldn't.

Bill: I think it is a great idea to get a reclass consultant. I think we should regularly monitor the other camp. If we have a consultant and they tell us that Maesha is right, maybe they can explain it. What service are we getting?

Brad: The expert could then tell you what to do to rebut Maesha's finding, not just tell you she is right. They can show you how to get more.

Olivia: The paperwork that is involved for completion is a huge roadblock.

Blanche: I think having this advisor will help everyone in many ways.

Art: Getting our own expert will at least give us really good advice. The Chancellor told us we need a Classification study but they don't have the money. We may want to bring this request to the membership.

Blanche: I think the expense will not be too great at the beginning. I would like to do a workshop and then have members email their request and have the specialist make corrections and get them back. Hopefully we could do the workshop through staff development. We don't need to do it through staff development but it would be more centralized.

Art: If we are going to pay someone then maybe workers could make appointments to work on it.

Olivia: I would agree that three months before the deadline we would tell anyone that is interested in reclassification to go to the group thing and then tell them that they could then have access to the person after the workshop, only if they attend.

Denise: We want to keep the employees organized and focused because if we are paying someone we don't want someone to come with a ton of paperwork that is unnecessary.

Blanche: It sounds like we all realize this is a great idea, but we need to decide money now.

Brad: Why don't you get some bids from people and come back.

Art: What are they bidding on? An hourly rate?

Blanche: Yes.

Approval of Reimbursements

Bill makes motion to approve reimbursements of \$222.43 and \$357.24 to Bradley and Blanche respectively.

Chris W. Seconds

All Approve

Chris W. makes a motion to approve \$299 a year and \$150 for a template to get WordPress

Denise Seconds

All Approve

Discussion:

Chris W.: I am going to move to WordPress. It is \$299 a year and \$150 for a template. It is very user friendly and completely secure.

Blanche: We went with Avos and Vario because we did not want to put the vote or anything like that on the DeAnza servers so our folks would not fix the elections.

Chris W.: We will still use the same voting system and move it to a different server.

Financials:

Art Makes Motion to Approve Budget with Changes

Bill Seconds

Matt Abstains

All others approve

Discussion:

Annette: Our main goal for today is to get you to approve next year's budget. We will make an adjustment and up Misc. Court fees by \$5k. Total arbitration will now be \$11,500.

We want to give a December and January forgiveness. We have \$250k and \$269k in savings account. We are trying to not accumulate more money.

Bill: Once upon a time we discussed if we wanted to worry about a strike or not. If we are aiming towards not accumulating a lot of money then we are not worried about a strike.

Annette: I think if we did go on strike we would need millions. We decided we cannot accumulate that much.

Brad: You have a PAC and you need to get someone to control the PAC. If you had more money in it you could actually use it to help fund trustee elections and get someone in there that you want.

Blanche: Take out benefits consultant and put in classification consultant. We will add the amount later.

We are requesting \$2k for a new computer and printer/copier/fax. We want a mac because we want to have one Mac and one PC.

Change Web Hosting to \$600.

Non-Voting Items:

Audit:

Blanche: We need to be very careful about how we are spending our money. For example, representation vs. marketing, etc. It is the difference between what fee payers pay for and what full members pay for. We now have an audit firm and they check every penny. Islip will be covering all of our taxes and auditing needs from now on.

Bill: With auditing, they want to make sure that you follow procedures. We need the audits to go well so that we have the correct info if fee payers were to sue in order to pay less.

Brad: You charge 90% from the fee payers. When you look at the end of the year you tell them chargeable was 95% and we only charged 90%. Therefore, they get nothing back.

Student Employment Issue:

Olivia: When we looked at the data for last year we noticed that DeAnza College had many, many more student assistants than Foothill did. Our biggest concern was the threes and fours because it says they can supervise. Students should never be supervising others.

It seems the large discrepancy in the two colleges is due to the fact that FH uses mostly TEAs.

Blanche: The tricky ones are at the bookstore. They are supposed to be seasonal. It is difficult to track when they are there though. We need to talk to Charo because they need to renew the contracts every quarter.

Art: I would like to see all of the TEAs.

Blanche: I look every board meeting and take suspicious ones to HR.

Brad: It seems to me that FH is doing it correctly.

Olivia: They need to modify the threes and fours so they do not supervise.

Brad: I will take your numbers and prepare a letter to Charo with our concerns. I will request a meet and confer and will suggest that we believe FHs numbers to be off.

Retirement of Board:

Over the next three years Art, Olivia, and I will be retiring. We really need to start recruiting to fill these positions.

Chris D.: We will really need to market the Association a little. We need to educate people about the importance of the work that we do.

Negotiators:

The Constitution should be changed to state:

There must be a minimum of one bargaining unit member from each area. The other three will be at large, with a maximum of three from any one area.

Blanche: We will put this on the ballot.

Office Set-Up:

Blanche: I have gone through everything and it all has a place now. Art and I talked to the Chancellor and we are still hoping we can get the Annex for our main office. I also need a way to file share.

Annette: We need to get everything scanned in case anything was to ever happen.

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Closed Session began at 13:40:

Closed Session ended at 14:01:

Nothing to Report Out of Closed Session

Meeting End: 14:02

Blanche Monary, ACE President