



ACE Board Meeting Minutes

Meeting Date: 04/11/2018

Location: DA ADMIN 109

Recorder: Shawna Santiago

NAME	TITLE	ORGANIZATION	IN ATTENDANCE?
BALDWIN, WILLIAM	VICE PRESIDENT, CS	ACE	YES
BOOTH, ANTHONY	LEGAL	LAW OFFICE OF B. BOOTH	YES
BOOTH, BRADLEY	LEGAL	LAW OFFICE OF B. BOOTH	YES
FLORES, ERICA	CHIEF STEWARD, DA	ACE	YES
GERARDO, PRECIOUS	VICE PRESIDENT, DA	ACE	YES
KIRKPATRICK, KERI	BOARD MEMBER, DA	ACE	YES
MANGIAMELI, CHRISTINE	BOARD MEMBER, FH	ACE	YES
MONSELL, CATHLEEN	CHAIR NEGOTIATIONS	ACE	YES
OLSEN, SCOTT	BOARD MEMBER, CS	ACE	YES
PELLETIER, JOSH	CHIEF STEWARD, FH	ACE	YES
PEREZ, ANNETTE	TREASURER	ACE	YES
PEREZ, DENISE	VICE PRESIDENT, FH	ACE	YES
RODARTE, IRMA	CHIEF STEWARD, CS	ACE	YES
SANTIAGO, SHAWNA	RECORDER, FH	ACE	YES
SMITH, CYNTHIA	BOARD MEMBER, DA	ACE	YES
WHITE, CHRIS	PRESIDENT	ACE	YES



Meeting Start: 1:05 PM

Public guests David Garrido & Terry Rowe

A. **Closed Session:**

Report out from closed session: Nothing to report

B. **Motion:** Approval of 03-21-18 minutes

Moved: Christine Mangiameli

Second: Irma Rodarte

Abstained: Denise Perez, Annette Perez, & Erica Flores

Motion Approved With the Following Amendments:

Section F.

- Change title to ‘Proposed’ changes.
- 3rd bullet add “Irma commented ‘All board members should be elected by the voting members’”
- Correct spelling Mangiameli and Rodarte.

Section H.

- VEBA Change “manage account” to “audit 17/18 VEBA account.”

C. **Financial Report:** Presenter Annette Perez

Cetera through East West Bank as of 4/11/2018

Cetera (East West) CD Total: \$260,493.00

Wells Fargo Accounts as of 04/11/2018

Checking Account Balance: \$19,042.42

Business Market Savings (PAC Fund): \$1,239.51

Business High Yield Account: \$422,908.71

Grand Total: **\$703,683.64**

D. **Public Comment:**

- No public comment



E. **President's Announcements:** Presenter White

- **Janus vs. ASCME - Pending Supreme Court Ruling**
 - Supreme Court decision, which will come out in June, will decide if those who choose not to join a union must still pay a share of union dues.
 - Fee payers have a number of reasons why they don't want to join the union
 - What does this mean for ACE?
 - Fiscally it's about \$2K or 10% of our membership are fee payers. We need look at what that funding drop could mean to us as an organization.
 - What type of representation does the union have to provide to those who decide not to be a member or fee payer?
 - ACE is the bargaining unit for the contract, if a nonpaying employee has a contract violation do we still have an obligation to represent them?
 - Theoretically in the event of a layoff we may not be able to represent them if they are no longer paying members
 - We have an obligation to represent those in the unit what do we do then when our funds drop so low that we can no longer effectively do that?
 - As an organization we may need to decide what we are willing to do for nonpaying employees
 - We may be forced to charge nonpayers for representation
 - May need to notify nonpaying employees that representation will be charged at the following rates
 - We will address this topic to the membership at the May site meetings.
- **Benefits of Being an ACE Member**
 - ACE Board Members need to start the conversation with our colleagues about why it is important to have union representation, especially during this time of budget reductions
 - For example: funds collected from fee payers help cover the



costs of negotiating contracts; which is a benefit for both members and fee payers.

- Negotiations is also an excellent example of what good things come with having a union/bargaining unit. Currently, we have a discrepancy with the District on when summer work hours start based on changes to the contract that they made. The district now doesn't want to follow those changes. If the District gets their way this would cost our members time/money. Without an Agreement, the District could do whatever they want
- Ask those that have been helped by the union if they will tell their story.
 - Bradley suggests we make a story video that can be shared online and at meetings.
- A. Perez suggested that we ask for a few minutes to present at the classified professional development day
- Monsell: With the Supreme Court decision looming we need to start some marketing. Maybe a pamphlet talking about some of the member's stories and what the union does. Could we distribute T-shirts at the classified retreat?

F. **New Business:**

- None

G. **Old Business:** Presenter White

- **Discontinuation of PAC Fund**
 - Denise Perez proposed that we eliminate the PAC fund. "We don't have enough people contributing to be effective in giving."
 - Eliminating the PAC fund could potentially be a problem with the proposed new bond as ACE may be asked to donate
 - Though the members voted to fund \$50K to PAC, we can 't force members to contribute
 - Bradley: Membership can vote on putting a portion of dues money into the PAC fund rather than deducting money from paychecks
 - Adopted Sept 12 2016, the Board agreed to the following policy where the Board recognizes it does not want to use



dues/fees in support of political activities; any funds spent in support of any political action should be voluntarily provided by its members; and they can only be used on political action that directly relate to FHDA such as property tax proposals, board of trustee elections or statewide initiatives affecting community colleges.

- A. Perez: “We do get letters asking if we want to donate so members will still have the opportunity to donate if they want to. We don’t want to force members into paying for a political action that they may not agree with. Individuals can donate if they want to.”

Motion: To discontinue PAC Fund

Moved: Monsell

Second: Olsen

Opposed: Baldwin

Motion Approved

- **Seniority Report**

- HR and ETS are working on extracting the data for the seniority report.
- David Garrido has volunteered to be a test subject for the seniority report data validation.
- Will meet on Mon, April 16th, but it’s becoming a critical issue as grant money is running out soon and there are members that will be affected by it.

- **Classification Study**

- Still waiting on the job classifications. This should be provided by the end of the week (4/20/18).
- Have a joint labor meeting on Thurs, April 26 to review proposed classifications, develop appeal processes and schedule time for employee questions
- Members need to have time and access to Koff for questions
- The hope is to disseminate the draft class descriptions to members in the first part of May

- **Proposed Changes to ACE Constitution**

- On hold for 30 days. More development needed.



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H. Committee Reports:

- **District Budget:** Presenter White
 - FHDA has a \$10M reduction + \$5M for continued losses in 17/18 for a \$15M budget reduction.
 - We are 7% down in enrollment from last spring
 - Regarding budget shortfall, this is self-inflicted and there are a lot of factors in play so it's not fair to place the blame solely on De Anza
 - After Foothill lost all the repeatability enrollment, with an established online education program and some creative thinking, along with De Anza picking up some of the slack, Foothill had time to build up programs and stabilize to the size they are now. They never went back to pre-repeatability loss numbers.
 - De Anza recruited and built enrollment within the underrepresented student market, largely from the East side of San Jose. As the job market picked up and people went back to work, traffic increased and political climates changed with the new national administration, that population left.
 - The landscape is changing and we as a district are getting smaller. We have to adjust accordingly.
 - Governor's budget proposed a new funding formula: 50% apportionment 25% based on number of financial aid students BOGW and 25% based on completion rates
 - This new funding structure focuses on student completion
 - Colleges will be held harmless for one year. We will get the same funding in 18/19 as we did in 17/18
 - If implemented as proposed, the cost to FHDA would be an additional \$14M in cuts. We don't have a large population of students using BOG/Pell grants.
 - Colleges have come back to the state indicating this funding change won't work.



- CCLC funding workgroup is working on a proposal that colleges implement the new funding structure over 5-7 years
- The Governor also proposed a new completely online college which would focus on career training and targets the population over 24 years of age who are benefitting for current cc offerings.
 - Currently, all CA cc's are focused on university transfer with limited career training.
 - Governor's revise budget will be released mid-May.
- **Negotiations Update:** Presenter Monsell
 - Going back to the negotiations table in May
 - Negotiating a \$1500 one-time pay out in lieu of a COLA
 - We usually don't announce what we're going to do as we negotiate, however, because of the current climate we thought transparency was the best course
 - Our cost of living is going up so we feel it is fair to ask for this money
 - The Team is very conscious of how this will affect their colleagues
 - The source of these funds will not change the layoff situation. Payout would be funded from the District's "one-time money" that has remained untouched for at least 20 years
- **JMBL:** Presenter Monsell & White
 - Will meeting tomorrow April 12th
- **VEBA:** Presenter Mangiameli
 - Received four bids in response to our RFP to audit and complete tax forms for 17/18
 - We hired the Foster City firm for the 17/18 audits. This company was half the price of the other bids.
- **College Council:** Presenter Gerardo
 - Enrollment is down budget reduction will be worse.
 - College planning committee will review mission statement.
- **PARC:** Presenter D. Perez
 - Josh Pelletier and Denise Perez to meet with President Thuy Nguyen to review list of budget cuts
 - Budget town hall scheduled for April 19th



- April 25th PARC will go over the final list
- Full time faculty have been approved for only 2 positions rather than the 17 they had previously approved

DDEAC/HRAC/Equity: Presenters Baldwin & Olsen

- Working on a hiring policy for administrators to have classified staff on hiring committee.
- Classified Senate to assign representatives for the administrator hiring committees
- ACE has statutory right to appoint but has no problem with the classified senate taking on this responsibility.
- David Garrido Commented: “ACE can delegate to the Classified Senate the responsibility of appointing classified staff on administrator hiring committees, but the union retains the right to take that back if wanted.”

Motion: To delegate the authority to appoint classified staff to administrative hiring committees to the Classified Senate

Moved: Mangiameli

Second: Olsen

Motion Approved

● **SSPBT/IPBT:** Presenters Gerardo & Kirkpatrick

▪ **IPBT:** Gerardo

- Budget Update: \$15M for district
- Originally, De Anza \$5M, IPBT \$2.25M
- New reduction targets, De Anza \$7.25M, IPBT new target \$3.37M
- No layoffs until July 1, 2019
- New recommendation date: First week of May
- Eliminated 10 Vacant Faculty Positions
- Reviewing 18 different Areas/Programs to send to Viability

▪ **SSPBT:** Kirkpatrick

- Met March 29 to review budget reduction presentations from Student Development, A&R, and DSPS
- Student Development's target reduction was \$228K. Michelle LeBleu-Burns could only identify \$126.5K for reduction, which would be accomplished through the elimination of 1.0 FTE classified and 0.4 FTE faculty positions in the Office of College Life. This is the only



department within Student Development where general funds are used for salaries. All other departments/programs are categorical.

- A&R, Assessment, Enrollment Services target reduction was \$550K. 5.5 Classified positions would be eliminated by 2019-20. Tier 1 reductions (year 2018-19) would be an A&R coordinator and A&R Assistant, both currently vacant. Tier 2 (year 2019-20) would be the elimination of 3.5 more FTE from Enrollment Services.
- DSPS target reduction was \$240K. This would be accomplished through the elimination of 2 currently vacant faculty positions: 1.0 DSS counselor and 1.0 Vocational Instructor. Much of their funding is categorical. Certain services and programs cannot be reduced/eliminated due to legal mandates

Meeting Adjourned: 2:40